

Union Calendar No. 56107TH CONGRESS
1ST SESSION**H. R. 2217****[Report No. 107-103]**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2001

Mr. SKEEN, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior and related agencies for the

1 fiscal year ending September 30, 2002, and for other pur-
2 poses, namely:

3 TITLE I—DEPARTMENT OF THE INTERIOR

4 BUREAU OF LAND MANAGEMENT

5 MANAGEMENT OF LANDS AND RESOURCES

6 For expenses necessary for protection, use, improve-
7 ment, development, disposal, cadastral surveying, classi-
8 fication, acquisition of easements and other interests in
9 lands, and performance of other functions, including main-
10 tenance of facilities, as authorized by law, in the manage-
11 ment of lands and their resources under the jurisdiction
12 of the Bureau of Land Management, including the general
13 administration of the Bureau, and assessment of mineral
14 potential of public lands pursuant to Public Law 96–487
15 (16 U.S.C. 3150(a)), \$768,711,000, to remain available
16 until expended, of which \$1,000,000 is for high priority
17 projects which shall be carried out by the Youth Conserva-
18 tion Corps, defined in section 250(c)(4)(E)(xii) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985,
20 as amended, for the purposes of such Act; of which
21 \$2,225,000 shall be available for assessment of the min-
22 eral potential of public lands in Alaska pursuant to section
23 1010 of Public Law 96–487 (16 U.S.C. 3150); and of
24 which not to exceed \$1,000,000 shall be derived from the
25 special receipt account established by the Land and Water

1 Conservation Act of 1965, as amended (16 U.S.C. 4601–
2 6a(i)); and of which \$3,000,000 shall be available in fiscal
3 year 2002 subject to a match by at least an equal amount
4 by the National Fish and Wildlife Foundation, to such
5 Foundation for cost-shared projects supporting conserva-
6 tion of Bureau lands and such funds shall be advanced
7 to the Foundation as a lump sum grant without regard
8 to when expenses are incurred; in addition, \$32,298,000
9 for Mining Law Administration program operations, in-
10 cluding the cost of administering the mining claim fee pro-
11 gram; to remain available until expended, to be reduced
12 by amounts collected by the Bureau and credited to this
13 appropriation from annual mining claim fees so as to re-
14 sult in a final appropriation estimated at not more than
15 \$768,711,000, and \$2,000,000, to remain available until
16 expended, from communication site rental fees established
17 by the Bureau for the cost of administering communica-
18 tion site activities: *Provided*, That appropriations herein
19 made shall not be available for the destruction of healthy,
20 unadopted, wild horses and burros in the care of the Bu-
21 reau or its contractors: *Provided further*, That of the
22 amount provided, \$28,000,000 is for “Federal Infrastruc-
23 ture Improvement”, defined in section 250(c)(4)(E)(xiv)
24 of the Balanced Budget and Emergency Deficit Control
25 Act of 1985, as amended, for the purposes of such Act:

1 *Provided further*, That fiscal year 2001 balances in the
2 Federal Infrastructure Improvement account for the Bu-
3 reau of Land Management shall be transferred to and
4 merged with this appropriation, and shall remain available
5 until expended.

6 WILDLAND FIRE MANAGEMENT

7 For necessary expenses for fire preparedness, sup-
8 pression operations, fire science and research, emergency
9 rehabilitation, hazardous fuels reduction, and rural fire as-
10 sistance by the Department of the Interior, \$700,806,000,
11 to remain available until expended, of which not to exceed
12 \$19,774,000 shall be for the renovation or construction
13 of fire facilities: *Provided*, That such funds are also avail-
14 able for repayment of advances to other appropriation ac-
15 counts from which funds were previously transferred for
16 such purposes: *Provided further*, That unobligated bal-
17 ances of amounts previously appropriated to the “Fire
18 Protection” and “Emergency Department of the Interior
19 Firefighting Fund” may be transferred and merged with
20 this appropriation: *Provided further*, That persons hired
21 pursuant to 43 U.S.C. 1469 may be furnished subsistence
22 and lodging without cost from funds available from this
23 appropriation: *Provided further*, That notwithstanding 42
24 U.S.C. 1856d, sums received by a bureau or office of the
25 Department of the Interior for fire protection rendered
26 pursuant to 42 U.S.C. 1856 et seq., protection of United

1 States property, may be credited to the appropriation from
2 which funds were expended to provide that protection, and
3 are available without fiscal year limitation: *Provided fur-*
4 *ther*, That using the amounts designated under this title
5 of this Act, the Secretary of the Interior may enter into
6 procurement contracts, grants, or cooperative agreements,
7 for hazardous fuels reduction activities, and for training
8 and monitoring associated with such hazardous fuels re-
9 duction activities, on Federal land, or on adjacent non-
10 Federal land for activities that benefit resources on Fed-
11 eral land: *Provided further*, That the costs of implementing
12 any cooperative agreement between the Federal govern-
13 ment and any non-Federal entity may be shared, as mutu-
14 ally agreed on by the affected parties: *Provided further*,
15 That in entering into such grants or cooperative agree-
16 ments, the Secretary may consider the enhancement of
17 local and small business employment opportunities for
18 rural communities, and that in entering into procurement
19 contracts under this section on a best value basis, the Sec-
20 retary may take into account the ability of an entity to
21 enhance local and small business employment opportuni-
22 ties in rural communities, and that the Secretary may
23 award procurement contracts, grants, or cooperative
24 agreements under this section to entities that include local
25 non-profit entities, Youth Conservation Corps or related

1 partnerships, or small or disadvantaged businesses: *Pro-*
2 *vided further*, That funds appropriated under this head
3 may be used to reimburse the United States Fish and
4 Wildlife Service and the National Marine Fisheries Service
5 for the costs of carrying out their responsibilities under
6 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
7 seq.) to consult and conference, as required by section 7
8 of such Act in connection with wildland fire management
9 activities.

10 CENTRAL HAZARDOUS MATERIALS FUND

11 For necessary expenses of the Department of the In-
12 terior and any of its component offices and bureaus for
13 the remedial action, including associated activities, of haz-
14 ardous waste substances, pollutants, or contaminants pur-
15 suant to the Comprehensive Environmental Response,
16 Compensation, and Liability Act, as amended (42 U.S.C.
17 9601 et seq.), \$9,978,000, to remain available until ex-
18 pended: *Provided*, That notwithstanding 31 U.S.C. 3302,
19 sums recovered from or paid by a party in advance of or
20 as reimbursement for remedial action or response activi-
21 ties conducted by the Department pursuant to section 107
22 or 113(f) of such Act, shall be credited to this account
23 to be available until expended without further appropria-
24 tion: *Provided further*, That such sums recovered from or
25 paid by any party are not limited to monetary payments
26 and may include stocks, bonds or other personal or real

1 property, which may be retained, liquidated, or otherwise
2 disposed of by the Secretary and which shall be credited
3 to this account.

4 CONSTRUCTION

5 For construction of buildings, recreation facilities,
6 roads, trails, and appurtenant facilities, \$11,076,000, to
7 remain available until expended.

8 PAYMENTS IN LIEU OF TAXES

9 For expenses necessary to implement the Act of Octo-
10 ber 20, 1976, as amended (31 U.S.C. 6901–6907),
11 \$200,000,000, of which not to exceed \$400,000 shall be
12 available for administrative expenses and of which
13 \$50,000,000 is for the conservation activities defined in
14 section 250(c)(4)(E)(xiii) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985, as amended, for
16 the purposes of such Act: *Provided*, That no payment shall
17 be made to otherwise eligible units of local government if
18 the computed amount of the payment is less than \$100.

19 LAND ACQUISITION

20 For expenses necessary to carry out sections 205,
21 206, and 318(d) of Public Law 94–579, including admin-
22 istrative expenses and acquisition of lands or waters, or
23 interests therein, \$47,686,000, to be derived from the
24 Land and Water Conservation Fund, to remain available
25 until expended, and to be for the conservation activities
26 defined in section 250(c)(4)(E)(i) of the Balanced Budget

1 and Emergency Deficit Control Act of 1985, as amended,
2 for the purposes of such Act.

3 OREGON AND CALIFORNIA GRANT LANDS

4 For expenses necessary for management, protection,
5 and development of resources and for construction, oper-
6 ation, and maintenance of access roads, reforestation, and
7 other improvements on the revested Oregon and California
8 Railroad grant lands, on other Federal lands in the Or-
9 egon and California land-grant counties of Oregon, and
10 on adjacent rights-of-way; and acquisition of lands or in-
11 terests therein including existing connecting roads on or
12 adjacent to such grant lands; \$105,165,000, to remain
13 available until expended: *Provided*, That 25 percent of the
14 aggregate of all receipts during the current fiscal year
15 from the revested Oregon and California Railroad grant
16 lands is hereby made a charge against the Oregon and
17 California land-grant fund and shall be transferred to the
18 General Fund in the Treasury in accordance with the sec-
19 ond paragraph of subsection (b) of title II of the Act of
20 August 28, 1937 (50 Stat. 876).

21 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

22 (REVOLVING FUND, SPECIAL ACCOUNT)

23 In addition to the purposes authorized in Public Law
24 102–381, funds made available in the Forest Ecosystem
25 Health and Recovery Fund can be used for the purpose
26 of planning, preparing, and monitoring salvage timber

1 sales and forest ecosystem health and recovery activities
2 such as release from competing vegetation and density
3 control treatments. The Federal share of receipts (defined
4 as the portion of salvage timber receipts not paid to the
5 counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1
6 et seq., and Public Law 103–66) derived from treatments
7 funded by this account shall be deposited into the Forest
8 Ecosystem Health and Recovery Fund.

9 RANGE IMPROVEMENTS

10 For rehabilitation, protection, and acquisition of
11 lands and interests therein, and improvement of Federal
12 rangelands pursuant to section 401 of the Federal Land
13 Policy and Management Act of 1976 (43 U.S.C. 1701),
14 notwithstanding any other Act, sums equal to 50 percent
15 of all moneys received during the prior fiscal year under
16 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
17 315 et seq.) and the amount designated for range improve-
18 ments from grazing fees and mineral leasing receipts from
19 Bankhead-Jones lands transferred to the Department of
20 the Interior pursuant to law, but not less than
21 \$10,000,000, to remain available until expended: *Pro-*
22 *vided*, That not to exceed \$600,000 shall be available for
23 administrative expenses.

24 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

25 For administrative expenses and other costs related
26 to processing application documents and other authoriza-

1 tions for use and disposal of public lands and resources,
2 for costs of providing copies of official public land docu-
3 ments, for monitoring construction, operation, and termi-
4 nation of facilities in conjunction with use authorizations,
5 and for rehabilitation of damaged property, such amounts
6 as may be collected under Public Law 94–579, as amend-
7 ed, and Public Law 93–153, to remain available until ex-
8 pended: *Provided*, That notwithstanding any provision to
9 the contrary of section 305(a) of Public Law 94–579 (43
10 U.S.C. 1735(a)), any moneys that have been or will be
11 received pursuant to that section, whether as a result of
12 forfeiture, compromise, or settlement, if not appropriate
13 for refund pursuant to section 305(c) of that Act (43
14 U.S.C. 1735(c)), shall be available and may be expended
15 under the authority of this Act by the Secretary to im-
16 prove, protect, or rehabilitate any public lands adminis-
17 tered through the Bureau of Land Management which
18 have been damaged by the action of a resource developer,
19 purchaser, permittee, or any unauthorized person, without
20 regard to whether all moneys collected from each such ac-
21 tion are used on the exact lands damaged which led to
22 the action: *Provided further*, That any such moneys that
23 are in excess of amounts needed to repair damage to the
24 exact land for which funds were collected may be used to
25 repair other damaged public lands.

1 MISCELLANEOUS TRUST FUNDS

2 In addition to amounts authorized to be expended
3 under existing laws, there is hereby appropriated such
4 amounts as may be contributed under section 307 of the
5 Act of October 21, 1976 (43 U.S.C. 1701), and such
6 amounts as may be advanced for administrative costs, sur-
7 veys, appraisals, and costs of making conveyances of omit-
8 ted lands under section 211(b) of that Act, to remain
9 available until expended.

10 ADMINISTRATIVE PROVISIONS

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

1 and the Bureau determines the cooperator is capable of
2 meeting accepted quality standards, *Provided further*,
3 That sections 28f and 28g of title 30, United States Code,
4 are amended:

5 (1) In section 28f(a), by striking the first sen-
6 tence and inserting, “The holder of each unpatented
7 mining claim, mill, or tunnel site, located pursuant
8 to the mining laws of the United States, whether lo-
9 cated before, on or after the enactment of this Act,
10 shall pay to the Secretary of the Interior, on or be-
11 fore September 1, 2002, a claim maintenance fee of
12 \$100 per claim or site.”; and

13 (2) In section 28g, by striking “and before Sep-
14 tember 30, 2001” and inserting in lieu thereof “and
15 before September 30, 2002”.

16 UNITED STATES FISH AND WILDLIFE SERVICE

17 RESOURCE MANAGEMENT

18 For necessary expenses of the United States Fish and
19 Wildlife Service, for scientific and economic studies, con-
20 servation, management, investigations, protection, and
21 utilization of fishery and wildlife resources, except whales,
22 seals, and sea lions, maintenance of the herd of long-
23 horned cattle on the Wichita Mountains Wildlife Refuge,
24 general administration, and for the performance of other
25 authorized functions related to such resources by direct

1 expenditure, contracts, grants, cooperative agreements
2 and reimbursable agreements with public and private enti-
3 ties, \$839,852,000, to remain available until September
4 30, 2003, except as otherwise provided herein, of which
5 \$28,000,000 is for “Federal Infrastructure Improve-
6 ment”, defined in section 250(c)(4)(E)(xiv) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985,
8 as amended, for the purposes of such Act: *Provided*, That
9 fiscal year 2001 balances in the Federal Infrastructure
10 Improvement account for the United States Fish and
11 Wildlife Service shall be transferred to and merged with
12 this appropriation, and shall remain available until ex-
13 pended: *Provided further*, That not less than \$2,000,000
14 shall be provided to local governments in southern Cali-
15 fornia for planning associated with the Natural Commu-
16 nities Conservation Planning (NCCP) program and shall
17 remain available until expended: *Provided further*, That
18 \$2,000,000 is for high priority projects which shall be car-
19 ried out by the Youth Conservation Corps defined in sec-
20 tion 250(c)(4)(E) (xii) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985, as amended, for the
22 purposes of such Act: *Provided further*, That not to exceed
23 \$8,476,000 shall be used for implementing subsections
24 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
25 cies Act, as amended, for species that are indigenous to

1 the United States (except for processing petitions, devel-
2 oping and issuing proposed and final regulations, and tak-
3 ing any other steps to implement actions described in sub-
4 section (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which
5 not to exceed \$6,000,000 shall be used for any activity
6 regarding the designation of critical habitat, pursuant to
7 subsection (a)(3), for species already listed pursuant to
8 subsection (a)(1) as of the date of enactment this Act:
9 *Provided further*, That of the amount available for law en-
10 forcement, up to \$400,000 to remain available until ex-
11 pended, may at the discretion of the Secretary, be used
12 for payment for information, rewards, or evidence con-
13 cerning violations of laws administered by the Service, and
14 miscellaneous and emergency expenses of enforcement ac-
15 tivity, authorized or approved by the Secretary and to be
16 accounted for solely on her certificate: *Provided further*,
17 That of the amount provided for environmental contami-
18 nants, up to \$1,000,000 may remain available until ex-
19 pended for contaminant sample analyses.

20 CONSTRUCTION

21 For construction, improvement, acquisition, or re-
22 moval of buildings and other facilities required in the con-
23 servation, management, investigation, protection, and uti-
24 lization of fishery and wildlife resources, and the acquisi-
25 tion of lands and interests therein; \$48,849,000, to remain
26 available until expended.

1 LAND ACQUISITION

2 For expenses necessary to carry out the Land and
3 Water Conservation Fund Act of 1965, as amended (16
4 U.S.C. 4601–4 through 11), including administrative ex-
5 penses, and for acquisition of land or waters, or interest
6 therein, in accordance with statutory authority applicable
7 to the United States Fish and Wildlife Service,
8 \$104,401,000, to be derived from the Land and Water
9 Conservation Fund, to remain available until expended,
10 and to be for the conservation activities defined in section
11 250(c)(4)(E)(ii) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985, as amended, for the purposes
13 of such Act: *Provided*, That none of the funds appro-
14 priated for specific land acquisition projects can be used
15 to pay for any administrative overhead, planning or other
16 management costs.

