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SENATE

{ REPORT
108-89

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES
APPROPRIATIONS BILL, 2004

JULY 10, 2003.—Ordered to be printed

Mr. BURNS, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany S. 1391]

The Committee on Appropriations reports the bill (S. 1391) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amounts in new budget (obligational) authority, fiscal year 2004

Total of bill as reported to Senate	\$19,626,566,000
Estimates considered by Senate	19,551,854,000
Above the budget estimate, 2004	74,712,000
Below appropriations, 2003 (including emer- gencies)	130,244,000

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The Committee also has included language specific to the State of Maryland authorizing the State to 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, subject to specific provisions identified in the bill language.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Appropriations, 2003	\$1,845,246,000
Budget estimate, 2004	1,889,735,000
Committee recommendation	1,912,178,000

The Committee recommends \$1,912,178,000 for the operation of Indian programs, an increase of \$66,843,000 above the fiscal year 2003 enacted level, and \$22,443,000 above the budget estimate. Increases include internal transfers and fixed costs in the amount of \$16,497,000. In addition, the Committee has increased funding for tribal courts and welfare assistance, restored cuts made in vital education and resource programs, including the Tribally Controlled Community Colleges, and increased law enforcement funding to support the operation, maintenance and staffing of new detention facilities. The following table provides a comparison of the budget estimate and Committee recommendations in the major programmatic areas:

	Budget estimate	Committee recommendation	Change
TRIBAL BUDGET SYSTEM			
Tribal Priority Allocations	\$777,689,000	\$780,689,000	+\$3,000,000
Other Recurring Programs	602,063,000	616,789,000	+14,726,000
Non-Recurring Programs	73,543,000	76,685,000	+3,142,000
Total, Tribal Budget System	1,453,295,000	1,474,163,000	+20,868,000
BIA OPERATIONS			
Central Office Operations	99,361,000	89,361,000	-10,000,000
Regional Office Operations	64,481,000	64,481,000	.....
Special Programs and Pooled Overhead	272,598,000	284,173,000	+11,575,000
Total, BIA Operations	436,440,000	438,015,000	+1,575,000
Total, Operation of Indian Programs	1,889,735,000	1,912,178,000	+22,443,000

Additional details on the funding for the Bureau's Activities are provided in a table in the back of this report.

Tribal Priority Allocation.—The Committee recommends \$780,689,000 for tribal priority allocations [TPA], an increase of \$3,000,000 above the budget request and \$8,209,000 above the fiscal year 2003 enacted level. Increases above the budget request include an additional \$1,000,000 for tribal courts, and \$2,000,000 for welfare assistance. The Committee would like to note the increase of \$1,500,000 for the Forestry program included in the budget request. The Committee has been contacted by numerous individual

tribes seeking increased base funding for forestry programs. The Committee feels these requests are best addressed through program increases rather than additions to individual tribes.

Other Recurring Programs.—The Committee recommends \$616,789,000 for other recurring programs, an increase of \$18,976,000 above the fiscal year 2003 enacted level, and \$14,726,000 above the budget estimate. Changes to the budget estimate include increases of \$6,000,000 for operating grants for Tribally Controlled Community Colleges, \$507,000 for the western Washington shellfish program (Boldt decision), \$3,080,000 for the Timber-Fish-Wildlife project, \$261,000 for the Great Lakes Area Resource Management (Circle of Flight) program, \$987,000 for Chippewa/Ottawa Treaty Fisheries, \$66,000 for Hatchery Maintenance and \$3,893,000 for the following Tribal Management/Development programs: the Alaska Sea Otter Commission (\$100,000), the Wetlands/Waterfowl Management program (\$593,000), the Upper Columbia United Tribes (\$320,000), the Bering Sea Fishermen's Association (\$800,000), the Lake Roosevelt Management program (\$630,000), the bison program (\$1,100,000), and the Chugach Regional Resources Commission (\$350,000). Decreases below the budget estimate are \$30,000 for Columbia River Fisheries Management and \$38,000 for United States/Canada Pacific Salmon. The Committee notes that all changes to the budget request for Rights Protection Implementation return the individual projects to their fiscal year 2003 enacted levels. The increase to the Tribal Management/Development account restores ongoing programs to the enacted level with the exception of the \$500,000 increase above enacted for the bison program. Funds provided for the bison program above the enacted level are directed toward the development and implementation of the Tribal Buffalo Marketing Initiative as proposed by the Intertribal Bison Cooperative [ITBC], including the improvement of the Indian-owned meat processing-plant recently acquired by the Fort Belknap Tribe.

