

1 (30 U.S.C. 1231 et seq.), if the amount set aside is depos-
2 ited in an acid mine drainage abatement and treatment
3 fund established under a State law, pursuant to which law
4 the amount (together with all interest earned on the
5 amount) is expended by the State to undertake acid mine
6 drainage abatement and treatment projects, except that
7 before any amounts greater than 10 percent of its title
8 IV grants are deposited in an acid mine drainage abate-
9 ment and treatment fund, the State of Maryland must
10 first complete all Surface Mining Control and Reclamation
11 Act priority one projects: *Provided further*, That amounts
12 provided under this heading may be used for the travel
13 and per diem expenses of State and tribal personnel at-
14 tending Office of Surface Mining Reclamation and En-
15 forcement sponsored training.

16 ADMINISTRATIVE PROVISION

17 With funds available for the Technical Innovation
18 and Professional Services program in this Act, the Sec-
19 retary may transfer title for computer hardware, software
20 and other technical equipment to State and Tribal regu-
21 latory and reclamation programs.

22 BUREAU OF INDIAN AFFAIRS

23 OPERATION OF INDIAN PROGRAMS

24 For expenses necessary for the operation of Indian
25 programs, as authorized by law, including the Snyder Act
26 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-

1 termination and Education Assistance Act of 1975 (25
2 U.S.C. 450 et seq.), as amended, the Education Amend-
3 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
4 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
5 as amended, \$1,955,047,000, to remain available until
6 September 30, 2006 except as otherwise provided herein,
7 of which not to exceed \$87,638,000 shall be for welfare
8 assistance payments and notwithstanding any other provi-
9 sion of law, including but not limited to the Indian Self-
10 Determination Act of 1975, as amended, not to exceed
11 \$136,314,000 shall be available for payments to tribes and
12 tribal organizations for contract support costs associated
13 with ongoing contracts, grants, compacts, or annual fund-
14 ing agreements entered into with the Bureau prior to or
15 during fiscal year 2005, as authorized by such Act, except
16 that tribes and tribal organizations may use their tribal
17 priority allocations for unmet indirect costs of ongoing
18 contracts, grants, or compacts, or annual funding agree-
19 ments and for unmet welfare assistance costs; and of
20 which not to exceed \$456,057,000 for school operations
21 costs of Bureau-funded schools and other education pro-
22 grams shall become available on July 1, 2005, and shall
23 remain available until September 30, 2006; and of which
24 not to exceed \$61,801,000 shall remain available until ex-
25 pended for housing improvement, road maintenance, at-

1 torney fees, litigation support, the Indian Self-Determina-
2 tion Fund, land records improvement, and the Navajo-
3 Hopi Settlement Program: *Provided*, That notwith-
4 standing any other provision of law, including but not lim-
5 ited to the Indian Self-Determination Act of 1975, as
6 amended, and 25 U.S.C. 2008, not to exceed \$45,348,000
7 within and only from such amounts made available for
8 school operations shall be available to tribes and tribal or-
9 ganizations for administrative cost grants associated with
10 ongoing grants entered into with the Bureau prior to or
11 during fiscal year 2004 for the operation of Bureau-fund-
12 ed schools, and up to \$1,000,000 within and only from
13 such amounts made available for school operations shall
14 be available for the transitional costs of initial administra-
15 tive cost grants to tribes and tribal organizations that
16 enter into grants for the operation on or after July 1,
17 2004 of Bureau-operated schools: *Provided further*, That
18 any forestry funds allocated to a tribe which remain unob-
19 ligated as of September 30, 2006, may be transferred dur-
20 ing fiscal year 2007 to an Indian forest land assistance
21 account established for the benefit of such tribe within the
22 tribe's trust fund account: *Provided further*, That any such
23 unobligated balances not so transferred shall expire on
24 September 30, 2007.

1 CONSTRUCTION

2 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

1 part 12 as the regulatory requirements: *Provided further*,
2 That such grants shall not be subject to section 12.61 of
3 43 CFR; the Secretary and the grantee shall negotiate and
4 determine a schedule of payments for the work to be per-
5 formed: *Provided further*, That in considering applications,
6 the Secretary shall consider whether the Indian tribe or
7 tribal organization would be deficient in assuring that the
8 construction projects conform to applicable building stand-
9 ards and codes and Federal, tribal, or State health and
10 safety standards as required by 25 U.S.C. 2005(b), with
11 respect to organizational and financial management capa-
12 bilities: *Provided further*, That if the Secretary declines an
13 application, the Secretary shall follow the requirements
14 contained in 25 U.S.C. 2504(f): *Provided further*, That
15 any disputes between the Secretary and any grantee con-
16 cerning a grant shall be subject to the disputes provision
17 in 25 U.S.C. 2507(e): *Provided further*, That in order to
18 ensure timely completion of replacement school construc-
19 tion projects, the Secretary may assume control of a
20 project and all funds related to the project, if, within
21 eighteen months of the date of enactment of this Act, any
22 tribe or tribal organization receiving funds appropriated
23 in this Act or in any prior Act, has not completed the
24 planning and design phase of the project and commenced
25 construction of the replacement school: *Provided further*,

1 That, of the funds provided for the tribal school dem-
2 onstration program, notwithstanding the provisions of
3 paragraph (b)(1) of section 122 of division F of Public
4 Law 108-7, as amended by section 136 of Public Law
5 108-108, \$4,500,000 is for the Eastern Band of Cherokee
6 education campus at the Ravensford tract, \$4,000,000 is
7 for the Sac and Fox Meskwaki Settlement school, and
8 \$4,000,000 is for the Twin Buttes elementary school on
9 the Fort Berthold Reservation: *Provided further*, That this
10 Appropriation may be reimbursed from the Office of the
11 Special Trustee for American Indians Appropriation for
12 the appropriate share of construction costs for space ex-
13 pansion needed in agency offices to meet trust reform im-
14 plementation.