17 LANDOWNER INCENTIVE PROGRAM

18 For expenses necessary to carry out the Land and
19 Water Conservation Fund Act of 1965, as amended (16
20 U.S.C. 4601–4 through 11), including administrative ex-
21 penses, and for private conservation efforts to be carried
22 out on private lands, \$50,000,000, to be derived from the
23 Land and Water Conservation Fund, to remain available
24 until expended, and to be for conservation spending cat-
25 egory activities pursuant to section 251(c) of the Balanced
26 Budget and Emergency Deficit Control Act of 1985, as

1 amended, for the purposes of discretionary spending lim-
2 its: *Provided*, That, hereafter, “Fish and Wildlife Service
3 Landowner Incentive Program” shall be considered to be
4 within the “State and Other Conservation sub-category”
5 in section 250(c)(4)(G) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985, as amended: *Pro-*
7 *vided further*, That the amount provided herein is for a
8 Landowner Incentive Program established by the Sec-
9 retary that provides matching, competitively awarded
10 grants to States, the District of Columbia, Tribes, Puerto
11 Rico, Guam, the U.S. Virgin Islands, the Northern Mar-
12 iana Islands, and American Samoa, to establish, or supple-
13 ment existing, landowner incentive programs that provide
14 technical and financial assistance, including habitat pro-
15 tection and restoration, to private landowners for the pro-
16 tection and management of habitat to benefit federally
17 listed, proposed, or candidate species, or other at-risk spe-
18 cies on private lands.

19 STEWARDSHIP GRANTS

20 For expenses necessary to carry out the Land and
21 Water Conservation Fund Act of 1965, as amended (16
22 U.S.C. 460l–4 through 11), including administrative ex-
23 penses, and for private conservation efforts to be carried
24 out on private lands, \$10,000,000, to be derived from the
25 Land and Water Conservation Fund, to remain available
26 until expended, and to be for conservation spending cat-

1 egory activities pursuant to section 251(c) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985, as
3 amended, for the purposes of discretionary spending lim-
4 its: *Provided*, That hereafter, “Fish and Wildlife Service
5 Stewardship Grants” shall be considered to be within the
6 “State and Other Conservation sub-category” in section
7 250(c)(4)(G) of the Balanced Budget and Emergency Def-
8 icit Control Act of 1985, as amended: *Provided further*,
9 That the amount provided herein is for the Secretary to
10 establish a Private Stewardship Grants Program to pro-
11 vide grants and other assistance to individuals and groups
12 engaged in private conservation efforts that benefit feder-
13 ally listed, proposed, or candidate species, or other at-risk
14 species.

15 COOPERATIVE ENDANGERED SPECIES CONSERVATION

16 FUND

17 For expenses necessary to carry out section 6 of the
18 Endangered Species Act of 1973 (16 U.S.C. 1531–1543),
19 as amended, \$107,000,000, to be derived from the Cooper-
20 ative Endangered Species Conservation Fund, to remain
21 available until expended, and to be for the conservation
22 activities defined in section 250(c)(4)(E)(v) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985,
24 as amended, for the purposes of such Act.

1 NATIONAL WILDLIFE REFUGE FUND

2 For expenses necessary to implement the Act of Octo-
3 ber 17, 1978 (16 U.S.C. 715s), \$16,414,000, of which
4 \$5,000,000 is for conservation spending category activities
5 pursuant to section 251(c) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985, as amended, for
7 the purposes of discretionary spending limits: *Provided*,
8 That, hereafter, “Fish and Wildlife Service National Wild-
9 life Refuge Fund” shall be considered to be within the
10 “Payments in Lieu of Taxes sub-category” in section
11 250(c)(4)(I) of the Balanced Budget and Emergency Def-
12 icit Control Act of 1985, as amended.

13 NORTH AMERICAN WETLANDS CONSERVATION FUND

14 For expenses necessary to carry out the provisions
15 of the North American Wetlands Conservation Act, Public
16 Law 101–233, as amended, \$45,000,000, to remain avail-
17 able until expended, and to be for the conservation activi-
18 ties defined in section 250(c)(4)(E)(vi) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985, as
20 amended, for the purposes of such Act: *Provided*, That,
21 notwithstanding any other provision of law, amounts in
22 excess of funds provided in fiscal year 2001 shall be used
23 only for projects in the United States.

24 NEOTROPICAL MIGRATORY BIRD CONSERVATION

25 For financial assistance for projects to promote the
26 conservation of neotropical migratory birds in accordance

1 with the Neotropical Migratory Bird Conservation Act,
2 Public Law 106–247 (16 U.S.C. 6101–6109), \$5,000,000,
3 to remain available until expended, and to be for conserva-
4 tion spending category activities pursuant to section
5 251(c) of the Balanced Budget and Emergency Deficit
6 Control Act of 1985, as amended, for the purposes of dis-
7 cretionary spending limits: *Provided*, That, hereafter,
8 “Fish and Wildlife Service Neotropical Migratory Bird
9 Conservation” shall be considered to be within the “State
10 and Other Conservation sub-category” in section
11 250(c)(4)(G) of the Balanced Budget and Emergency Def-
12 icit Control Act of 1985, as amended.

13 MULTINATIONAL SPECIES CONSERVATION FUND

14 For expenses necessary to carry out the African Ele-
15 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
16 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
17 phant Conservation Act of 1997 (Public Law 105–96; 16
18 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
19 tion Act of 1994 (16 U.S.C. 5301–5306), and the Great
20 Ape Conservation Act of 2000 (16 U.S.C. 6301),
21 \$4,000,000, to remain available until expended: *Provided*,
22 That funds made available under this Act, Public Law
23 106–291, and Public Law 106–554 and hereafter in an-
24 nual appropriations acts for rhinoceros, tiger, Asian ele-
25 phant, and great ape conservation programs are exempt
26 from any sanctions imposed against any country under

1 section 102 of the Arms Export Control Act (22 U.S.C.
2 2799aa-1).

3 STATE WILDLIFE GRANTS

4 For wildlife conservation grants to States and to the
5 District of Columbia, Puerto Rico, Guam, the U.S. Virgin
6 Islands, the Northern Mariana Islands, and American
7 Samoa, under the provisions of the Fish and Wildlife Act
8 of 1956 and the Fish and Wildlife Coordination Act, for
9 the development and implementation of programs for the
10 benefit of wildlife and their habitat, including species that
11 are not hunted or fished, \$100,000,000, to be derived
12 from the Land and Water Conservation Fund, to remain
13 available until expended, and to be for the conservation
14 activities defined in section 250(c)(4)(E)(vii) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985,
16 as amended, for the purposes of such Act: *Provided*, That
17 the Secretary shall, after deducting administrative ex-
18 penses, apportion the amount provided herein in the fol-
19 lowing manner: (A) to the District of Columbia and to
20 the Commonwealth of Puerto Rico, each a sum equal to
21 not more than one-half of 1 percent thereof: and (B) to
22 Guam, American Samoa, the U.S. Virgin Islands, and the
23 Commonwealth of the Northern Mariana Islands, each a
24 sum equal to not more than one-fourth of 1 percent there-
25 of: *Provided further*, That the Secretary shall apportion
26 the remaining amount in the following manner: 30 percent

1 based on the ratio to which the land area of such State
2 bears to the total land area of all such States; and 70
3 percent based on the ratio to which the population of such
4 State bears to the total population of the United States,
5 based on the 2000 U.S. Census; and the amounts so ap-
6 portioned shall be adjusted equitably so that no State shall
7 be apportioned a sum which is less than one percent of
8 the total amount available for apportionment or more than
9 10 percent: *Provided further*, That the Federal share of
10 planning grants shall not exceed 75 percent of the total
11 costs of such projects and the Federal share of implemen-
12 tation grants shall not exceed 50 percent of the total costs
13 of such projects: *Provided further*, That the non-Federal
14 share of such projects may not be derived from Federal
15 grant programs: *Provided further*, That no State, territory,
16 or other jurisdiction shall receive a grant unless it has de-
17 veloped, or committed to develop by October 1, 2005, a
18 comprehensive wildlife conservation plan, consistent with
19 criteria established by the Secretary of the Interior, that
20 considers the broad range of the State, territory, or other
21 jurisdiction's wildlife and associated habitats, with appro-
22 priate priority placed on those species with the greatest
23 conservation need and taking into consideration the rel-
24 ative level of funding available for the conservation of
25 those species: *Provided further*, That any amount appor-

1 tioned in 2002 to any State, territory, or other jurisdiction
 2 that remains unobligated as of September 30, 2003, shall
 3 be reapportioned, together with funds appropriated in
 4 2004, in the manner provided herein.

5 TRIBAL WILDLIFE GRANTS

6 For wildlife conservation grants to tribes under the
 7 provisions of the Fish and Wildlife Act of 1956 and the
 8 Fish and Wildlife Coordination Act, for the development
 9 and implementation of programs for the benefit of wildlife
 10 and their habitat, including species that are not hunted
 11 or fished, \$5,000,000, to be derived from the Land and
 12 Water Conservation Fund and to remain available until
 13 expended, and to be for conservation spending category
 14 activities pursuant to section 251(c) of the Balanced
 15 Budget and Emergency Deficit Control Act of 1985, as
 16 amended, for the purposes of discretionary spending lim-
 17 its: *Provided*, That, hereafter, “Fish and Wildlife Service
 18 Tribal Wildlife Grants” shall be considered to be within
 19 the “State and Other Conservation sub-category” in sec-
 20 tion 250(c)(4)(G) of the Balanced Budget and Emergency
 21 Deficit Control Act of 1985, as amended.

22 ADMINISTRATIVE PROVISIONS

23 Appropriations and funds available to the United
 24 States Fish and Wildlife Service shall be available for pur-
 25 chase of not to exceed 74 passenger motor vehicles, of
 26 which 69 are for replacement only (including 32 for police-

1 type use); repair of damage to public roads within and
2 adjacent to reservation areas caused by operations of the
3 Service; options for the purchase of land at not to exceed
4 \$1 for each option; facilities incident to such public rec-
5 reational uses on conservation areas as are consistent with
6 their primary purpose; and the maintenance and improve-
7 ment of aquaria, buildings, and other facilities under the
8 jurisdiction of the Service and to which the United States
9 has title, and which are used pursuant to law in connection
10 with management and investigation of fish and wildlife re-
11 sources: *Provided*, That notwithstanding 44 U.S.C. 501,
12 the Service may, under cooperative cost sharing and part-
13 nership arrangements authorized by law, procure printing
14 services from cooperators in connection with jointly pro-
15 duced publications for which the cooperators share at least
16 one-half the cost of printing either in cash or services and
17 the Service determines the cooperator is capable of meet-
18 ing accepted quality standards: *Provided further*, That the
19 Service may accept donated aircraft as replacements for
20 existing aircraft: *Provided further*, That notwithstanding
21 any other provision of law, the Secretary of the Interior
22 may not spend any of the funds appropriated in this Act
23 for the purchase of lands or interests in lands to be used
24 in the establishment of any new unit of the National Wild-
25 life Refuge System unless the purchase is approved in ad-

1 vance by the House and Senate Committees on Appropria-
2 tions in compliance with the reprogramming procedures
3 contained in Senate Report 105–56.

4 NATIONAL PARK SERVICE

5 OPERATION OF THE NATIONAL PARK SYSTEM

6 For expenses necessary for the management, oper-
7 ation, and maintenance of areas and facilities adminis-
8 tered by the National Park Service (including special road
9 maintenance service to trucking permittees on a reimburs-
10 able basis), and for the general administration of the Na-
11 tional Park Service, \$1,480,336,000, of which
12 \$10,869,000 for research, planning and interagency co-
13 ordination in support of land acquisition for Everglades
14 restoration shall remain available until expended, and of
15 which \$75,349,000, to remain available until expended, is
16 for maintenance repair or rehabilitation projects for con-
17 structed assets, operation of the National Park Service
18 automated facility management software system, and com-
19 prehensive facility condition assessments; and of which
20 \$2,000,000 is for the Youth Conservation Corps, defined
21 in section 250(c)(4)(E)(xii) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985, as amended, for
23 the purposes of such Act, for high priority projects: *Pro-*
24 *vided*, That the only funds in this account which may be
25 made available to support United States Park Police are

1 those funds approved for emergency law and order inci-
2 dents pursuant to established National Park Service pro-
3 cedures and those funds needed to maintain and repair
4 United States Park Police administrative facilities: *Pro-*
5 *vided further*, That park areas may reimburse the United
6 States Park Police account for the unbudgeted overtime
7 and travel costs associated with special events for an
8 amount not to exceed \$10,000 per event subject to the
9 review and concurrence of the Washington headquarters
10 office: *Provided further*, That none of the funds in this
11 or any other Act may be used to fund a new Associate
12 Director position for Partnerships.

13 UNITED STATES PARK POLICE

14 For expenses necessary to carry out the programs of
15 the United States Park Police, \$65,260,000.

16 CONTRIBUTION FOR ANNUITY BENEFITS

17 For reimbursement pursuant to provisions of Public
18 Law 85-157, to the District of Columbia on a monthly
19 basis, for benefit payments by the District of Columbia
20 to United States Park Police annuitants under the provi-
21 sions of the Policeman and Fireman's Retirement and
22 Disability Act, to the extent those payments exceed con-
23 tributions made by active Park Police members covered
24 under the Act, such amounts as hereafter may be nec-
25 essary: *Provided*, That hereafter, appropriations made to

1 the National Park Service shall not be available for this
2 purpose.

3 NATIONAL RECREATION AND PRESERVATION

4 For expenses necessary to carry out recreation pro-
5 grams, natural programs, cultural programs, heritage
6 partnership programs, environmental compliance and re-
7 view, international park affairs, statutory or contractual
8 aid for other activities, and grant administration, not oth-
9 erwise provided for, \$51,804,000.

10 URBAN PARK AND RECREATION FUND

11 For expenses necessary to carry out the provisions
12 of the Urban Park and Recreation Recovery Act of 1978
13 (16 U.S.C. 2501 et seq.), \$30,000,000, to remain available
14 until expended, and to be for the conservation activities
15 defined in section 250(c)(4)(E)(x) of the Balanced Budget
16 and Emergency Deficit Control Act of 1985, as amended,
17 for the purposes of such Act.

18 HISTORIC PRESERVATION FUND

19 For expenses necessary in carrying out the Historic
20 Preservation Act of 1966, as amended (16 U.S.C. 470),
21 and the Omnibus Parks and Public Lands Management
22 Act of 1996 (Public Law 104–333), \$77,000,000, to be
23 derived from the Historic Preservation Fund, to remain
24 available until September 30, 2003, and to be for the con-
25 servation activities defined in section 250(c)(4)(E)(xi) of
26 the Balanced Budget and Emergency Deficit Control Con-

1 trol Act of 1985, as amended, for the purposes of such
2 Act: *Provided*, That, of the amount provided herein,
3 \$5,000,000, to remain available until expended, is for a
4 grant for the perpetual care and maintenance of National
5 Trust Historic Sites, as authorized under 16 U.S.C.
6 470a(e)(2), to be made available in full upon signing of
7 a grant agreement: *Provided further*, That, notwith-
8 standing any other provision of law, these funds shall be
9 available for investment with the proceeds to be used for
10 the same purpose as set out herein: *Provided further*, That
11 of the total amount provided, \$30,000,000 shall be for
12 Save America's Treasures for priority preservation
13 projects, including preservation of intellectual and cultural
14 artifacts, preservation of historic structures and sites, and
15 buildings to house cultural and historic resources and to
16 provide educational opportunities: *Provided further*, That
17 any individual Save America's Treasures grant shall be
18 matched by non-Federal funds: *Provided further*, That in-
19 dividual projects shall only be eligible for one grant, and
20 all projects to be funded shall be approved by the House
21 and Senate Committees on Appropriations prior to the
22 commitment of grant funds: *Provided further*, That Save
23 America's Treasures funds allocated for Federal projects
24 shall be available by transfer to appropriate accounts of
25 individual agencies, after approval of such projects by the

1 Secretary of the Interior: *Provided further*, That none of
2 the funds provided for Save America’s Treasures may be
3 used for administrative expenses, and staffing for the pro-
4 gram shall be available from the existing staffing levels
5 in the National Park Service 2003.

6 CONSTRUCTION

7 For construction, improvements, repair or replace-
8 ment of physical facilities, including the modifications au-
9 thorized by section 104 of the Everglades National Park
10 Protection and Expansion Act of 1989, \$349,249,000, of
11 which \$50,000,000 is for “Federal Infrastructure Im-
12 provement”, defined in section 250(c)(4)(E)(xiv) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985, as amended, for the purposes of such Act.