The Bureau is directed to enter into annual reimbursable support agreements with the Bureau of Reclamation for the Operation and Maintenance of the Dry Prairie Rural Water System.

Non-Recurring Programs.—The Committee recommends \$76,685,000 for non-recurring programs, an increase of \$4,199,000 above the fiscal year 2003 enacted level, and an increase of \$3,142,000 above the budget estimate. Increases above the budget estimate include \$1,000,000 for the continuation of the Rocky Mountain Technology Foundation's distance learning project servicing tribal communities, \$750,000 for the rural Alaska fire program, \$1,000,000 for the completion of housing to support the Bachelor of Science in Nursing program at Salish and Kootenai Tribal College, and \$392,000 for the Alaska Legal Services program. Within the funds provided for Environmental Management, the Committee directs the Bureau to aid the Ute Mountain tribe of Colorado in the remediation of the tribe's resource department's motor pool site.

Central Office Operations.—The Committee recommends \$89,361,000 for central office operations, an increase of \$19,782,000 above the fiscal year 2003 enacted level. The Committee has provided \$38,710,000 for Information Resources Technology rather

than \$48,710,000 as proposed by the budget request. The Committee is extremely reluctant to recommend a funding level below the request level for this ongoing initiative but notes that a sizeable increase was provided in fiscal year 2003, and the amount provided is \$22,274,000 above the enacted level.

Regional Office Operations.—The Committee recommends \$64,481,000 for regional office operations, an increase of \$675,000 above the fiscal year 2003 enacted level, and fully commensurate with the budget estimate.

Special Programs/Pooled Overhead.—The Committee recommends \$284,173,000 for special programs/pooled overhead, an increase of \$15,002,000 above the fiscal year 2003 enacted level, and \$11,575,000 above the budget estimate. Increases above the budget estimate included the following: In education, \$200,000 for the special higher education scholarships; in public safety and justice, \$3,500,000 for additional detention center services; in community development, \$3,000,000 for the United Tribes Technical College, \$450,000 for the United Sioux Tribes Development Corporation, \$1,425,000 for the Crownpoint Institute of Technology, \$1,250,000 for the Western Heritage Center's Distance Learning and tribal histories project, \$750,000 for the Alaska Native Aviation Training program, and \$1,000,000 for the Yuut Elitnaviat Center. The Committee would like to reiterate its support for an American Indian and Alaska Native child abuse/child welfare pilot program to address the adverse effects of child abuse on American Indians and Alaska Natives. Last year the Committee instructed the Bureau to consult with tribes and social service agencies to identify communities willing to participate in the development and execution of a pilot project aimed at reducing child abuse and addressing the effects of child abuse. Additionally, the Committee cited interest by the Oglala Sioux Tribe and the Alaska Children's Alliance to participate. Unfortunately, the Bureau has yet to respond to the Committee's direction. The Bureau should report to the Committee by November 28, 2003 its proposal to establish this pilot program. The report should include an account of the Bureau's consultation with tribes and social service agencies to outline goals and methods for the program including a cost estimate to establish the project. The Committee does not understand the disparate treatment of the Crownpoint Institute of Technology and the United Sioux Tribes Technical College related to contract support. The Committee expects the Bureau to provide this funding under a Public Law 93-638 contract and include contract support.

General.—The Committee would like to emphasize its support for the budget increases proposed for both the Forestry programs and the Minerals and Mining program. The Committee has been approached by numerous tribes and tribal organizations seeking aid from the Bureau to utilize resources in a responsible manner while creating jobs and spurring economic development. The Bureau is expected to direct additional Non-recurring forestry program dollars toward projects likely to provide additional employment and revenue. Additionally, the increase for the Minerals and Mining program should be directed toward tribally-supported projects designed to increase energy production on Indian lands. The Bureau is expected to consult with the White House Task Force on Energy

Project Streamlining to ensure the additional funds are directed toward projects with interagency support. The Committee believes this course of action will result in additional opportunities for tribes interested in moving forward with energy development.