15 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
16 MISCELLANEOUS PAYMENTS TO INDIANS

17 For miscellaneous payments to Indian tribes and in-
18 dividuals and for necessary administrative expenses,
19 \$44,771,000, to remain available until expended, for im-
20 plementation of Indian land and water claim settlements
21 pursuant to Public Laws 99-264, 100-580, 101-618,
22 106-554, 107-331, and 108-34, and for implementation
23 of other land and water rights settlements, ~~and~~ of which
24 \$10,032,000 shall be available for payment to the
25 Quinault Indian Nation pursuant to the terms of the
26 North Boundary Settlement Agreement dated July 14,

comma

1 2000, providing for the acquisition of perpetual conserva-
2 tion easements from the Nation.

3 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

4 For the cost of guaranteed and insured loans,
5 \$6,421,000, of which \$695,000 is for administrative ex-
6 penses, as authorized by the Indian Financing Act of
7 1974, as amended: *Provided*, That such costs, including
8 the cost of modifying such loans, shall be as defined in
9 section 502 of the Congressional Budget Act of 1974: *Pro-*
10 *vided further*, That these funds are available to subsidize
11 total loan principal, any part of which is to be guaranteed,
12 not to exceed \$84,699,000.

13 ADMINISTRATIVE PROVISIONS

14 The Bureau of Indian Affairs may carry out the oper-
15 ation of Indian programs by direct expenditure, contracts,
16 cooperative agreements, compacts and grants, either di-
17 rectly or in cooperation with States and other organiza-
18 tions.

19 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
20 Affairs may contract for services in support of the man-
21 agement, operation, and maintenance of the Power Divi-
22 sion of the San Carlos Irrigation Project.

23 Appropriations for the Bureau of Indian Affairs (ex-
24 cept the revolving fund for loans, the Indian loan guar-
25 antee and insurance fund, and the Indian Guaranteed
26 Loan Program account) shall be available for expenses of

1 exhibits, and purchase of not to exceed 229 passenger
2 motor vehicles, of which not to exceed 187 shall be for
3 replacement only.

4 Notwithstanding any other provision of law, no funds
5 available to the Bureau of Indian Affairs for central office
6 operations or pooled overhead general administration (ex-
7 cept facilities operations and maintenance) shall be avail-
8 able for tribal contracts, grants, compacts, or cooperative
9 agreements with the Bureau of Indian Affairs under the
10 provisions of the Indian Self-Determination Act or the
11 Tribal Self-Governance Act of 1994 (Public Law 103-
12 413).

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

20 Notwithstanding any other provision of law, no funds
21 available to the Bureau, other than the amounts provided
22 herein for assistance to public schools under 25 U.S.C.
23 452 et seq., shall be available to support the operation of
24 any elementary or secondary school in the State of Alaska.

1 Appropriations made available in this or any other
2 Act for schools funded by the Bureau shall be available
3 only to the schools in the Bureau school system as of Sep-
4 tember 1, 1996. No funds available to the Bureau shall
5 be used to support expanded grades for any school or dor-
6 mitory beyond the grade structure in place or approved
7 by the Secretary of the Interior at each school in the Bu-
8 reau school system as of October 1, 1995. Funds made
9 available under this Act may not be used to establish a
10 charter school at a Bureau-funded school (as that term
11 is defined in section 1146 of the Education Amendments
12 of 1978 (25 U.S.C. 2026)), except that a charter school
13 that is in existence on the date of the enactment of this
14 Act and that has operated at a Bureau-funded school be-
15 fore September 1, 1999, may continue to operate during
16 that period, but only if the charter school pays to the Bu-
17 reau a pro rata share of funds to reimburse the Bureau
18 for the use of the real and personal property (including
19 buses and vans), the funds of the charter school are kept
20 separate and apart from Bureau funds, and the Bureau
21 does not assume any obligation for charter school pro-
22 grams of the State in which the school is located if the
23 charter school loses such funding. Employees of Bureau-
24 funded schools sharing a campus with a charter school and
25 performing functions related to the charter school's oper-

1 ation and employees of a charter school shall not be treat-
2 ed as Federal employees for purposes of chapter 171 of
3 title 28, United States Code.

4 Notwithstanding any other provision of law, including
5 sec. 113 of Title I of Appendix C of Public Law 106-
6 113, if a Tribe or tribal organization in fiscal year 2003
7 or 2004 received indirect and administrative costs pursu-
8 ant to a distribution formula based on sec. 5(f) of Public
9 Law 101-301, the Secretary shall continue to distribute
10 indirect and administrative cost funds to such Tribe or
11 tribal organization using the sec. 5(f) distribution formula.

12 DEPARTMENTAL OFFICES

13 INSULAR AFFAIRS

14 ASSISTANCE TO TERRITORIES

15 For expenses necessary for assistance to territories
16 under the jurisdiction of the Department of the Interior,
17 \$76,255,000, of which: (1) \$69,682,000 shall be available
18 until expended for technical assistance, including mainte-
19 nance assistance, disaster assistance, insular management
20 controls, coral reef initiative activities, and brown tree
21 snake control and research; grants to the judiciary in
22 American Samoa for compensation and expenses, as au-
23 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
24 ment of American Samoa, in addition to current local rev-
25 enues, for construction and support of governmental func-