15 LAND AND WATER CONSERVATION FUND

16 (RESCISSION)

17 The contract authority provided for fiscal year 2002
18 by 16 U.S.C. 460l–10a is rescinded.

19 LAND ACQUISITION AND STATE ASSISTANCE

20 For expenses necessary to carry out the Land and
21 Water Conservation Act of 1965, as amended (16 U.S.C.
22 460l–4 through 11), including administrative expenses,
23 and for acquisition of lands or waters, or interest therein,
24 in accordance with the statutory authority applicable to
25 the National Park Service, \$261,036,000, to be derived
26 from the Land and Water Conservation Fund, to remain

1 available until expended, and to be for the conservation
2 activities defined in section 250(c)(4)(E)(iii) of the Bal-
3 anced Budget and Emergency Deficit Control of 1985, as
4 amended, for the purposes of such Act, of which
5 \$154,000,000 is for the State assistance program includ-
6 ing \$4,000,000 to administer the State assistance pro-
7 gram: *Provided*, That of the amounts provided under this
8 heading, \$16,000,000 may be for Federal grants to the
9 State of Florida for the acquisition of lands or waters,
10 or interests therein, within the Everglades watershed (con-
11 sisting of lands and waters within the boundaries of the
12 South Florida Water Management District, Florida Bay
13 and the Florida Keys, including the areas known as the
14 Frog Pond, the Rocky Glades and the Eight and One-Half
15 Square Mile Area) under terms and conditions deemed
16 necessary by the Secretary to improve and restore the
17 hydrological function of the Everglades watershed; and
18 \$20,000,000 may be for project modifications authorized
19 by section 104 of the Everglades National Park Protection
20 and Expansion Act: *Provided further*, That funds provided
21 under this heading for assistance to the State of Florida
22 to acquire lands within the Everglades watershed are con-
23 tingent upon new matching non-Federal funds by the
24 State and shall be subject to an agreement that the lands
25 to be acquired will be managed in perpetuity for the res-

1 toration of the Everglades: *Provided further*, That none
2 of the funds provided for the State Assistance program
3 may be used to establish a contingency fund.

4 ADMINISTRATIVE PROVISIONS

5 Appropriations for the National Park Service shall be
6 available for the purchase of not to exceed 315 passenger
7 motor vehicles, of which 256 shall be for replacement only,
8 including not to exceed 237 for police-type use, 11 buses,
9 and 8 ambulances: *Provided*, That none of the funds ap-
10 propriated to the National Park Service may be used to
11 process any grant or contract documents which do not in-
12 clude the text of 18 U.S.C. 1913: *Provided further*, That
13 none of the funds appropriated to the National Park Serv-
14 ice may be used to implement an agreement for the rede-
15 velopment of the southern end of Ellis Island until such
16 agreement has been submitted to the Congress and shall
17 not be implemented prior to the expiration of 30 calendar
18 days (not including any day in which either House of Con-
19 gress is not in session because of adjournment of more
20 than three calendar days to a day certain) from the receipt
21 by the Speaker of the House of Representatives and the
22 President of the Senate of a full and comprehensive report
23 on the development of the southern end of Ellis Island,
24 including the facts and circumstances relied upon in sup-
25 port of the proposed project.

1 None of the funds in this Act may be spent by the
2 National Park Service for activities taken in direct re-
3 sponse to the United Nations Biodiversity Convention.

4 The National Park Service may distribute to oper-
5 ating units based on the safety record of each unit the
6 costs of programs designed to improve workplace and em-
7 ployee safety, and to encourage employees receiving work-
8 ers' compensation benefits pursuant to chapter 81 of title
9 5, United States Code, to return to appropriate positions
10 for which they are medically able.

11 Notwithstanding any other provision of law, the Na-
12 tional Park Service may convey a leasehold or freehold in-
13 terest in Cuyahoga NP to allow for the development of
14 utilities and parking needed to support the historic Ever-
15 ett Church in the village of Everett, Ohio.

16 UNITED STATES GEOLOGICAL SURVEY
17 SURVEYS, INVESTIGATIONS, AND RESEARCH

18 For expenses necessary for the United States Geo-
19 logical Survey to perform surveys, investigations, and re-
20 search covering topography, geology, hydrology, biology,
21 and the mineral and water resources of the United States,
22 its territories and possessions, and other areas as author-
23 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
24 to their mineral and water resources; give engineering su-
25 pervision to power permittees and Federal Energy Regu-

1 latory Commission licensees; administer the minerals ex-
2 ploration program (30 U.S.C. 641); and publish and dis-
3 seminate data relative to the foregoing activities; and to
4 conduct inquiries into the economic conditions affecting
5 mining and materials processing industries (30 U.S.C. 3,
6 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes
7 as authorized by law and to publish and disseminate data;
8 \$900,489,000, of which \$64,318,000 shall be available
9 only for cooperation with States or municipalities for
10 water resources investigations; and of which \$16,400,000
11 shall remain available until expended for conducting in-
12 quires into the economic conditions affecting mining and
13 materials processing industries; and of which \$18,942,000
14 shall be available until September 30, 2003 for the oper-
15 ation and maintenance of facilities and deferred mainte-
16 nance; and of which \$163,461,000 shall be available until
17 September 30, 2003 for the biological research activity
18 and the operation of the Cooperative Research Units: *Pro-*
19 *vided*, That none of these funds provided for the biological
20 research activity shall be used to conduct new surveys on
21 private property, unless specifically authorized in writing
22 by the property owner: *Provided further*, That of the
23 amount provided herein, \$25,000,000 is for the conserva-
24 tion activities defined in section 250(c)(4)(viii) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985,

1 as amended, for the purposes of such Act: *Provided fur-*
2 *ther*, That no part of this appropriation shall be used to
3 pay more than one-half the cost of topographic mapping
4 or water resources data collection and investigations car-
5 ried on in cooperation with States and municipalities.

6 ADMINISTRATIVE PROVISIONS

7 The amount appropriated for the United States Geo-
8 logical Survey shall be available for the purchase of not
9 to exceed 53 passenger motor vehicles, of which 48 are
10 for replacement only; reimbursement to the General Serv-
11 ices Administration for security guard services; con-
12 tracting for the furnishing of topographic maps and for
13 the making of geophysical or other specialized surveys
14 when it is administratively determined that such proce-
15 dures are in the public interest; construction and mainte-
16 nance of necessary buildings and appurtenant facilities;
17 acquisition of lands for gauging stations and observation
18 wells; expenses of the United States National Committee
19 on Geology; and payment of compensation and expenses
20 of persons on the rolls of the Survey duly appointed to
21 represent the United States in the negotiation and admin-
22 istration of interstate compacts: *Provided*, That activities
23 funded by appropriations herein made may be accom-
24 plished through the use of contracts, grants, or coopera-
25 tive agreements as defined in 31 U.S.C. 6302 et seq.

1 MINERALS MANAGEMENT SERVICE

2 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

3 For expenses necessary for minerals leasing and envi-
4 ronmental studies, regulation of industry operations, and
5 collection of royalties, as authorized by law; for enforcing
6 laws and regulations applicable to oil, gas, and other min-
7 erals leases, permits, licenses and operating contracts; and
8 for matching grants or cooperative agreements; including
9 the purchase of not to exceed eight passenger motor vehi-
10 cles for replacement only, \$149,867,000, of which
11 \$83,344,000, shall be available for royalty management
12 activities; and an amount not to exceed \$102,730,000, to
13 be credited to this appropriation and to remain available
14 until expended, from additions to receipts resulting from
15 increases to rates in effect on August 5, 1993, from rate
16 increases to fee collections for Outer Continental Shelf ad-
17 ministrative activities performed by the Minerals Manage-
18 ment Service over and above the rates in effect on Sep-
19 tember 30, 1993, and from additional fees for Outer Con-
20 tinental Shelf administrative activities established after
21 September 30, 1993: *Provided*, That to the extent
22 \$102,730,000 in additions to receipts are not realized
23 from the sources of receipts stated above, the amount
24 needed to reach \$102,730,000 shall be credited to this ap-
25 propriation from receipts resulting from rental rates for

1 Outer Continental Shelf leases in effect before August 5,
2 1993: *Provided further*, That \$3,000,000 for computer ac-
3 quisitions shall remain available until September 30,
4 2003: *Provided further*, That funds appropriated under
5 this Act shall be available for the payment of interest in
6 accordance with 30 U.S.C. 1721(b) and (d): *Provided fur-*
7 *ther*, That not to exceed \$3,000 shall be available for rea-
8 sonable expenses related to promoting volunteer beach and
9 marine cleanup activities: *Provided further*, That notwith-
10 standing any other provision of law, \$15,000 under this
11 heading shall be available for refunds of overpayments in
12 connection with certain Indian leases in which the Direc-
13 tor of the Minerals Management Service (MMS) concurred
14 with the claimed refund due, to pay amounts owed to In-
15 dian allottees or tribes, or to correct prior unrecoverable
16 erroneous payments: *Provided further*, That MMS may
17 under the royalty-in-kind pilot program use a portion of
18 the revenues from royalty-in-kind sales, without regard to
19 fiscal year limitation, to pay for transportation to whole-
20 sale market centers or upstream pooling points, and to
21 process or otherwise dispose of royalty production taken
22 in kind: *Provided further*, That MMS shall analyze and
23 document the expected return in advance of any royalty-
24 in-kind sales to assure to the maximum extent practicable
25 that royalty income under the pilot program is equal to

1 or greater than royalty income recognized under a com-
2 parable royalty-in-value program.

3 OIL SPILL RESEARCH

4 For necessary expenses to carry out title I, section
5 1016, title IV, sections 4202 and 4303, title VII, and title
6 VIII, section 8201 of the Oil Pollution Act of 1990,
7 \$6,105,000, which shall be derived from the Oil Spill Li-
8 ability Trust Fund, to remain available until expended.

9 OFFICE OF SURFACE MINING RECLAMATION AND

10 ENFORCEMENT

11 REGULATION AND TECHNOLOGY

12 For necessary expenses to carry out the provisions
13 of the Surface Mining Control and Reclamation Act of
14 1977, Public Law 95–87, as amended, including the pur-
15 chase of not to exceed 10 passenger motor vehicles, for
16 replacement only; \$102,900,000: *Provided*, That the Sec-
17 retary of the Interior, pursuant to regulations, may use
18 directly or through grants to States, moneys collected in
19 fiscal year 2002 for civil penalties assessed under section
20 518 of the Surface Mining Control and Reclamation Act
21 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-
22 fected by coal mining practices after August 3, 1977, to
23 remain available until expended: *Provided further*, That
24 appropriations for the Office of Surface Mining Reclama-
25 tion and Enforcement may provide for the travel and per
26 diem expenses of State and tribal personnel attending Of-

1 fice of Surface Mining Reclamation and Enforcement
2 sponsored training.

3 ABANDONED MINE RECLAMATION FUND

4 For necessary expenses to carry out title IV of the
5 Surface Mining Control and Reclamation Act of 1977,
6 Public Law 95–87, as amended, including the purchase
7 of not more than 10 passenger motor vehicles for replace-
8 ment only, \$203,554,000, to be derived from receipts of
9 the Abandoned Mine Reclamation Fund and to remain
10 available until expended; of which up to \$10,000,000, to
11 be derived from the Federal Expenses Share of the Fund,
12 shall be for supplemental grants to States for the reclama-
13 tion of abandoned sites with acid mine rock drainage from
14 coal mines, and for associated activities, through the Ap-
15 palachian Clean Streams Initiative: *Provided*, That grants
16 to minimum program States will be \$1,500,000 per State
17 in fiscal year 2002: *Provided further*, That of the funds
18 herein provided up to \$18,000,000 may be used for the
19 emergency program authorized by section 410 of Public
20 Law 95–87, as amended, of which no more than 25 per-
21 cent shall be used for emergency reclamation projects in
22 any one State and funds for federally administered emer-
23 gency reclamation projects under this proviso shall not ex-
24 ceed \$11,000,000: *Provided further*, That prior year unob-
25 ligated funds appropriated for the emergency reclamation
26 program shall not be subject to the 25 percent limitation

1 per State and may be used without fiscal year limitation
2 for emergency projects: *Provided further*, That pursuant
3 to Public Law 97–365, the Department of the Interior is
4 authorized to use up to 20 percent from the recovery of
5 the delinquent debt owed to the United States Government
6 to pay for contracts to collect these debts: *Provided fur-*
7 *ther*, That funds made available under title IV of Public
8 Law 95–87 may be used for any required non-Federal
9 share of the cost of projects funded by the Federal Gov-
10 ernment for the purpose of environmental restoration re-
11 lated to treatment or abatement of acid mine drainage
12 from abandoned mines: *Provided further*, That such
13 projects must be consistent with the purposes and prior-
14 ities of the Surface Mining Control and Reclamation Act:
15 *Provided further*, That, in addition to the amount granted
16 to the Commonwealth of Pennsylvania under sections 402
17 (g)(1) and 402(g)(5) of the Surface Mining Control and
18 Reclamation Act (Act), an additional \$500,000 will be spe-
19 cifically used for the purpose of conducting a demonstra-
20 tion project in accordance with section 401(e)(6) of the
21 Act to determine the efficacy of improving water quality
22 by removing metals from eligible waters polluted by acid
23 mine drainage.

1 BUREAU OF INDIAN AFFAIRS

2 OPERATION OF INDIAN PROGRAMS

3 For expenses necessary for the operation of Indian
4 programs, as authorized by law, including the Snyder Act
5 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
6 termination and Education Assistance Act of 1975 (25
7 U.S.C. 450 et seq.), as amended, the Education Amend-
8 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
9 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
10 as amended, \$1,790,781,000, to remain available until
11 September 30, 2003 except as otherwise provided herein,
12 of which not to exceed \$89,864,000 shall be for welfare
13 assistance payments and notwithstanding any other provi-
14 sion of law, including but not limited to the Indian Self-
15 Determination Act of 1975, as amended, not to exceed
16 \$130,209,000 shall be available for payments to tribes and
17 tribal organizations for contract support costs associated
18 with ongoing contracts, grants, compacts, or annual fund-
19 ing agreements entered into with the Bureau prior to or
20 during fiscal year 2002, as authorized by such Act, except
21 that tribes and tribal organizations may use their tribal
22 priority allocations for unmet indirect costs of ongoing
23 contracts, grants, or compacts, or annual funding agree-
24 ments and for unmet welfare assistance costs; and up to
25 \$3,000,000 shall be for the Indian Self-Determination

1 Fund which shall be available for the transitional cost of
2 initial or expanded tribal contracts, grants, compacts or
3 cooperative agreements with the Bureau under such Act;
4 and of which not to exceed \$436,427,000 for school oper-
5 ations costs of Bureau-funded schools and other education
6 programs shall become available on July 1, 2002, and
7 shall remain available until September 30, 2003; and of
8 which not to exceed \$58,394,000 shall remain available
9 until expended for housing improvement, road mainte-
10 nance, attorney fees, litigation support, the Indian Self-
11 Determination Fund, land records improvement, and the
12 Navajo-Hopi Settlement Program: *Provided*, That not-
13 withstanding any other provision of law, including but not
14 limited to the Indian Self-Determination Act of 1975, as
15 amended, and 25 U.S.C. 2008, not to exceed \$43,065,000
16 within and only from such amounts made available for
17 school operations shall be available to tribes and tribal or-
18 ganizations for administrative cost grants associated with
19 the operation of Bureau-funded schools: *Provided further*,
20 That any forestry funds allocated to a tribe which remain
21 unobligated as of September 30, 2003, may be transferred
22 during fiscal year 2004 to an Indian forest land assistance
23 account established for the benefit of such tribe within the
24 tribe's trust fund account: *Provided further*, That any such

1 unobligated balances not so transferred shall expire on
2 September 30, 2004.

3 CONSTRUCTION

4 For construction, repair, improvement, and mainte-
5 nance of irrigation and power systems, buildings, utilities,
6 and other facilities, including architectural and engineer-
7 ing services by contract; acquisition of lands, and interests
8 in lands; and preparation of lands for farming, and for
9 construction of the Navajo Indian Irrigation Project pur-
10 suant to Public Law 87-483, \$357,132,000, to remain
11 available until expended: *Provided*, That such amounts as
12 may be available for the construction of the Navajo Indian
13 Irrigation Project may be transferred to the Bureau of
14 Reclamation: *Provided further*, That not to exceed 6 per-
15 cent of contract authority available to the Bureau of In-
16 dian Affairs from the Federal Highway Trust Fund may
17 be used to cover the road program management costs of
18 the Bureau: *Provided further*, That any funds provided for
19 the Safety of Dams program pursuant to 25 U.S.C. 13
20 shall be made available on a nonreimbursable basis: *Pro-*
21 *vided further*, That for fiscal year 2002, in implementing
22 new construction or facilities improvement and repair
23 project grants in excess of \$100,000 that are provided to
24 tribally controlled grant schools under Public Law 100-
25 297, as amended, the Secretary of the Interior shall use
26 the Administrative and Audit Requirements and Cost

1 Principles for Assistance Programs contained in 43 CFR
2 part 12 as the regulatory requirements: *Provided further*,
3 That such grants shall not be subject to section 12.61 of
4 43 CFR; the Secretary and the grantee shall negotiate and
5 determine a schedule of payments for the work to be per-
6 formed: *Provided further*, That in considering applications,
7 the Secretary shall consider whether the Indian tribe or
8 tribal organization would be deficient in assuring that the
9 construction projects conform to applicable building stand-
10 ards and codes and Federal, tribal, or State health and
11 safety standards as required by 25 U.S.C. 2005(a), with
12 respect to organizational and financial management capa-
13 bilities: *Provided further*, That if the Secretary declines an
14 application, the Secretary shall follow the requirements
15 contained in 25 U.S.C. 2505(f): *Provided further*, That
16 any disputes between the Secretary and any grantee con-
17 cerning a grant shall be subject to the disputes provision
18 in 25 U.S.C. 2508(e): *Provided further*, That notwith-
19 standing any other provision of law, not to exceed
20 \$450,000 in collections from settlements between the
21 United States and contractors concerning the Dunseith
22 Day School are to be made available for school construc-
23 tion in fiscal year 2002 and thereafter.