The Committee is deeply concerned by the ongoing degradation of Bureau run water and irrigation projects. Projects across the West are facing large rehabilitation costs due to questionable maintenance over the past few decades. As a result the Committee has been approached by numerous tribal and non-tribal entities for help in garnering the Bureau's attention and resources to address failing systems. In official communications brought to the Committee's attention the Bureau itself has admitted these problems have been exacerbated by a lack of judgment on the part of project personnel. Most concerning are recent altercations between Bureau employees and those serviced by these systems. The Bureau is expected to solicit input from field personnel as it ranks projects for rehabilitation and take into account regional economic impacts in order to provide better service to those affected by the operation of these projects.

Additionally, the Committee has been approached by the Eastern Shoshone and Northern Arapaho Tribes regarding rehabilitation of the Wind River Irrigation Project. The tribes contend the Bureau retains a legal responsibility for the proposed project due to past agreements ratified by Congress. Unfortunately, the Bureau and impacted tribes have yet reach consensus on the Bureau's legal obligation. Because of the lack of legal clarity, and the sheer number of similar requests facing the Committee, additional funds have not been provided for this purpose. Following consultation with the impacted tribes, and within 120 days of enactment of this legislation, the Bureau is directed to provide the Committee and tribes with a legal opinion as to the Bureau's responsibility for the project, and if the Bureau deems itself the entity legally responsible for this rehabilitation, a plan to address the proposed \$10,200,000 rehabilitation cost.

CONSTRUCTION

Appropriations, 2003	\$345,988,000
Budget estimate, 2004	345,154,000
Committee recommendation	351,154,000

The Committee recommends \$351,154,000 for construction, an increase of \$5,166,000 from the fiscal year 2003 enacted level, and an increase of \$6,000,000 from the budget estimate. The increase above the budget request is for the Tribal School Construction Demonstration Program established in fiscal year 2001. Due to past miscommunication between Congress and the Bureau regarding the Cost-Share program, and the subsequent delays in releasing construction funds, the Committee is forced to designate the increase for the Tribal Construction Demonstration Program for the Redwater Elementary School in Mississippi. The Committee continues to believe this program offers the opportunity to build additional Indian schools at a reduced cost to the Federal Government and would like to continue funding the program as a way to solicit competing proposals with the Bureau's involvement. Unfortunately, the Bureau's lack of leadership to support the program may result

in the Committee explicitly identifying where all program funds are directed.

The Committee's recommendation for education construction includes \$141,354,000 for replacement school construction as proposed by the budget request. The Committee understands the Bureau's desire to no longer provide specific cost estimates for individual projects until the planning and design phase will allow more accurate estimates than in the past. However, the Bureau is expected to respond to congressional inquiries regarding specific projects as quickly as possible if it wishes to retain this latitude in future fiscal years.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS
PAYMENTS TO INDIANS

Appropriations, 2003	\$60,552,000
Budget estimate, 2004	51,375,000
Committee recommendation	50,583,000

The Committee recommends \$50,583,000 for Indian land and water claims settlements and miscellaneous payments to Indians. The Committee notes this funding level is \$792,000 below the budget request but is fully commensurate with revised figures provided by the Department. Funding is provided as follows:

[In thousands of dollars]

	Budget estimate	Committee recommendation	Change
White Earth Land Settlement Act (Admin)	625	629	+ 4
Hoopa-Yurok settlement fund	250	252	+ 2
Pyramid Lake water rights settlement	142	143	+ 1
Ute Indian water rights settlement	22,494	21,467	- 1,027
Rocky Boy's .....	.....	33	+ 33
Shivwits Band Settlement .....	.....	123	+ 123
Santo Domingo Pueblo Settlement	9,864	9,884	+ 20
Colorado Ute Settlement	8,000	8,052	+ 52
Cherokee, Choctaw, and Chickasaw settlement	10,000	10,000	.....
Total, Miscellaneous Payments to Indians	51,375	50,583	- 792

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Appropriations, 2003	\$5,457,000
Budget estimate, 2004	6,497,000
Committee recommendation	6,497,000

The Committee recommends \$6,497,000 for the Indian guaranteed loan program, an increase of \$1,040,000 over the fiscal year 2003 enacted level and commensurate with the budget request.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