1 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
2 MISCELLANEOUS PAYMENTS TO INDIANS

3 For miscellaneous payments to Indian tribes and in-
4 dividuals and for necessary administrative expenses,
5 \$60,949,000, to remain available until expended; of which
6 \$24,870,000 shall be available for implementation of en-
7 acted Indian land and water claim settlements pursuant
8 to Public Laws 101–618 and 102–575, and for implemen-
9 tation of other enacted water rights settlements; of which
10 \$7,950,000 shall be available for future water supplies fa-
11 cilities under Public Law 106–163; of which \$21,875,000
12 shall be available pursuant to Public Laws 99–264, 100–
13 580, 106–263, 106–425, 106–554, and 106–568; and of
14 which \$6,254,000 shall be available for the consent decree
15 entered by the U.S. District Court, Western District of
16 Michigan in United States v. Michigan, Case No. 2:73 CV
17 26.

18 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

19 For the cost of guaranteed loans, \$4,500,000, as au-
20 thorized by the Indian Financing Act of 1974, as amend-
21 ed: *Provided*, That such costs, including the cost of modi-
22 fying such loans, shall be as defined in section 502 of the
23 Congressional Budget Act of 1974: *Provided further*, That
24 these funds are available to subsidize total loan principal,
25 any part of which is to be guaranteed, not to exceed
26 \$75,000,000.

1 In addition, for administrative expenses to carry out
2 the guaranteed loan programs, \$486,000.

3 ADMINISTRATIVE PROVISIONS

4 The Bureau of Indian Affairs may carry out the oper-
5 ation of Indian programs by direct expenditure, contracts,
6 cooperative agreements, compacts and grants, either di-
7 rectly or in cooperation with States and other organiza-
8 tions.

9 Appropriations for the Bureau of Indian Affairs (ex-
10 cept the revolving fund for loans, the Indian loan guar-
11 antee and insurance fund, and the Indian Guaranteed
12 Loan Program account) shall be available for expenses of
13 exhibits, and purchase of not to exceed 229 passenger
14 motor vehicles, of which not to exceed 187 shall be for
15 replacement only.

16 Notwithstanding any other provision of law, no funds
17 available to the Bureau of Indian Affairs for central office
18 operations, pooled overhead general administration (except
19 facilities operations and maintenance), or provided to im-
20 plement the recommendations of the National Academy of
21 Public Administration's August 1999 report shall be avail-
22 able for tribal contracts, grants, compacts, or cooperative
23 agreements with the Bureau of Indian Affairs under the
24 provisions of the Indian Self-Determination Act or the
25 Tribal Self-Governance Act of 1994 (Public Law 103-
26 413).

1 In the event any tribe returns appropriations made
2 available by this Act to the Bureau of Indian Affairs for
3 distribution to other tribes, this action shall not diminish
4 the Federal Government's trust responsibility to that
5 tribe, or the government-to-government relationship be-
6 tween the United States and that tribe, or that tribe's abil-
7 ity to access future appropriations.

8 Notwithstanding any other provision of law, no funds
9 available to the Bureau, other than the amounts provided
10 herein for assistance to public schools under 25 U.S.C.
11 452 et seq., shall be available to support the operation of
12 any elementary or secondary school in the State of Alaska.

13 Appropriations made available in this or any other
14 Act for schools funded by the Bureau shall be available
15 only to the schools in the Bureau school system as of Sep-
16 tember 1, 1996. No funds available to the Bureau shall
17 be used to support expanded grades for any school or dor-
18 mitory beyond the grade structure in place or approved
19 by the Secretary of the Interior at each school in the Bu-
20 reau school system as of October 1, 1995. Funds made
21 available under this Act may not be used to establish a
22 charter school at a Bureau-funded school (as that term
23 is defined in section 1146 of the Education Amendments
24 of 1978 (25 U.S.C. 2026)), except that a charter school
25 that is in existence on the date of the enactment of this

1 Act and that has operated at a Bureau-funded school be-
2 fore September 1, 1999, may continue to operate during
3 that period, but only if the charter school pays to the Bu-
4 reau a pro rata share of funds to reimburse the Bureau
5 for the use of the real and personal property (including
6 buses and vans), the funds of the charter school are kept
7 separate and apart from Bureau funds, and the Bureau
8 does not assume any obligation for charter school pro-
9 grams of the State in which the school is located if the
10 charter school loses such funding. Employees of Bureau-
11 funded schools sharing a campus with a charter school and
12 performing functions related to the charter school's oper-
13 ation and employees of a charter school shall not be treat-
14 ed as Federal employees for purposes of chapter 171 of
15 title 28, United States Code (commonly known as the
16 "Federal Tort Claims Act").

17 DEPARTMENTAL OFFICES

18 INSULAR AFFAIRS

19 ASSISTANCE TO TERRITORIES

20 For expenses necessary for assistance to territories
21 under the jurisdiction of the Department of the Interior,
22 \$72,289,000, of which: (1) \$67,761,000 shall be available
23 until expended for technical assistance, including mainte-
24 nance assistance, disaster assistance, insular management
25 controls, coral reef initiative activities, and brown tree

1 snake control and research; grants to the judiciary in
2 American Samoa for compensation and expenses, as au-
3 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
4 ment of American Samoa, in addition to current local rev-
5 enues, for construction and support of governmental func-
6 tions; grants to the Government of the Virgin Islands as
7 authorized by law; grants to the Government of Guam,
8 as authorized by law; and grants to the Government of
9 the Northern Mariana Islands as authorized by law (Pub-
10 lic Law 94-241; 90 Stat. 272); and (2) \$4,528,000 shall
11 be available for salaries and expenses of the Office of Insu-
12 lar Affairs: *Provided*, That all financial transactions of the
13 territorial and local governments herein provided for, in-
14 cluding such transactions of all agencies or instrumental-
15 ities established or used by such governments, may be au-
16 dited by the General Accounting Office, at its discretion,
17 in accordance with chapter 35 of title 31, United States
18 Code: *Provided further*, That Northern Mariana Islands
19 Covenant grant funding shall be provided according to
20 those terms of the Agreement of the Special Representa-
21 tives on Future United States Financial Assistance for the
22 Northern Mariana Islands approved by Public Law 104-
23 134: *Provided further*, That of the funds provided herein
24 for American Samoa government operations, the Secretary
25 is directed to use up to \$20,000 to increase compensation

1 of the American Samoa High Court Justices: *Provided*
2 *further*, That of the amounts provided for technical assist-
3 ance, not to exceed \$1,339,000 shall be made available
4 for transfer to the Disaster Assistance Direct Loan Fi-
5 nancing Account of the Federal Emergency Management
6 Agency for the purpose of covering the cost of forgiving
7 the repayment obligation of the Government of the Virgin
8 Islands on Community Disaster Loan 841, as required by
9 section 504 of the Congressional Budget Act of 1974, as
10 amended (2 U.S.C. 661c): *Provided further*, That to the
11 extent that the cost of forgiving the repayment obligation
12 exceeds the \$1,339,000 provided in this Act, the Secretary
13 of the Interior shall transfer up to \$2,161,000 of unex-
14 pended appropriations for U.S. Virgin Islands construc-
15 tion grants provided pursuant to Public Law 102–154 to
16 the Federal Emergency Management Agency to meet the
17 full costs associated with forgiveness of the Hurricane
18 Hugo Community Disaster Loan: *Provided further*, That
19 of the amounts provided for technical assistance, sufficient
20 funding shall be made available for a grant to the Close
21 Up Foundation: *Provided further*, That the funds for the
22 program of operations and maintenance improvement are
23 appropriated to institutionalize routine operations and
24 maintenance improvement of capital infrastructure (with
25 territorial participation and cost sharing to be determined

1 by the Secretary based on the grantees commitment to
2 timely maintenance of its capital assets): *Provided further*,
3 That any appropriation for disaster assistance under this
4 heading in this Act or previous appropriations Acts may
5 be used as non-Federal matching funds for the purpose
6 of hazard mitigation grants provided pursuant to section
7 404 of the Robert T. Stafford Disaster Relief and Emer-
8 gency Assistance Act (42 U.S.C. 5170c).

9 COMPACT OF FREE ASSOCIATION

10 For economic assistance and necessary expenses for
11 the Federated States of Micronesia and the Republic of
12 the Marshall Islands as provided for in sections 122, 221,
13 223, 232, and 233 of the Compact of Free Association,
14 and for economic assistance and necessary expenses for
15 the Republic of Palau as provided for in sections 122, 221,
16 223, 232, and 233 of the Compact of Free Association,
17 \$23,245,000, to remain available until expended, as au-
18 thorized by Public Law 99–239 and Public Law 99–658.

19 DEPARTMENTAL MANAGEMENT

20 SALARIES AND EXPENSES

21 For necessary expenses for management of the De-
22 partment of the Interior, \$64,177,000, of which not to ex-
23 ceed \$8,500 may be for official reception and representa-
24 tion expenses, of which up to \$1,000,000 shall be available
25 for workers compensation payments and unemployment

1 compensation payments associated with the orderly clo-
2 sure of the United States Bureau of Mines.

3 OFFICE OF THE SOLICITOR

4 SALARIES AND EXPENSES

5 For necessary expenses of the Office of the Solicitor,
6 \$45,000,000.

7 OFFICE OF INSPECTOR GENERAL

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of Inspector
10 General, \$30,490,000.

11 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

12 FEDERAL TRUST PROGRAMS

13 For operation of trust programs for Indians by direct
14 expenditure, contracts, cooperative agreements, compacts,
15 and grants, \$99,224,000, to remain available until ex-
16 pended: *Provided*, That funds for trust management im-
17 provements may be transferred, as needed, to the Bureau
18 of Indian Affairs "Operation of Indian Programs" account
19 and to the Departmental Management "Salaries and Ex-
20 penses" account: *Provided further*, That funds made avail-
21 able to Tribes and Tribal organizations through contracts
22 or grants obligated during fiscal year 2002, as authorized
23 by the Indian Self-Determination Act of 1975 (25 U.S.C.
24 450 et seq.), shall remain available until expended by the
25 contractor or grantee: *Provided further*, That notwith-

1 standing any other provision of law, the statute of limita-
2 tions shall not commence to run on any claim, including
3 any claim in litigation pending on the date of the enact-
4 ment of this Act, concerning losses to or mismanagement
5 of trust funds, until the affected tribe or individual Indian
6 has been furnished with an accounting of such funds from
7 which the beneficiary can determine whether there has
8 been a loss: *Provided further*, That notwithstanding any
9 other provision of law, the Secretary shall not be required
10 to provide a quarterly statement of performance for any
11 Indian trust account that has not had activity for at least
12 18 months and has a balance of \$1.00 or less: *Provided*
13 *further*, That the Secretary shall issue an annual account
14 statement and maintain a record of any such accounts and
15 shall permit the balance in each such account to be with-
16 drawn upon the express written request of the account
17 holder.

18 INDIAN LAND CONSOLIDATION

19 For consolidation of fractional interests in Indian
20 lands and expenses associated with redetermining and re-
21 distributing escheated interests in allotted lands, and for
22 necessary expenses to carry out the Indian Land Consoli-
23 dation Act of 1983, as amended, by direct expenditure or
24 cooperative agreement, \$10,980,000, to remain available
25 until expended and which may be transferred to the Bu-
26 reau of Indian Affairs and Departmental Management.

1 NATURAL RESOURCE DAMAGE ASSESSMENT AND
2 RESTORATION
3 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

4 To conduct natural resource damage assessment ac-
5 tivities by the Department of the Interior necessary to
6 carry out the provisions of the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act, as
8 amended (42 U.S.C. 9601 et seq.), Federal Water Pollu-
9 tion Control Act, as amended (33 U.S.C. 1251 et seq.),
10 the Oil Pollution Act of 1990 (Public Law 101–380) (33
11 U.S.C. 2701 et seq.), and Public Law 101–337, as amend-
12 ed (16 U.S.C. 19jj et seq.), \$5,497,000, to remain avail-
13 able until expended.

14 ADMINISTRATIVE PROVISIONS

15 There is hereby authorized for acquisition from avail-
16 able resources within the Working Capital Fund, 15 air-
17 craft, 10 of which shall be for replacement and which may
18 be obtained by donation, purchase or through available ex-
19 cess surplus property: *Provided*, That notwithstanding any
20 other provision of law, existing aircraft being replaced may
21 be sold, with proceeds derived or trade-in value used to
22 offset the purchase price for the replacement aircraft: *Pro-*
23 *vided further*, That no programs funded with appropriated
24 funds in the “Departmental Management”, “Office of the
25 Solicitor”, and “Office of Inspector General” may be aug-

1 mented through the Working Capital Fund or the Consoli-
2 dated Working Fund.

3 GENERAL PROVISIONS, DEPARTMENT OF THE
4 INTERIOR

5 SEC. 101. Appropriations made in this title shall be
6 available for expenditure or transfer (within each bureau
7 or office), with the approval of the Secretary, for the emer-
8 gency reconstruction, replacement, or repair of aircraft,
9 buildings, utilities, or other facilities or equipment dam-
10 aged or destroyed by fire, flood, storm, or other unavoid-
11 able causes: *Provided*, That no funds shall be made avail-
12 able under this authority until funds specifically made
13 available to the Department of the Interior for emer-
14 gencies shall have been exhausted: *Provided further*, That
15 all funds used pursuant to this section are hereby des-
16 ignated by Congress to be “emergency requirements” pur-
17 suant to section 251(b)(2)(A) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985, and must be re-
19 plenished by a supplemental appropriation which must be
20 requested as promptly as possible.

21 SEC. 102. The Secretary may authorize the expendi-
22 ture or transfer of any no year appropriation in this title,
23 in addition to the amounts included in the budget pro-
24 grams of the several agencies, for the suppression or emer-
25 gency prevention of wildland fires on or threatening lands

1 under the jurisdiction of the Department of the Interior;
2 for the emergency rehabilitation of burned-over lands
3 under its jurisdiction; for emergency actions related to po-
4 tential or actual earthquakes, floods, volcanoes, storms, or
5 other unavoidable causes; for contingency planning subse-
6 quent to actual oil spills; for response and natural resource
7 damage assessment activities related to actual oil spills;
8 for the prevention, suppression, and control of actual or
9 potential grasshopper and Mormon cricket outbreaks on
10 lands under the jurisdiction of the Secretary, pursuant to
11 the authority in section 1773(b) of Public Law 99–198
12 (99 Stat. 1658); for emergency reclamation projects under
13 section 410 of Public Law 95–87; and shall transfer, from
14 any no year funds available to the Office of Surface Min-
15 ing Reclamation and Enforcement, such funds as may be
16 necessary to permit assumption of regulatory authority in
17 the event a primacy State is not carrying out the regu-
18 latory provisions of the Surface Mining Act: *Provided*,
19 That appropriations made in this title for wildland fire
20 operations shall be available for the payment of obligations
21 incurred during the preceding fiscal year, and for reim-
22 bursement to other Federal agencies for destruction of ve-
23 hicles, aircraft, or other equipment in connection with
24 their use for wildland fire operations, such reimbursement
25 to be credited to appropriations currently available at the

1 time of receipt thereof: *Provided further*, That for wildland
2 fire operations, no funds shall be made available under
3 this authority until the Secretary determines that funds
4 appropriated for “wildland fire operations” shall be ex-
5 hausted within thirty days: *Provided further*, That all
6 funds used pursuant to this section are hereby designated
7 by Congress to be “emergency requirements” pursuant to
8 section 251(b)(2)(A) of the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985, and must be replen-
10 ished by a supplemental appropriation which must be re-
11 quested as promptly as possible: *Provided further*, That
12 such replenishment funds shall be used to reimburse, on
13 a pro rata basis, accounts from which emergency funds
14 were transferred.

15 SEC. 103. Appropriations made in this title shall be
16 available for operation of warehouses, garages, shops, and
17 similar facilities, wherever consolidation of activities will
18 contribute to efficiency or economy, and said appropria-
19 tions shall be reimbursed for services rendered to any
20 other activity in the same manner as authorized by sec-
21 tions 1535 and 1536 of title 31, United States Code: *Pro-*
22 *vided*, That reimbursements for costs and supplies, mate-
23 rials, equipment, and for services rendered may be cred-
24 ited to the appropriation current at the time such reim-
25 bursements are received.

1 SEC. 104. Appropriations made to the Department
2 of the Interior in this title shall be available for services
3 as authorized by 5 U.S.C. 3109, when authorized by the
4 Secretary, in total amount not to exceed \$500,000; hire,
5 maintenance, and operation of aircraft; hire of passenger
6 motor vehicles; purchase of reprints; payment for tele-
7 phone service in private residences in the field, when au-
8 thorized under regulations approved by the Secretary; and
9 the payment of dues, when authorized by the Secretary,
10 for library membership in societies or associations which
11 issue publications to members only or at a price to mem-
12 bers lower than to subscribers who are not members.

13 SEC. 105. Appropriations available to the Depart-
14 ment of the Interior for salaries and expenses shall be
15 available for uniforms or allowances therefor, as author-
16 ized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

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

22 SEC. 107. No funds provided in this title may be ex-
23 pended by the Department of the Interior for the conduct
24 of offshore leasing and related activities placed under re-
25 striction in the President’s moratorium statement of June

1 12, 1998, in the areas of northern, central, and southern
2 California; the North Atlantic; Washington and Oregon;
3 the eastern Gulf of Mexico south of 26 degrees north lati-
4 tude and east of 86 degrees west longitude.

5 SEC. 108. No funds provided in this title may be ex-
6 pended by the Department of the Interior for the conduct
7 of offshore oil and natural gas preleasing, leasing, and re-
8 lated activities, on lands within the North Aleutian Basin
9 planning area.

10 SEC. 109. No funds provided in this title may be ex-
11 pended by the Department of the Interior to conduct off-
12 shore oil and natural gas preleasing, leasing and related
13 activities in the eastern Gulf of Mexico planning area for
14 any lands located outside Sale 181, as identified in the
15 final Outer Continental Shelf 5-Year Oil and Gas Leasing
16 Program, 1997–2002.

17 SEC. 110. No funds provided in this title may be ex-
18 pended by the Department of the Interior to conduct oil
19 and natural gas preleasing, leasing and related activities
20 in the Mid-Atlantic and South Atlantic planning areas.

21 SEC. 111. Advance payments made under this title
22 to Indian tribes, tribal organizations, and tribal consortia
23 pursuant to the Indian Self-Determination and Education
24 Assistance Act (25 U.S.C. 450 et seq.) or the Tribally
25 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)

1 may be invested by the Indian tribe, tribal organization,
2 or consortium before such funds are expended for the pur-
3 poses of the grant, compact, or annual funding agreement
4 so long as such funds are—

5 (1) invested by the Indian tribe, tribal organiza-
6 tion, or consortium only in obligations of the United
7 States, or in obligations or securities that are guar-
8 anteed or insured by the United States, or mutual
9 (or other) funds registered with the Securities and
10 Exchange Commission and which only invest in obli-
11 gations of the United States or securities that are
12 guaranteed or insured by the United States; or

13 (2) deposited only into accounts that are in-
14 sured by an agency or instrumentality of the United
15 States, or are fully collateralized to ensure protec-
16 tion of the funds, even in the event of a bank failure.

17 SEC. 112. Notwithstanding any other provisions of
18 law, the National Park Service shall not develop or imple-
19 ment a reduced entrance fee program to accommodate
20 non-local travel through a unit. The Secretary may provide
21 for and regulate local non-recreational passage through
22 units of the National Park System, allowing each unit to
23 develop guidelines and permits for such activity appro-
24 priate to that unit.

1 SEC. 113. Appropriations made in this Act under the
2 headings Bureau of Indian Affairs and Office of Special
3 Trustee for American Indians and any available unobli-
4 gated balances from prior appropriations Acts made under
5 the same headings, shall be available for expenditure or
6 transfer for Indian trust management activities pursuant
7 to the Trust Management Improvement Project High
8 Level Implementation Plan.

9 SEC. 114. A grazing permit or lease that expires (or
10 is transferred) during fiscal year 2002 shall be renewed
11 under section 402 of the Federal Land Policy and Man-
12 agement Act of 1976, as amended (43 U.S.C. 1752) or
13 if applicable, section 510 of the California Desert Protec-
14 tion Act (16 U.S.C. 410aaa–50). The terms and condi-
15 tions contained in the expiring permit or lease shall con-
16 tinue in effect under the new permit or lease until such
17 time as the Secretary of the Interior completes processing
18 of such permit or lease in compliance with all applicable
19 laws and regulations, at which time such permit or lease
20 may be canceled, suspended or modified, in whole or in
21 part, to meet the requirements of such applicable laws and
22 regulations. Nothing in this section shall be deemed to
23 alter the Secretary’s statutory authority.

24 SEC. 115. Notwithstanding any other provision of
25 law, for the purpose of reducing the backlog of Indian pro-

1 bate cases in the Department of the Interior, the hearing
2 requirements of chapter 10 of title 25, United States
3 Code, are deemed satisfied by a proceeding conducted by
4 an Indian probate judge, appointed by the Secretary with-
5 out regard to the provisions of title 5, United States Code,
6 governing the appointments in the competitive service, for
7 such period of time as the Secretary determines necessary:
8 *Provided*, That the basic pay of an Indian probate judge
9 so appointed may be fixed by the Secretary without regard
10 to the provisions of chapter 51, and subchapter III of
11 chapter 53 of title 5, United States Code, governing the
12 classification and pay of General Schedule employees, ex-
13 cept that no such Indian probate judge may be paid at
14 a level which exceeds the maximum rate payable for the
15 highest grade of the General Schedule, including locality
16 pay.

17 SEC. 116. Notwithstanding any other provision of
18 law, the Secretary of the Interior is authorized to redis-
19 tribute any Tribal Priority Allocation funds, including
20 tribal base funds, to alleviate tribal funding inequities by
21 transferring funds to address identified, unmet needs,
22 dual enrollment, overlapping service areas or inaccurate
23 distribution methodologies. No tribe shall receive a reduc-
24 tion in Tribal Priority Allocation funds of more than 10
25 percent in fiscal year 2002. Under circumstances of dual

1 enrollment, overlapping service areas or inaccurate dis-
2 tribution methodologies, the 10 percent limitation does not
3 apply.

4 SEC. 117. None of the funds in this Act may be used
5 to establish a new National Wildlife Refuge in the Kan-
6 kakee River basin that is inconsistent with the United
7 States Army Corps of Engineers' efforts to control flood-
8 ing and siltation in that area. Written certification of con-
9 sistency shall be submitted to the House and Senate Com-
10 mittees on Appropriations prior to refuge establishment.

11 SEC. 118. Funds appropriated for the Bureau of In-
12 dian Affairs for postsecondary schools for fiscal year 2002
13 shall be allocated among the schools proportionate to the
14 unmet need of the schools as determined by the Postsec-
15 ondary Funding Formula adopted by the Office of Indian
16 Education Programs.

17 SEC. 119. (a) The Secretary of the Interior shall take
18 such action as may be necessary to ensure that the lands
19 comprising the Huron Cemetery in Kansas City, Kansas
20 (as described in section 123 of Public Law 106–291) are
21 used only in accordance with this section.

22 (b) The lands of the Huron Cemetery shall be used
23 only (1) for religious and cultural uses that are compatible
24 with the use of the lands as a cemetery, and (2) as a burial
25 ground.

1 SEC. 120. No funds appropriated for the Department
2 of the Interior by this Act or any other Act shall be used
3 to study or implement any plan to drain Lake Powell or
4 to reduce the water level of the lake below the range of
5 water levels required for the operation of the Glen Canyon
6 Dam.

7 SEC. 121. Notwithstanding any other provision of
8 law, in conveying the Twin Cities Research Center under
9 the authority provided by Public Law 104–134, as amend-
10 ed by Public Law 104–208, the Secretary may accept and
11 retain land and other forms of reimbursement: *Provided*,
12 That the Secretary may retain and use any such reim-
13 bursement until expended and without further appropria-
14 tion: (1) for the benefit of the National Wildlife Refuge
15 System within the State of Minnesota; and (2) for all ac-
16 tivities authorized by Public Law 100–696; 16 U.S.C.
17 460zz.

18 SEC. 122. Section 412(b) of the National Parks Om-
19 nibus Management Act of 1998, as amended (16 U.S.C.
20 5961) is amended by striking “2001” and inserting
21 “2002”.

22 SEC. 123. Notwithstanding other provisions of law,
23 the National Park Service may authorize, through cooper-
24 ative agreement, the Golden Gate National Parks Associa-
25 tion to provide fee-based education, interpretive and vis-

1 itor service functions within the Crissy Field and Fort
2 Point areas of the Presidio.

3 SEC. 124. Notwithstanding 31 U.S.C. 3302(b), sums
4 received by the Bureau of Land Management for the sale
5 of seeds or seedlings including those collected in fiscal year
6 2001, may be credited to the appropriation from which
7 funds were expended to acquire or grow the seeds or seed-
8 lings and are available without fiscal year limitation.

9 SEC. 125. TRIBAL SCHOOL CONSTRUCTION DEM-
10 ONSTRATION PROGRAM. (a) DEFINITIONS.—In this sec-
11 tion:

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

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

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

21 (4) TRIBALLY CONTROLLED SCHOOL.—The
22 term “tribally controlled school” has the meaning
23 given that term in section 5212 of the Tribally Con-
24 trolled Schools Act of 1988 (25 U.S.C. 2511).

1 (5) DEPARTMENT.—The term “Department”
2 means the Department of the Interior.

3 (6) DEMONSTRATION PROGRAM.—The term
4 “demonstration program” means the Tribal School
5 Construction Demonstration Program.

6 (b) IN GENERAL.—The Secretary shall carry out a
7 demonstration program to provide grants to Indian tribes
8 for the construction of tribally controlled schools.

9 (1) IN GENERAL.—Subject to the availability of
10 appropriations, in carrying out the demonstration
11 program under subsection (b), the Secretary shall
12 award a grant to each Indian tribe that submits an
13 application that is approved by the Secretary under
14 paragraph (2). The Secretary shall ensure that an
15 eligible Indian tribe currently on the Department’s
16 priority list for construction of replacement edu-
17 cational facilities receives the highest priority for a
18 grant under this section.

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

21 (A) include a proposal for the construction
22 of a tribally controlled school of the Indian tribe
23 that submits the application; and

24 (B) be in such form as the Secretary deter-
25 mines appropriate.

1 (3) GRANT AGREEMENT.—As a condition to re-
2 ceiving a grant under this section, the Indian tribe
3 shall enter into an agreement with the Secretary
4 that specifies—

5 (A) the costs of construction under the
6 grant;

7 (B) that the Indian tribe shall be required
8 to contribute towards the cost of the construc-
9 tion a tribal share equal to 50 percent of the
10 costs; and

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

13 (4) ELIGIBILITY.—Grants awarded under the
14 demonstration program shall only be for construc-
15 tion of replacement tribally controlled schools.

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

1 SEC. 126. WHITE RIVER OIL SHALE MINE, UTAH.

2 (a) SALE.—The Administrator of General Services (re-
3 ferred to in this section as the “Administrator”) shall sell
4 all right, title, and interest of the United States in and
5 to the improvements and equipment described in sub-
6 section (b) that are situated on the land described in sub-
7 section (c) (referred to in this section as the “Mine”).

8 (b) DESCRIPTION OF IMPROVEMENTS AND EQUIP-
9 MENT.—The improvements and equipment referred to in
10 subsection (a) are the following improvements and equip-
11 ment associated with the Mine:

- 12 (1) Mine Service Building.
- 13 (2) Sewage Treatment Building.
- 14 (3) Electrical Switchgear Building.
- 15 (4) Water Treatment Building/Plant.
- 16 (5) Ventilation/Fan Building.
- 17 (6) Water Storage Tanks.
- 18 (7) Mine Hoist Cage and Headframe.
- 19 (8) Miscellaneous Mine-related equipment.

20 (c) DESCRIPTION OF LAND.—The land referred to in
21 subsection (a) is the land located in Uintah County, Utah,
22 known as the “White River Oil Shale Mine” and described
23 as follows:

- 24 (1) T. 10 S., R. 24 E., Salt Lake Meridian, sec-
25 tions 12 through 14, 19 through 30, 33, and 34.

1 (2) T. 10 S., R. 25 E., Salt Lake Meridian, sec-
2 tions 18 and 19.

3 (d) USE OF PROCEEDS.—The proceeds of the sale
4 under subsection (a)—

5 (1) shall be deposited in a special account in
6 the Treasury of the United States; and

7 (2) shall be available until expended, without
8 further Act of appropriation—

9 (A) first, to reimburse the Administrator
10 for the direct costs of the sale; and

11 (B) second, to reimburse the Bureau of
12 Land Management Utah State Office for the
13 costs of closing and rehabilitating the Mine.

14 (e) MINE CLOSURE AND REHABILITATION.—The
15 closing and rehabilitation of the Mine (including closing
16 of the mine shafts, site grading, and surface revegetation)
17 shall be conducted in accordance with—

18 (1) the regulatory requirements of the State of
19 Utah, the Mine Safety and Health Administration,
20 and the Occupational Safety and Health Administra-
21 tion; and

22 (2) other applicable law.

1 TITLE II—RELATED AGENCIES
2 DEPARTMENT OF AGRICULTURE
3 FOREST SERVICE
4 FOREST AND RANGELAND RESEARCH

5 For necessary expenses of forest and rangeland re-
6 search as authorized by law, \$236,979,000, to remain
7 available until expended.

8 STATE AND PRIVATE FORESTRY

9 For necessary expenses of cooperating with and pro-
10 viding technical and financial assistance to States, terri-
11 tories, possessions, and others, and for forest health man-
12 agement, cooperative forestry, and education and land
13 conservation activities and conducting an international
14 program as authorized, \$277,771,000, to remain available
15 until expended, as authorized by law, of which
16 \$60,000,000 is for the Forest Legacy Program,
17 \$8,000,000 is for the Stewardship Incentives Program,
18 and \$36,000,000 is for the Urban and Community For-
19 estry Program, defined in section 250(c)(4)(E)(ix) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985, as amended, for the purposes of such Act: *Provided*,
22 That, hereafter, “Forest Service State and Private For-
23 estry, Stewardship Incentives Program” shall be consid-
24 ered to be within the “State and Other Conservation sub-
25 category” in section 250(c)(4)(G) of the Balanced Budget

1 and Emergency Deficit Control Act of 1985, as amended:
2 *Provided further*, That none of the funds provided under
3 this heading for the acquisition of lands or interests in
4 lands shall be available until the House Committee on Ap-
5 propriations and the Senate Committee on Appropriations
6 provide to the Secretary, in writing, a list of specific acqui-
7 sitions to be undertaken with such funds.

8 NATIONAL FOREST SYSTEM

9 For necessary expenses of the Forest Service, not
10 otherwise provided, for management, protection, improve-
11 ment, and utilization of the National Forest System,
12 \$1,326,445,000, to remain available until expended, which
13 shall include 50 percent of all moneys received during
14 prior fiscal years as fees collected under the Land and
15 Water Conservation Fund Act of 1965, as amended, in
16 accordance with section 4 of the Act (16 U.S.C. 460l-
17 6a(i)): *Provided*, That unobligated balances available at
18 the start of fiscal year 2002 shall be displayed by budget
19 line item in the fiscal year 2003 budget justification: *Pro-*
20 *vided further*, That the Secretary may authorize the ex-
21 penditure or transfer of such sums as necessary to the
22 Department of the Interior, Bureau of Land Management
23 for removal, preparation, and adoption of excess wild
24 horses and burros from National Forest System lands.