Appropriations, 2003	\$75,903,000
Budget estimate, 2004	71,343,000
Committee recommendation	71,343,000

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

Appropriations, 2003	\$5,501,000
Budget estimate, 2004	5,633,000
Committee recommendation	5,633,000

The Committee recommends an appropriation of \$5,633,000 for natural resource damage assessments, which is the same as the request. The increase over the enacted level is for fixed costs.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

The Committee has included in "General Provisions, Department of the Interior" various legislative provisions affecting the Department of the Interior. Several of these provisions have been carried in previous years and others are proposed new this year. The provisions are:

SEC. 101. Provides Secretarial authority to transfer program funds for expenditures in cases of emergency when all other emergency funds are exhausted.

SEC. 102. Provides for expenditure or transfer of funds by the Secretary in the event of actual or potential emergencies including forest fires, range fires, earthquakes, floods, volcanic eruptions, storms, oilspills, grasshopper and Mormon cricket outbreaks, and surface mine reclamation emergencies.

SEC. 103. Provides for use of appropriated funds for operation of garages, shops, warehouses, and similar facilities.

SEC. 104. Provides for use of appropriated funds for contracts, rental cars and aircraft, certain library memberships, and certain telephone expenses.

SEC. 105. Provides for use of appropriated funds to purchase uniforms or to provide a uniform allowance.

SEC. 106. Provides that contracts issued for services and rentals with appropriated funds be in effect for a period not to exceed 12 months.

SECS. 107-109. Prohibits the use of funds provided in the act for certain offshore leasing and related activities pursuant to the revised 5-year plan for Outer Continental Shelf oil and gas leasing.

SEC. 110. Allows the Secretary to develop guidelines for local travel through units of the National Park System.

SEC. 111. Provides that advance payments under the Indian Self-Determination and Education Assistance Act may be (1) invested 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. Provides for the transfer of unobligated balances from the Bureau of Indian Affairs or the Office of the Special Trustee

for American Indians for expenditure or transfer for Indian trust management activities.

SEC. 113. Allows the hiring of administrative law judges to address the Indian probate backlog.

SEC. 114. Permits the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities.

SEC. 115. Continues a provision requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs.

SEC. 116. Provides for the protection of lands of the Huron Cemetery for religious and cultural uses and as a burial ground.

SEC. 117. Continues a provision that land and other reimbursement the Secretary may receive in the conveyance of the Twin Cities Research Center may be used for the benefit of the National Wildlife Refuge System in Minnesota and for activities authorized by Public Law 104–134.

SEC. 118. Authorizes the National Park Service to enter into a cooperative agreement with the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Allows the Bureau of Land Management to retain revenues derived from the sale of surplus seedlings.

SEC. 120. Permits the sale of improvements and equipment at the White River Oil Shale Mine in Utah, and the retention and use of those funds by the Bureau of Land Management and the General Services Administration.

SEC. 121. Authorizes 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.

SEC. 122. Provides for the purchase of land and the protection of paleontological resources pursuant to the Virgin River Dinosaur Footprint Preserve Act.

SEC. 123. Allows funds provided for land acquisition for the Ice Age National Scenic Trail to be granted to State, local government, or any other governmental land management entity.

SEC. 124. Restricts the Secretary from entering into or implementing a contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 125. Allows the Secretary to use funds to pay private attorney fees and costs for employees and former employees of the Department for costs incurred as a result of *Cobell v. Norton*.

SEC. 126. Requires the United States Fish and Wildlife Service to mark hatchery raised fish.

SEC. 127. Clarifies the effect of section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 regarding certain lands in the State of Kansas.

SEC. 128. Restricts funds to study or implement drainage of Lake Powell or reduction of water levels necessary to operate Glen Canyon Dam.

SEC. 129. Allows the National Indian Gaming Commission to collect \$12,000,000 in fees for fiscal year 2005.

SEC. 130. Prohibits the use of funds for Cooperative Ecosystem Study Units in Alaska.

SEC. 131. Deems the State of Utah's contribution requirement complete for the purposes of Public Law 105-363.

SEC. 132. Designates Congaree National Monument as Congaree National Park.

SEC. 133. Requires the Secretary of Interior to submit distribution plans for Indian Settlement Judgment Funds.

SEC. 134. Provides stability for the Tribal Trust Reform Demonstration Project in fiscal year 2004, which will allow the continuation of a successful model between Tribes and the Department of the Interior with respect to compacting and management of trust resources.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Appropriations, 2003	\$2,475,916,000
Budget estimate, 2004	2,502,393,000
Committee recommendation	2,546,524,000

The Committee recommends an appropriation of \$2,546,524,000 for Indian health services, an increase of \$70,608,000 above the current year enacted level. Changes include increases of \$32,525,000 for partial pay costs, \$21,733,000 for staffing of new facilities, \$15,000,000 for contract health care, \$500,000 for the Alaska telemedicine initiative to bring that project total to \$4,000,000, and \$850,000 to assist with the Indian Health Service's effort to develop a mobile women's health unit that will be based at an IHS facility in North Dakota and serve the Aberdeen Area. The Committee does not agree with the administration's proposal to reduce the base program for services by \$30,616,000 and has carried that amount forward in its fiscal year 2004 recommendation. Within the base program for services, funding for the Montana and North Dakota InPsych programs is continued at \$250,000 each. Funds for both the InMed and RAIN programs at the University of North Dakota are also continued at current year enacted levels. An amount of \$15,000,000 is continued in the base program for alcohol control, prevention, and treatment efforts in Alaska. Bill language has been included to describe the intended distribution of funds to the Alaska Native Tribal Health Consortium, the State of Alaska and the Alaska Federation of Natives.

The Committee is encouraged by the work that has been accomplished to date by the Service and tribes in collaboration with the Joslin diabetes program. Although funding for this program is derived outside of the appropriations process, the Committee urges that the allocation of additional resources to this important effort be considered in the future.

The Committee recognizes that the problems of understaffing and underfunding are chronic throughout the Service's facilities. Most recently, information was brought to the Committee's attention indicating that the hours at the Fort Totten Clinic at the Spirit Lake Reservation may be insufficient to meet existing health care needs. As an example of the kinds of efforts that would be required to upgrade health services at an IHS facility, the Committee requests that the IHS assess the current delivery of health care at the Fort Totten clinic, evaluate the impact of extended hours and additional staff on the provision of health care, and estimate the anticipated costs associated with expanded service.

Bill language is included in Title III, General Provisions, continuing the demonstration program of the Cheyenne River Sioux Tribe in South Dakota, which provides bonus payments to health professionals. The Committee understands the tribe was not able to take full advantage of the authority provided by this same provision in the fiscal year 2003 bill.

At the Committee's request, the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee

in its fiscal year 2004 bill extended the scope of one of its provisions to include the Indian Health Service. This provision would prohibit the Department of Health and Human Services from using funds appropriated to the Indian Health Service to carry out or administer its human resources consolidation plan. No clear explanation of savings, costs, and benefits of the plan has been provided to the Committee and, in fact, discussions with the Department have not put to rest the Committee's concerns, but instead brought to light additional questions. Given the scarce resources that are available to the Indian Health Service for the delivery of health care, the Committee cannot agree to a reorganization plan that could potentially divert these funds from their primary purpose, has not been clearly demonstrated to offer greater benefits than the current system, and does not have wide support among the tribes.

The Committee notes that authorizing legislation, which proposes to elevate the status of the Director of the Indian Health Service to the Assistant Secretary level, is currently under consideration in both the House and Senate. The Committee fully endorses this legislation with the understanding that it would allow the Director to fulfill his responsibilities with the same authority and access that is provided to the Assistant Secretary for the Bureau of Indian Affairs. In the Committee's view, an enhanced, more visible role for the Service leadership could only help to bring greater attention to the dire need for additional health services throughout Indian Country.