WILDLAND FIRE MANAGEMENT

1
2 For necessary expenses for forest fire presuppression
3 activities on National Forest System lands, for emergency
4 fire suppression on or adjacent to such lands or other
5 lands under fire protection agreement, and for emergency
6 rehabilitation of burned-over National Forest System
7 lands and water, \$1,402,305,000, to remain available until
8 expended: *Provided*, That such funds including unobli-
9 gated balances under this head, are available for repay-
10 ment of advances from other appropriations accounts pre-
11 viously transferred for such purposes: *Provided further*,
12 That not less than 50 percent of any unobligated balances
13 remaining (exclusive of amounts for hazardous fuels re-
14 duction) at the end of fiscal year 2000 shall be trans-
15 ferred, as repayment for past advances that have not been
16 repaid, to the fund established pursuant to section 3 of
17 Public Law 71-319 (16 U.S.C. 576 et seq.): *Provided fur-*
18 *ther*, That notwithstanding any other provision of law,
19 \$8,000,000 of funds appropriated under this appropria-
20 tion shall be used for Fire Science Research in support
21 of the Joint Fire Science Program: *Provided further*, That
22 all authorities for the use of funds, including the use of
23 contracts, grants, and cooperative agreements, available to
24 execute the Forest and Rangeland Research appropria-
25 tion, are also available in the utilization of these funds

1 for Fire Science Research: *Provided further*, That funds
2 provided shall be available for emergency rehabilitation
3 and restoration, hazard reduction activities in the urban-
4 wildland interface, support to federal emergency response,
5 and wildfire suppression activities of the Forest Service;
6 *Provided further*, That of the funds provided,
7 \$227,010,000 is for hazardous fuel treatment,
8 \$81,000,000 is for rehabilitation and restoration,
9 \$38,000,000 is for capital improvement and maintenance
10 of fire facilities, \$27,265,000 is for research activities and
11 to make competitive research grants pursuant to the For-
12 est and Rangeland Renewable Resources Research Act, as
13 amended (16 U.S.C. 1641 et seq.), \$50,383,000 is for
14 state fire assistance, \$8,262,000 is for volunteer fire as-
15 sistance, \$11,974,000 is for forest health activities on
16 state, private, and federal lands, and \$12,472,000 is for
17 economic action programs: *Provided further*, That
18 amounts in this paragraph may be transferred to the
19 “State and Private Forestry”, “National Forest System”,
20 “Forest and Rangeland Research”, and “Capital Improve-
21 ment and Maintenance” accounts to fund state fire assist-
22 ance, volunteer fire assistance, and forest health manage-
23 ment, vegetation and watershed management, heritage site
24 rehabilitation, wildlife and fish habitat management, trails
25 and facilities maintenance and restoration: *Provided fur-*

1 *ther*, That transfers of any amounts in excess of those au-
2 thorized in this paragraph, shall require approval of the
3 House and Senate Committees on Appropriations in com-
4 pliance with reprogramming procedures contained in
5 House Report No. 105–163: *Provided further*, That the
6 costs of implementing any cooperative agreement between
7 the Federal government and any non-Federal entity may
8 be shared, as mutually agreed on by the affected parties:
9 *Provided further*, That in entering into such grants or co-
10 operative agreements, the Secretary may consider the en-
11 hancement of local and small business employment oppor-
12 tunities for rural communities, and that in entering into
13 procurement contracts under this section on a best value
14 basis, the Secretary may take into account the ability of
15 an entity to enhance local and small business employment
16 opportunities in rural communities, and that the Secretary
17 may award procurement contracts, grants, or cooperative
18 agreements under this section to entities that include local
19 non-profit entities, Youth Conservation Corps or related
20 partnerships with State, local or non-profit youth groups,
21 or small or disadvantaged businesses: *Provided further*,
22 That:

23 (1) In expending the funds provided with respect to
24 this Act for hazardous fuels reduction, the Secretary of
25 the Interior and the Secretary of Agriculture may conduct

1 fuel reduction treatments on Federal lands using all con-
2 tracting and hiring authorities available to the Secretaries
3 applicable to hazardous fuel reduction activities under the
4 wildland fire management accounts. Notwithstanding Fed-
5 eral government procurement and contracting laws, the
6 Secretaries may conduct fuel reduction treatments on
7 Federal lands using grants and cooperative agreements.
8 Notwithstanding Federal government procurement and
9 contracting laws, in order to provide employment and
10 training opportunities to people in rural communities, the
11 Secretaries may award contracts, including contracts for
12 monitoring activities, to—

13 (A) local private, nonprofit, or cooperative
14 entities;

15 (B) Youth Conservation Corps crews or re-
16 lated partnerships, with State, local and non-
17 profit youth groups;

18 (C) small or micro-businesses; or

19 (D) other entities that will hire or train a
20 significant percentage of local people to com-
21 plete such contracts. The authorities described
22 above relating to contracts, grants, and cooper-
23 ative agreements are available until all funds
24 provided in this title for hazardous fuels reduc-

1 tion activities in the urban wildland interface
2 are obligated.

3 (2)(A) The Secretary of Agriculture may transfer or
4 reimburse funds to the United States Fish and Wildlife
5 Service of the Department of the Interior, or the National
6 Marine Fisheries Service of the Department of Commerce,
7 for the costs of carrying out their responsibilities under
8 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
9 seq.) to consult and conference as required by section 7
10 of such Act in connection with wildland fire management
11 activities in fiscal years 2001 and 2002.

12 (B) Only those funds appropriated for fiscal years
13 2001 and 2002 to Forest Service (USDA) for wildland
14 fire management are available to the Secretary of Agri-
15 culture for such transfer or reimbursement.

16 (C) The amount of the transfer or reimbursement
17 shall be as mutually agreed by the Secretary of Agri-
18 culture and the Secretary of the Interior or Secretary of
19 Commerce, as applicable, or their designees. The amount
20 shall in no case exceed the actual costs of consultation and
21 conferencing in connection with wildland fire management
22 activities affecting National Forest System lands.

23 For an additional amount, to liquidate obligations
24 previously incurred, \$274,147,000.

1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 For necessary expenses of the Forest Service, not
3 otherwise provided for, \$535,513,000, to remain available
4 until expended for construction, reconstruction, mainte-
5 nance and acquisition of buildings and other facilities, and
6 for construction, reconstruction, repair and maintenance
7 of forest roads and trails by the Forest Service as author-
8 ized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205,
9 of which \$50,000,000 is for “Federal Infrastructure Im-
10 provement”, defined in section 250(c)(4)(E)(xiv) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985, as amended, for the purposes of such Act: *Provided*,
13 That fiscal year 2001 balances in the Federal Infrastruc-
14 ture Improvement account for the Forest Service shall be
15 transferred to and merged with this appropriation, and
16 shall remain available until expended: *Provided further*,
17 That up to \$15,000,000 of the funds provided herein for
18 road maintenance shall be available for the decommis-
19 sioning of roads, including unauthorized roads not part
20 of the transportation system, which are no longer needed:
21 *Provided further*, That no funds shall be expended to de-
22 commission any system road until notice and an oppor-
23 tunity for public comment has been provided on each de-
24 commissioning project.

1 LAND ACQUISITION

2 For expenses necessary to carry out the provisions
3 of the Land and Water Conservation Fund Act of 1965,
4 as amended (16 U.S.C. 4601–4 through 11), including ad-
5 ministrative expenses, and for acquisition of land or wa-
6 ters, or interest therein, in accordance with statutory au-
7 thority applicable to the Forest Service, \$130,877,000 to
8 be derived from the Land and Water Conservation Fund,
9 to remain available until expended, and to be for the con-
10 servation activities defined in section 250(c)(4)(E)(iv) of
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985, as amended, for the purposes of such Act.

13 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
14 ACTS

15 For acquisition of lands within the exterior bound-
16 aries of the Cache, Uinta, and Wasatch National Forests,
17 Utah; the Toiyabe National Forest, Nevada; and the An-
18 geles, San Bernardino, Sequoia, and Cleveland National
19 Forests, California, as authorized by law, \$1,069,000, to
20 be derived from forest receipts.

21 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

22 For acquisition of lands, such sums, to be derived
23 from funds deposited by State, county, or municipal gov-
24 ernments, public school districts, or other public school au-
25 thorities pursuant to the Act of December 4, 1967, as

1 amended (16 U.S.C. 484a), to remain available until ex-
2 pended.

3 RANGE BETTERMENT FUND

4 For necessary expenses of range rehabilitation, pro-
5 tection, and improvement, 50 percent of all moneys re-
6 ceived during the prior fiscal year, as fees for grazing do-
7 mestic livestock on lands in National Forests in the 16
8 Western States, pursuant to section 401(b)(1) of Public
9 Law 94–579, as amended, to remain available until ex-
10 pended, of which not to exceed 6 percent shall be available
11 for administrative expenses associated with on-the-ground
12 range rehabilitation, protection, and improvements.

13 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
14 RANGELAND RESEARCH

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

18 MANAGEMENT OF NATIONAL FOREST LANDS FOR
19 SUBSISTENCE USES

20 For necessary expenses of the Forest Service to man-
21 age federal lands in Alaska for subsistence uses under title
22 VIII of the Alaska National Interest Lands Conservation
23 Act (Public Law 96–487), \$5,488,000, to remain available
24 until expended.

1 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

2 Appropriations to the Forest Service for the current
3 fiscal year shall be available for: (1) purchase of not to
4 exceed 132 passenger motor vehicles of which eight will
5 be used primarily for law enforcement purposes and of
6 which 130 shall be for replacement; acquisition of 25 pas-
7 senger motor vehicles from excess sources, and hire of
8 such vehicles; operation and maintenance of aircraft, the
9 purchase of not to exceed seven for replacement only, and
10 acquisition of sufficient aircraft from excess sources to
11 maintain the operable fleet at 195 aircraft for use in For-
12 est Service wildland fire programs and other Forest Serv-
13 ice programs; notwithstanding other provisions of law, ex-
14 isting aircraft being replaced may be sold, with proceeds
15 derived or trade-in value used to offset the purchase price
16 for the replacement aircraft; (2) services pursuant to 7
17 U.S.C. 2225, and not to exceed \$100,000 for employment
18 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
19 ation of buildings and other public improvements (7
20 U.S.C. 2250); (4) for expenses pursuant to the Volunteers
21 in the National Forest Act of 1972 (16 U.S.C. 558a,
22 558d, and 558a note); (5) the cost of uniforms as author-
23 ized by 5 U.S.C. 5901–5902; and (6) for debt collection
24 contracts in accordance with 31 U.S.C. 3718(c).

1 Any appropriations or funds available to the Sec-
2 retary may be transferred to the Wildland Fire Manage-
3 ment appropriation for forest firefighting, emergency re-
4 habilitation of burned-over or damaged lands or waters
5 under its jurisdiction, and fire preparedness due to severe
6 burning conditions if and only if all previously appro-
7 priated emergency contingent funds under the heading
8 “Wildland Fire Management” have been released by the
9 President and apportioned.

10 Funds appropriated to the Forest Service shall be
11 available for assistance to or through the Agency for Inter-
12 national Development and the Foreign Agricultural Serv-
13 ice in connection with forest and rangeland research, tech-
14 nical information, and assistance in foreign countries, and
15 shall be available to support forestry and related natural
16 resource activities outside the United States and its terri-
17 tories and possessions, including technical assistance, edu-
18 cation and training, and cooperation with United States
19 and international organizations.

20 None of the funds made available to the Forest Serv-
21 ice under this Act shall be subject to transfer under the
22 provisions of section 702(b) of the Department of Agri-
23 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
24 147b unless the proposed transfer is approved in advance
25 by the House and Senate Committees on Appropriations

1 in compliance with the reprogramming procedures con-
2 tained in House Report No. 105-163.

3 None of the funds available to the Forest Service may
4 be reprogrammed without the advance approval of the
5 House and Senate Committees on Appropriations in ac-
6 cordance with the procedures contained in House Report
7 No. 105-163.

8 No funds available to the Forest Service shall be
9 transferred to the Working Capital Fund of the Depart-
10 ment of Agriculture that exceed the total amount trans-
11 ferred during fiscal year 2000 for such purposes without
12 the advance approval of the House and Senate Committees
13 on Appropriations.

14 Funds available to the Forest Service shall be avail-
15 able to conduct a program of not less than \$2,000,000
16 for high priority projects within the scope of the approved
17 budget which shall be carried out by the Youth Conserva-
18 tion Corps, defined in section 250(c)(4)(E)(xii) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985,
20 as amended, for the purposes of such Act.

21 Of the funds available to the Forest Service, \$2,500
22 is available to the Chief of the Forest Service for official
23 reception and representation expenses.

24 Pursuant to sections 405(b) and 410(b) of Public
25 Law 101-593, of the funds available to the Forest Service,

1 up to \$2,250,000 may be advanced in a lump sum as Fed-
2 eral financial assistance to the National Forest Founda-
3 tion, without regard to when the Foundation incurs ex-
4 penses, for administrative expenses or projects on or bene-
5 fitting National Forest System lands or related to Forest
6 Service programs: *Provided*, That of the Federal funds
7 made available to the Foundation, no more than \$300,000
8 shall be available for administrative expenses: *Provided*
9 *further*, That the Foundation shall obtain, by the end of
10 the period of Federal financial assistance, private con-
11 tributions to match on at least one-for-one basis funds
12 made available by the Forest Service: *Provided further*,
13 That the Foundation may transfer Federal funds to a
14 non-Federal recipient for a project at the same rate that
15 the recipient has obtained the non-Federal matching
16 funds: *Provided further*, That hereafter, the National For-
17 est Foundation may hold Federal funds made available
18 but not immediately disbursed and may use any interest
19 or other investment income earned (before, on, or after
20 the date of the enactment of this Act) on Federal funds
21 to carry out the purposes of Public Law 101-593: *Pro-*
22 *vided further*, That such investments may be made only
23 in interest-bearing obligations of the United States or in
24 obligations guaranteed as to both principal and interest
25 by the United States.

1 Pursuant to section 2(b)(2) of Public Law 98–244,
2 \$2,650,000 of the funds available to the Forest Service
3 shall be available for matching funds to the National Fish
4 and Wildlife Foundation, as authorized by 16 U.S.C.
5 3701–3709, and may be advanced in a lump sum as Fed-
6 eral financial assistance, without regard to when expenses
7 are incurred, for projects on or benefitting National For-
8 est System lands or related to Forest Service programs:
9 *Provided*, That the Foundation shall obtain, by the end
10 of the period of Federal financial assistance, private con-
11 tributions to match on at least one-for-one basis funds ad-
12 vanced by the Forest Service: *Provided further*, That the
13 Foundation may transfer Federal funds to a non-Federal
14 recipient for a project at the same rate that the recipient
15 has obtained the non-Federal matching funds.

16 Funds appropriated to the Forest Service shall be
17 available for interactions with and providing technical as-
18 sistance to rural communities for sustainable rural devel-
19 opment purposes.

20 Notwithstanding any other provision of law, 80 per-
21 cent of the funds appropriated to the Forest Service in
22 the “National Forest System” and “Capital Improvement
23 and Maintenance” accounts and planned to be allocated
24 to activities under the “Jobs in the Woods” program for
25 projects on National Forest land in the State of Wash-

1 ington may be granted directly to the Washington State
2 Department of Fish and Wildlife for accomplishment of
3 planned projects. Twenty percent of said funds shall be
4 retained by the Forest Service for planning and admin-
5 istering projects. Project selection and prioritization shall
6 be accomplished by the Forest Service with such consulta-
7 tion with the State of Washington as the Forest Service
8 deems appropriate.

9 Funds appropriated to the Forest Service shall be
10 available for payments to counties within the Columbia
11 River Gorge National Scenic Area, pursuant to sections
12 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
13 663.

14 The Secretary of Agriculture is authorized to enter
15 into grants, contracts, and cooperative agreements as ap-
16 propriate with the Pinchot Institute for Conservation, as
17 well as with public and other private agencies, organiza-
18 tions, institutions, and individuals, to provide for the de-
19 velopment, administration, maintenance, or restoration of
20 land, facilities, or Forest Service programs, at the Grey
21 Towers National Historic Landmark: *Provided*, That, sub-
22 ject to such terms and conditions as the Secretary of Agri-
23 culture may prescribe, any such public or private agency,
24 organization, institution, or individual may solicit, accept,
25 and administer private gifts of money and real or personal

1 property for the benefit of, or in connection with, the ac-
2 tivities and services at the Grey Towers National Historic
3 Landmark: *Provided further*, That such gifts may be ac-
4 cepted notwithstanding the fact that a donor conducts
5 business with the Department of Agriculture in any capac-
6 ity.

7 Funds appropriated to the Forest Service shall be
8 available, as determined by the Secretary, for payments
9 to Del Norte County, California, pursuant to sections
10 13(e) and 14 of the Smith River National Recreation Area
11 Act (Public Law 101–612).

12 Notwithstanding any other provision of law, any ap-
13 propriations or funds available to the Forest Service not
14 to exceed \$500,000 may be used to reimburse the Office
15 of the General Counsel (OGC), Department of Agri-
16 culture, for travel and related expenses incurred as a re-
17 sult of OGC assistance or participation requested by the
18 Forest Service at meetings, training sessions, management
19 reviews, land purchase negotiations and similar non-litiga-
20 tion related matters. Future budget justifications for both
21 the Forest Service and the Department of Agriculture
22 should clearly display the sums previously transferred and
23 the requested funding transfers.

24 No employee of the Department of Agriculture may
25 be detailed or assigned from an agency or office funded

1 by this Act to any other agency or office of the department
2 for more than 30 days unless the individual's employing
3 agency or office is fully reimbursed by the receiving agency
4 or office for the salary and expenses of the employee for
5 the period of assignment.

6 The Forest Service shall fund indirect expenses, that
7 is expenses not directly related to specific programs or to
8 the accomplishment of specific work on-the-ground, from
9 any funds available to the Forest Service: *Provided*, That
10 the Forest Service shall implement and adhere to the defi-
11 nitions of indirect expenditures established pursuant to
12 Public Law 105-277 on a nationwide basis without flexi-
13 bility for modification by any organizational level except
14 the Washington Office, and when changed by the Wash-
15 ington Office, such changes in definition shall be reported
16 in budget requests submitted by the Forest Service: *Pro-*
17 *vided further*, That the Forest Service shall provide in all
18 future budget justifications, planned indirect expenditures
19 in accordance with the definitions, summarized and dis-
20 played to the Regional, Station, Area, and detached unit
21 office level. The justification shall display the estimated
22 source and amount of indirect expenditures, by expanded
23 budget line item, of funds in the agency's annual budget
24 justification. The display shall include appropriated funds
25 and the Knutson-Vandenberg, Brush Disposal, Coopera-

1 tive Work-Other, and Salvage Sale funds. Changes be-
2 tween estimated and actual indirect expenditures shall be
3 reported in subsequent budget justifications: *Provided*,
4 That during fiscal year 2002 the Secretary shall limit total
5 annual indirect obligations from the Brush Disposal,
6 Knutson-Vandenberg, Reforestation, Salvage Sale, and
7 Roads and Trails funds to 20 percent of the total obliga-
8 tions from each fund. Obligations in excess of 20 percent
9 which would otherwise be charged to the above funds may
10 be charged to appropriated funds available to the Forest
11 Service subject to notification of the Committees on Ap-
12 propriations of the House and Senate.