INDIAN HEALTH FACILITIES

Appropriations, 2003	\$373,745,000
Budget estimate, 2004	387,269,000
Committee recommendation	391,188,000

The Committee recommends an appropriation of \$391,188,000 for the facilities account, an amount of \$17,443,000 above the current year enacted level. Changes include \$3,022,000 for partial pay costs, \$3,729,000 for staffing of new facilities, and \$300,000 for the Alaska Native Tribal Health Consortium to purchase portable mammogram equipment. An amount of \$91,977,000 is proposed for the health facilities construction program, an increase of \$22,030,000 above the budget request and \$10,392,000 above the enacted level. The allocation of these funds for priority construction projects is shown in the following table:

Health care facilities construction	Budget estimate	Committee recommendation
Outpatient Facilities:		
Pinon, AZ	\$21,573,000	\$19,577,000
Red Mesa, AZ	30,000,000	30,000,000
St. Paul, AK .....	.....	6,520,000
Metlakatla, AK	14,511,000	9,205,000
Sisseton, SD	3,863,000	17,960,000
Staff quarters: Bethel .....	.....	5,043,000
Regional Youth Treatment Centers: PHX-NV Satellite, Wadsworth, NV .....	.....	3,672,000

As it did last year, the Committee has included bill language that would prohibit the use of Indian Health Service appropriated funds for sanitation facilities construction associated with new homes funded with grants by housing programs of the Department

of Housing and Urban Development [DHUD]. These DHUD housing grant programs for new homes are able to fund the sanitation facilities necessary for the homes.

No funds are included by the Committee for either the joint venture program or the small ambulatory grants program due to the lack of resources and the need to fund other IHS priorities. However, the Committee remains supportive of these alternative means for constructing health facilities and will make every effort to resume these programs in future budget cycles.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Appropriations, 2003	\$14,397,000
Budget estimate, 2004	13,532,000
Committee recommendation	13,532,000

The Committee recommends an appropriation of \$13,532,000 which is the same as the budget estimate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENTS TO THE INSTITUTE

Appropriations, 2003	\$5,454,000
Budget estimate, 2004	5,250,000
Committee recommendation	6,250,000

The Committee recommends an appropriation of \$6,250,000, an increase of \$1,000,000 above the budget estimate. Additional funds are provided to assist the Institute with its effort to establish the first American Indian Lifelong Learning Center. The Committee understands that the Institute has been successful in attracting a significant amount of support from the private sector to fund initial program and construction development, and intends to match the increase provided in this appropriation dollar-for-dollar with non-federal resources.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Appropriations, 2003	¹ \$446,096,000
Budget estimate, 2004	476,553,000
Committee recommendation	487,989,000

¹ Includes rescission of \$14,100,000 in prior year funds.

The Committee recommends an appropriation of \$487,989,000 for salaries and expenses of the Smithsonian Institution, an increase of \$27,793,000 above the pre-rescission current year enacted level of \$460,196,000. Proposed changes are in agreement with those recommended in the administration's fiscal year 2004 budget request, including an amount of \$12,978,000 to meet escalating uncontrollable costs and a net increase of \$15,734,000 for program-related activities. Included in this program increase are funds required for

TITLE III—GENERAL PROVISIONS

The Committee has recommended inclusion of several general provisions in the bill including the following:

SEC. 301. Provides that contracts which provide consulting services be a matter of public record and available for public review, except where otherwise provided by law.

SEC. 302. Provides that appropriations available in the bill shall not be used to produce literature or otherwise promote public support of a legislative proposal on which legislative action is not complete.

SEC. 303. Provides that appropriations made available in this bill will not remain available beyond the current fiscal year unless otherwise provided.

SEC. 304. Provides that appropriations made available in this bill cannot be used to provide a cook, chauffeur, or other personal servants.

SEC. 305. Provides for restrictions on departmental assessments unless approved by the Committees on Appropriations.

SEC. 306. Limits the actions of the Forest Service and the Bureau of Land Management with regard to the sale of giant sequoia trees to a manner consistent with such sales as were conducted in fiscal year 2000.

SEC. 307. Retains mining patent moratorium carried in previous years.

SEC. 308. Provides that funds appropriated to the Bureau of Indian Affairs and the Indian Health Service for contract support costs for fiscal years 1994 through 2002 are the total amounts available except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

SEC. 309. Includes language defining the grantmaking capabilities and responsibilities of the National Endowment of the Arts. Grants to individuals may be made only for literature fellowships, national heritage fellowships, or American jazz masters fellowships. The Chairperson of the Endowment will establish procedures to ensure that grants made, except those to a State or local arts agency, will not be used to make a further grant to any other organization or individual to conduct activity independent of the direct grant recipient. Grants for seasonal support may not be awarded unless the application is specific to the contents of the season.

SEC. 310. Includes language allowing the National Endowment for the Arts and the National Endowment for the Humanities to raise funds and receive gifts, to deposit such in an interest-bearing account for the appropriate Endowment, and to use such to further the functions of the respective Endowments in accordance with the specified intent of the donors.

SEC. 311. Provides language for awarding financial assistance to underserved populations under the National Foundation on the Arts and the Humanities Act of 1965. With funds appropriated to carry out section 5 of the act, the chairman will establish a category of national significance grants. With the exception of this grant category, the chairman will not make grants exceeding 15 percent, in the aggregate, of such funds to any single State.

SEC. 312. Prohibits the use of appropriations to fund any activities associated with the issuance of the 5-year program under the Forest and Rangeland Renewable Resources Planning Act. Strategic planning activities carried out for that act should now be completed as part of the agency's compliance with the Government Performance and Results Act, Public Law 103-62.

SEC. 313. Prohibits the use of funds to support Government-wide administrative functions unless they are justified in the budget process and approved by the House and Senate Appropriations Committees.

SEC. 314. Prohibits the use of funds for GSA telecommunication centers.

SEC. 315. Allows the Secretaries of the Interior and Agriculture to limit competition for watershed restoration projects contracts.

SEC. 316. Provides additional authority to use the roads and trails funds for priority forest health related management. The Committee recognizes that there is a serious backlog in important road, trail and bridge work throughout the national forest system just as there is a serious backlog in needed management related to forest health.

SEC. 317. Restricts the use of answering machines during business hours.

SEC. 318. Addresses timber sales involving Alaska western red cedar. Mills which process western red cedar in the Pacific Northwest have an insufficient supply of western red cedar, and the national forest in southeast Alaska sometimes has a surplus. This provision continues a program by which Alaska's surplus western red cedar is made available preferentially to U.S. domestic mills outside Alaska, prior to export abroad.

SEC. 319. Provides that the Forest Service may not inappropriately use the Recreation Fee Demonstration program to supplant existing recreation concessions on the national forests.

SEC. 320. Continues a provision providing that the Secretary of Agriculture shall not be considered in violation of certain provisions of the Forest and Rangeland Renewable Resources Planning Act solely because more than 15 years have passed without revision of a forest plan, provided that the Secretary is working in good faith to complete the plan revision within available funds.

SEC. 321. Prohibits oil, natural gas and mining related activities within current national monument boundaries, except where such activities are allowed under the presidential proclamation establishing the monument.

SEC. 322. Makes employees of foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies eligible to qualify for General Service Administration contract airfares.

SEC. 323. Provides the Secretary of Agriculture and the Secretary of the Interior the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters.

SEC. 324. Continues a provision that allows existing permit holders whose permits will or have expired due to agency delays to continue grazing activities until the Secretary of Agriculture or the Secretary of the Interior completes an environmental review of these permits.

SEC. 325. Allows the Eagle Butte Service Unit of the Indian Health Service to utilize health care funding in a more efficient manner.

SEC. 326. Restricts the ability to transfer funds provided in this Act.

SEC. 327. Restricts funding for improvements to Pennsylvania Avenue in front of the White House.

SEC. 328. Allows the Secretary of Agriculture and the Secretary of Interior to consider local contractors when awarding contracts for certain activities on public lands.

SEC. 329. Allows for local exemption from Forest Service fee demonstration program.

SEC. 330. Modifies the Gallatin Land Consolidation Act of 1998.

SEC. 331. Authorizes the Secretary of Agriculture, subject to any terms and conditions the Secretary may require, to convey to a participating State land or interest in land acquired under the Forest Legacy program.

SEC. 332. Amends the Lake Tahoe Restoration Act to modify cost sharing requirements.

SEC. 333. Concerns legal challenges to timber sales on the Tongass National Forest. This section provides for expedited judicial review such that the Federal District Court shall render a decision within 180 days after an application for review is filed.

SEC. 334. Provides authority for the mutual termination of timber contracts in Region 10 of the Forest Service where the Secretary of Agriculture determines under the Secretary's sole discretion that the contract is uneconomical to perform.