13 Any appropriations or funds available to the Forest
14 Service may be used for necessary expenses in the event
15 of law enforcement emergencies as necessary to protect
16 natural resources and public or employee safety: *Provided*,
17 That such amounts shall not exceed \$750,000.

18 The Secretary of Agriculture may authorize the sale
19 of excess buildings, facilities, and other properties owned
20 by the Forest Service and located on the Green Mountain
21 National Forest, the revenues of which shall be retained
22 by the Forest Service and available to the Secretary with-
23 out further appropriation and until expended for mainte-
24 nance and rehabilitation activities on the Green Mountain
25 National Forest.

1 DEPARTMENT OF ENERGY
2 FOSSIL ENERGY RESEARCH AND DEVELOPMENT
3 For necessary expenses in carrying out fossil energy
4 research and development activities, under the authority
5 of the Department of Energy Organization Act (Public
6 Law 95–91), including the acquisition of interest, includ-
7 ing defeasible and equitable interests in any real property
8 or any facility or for plant or facility acquisition or expan-
9 sion, and for conducting inquiries, technological investiga-
10 tions and research concerning the extraction, processing,
11 use, and disposal of mineral substances without objection-
12 able social and environmental costs (30 U.S.C. 3, 1602,
13 and 1603), \$579,000,000, to remain available until ex-
14 pended, of which \$150,000,000 is to be available, after
15 coordination with the private sector, for a request for pro-
16 posals for a Clean Coal Power Initiative providing for com-
17 petitively-awarded research, development and demonstra-
18 tion of commercial scale technologies to reduce the bar-
19 riers to continued and expanded coal use: *Provided*, That
20 all awards shall be cost-shared with industry participants:
21 *Provided further*, That in order to enhance the return to
22 the taxpayer, provisions for royalties from commercializa-
23 tion of funded technologies shall be included in the pro-
24 gram solicitation, including provisions for reasonable roy-
25 alties from sale or licensing of technologies from both do-

1 mestic and foreign transactions: *Provided further*, That no
2 part of the sum herein made available shall be used for
3 the field testing of nuclear explosives in the recovery of
4 oil and gas: *Provided further*, That up to 4 percent of pro-
5 gram direction funds available to the National Energy
6 Technology Laboratory may be used to support Depart-
7 ment of Energy activities not included in this account.

8 NAVAL PETROLEUM AND OIL SHALE RESERVES

9 For expenses necessary to carry out engineering stud-
10 ies to determine the cost of development, the predicted rate
11 and quantity of petroleum recovery, the methodology, and
12 the equipment specifications for development of Shannon
13 Formation at Naval Petroleum Reserve Numbered 3, uti-
14 lizing a below-the-reservoir production method,
15 \$17,371,000, to remain available until expended: *Pro-*
16 *vided*, That, notwithstanding any other provision of law,
17 unobligated funds remaining from prior years shall be
18 available for all naval petroleum and oil shale reserve ac-
19 tivities.

20 ELK HILLS SCHOOL LANDS FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses in fulfilling installment pay-
23 ments under the Settlement Agreement entered into by
24 the United States and the State of California on October
25 11, 1996, as authorized by section 3415 of Public Law
26 104–106, \$36,000,000, to be derived by transfer from

1 funds appropriated in prior years under the heading
2 “Clean Coal Technology”.

3 ENERGY CONSERVATION

4 For necessary expenses in carrying out energy con-
5 servation activities, \$940,805,000 to remain available
6 until expended: *Provided*, That \$311,000,000 shall be for
7 use in energy conservation grant programs as defined in
8 section 3008(3) of Public Law 99–509 (15 U.S.C. 4507):
9 *Provided further*, That notwithstanding section 3003(d)(2)
10 of Public Law 99–509, such sums shall be allocated to
11 the eligible programs as follows: \$249,000,000 for weath-
12 erization assistance grants and \$62,000,000 for State en-
13 ergy conservation grants: *Provided further*, That notwith-
14 standing any other provision of law, in fiscal year 2002
15 and thereafter sums appropriated for weatherization as-
16 sistance grants shall be contingent on a non-Federal cost
17 share of 25 percent by each participating State or other
18 qualified participant: *Provided further*, That the Secretary
19 of Energy may waive up to fifty percent of the cost-shar-
20 ing requirement for weatherization assistance for a State
21 which he finds to be experiencing fiscal hardship or major
22 changes in energy markets or suppliers or other temporary
23 limitations on its ability to provide matching funds, pro-
24 vided that the State is demonstrably engaged in con-
25 tinuing activities to secure non-Federal resources and that
26 such waiver is limited to one fiscal year and that no State

1 may be granted such waiver more than twice: *Provided*
2 *further*, That, hereafter, Indian tribal direct grantees of
3 weatherization assistance shall not be required to provide
4 matching funds.

5 ECONOMIC REGULATION

6 For necessary expenses in carrying out the activities
7 of the Office of Hearings and Appeals, \$1,996,000, to re-
8 main available until expended.

9 STRATEGIC PETROLEUM RESERVE

10 For necessary expenses for Strategic Petroleum Re-
11 serve facility development and operations and program
12 management activities pursuant to the Energy Policy and
13 Conservation Act of 1975, as amended (42 U.S.C. 6201
14 et seq.), \$179,009,000, to remain available until expended,
15 of which \$8,000,000 shall be available for maintenance of
16 a Northeast Home Heating Oil Reserve.

17 ENERGY INFORMATION ADMINISTRATION

18 For necessary expenses in carrying out the activities
19 of the Energy Information Administration, \$78,499,000,
20 to remain available until expended.

21 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

22 Appropriations under this Act for the current fiscal
23 year shall be available for hire of passenger motor vehicles;
24 hire, maintenance, and operation of aircraft; purchase, re-
25 pair, and cleaning of uniforms; and reimbursement to the

1 General Services Administration for security guard serv-
2 ices.

3 From appropriations under this Act, transfers of
4 sums may be made to other agencies of the Government
5 for the performance of work for which the appropriation
6 is made.

7 None of the funds made available to the Department
8 of Energy under this Act shall be used to implement or
9 finance authorized price support or loan guarantee pro-
10 grams unless specific provision is made for such programs
11 in an appropriations Act.

12 The Secretary is authorized to accept lands, build-
13 ings, equipment, and other contributions from public and
14 private sources and to prosecute projects in cooperation
15 with other agencies, Federal, State, private or foreign:
16 *Provided*, That revenues and other moneys received by or
17 for the account of the Department of Energy or otherwise
18 generated by sale of products in connection with projects
19 of the Department appropriated under this Act may be
20 retained by the Secretary of Energy, to be available until
21 expended, and used only for plant construction, operation,
22 costs, and payments to cost-sharing entities as provided
23 in appropriate cost-sharing contracts or agreements: *Pro-*
24 *vided further*, That the remainder of revenues after the
25 making of such payments shall be covered into the Treas-

1 ury as miscellaneous receipts: *Provided further*, That any
2 contract, agreement, or provision thereof entered into by
3 the Secretary pursuant to this authority shall not be exe-
4 cuted prior to the expiration of 30 calendar days (not in-
5 cluding any day in which either House of Congress is not
6 in session because of adjournment of more than three cal-
7 endar days to a day certain) from the receipt by the
8 Speaker of the House of Representatives and the Presi-
9 dent of the Senate of a full comprehensive report on such
10 project, including the facts and circumstances relied upon
11 in support of the proposed project.

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

16 In addition to other authorities set forth in this Act,
17 the Secretary may accept fees and contributions from pub-
18 lic and private sources, to be deposited in a contributed
19 funds account, and prosecute projects using such fees and
20 contributions in cooperation with other Federal, State or
21 private agencies or concerns.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH SERVICES

5 For expenses necessary to carry out the Act of Au-
6 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
7 tion Act, the Indian Health Care Improvement Act, and
8 titles II and III of the Public Health Service Act with re-
9 spect to the Indian Health Service, \$2,390,014,000, to-
10 gether with payments received during the fiscal year pur-
11 suant to 42 U.S.C. 238(b) for services furnished by the
12 Indian Health Service: *Provided*, That funds made avail-
13 able to tribes and tribal organizations through contracts,
14 grant agreements, or any other agreements or compacts
15 authorized by the Indian Self-Determination and Edu-
16 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
17 deemed to be obligated at the time of the grant or contract
18 award and thereafter shall remain available to the tribe
19 or tribal organization without fiscal year limitation: *Pro-*
20 *vided further*, That \$15,000,000 shall remain available
21 until expended, for the Indian Catastrophic Health Emer-
22 gency Fund: *Provided further*, That \$445,776,000 for con-
23 tract medical care shall remain available for obligation
24 until September 30, 2003: *Provided further*, That of the
25 funds provided, up to \$22,000,000 shall be used to carry

1 out the loan repayment program under section 108 of the
2 Indian Health Care Improvement Act: *Provided further*,
3 That funds provided in this Act may be used for one-year
4 contracts and grants which are to be performed in two
5 fiscal years, so long as the total obligation is recorded in
6 the year for which the funds are appropriated: *Provided*
7 *further*, That the amounts collected by the Secretary of
8 Health and Human Services under the authority of title
9 IV of the Indian Health Care Improvement Act shall re-
10 main available until expended for the purpose of achieving
11 compliance with the applicable conditions and require-
12 ments of titles XVIII and XIX of the Social Security Act
13 (exclusive of planning, design, or construction of new fa-
14 cilities): *Provided further*, That funding contained herein,
15 and in any earlier appropriations Acts for scholarship pro-
16 grams under the Indian Health Care Improvement Act
17 (25 U.S.C. 1613) shall remain available for obligation
18 until September 30, 2003: *Provided further*, That amounts
19 received by tribes and tribal organizations under title IV
20 of the Indian Health Care Improvement Act shall be re-
21 ported and accounted for and available to the receiving
22 tribes and tribal organizations until expended: *Provided*
23 *further*, That, notwithstanding any other provision of law,
24 of the amounts provided herein, not to exceed
25 \$268,234,000 shall be for payments to tribes and tribal

1 organizations for contract or grant support costs associ-
2 ated with contracts, grants, self-governance compacts or
3 annual funding agreements between the Indian Health
4 Service and a tribe or tribal organization pursuant to the
5 Indian Self-Determination Act of 1975, as amended, prior
6 to or during fiscal year 2002, of which not to exceed
7 \$20,000,000 may be used for contract support costs asso-
8 ciated with new or expanded self-determination contracts,
9 grants, self-governance compacts or annual funding agree-
10 ments: *Provided further*, That such costs should be paid
11 at a rate commensurate with existing contracts and no
12 new or expanded self-determination contracts, grants, self-
13 governance compacts or annual funding agreements shall
14 be entered into once the \$20,000,000 has been committed:
15 *Provided further*, That no existing self-determination con-
16 tract, grant, self-governance compact or annual funding
17 agreement shall receive direct contract support costs in ex-
18 cess of the amount received in fiscal year 2001 for such
19 costs: *Provided further*, That funds available for the In-
20 dian Health Care Improvement Fund may be used, as
21 needed, to carry out activities typically funded under the
22 Indian Health Facilities account.

23 INDIAN HEALTH FACILITIES

24 For construction, repair, maintenance, improvement,
25 and equipment of health and related auxiliary facilities,
26 including quarters for personnel; preparation of plans,

1 specifications, and drawings; acquisition of sites, purchase
2 and erection of modular buildings, and purchases of trail-
3 ers; and for provision of domestic and community sanita-
4 tion facilities for Indians, as authorized by section 7 of
5 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
6 Self-Determination Act, and the Indian Health Care Im-
7 provement Act, and for expenses necessary to carry out
8 such Acts and titles II and III of the Public Health Serv-
9 ice Act with respect to environmental health and facilities
10 support activities of the Indian Health Service,
11 \$369,795,000, to remain available until expended: *Pro-*
12 *vided*, That notwithstanding any other provision of law,
13 funds appropriated for the planning, design, construction
14 or renovation of health facilities for the benefit of an In-
15 dian tribe or tribes may be used to purchase land for sites
16 to construct, improve, or enlarge health or related facili-
17 ties: *Provided further*, That from the funds appropriated
18 herein, \$5,000,000 shall be designated by the Indian
19 Health Service as a contribution to the Yukon-Kuskokwim
20 Health Corporation (YKHC) to start a priority project for
21 the acquisition of land, planning, design and construction
22 of 79 staff quarters at Bethel, Alaska, subject to a nego-
23 tiated project agreement between the YKHC and the In-
24 dian Health Service: *Provided further*, That this project
25 shall not be subject to the construction provisions of the

1 Indian Self-Determination and Education Assistance Act
2 and shall be removed from the Indian Health Service pri-
3 ority list upon completion: *Provided further*, That the Fed-
4 eral Government shall not be liable for any property dam-
5 ages or other construction claims that may arise from
6 YKHC undertaking this project: *Provided further*, That
7 the land shall be owned or leased by the YKHC and title
8 to quarters shall remain vested with the YKHC: *Provided*
9 *further*, That \$5,000,000 shall remain available until ex-
10 pended for the purpose of funding up to two joint venture
11 health care facility projects authorized under the Indian
12 Health Care Improvement Act, as amended: *Provided fur-*
13 *ther*, That priority, by rank order, shall be given to tribes
14 with outpatient projects on the existing Indian Health
15 Services priority list that have Service-approved planning
16 documents, and can demonstrate by March 1, 2002, the
17 financial capability necessary to provide an appropriate fa-
18 cility: *Provided further*, That joint venture funds
19 unallocated after March 1, 2002, shall be made available
20 for joint venture projects on a competitive basis giving pri-
21 ority to tribes that currently have no existing Federally-
22 owned health care facility, have planning documents meet-
23 ing Indian Health Service requirements prepared for ap-
24 proval by the Service and can demonstrate the financial
25 capability needed to provide an appropriate facility: *Pro-*

1 *vided further*, That the Indian Health Service shall request
2 additional staffing, operation and maintenance funds for
3 these facilities in future budget requests: *Provided further*,
4 That not to exceed \$500,000 shall be used by the Indian
5 Health Service to purchase TRANSAM equipment from
6 the Department of Defense for distribution to the Indian
7 Health Service and tribal facilities: *Provided further*, That
8 not to exceed \$500,000 shall be used by the Indian Health
9 Service to obtain ambulances for the Indian Health Serv-
10 ice and tribal facilities in conjunction with an existing
11 interagency agreement between the Indian Health Service
12 and the General Services Administration: *Provided further*,
13 That not to exceed \$500,000 shall be placed in a Demoli-
14 tion Fund, available until expended, to be used by the In-
15 dian Health Service for demolition of Federal buildings:
16 *Provided further*, That notwithstanding the provisions of
17 title III, section 306, of the Indian Health Care Improve-
18 ment Act (Public Law 94-437, as amended), construction
19 contracts authorized under title I of the Indian Self-Deter-
20 mination and Education Assistance Act of 1975, as
21 amended, may be used rather than grants to fund small
22 ambulatory facility construction projects: *Provided further*,
23 That if a contract is used, the IHS is authorized to im-
24 prove municipal, private, or tribal lands, and that at no
25 time, during construction or after completion of the

1 project will the Federal Government have any rights or
2 title to any real or personal property acquired as a part
3 of the contract.

4 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

5 Appropriations in this Act to the Indian Health Serv-
6 ice shall be available for services as authorized by 5 U.S.C.
7 3109 but at rates not to exceed the per diem rate equiva-
8 lent to the maximum rate payable for senior-level positions
9 under 5 U.S.C. 5376; hire of passenger motor vehicles and
10 aircraft; purchase of medical equipment; purchase of re-
11 prints; purchase, renovation and erection of modular
12 buildings and renovation of existing facilities; payments
13 for telephone service in private residences in the field,
14 when authorized under regulations approved by the Sec-
15 retary; and for uniforms or allowances therefore as au-
16 thorized by 5 U.S.C. 5901–5902; and for expenses of at-
17 tendance at meetings which are concerned with the func-
18 tions or activities for which the appropriation is made or
19 which will contribute to improved conduct, supervision, or
20 management of those functions or activities.

21 In accordance with the provisions of the Indian
22 Health Care Improvement Act, non-Indian patients may
23 be extended health care at all tribally administered or In-
24 dian Health Service facilities, subject to charges, and the
25 proceeds along with funds recovered under the Federal
26 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall

1 be credited to the account of the facility providing the
2 service and shall be available without fiscal year limitation.
3 Notwithstanding any other law or regulation, funds trans-
4 ferred from the Department of Housing and Urban Devel-
5 opment to the Indian Health Service shall be administered
6 under Public Law 86–121 (the Indian Sanitation Facili-
7 ties Act) and Public Law 93–638, as amended.