BUDGETARY IMPACT OF BILL

PREPARED IN CONSULTATION WITH THE CONGRESSIONAL BUDGET OFFICE PURSUANT TO SEC. 308(a), PUBLIC LAW 93-344, AS AMENDED

[In millions of dollars]

	Budget authority		Outlays	
	Committee allocation	Amount of bill	Committee allocation	Amount of bill
Comparison of amounts in the bill with Committee allocations to its subcommittees of amounts in the Budget Resolution for 2004: Subcommittee on Interior:				
Discretionary	19,627	19,627	19,395	¹ 19,359
Mandatory	64	64	70	¹ 70
Projection of outlays associated with the recommendation:				
2004				² 13,147
2005				4,120
2006				1,482
2007				638
2008 and future years				244

BUDGETARY IMPACT OF BILL—Continued

PREPARED IN CONSULTATION WITH THE CONGRESSIONAL BUDGET OFFICE PURSUANT TO SEC.
308(a), PUBLIC LAW 93-344, AS AMENDED

[In millions of dollars]

	Budget authority		Outlays	
	Committee allocation	Amount of bill	Committee allocation	Amount of bill
Financial assistance to State and local governments for 2004	NA	2,623	NA	1,580

¹ Includes outlays from prior-year budget authority.

² Excludes outlays from prior-year budget authority.

NA: Not applicable.

LIMITATIONS AND LEGISLATIVE PROVISIONS
COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE
STANDING RULES OF THE SENATE

Rule XVI, paragraph 7 requires that every report on a general appropriation bill filed by the Committee must identify each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

Those items are as follows:

- Sums provided to the Bureau of Land Management to inventory, manage, and improve rangelands for domestic livestock grazing pursuant to Public Law 95–514, the Public Rangeland Improvement Act of 1978.
- \$221,803,000 for the endangered species program, U.S. Fish and Wildlife Service.
- \$3,400,000 for the Yukon River Restoration and Enhancement Fund, U.S. Fish and Wildlife Service, pursuant to the Fisheries Act of 1995.
- Sums provided to the Fish and Wildlife Service for the conservation and protection of marine mammals pursuant to Public Law 103–238, the Marine Mammal Protection Act Amendments of 1994.
- \$1,000,000 for the John H. Chafee Blackstone River National Heritage Corridor.
- \$3,000,000 for start-up and matching funds for projects of the National Forest Foundation, U.S. Forest Service.
- Sums provided to the Department of Energy for the integration of fuel cells with hydrogen production systems pursuant to the Hydrogen Future Act of 1996.
- Sums provided to the Department of Energy for various programs authorized in Public Law 102–486, Energy Policy Act of 1992.
- \$81,158,000 for economic regulation and the Energy Information Administration, Department of Energy, pursuant to the Omnibus Budget Reconciliation Act of 1981.
- \$13,532,000 for the Office of Navajo and Hopi Relocation.
- \$117,800,000 for the National Endowment for the Arts.
- \$142,000,000 for the National Endowment for the Humanities.
- \$45,000 for the Cache La Poudre River Corridor Commission.

COMPLIANCE WITH PARAGRAPH 7(C), RULE XXVI, OF THE
STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, on July 10, 2003, the Committee ordered reported en bloc H.R. 2555, a bill making appropriations for the Department of Homeland Security for the fiscal

year ending September 30, 2004, as amended; and S. 1391, an original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, each subject to amendment and each subject to the budget allocations, by a recorded vote of 29–0, a quorum being present. The vote was as follows:

Yeas	Nays
Chairman Stevens	
Mr. Cochran	
Mr. Specter	
Mr. Domenici	
Mr. Bond	
Mr. McConnell	
Mr. Burns	
Mr. Shelby	
Mr. Gregg	
Mr. Bennett	
Mr. Campbell	
Mr. Craig	
Mrs. Hutchison	
Mr. DeWine	
Mr. Brownback	
Mr. Byrd	
Mr. Inouye	
Mr. Hollings	
Mr. Leahy	
Mr. Harkin	
Ms. Mikulski	
Mr. Reid	
Mr. Kohl	
Mrs. Murray	
Mr. Dorgan	
Mrs. Feinstein	
Mr. Durbin	
Mr. Johnson	
Ms. Landrieu	

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include “(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.”

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is