8 Funds appropriated to the Indian Health Service in
9 this Act, except those used for administrative and program
10 direction purposes, shall not be subject to limitations di-
11 rected at curtailing Federal travel and transportation.

12 Notwithstanding any other provision of law, funds
13 previously or herein made available to a tribe or tribal or-
14 ganization through a contract, grant, or agreement au-
15 thorized by title I or title III of the Indian Self-Determina-
16 tion and Education Assistance Act of 1975 (25 U.S.C.
17 450), may be deobligated and reobligated to a self-deter-
18 mination contract under title I, or a self-governance agree-
19 ment under title III of such Act and thereafter shall re-
20 main available to the tribe or tribal organization without
21 fiscal year limitation.

22 None of the funds made available to the Indian
23 Health Service in this Act shall be used to implement the
24 final rule published in the Federal Register on September
25 16, 1987, by the Department of Health and Human Serv-

1 ices, relating to the eligibility for the health care services
2 of the Indian Health Service until the Indian Health Serv-
3 ice has submitted a budget request reflecting the increased
4 costs associated with the proposed final rule, and such re-
5 quest has been included in an appropriations Act and en-
6 acted into law.

7 Funds made available in this Act are to be appor-
8 tioned to the Indian Health Service as appropriated in this
9 Act, and accounted for in the appropriation structure set
10 forth in this Act.

11 With respect to functions transferred by the Indian
12 Health Service to tribes or tribal organizations, the Indian
13 Health Service is authorized to provide goods and services
14 to those entities, on a reimbursable basis, including pay-
15 ment in advance with subsequent adjustment. The reim-
16 bursements received therefrom, along with the funds re-
17 ceived from those entities pursuant to the Indian Self-De-
18 termination Act, may be credited to the same or subse-
19 quent appropriation account which provided the funding.
20 Such amounts shall remain available until expended.

21 Reimbursements for training, technical assistance, or
22 services provided by the Indian Health Service will contain
23 total costs, including direct, administrative, and overhead
24 associated with the provision of goods, services, or tech-
25 nical assistance.

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

4 OTHER RELATED AGENCIES

5 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Navajo and
8 Hopi Indian Relocation as authorized by Public Law 93–
9 531, \$15,148,000, to remain available until expended:
10 *Provided*, That funds provided in this or any other appro-
11 priations Act are to be used to relocate eligible individuals
12 and groups including evictees from District 6, Hopi-parti-
13 tioned lands residents, those in significantly substandard
14 housing, and all others certified as eligible and not in-
15 cluded in the preceding categories: *Provided further*, That
16 none of the funds contained in this or any other Act may
17 be used by the Office of Navajo and Hopi Indian Reloca-
18 tion to evict any single Navajo or Navajo family who, as
19 of November 30, 1985, was physically domiciled on the
20 lands partitioned to the Hopi Tribe unless a new or re-
21 placement home is provided for such household: *Provided*
22 *further*, That no relocatee will be provided with more than
23 one new or replacement home: *Provided further*, That the
24 Office shall relocate any certified eligible relocatees who
25 have selected and received an approved homesite on the

1 Navajo reservation or selected a replacement residence off
2 the Navajo reservation or on the land acquired pursuant
3 to 25 U.S.C. 640d–10.

4 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
5 CULTURE AND ARTS DEVELOPMENT

6 PAYMENT TO THE INSTITUTE

7 For payment to the Institute of American Indian and
8 Alaska Native Culture and Arts Development, as author-
9 ized by title XV of Public Law 99–498, as amended (20
10 U.S.C. 56 part A), \$4,490,000.

11 SMITHSONIAN INSTITUTION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Smithsonian Institu-
14 tion, as authorized by law, including research in the fields
15 of art, science, and history; development, preservation, and
16 documentation of the National Collections; presentation of
17 public exhibits and performances; collection, preparation,
18 dissemination, and exchange of information and publica-
19 tions; conduct of education, training, and museum assist-
20 ance programs; maintenance, alteration, operation, lease
21 (for terms not to exceed 30 years), and protection of build-
22 ings, facilities, and approaches; not to exceed \$100,000
23 for services as authorized by 5 U.S.C. 3109; up to five
24 replacement passenger vehicles; purchase, rental, repair,
25 and cleaning of uniforms for employees, \$396,200,000, of

1 which not to exceed \$53,030,000 is for the instrumenta-
2 tion program, collections acquisition, Museum Support
3 Center equipment and move, exhibition reinstallation, the
4 National Museum of the American Indian, the repatriation
5 of skeletal remains program, research equipment, informa-
6 tion management, Latino programming, and outreach,
7 and including such funds as may be necessary to support
8 American overseas research centers and a total of
9 \$125,000 for the Council of American Overseas Research
10 Centers: *Provided*, That funds appropriated herein are
11 available for advance payments to independent contractors
12 performing research services or participating in official
13 Smithsonian presentations: *Provided further*, That the
14 Smithsonian Institution may expend Federal appropria-
15 tions designated in this Act for lease or rent payments
16 for long term and swing space, as rent payable to the
17 Smithsonian Institution, and such rent payments may be
18 deposited into the general trust funds of the Institution
19 to the extent that federally supported activities are housed
20 in the 900 H Street, N.W. building in the District of Co-
21 lumbia: *Provided further*, That this use of Federal appropria-
22 tions shall not be construed as debt service, a Federal
23 guarantee of, a transfer of risk to, or an obligation of the
24 Federal Government: *Provided further*, That no appropria-
25 ted funds may be used to service debt which is in-

1 curred to finance the costs of acquiring the 900 H Street
2 building or of planning, designing, and constructing im-
3 provements to such building.

4 REPAIR, RESTORATION AND ALTERATION OF FACILITIES

5 For necessary expenses of maintenance, repair, res-
6 toration, and alteration of facilities owned or occupied by
7 the Smithsonian Institution, by contract or otherwise, as
8 authorized by section 2 of the Act of August 22, 1949
9 (63 Stat. 623), including not to exceed \$10,000 for serv-
10 ices as authorized by 5 U.S.C. 3109, \$67,900,000, to re-
11 main available until expended, of which \$10,000,000 is
12 provided for maintenance, repair, rehabilitation and alter-
13 ation of facilities at the National Zoological Park: *Pro-*
14 *vided*, That contracts awarded for environmental systems,
15 protection systems, and repair or restoration of facilities
16 of the Smithsonian Institution may be negotiated with se-
17 lected contractors and awarded on the basis of contractor
18 qualifications as well as price.

19 CONSTRUCTION

20 For necessary expenses for construction,
21 \$30,000,000, to remain available until expended.

22 ADMINISTRATIVE PROVISIONS, SMITHSONIAN

23 INSTITUTION

24 None of the funds in this or any other Act may be
25 used to make any changes to the existing Smithsonian
26 science programs including closure of facilities, relocation

1 of staff or redirection of functions and programs without
2 approval by the Board of Regents of recommendations re-
3 ceived from the Science Commission.

4 None of the funds in this or any other Act may be
5 used to initiate the design for any proposed expansion of
6 current space or new facility without consultation with the
7 House and Senate Appropriations Committees.

8 None of the funds in this or any other Act may be
9 used for the Holt House located at the National Zoological
10 Park in Washington, D.C., unless identified as repairs to
11 minimize water damage, monitor structure movement, or
12 provide interim structural support.

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

18 NATIONAL GALLERY OF ART

19 SALARIES AND EXPENSES

20 For the upkeep and operations of the National Gal-
21 lery of Art, the protection and care of the works of art
22 therein, and administrative expenses incident thereto, as
23 authorized by the Act of March 24, 1937 (50 Stat. 51),
24 as amended by the public resolution of April 13, 1939
25 (Public Resolution 9, Seventy-sixth Congress), including

1 services as authorized by 5 U.S.C. 3109; payment in ad-
2 vance when authorized by the treasurer of the Gallery for
3 membership in library, museum, and art associations or
4 societies whose publications or services are available to
5 members only, or to members at a price lower than to the
6 general public; purchase, repair, and cleaning of uniforms
7 for guards, and uniforms, or allowances therefor, for other
8 employees as authorized by law (5 U.S.C. 5901–5902);
9 purchase or rental of devices and services for protecting
10 buildings and contents thereof, and maintenance, alter-
11 ation, improvement, and repair of buildings, approaches,
12 and grounds; and purchase of services for restoration and
13 repair of works of art for the National Gallery of Art by
14 contracts made, without advertising, with individuals,
15 firms, or organizations at such rates or prices and under
16 such terms and conditions as the Gallery may deem prop-
17 er, \$68,967,000, of which not to exceed \$3,026,000 for
18 the special exhibition program shall remain available until
19 expended.

20 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

21 For necessary expenses of repair, restoration and
22 renovation of buildings, grounds and facilities owned or
23 occupied by the National Gallery of Art, by contract or
24 otherwise, as authorized, \$14,220,000, to remain available
25 until expended: *Provided*, That contracts awarded for envi-
26 ronmental systems, protection systems, and exterior repair

1 or renovation of buildings of the National Gallery of Art
2 may be negotiated with selected contractors and awarded
3 on the basis of contractor qualifications as well as price.

4 JOHN F. KENNEDY CENTER FOR THE PERFORMING
5 ARTS
6 OPERATIONS AND MAINTENANCE

7 For necessary expenses for the operation, mainte-
8 nance and security of the John F. Kennedy Center for
9 the Performing Arts, \$15,000,000.

10 CONSTRUCTION

11 For necessary expenses for capital repair and restora-
12 tion of the existing features of the building and site of
13 the John F. Kennedy Center for the Performing Arts,
14 \$19,000,000, to remain available until expended.

15 WOODROW WILSON INTERNATIONAL CENTER FOR
16 SCHOLARS
17 SALARIES AND EXPENSES

18 For expenses necessary in carrying out the provisions
19 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
20 1356) including hire of passenger vehicles and services as
21 authorized by 5 U.S.C. 3109, \$7,796,000.

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES

3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION

5 For necessary expenses to carry out the National
6 Foundation on the Arts and the Humanities Act of 1965,
7 as amended, \$98,234,000, shall be available to the Na-
8 tional Endowment for the Arts for the support of projects
9 and productions in the arts through assistance to organi-
10 zations and individuals pursuant to sections 5(c) and 5(g)
11 of the Act, for program support, and for administering
12 the functions of the Act, to remain available until ex-
13 pended: *Provided*, That funds previously appropriated to
14 the National Endowment for the Arts “Matching Grants”
15 account may be transferred to and merged with this ac-
16 count.

17 NATIONAL ENDOWMENT FOR THE HUMANITIES
18 GRANTS AND ADMINISTRATION

19 For necessary expenses to carry out the National
20 Foundation on the Arts and the Humanities Act of 1965,
21 as amended, \$104,882,000, shall be available to the Na-
22 tional Endowment for the Humanities for support of ac-
23 tivities in the humanities, pursuant to section 7(c) of the
24 Act, and for administering the functions of the Act, to
25 remain available until expended.

1 MATCHING GRANTS

2 To carry out the provisions of section 10(a)(2) of the
3 National Foundation on the Arts and the Humanities Act
4 of 1965, as amended, \$15,622,000, to remain available
5 until expended, of which \$11,622,000 shall be available
6 to the National Endowment for the Humanities for the
7 purposes of section 7(h): *Provided*, That this appropria-
8 tion shall be available for obligation only in such amounts
9 as may be equal to the total amounts of gifts, bequests,
10 and devises of money, and other property accepted by the
11 chairman or by grantees of the Endowment under the pro-
12 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
13 the current and preceding fiscal years for which equal
14 amounts have not previously been appropriated.

15 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

16 OFFICE OF MUSEUM SERVICES

17 GRANTS AND ADMINISTRATION

18 For carrying out subtitle C of the Museum and Li-
19 brary Services Act of 1996, as amended, \$24,899,000, to
20 remain available until expended.

21 CHALLENGE AMERICA ARTS FUND

22 CHALLENGE AMERICA GRANTS

23 For necessary expenses as authorized by Public Law
24 89–209, as amended, \$7,000,000, for support for arts
25 education and public outreach activities to be administered

1 by the National Endowment for the Arts, to remain avail-
2 able until expended.

3 ADMINISTRATIVE PROVISIONS

4 None of the funds appropriated to the National
5 Foundation on the Arts and the Humanities may be used
6 to process any grant or contract documents which do not
7 include the text of 18 U.S.C. 1913: *Provided*, That none
8 of the funds appropriated to the National Foundation on
9 the Arts and the Humanities may be used for official re-
10 ception and representation expenses: *Provided further*,
11 That funds from nonappropriated sources may be used as
12 necessary for official reception and representation ex-
13 penses.

14 COMMISSION OF FINE ARTS

15 SALARIES AND EXPENSES

16 For expenses made necessary by the Act establishing
17 a Commission of Fine Arts (40 U.S.C. 104), \$1,274,000:
18 *Provided*, That the Commission is authorized to charge
19 fees to cover the full costs of its publications, and such
20 fees shall be credited to this account as an offsetting col-
21 lection, to remain available until expended without further
22 appropriation.

23 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

24 For necessary expenses as authorized by Public Law
25 99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

1 ADVISORY COUNCIL ON HISTORIC PRESERVATION
2 SALARIES AND EXPENSES

3 For necessary expenses of the Advisory Council on
4 Historic Preservation (Public Law 89–665, as amended),
5 \$3,400,000: *Provided*, That none of these funds shall be
6 available for compensation of level V of the Executive
7 Schedule or higher positions.

8 NATIONAL CAPITAL PLANNING COMMISSION
9 SALARIES AND EXPENSES

10 For necessary expenses, as authorized by the Na-
11 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
12 including services as authorized by 5 U.S.C. 3109,
13 \$7,253,000: *Provided*, That all appointed members of the
14 Commission will be compensated at a rate not to exceed
15 the daily equivalent of the annual rate of pay for positions
16 at level IV of the Executive Schedule for each day such
17 member is engaged in the actual performance of duties.

18 UNITED STATES HOLOCAUST MEMORIAL COUNCIL
19 HOLOCAUST MEMORIAL MUSEUM

20 For expenses of the Holocaust Memorial Museum, as
21 authorized by Public Law 96–388 (36 U.S.C. 1401), as
22 amended (36 U.S.C. 2301–2310), \$36,028,000, of which
23 \$1,900,000 for the museum’s repair and rehabilitation
24 program and \$1,264,000 for the museum’s exhibitions
25 program shall remain available until expended.

1 PRESIDIO TRUST

2 PRESIDIO TRUST FUND

3 For necessary expenses to carry out title I of the Om-
4 nibus Parks and Public Lands Management Act of 1996,
5 \$22,427,000, shall be available to the Presidio Trust, to
6 remain available until expended.

7 TITLE III—GENERAL PROVISIONS

8 SEC. 301. The expenditure of any appropriation
9 under this Act for any consulting service through procure-
10 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
11 to those contracts where such expenditures are a matter
12 of public record and available for public inspection, except
13 where otherwise provided under existing law, or under ex-
14 isting Executive Order issued pursuant to existing law.

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

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

23 SEC. 304. None of the funds provided in this Act to
24 any department or agency shall be obligated or expended
25 to provide a personal cook, chauffeur, or other personal

1 servants to any officer or employee of such department
2 or agency except as otherwise provided by law.

3 SEC. 305. No assessments may be levied against any
4 program, budget activity, subactivity, or project funded by
5 this Act unless advance notice of such assessments and
6 the basis therefor are presented to the Committees on Ap-
7 propriations and are approved by such committees.

8 SEC. 306. None of the funds in this Act may be used
9 to plan, prepare, or offer for sale timber from trees classi-
10 fied as giant sequoia (*Sequoiadendron giganteum*) which
11 are located on National Forest System or Bureau of Land
12 Management lands in a manner different than such sales
13 were conducted in fiscal year 2001.

14 SEC. 307. None of the funds made available by this
15 Act may be obligated or expended by the National Park
16 Service to enter into or implement a concession contract
17 which permits or requires the removal of the underground
18 lunchroom at the Carlsbad Caverns National Park.

19 SEC. 308. None of the funds made available in this
20 Act may be used: (1) to demolish the bridge between Jer-
21 sey City, New Jersey, and Ellis Island; or (2) to prevent
22 pedestrian use of such bridge, when it is made known to
23 the Federal official having authority to obligate or expend
24 such funds that such pedestrian use is consistent with gen-
25 erally accepted safety standards.

1 SEC. 309. (a) LIMITATION OF FUNDS.—None of the
2 funds appropriated or otherwise made available pursuant
3 to this Act shall be obligated or expended to accept or
4 process applications for a patent for any mining or mill
5 site claim located under the general mining laws.

6 (b) EXCEPTIONS.—The provisions of subsection (a)
7 shall not apply if the Secretary of the Interior determines
8 that, for the claim concerned: (1) a patent application was
9 filed with the Secretary on or before September 30, 1994;
10 and (2) all requirements established under sections 2325
11 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
12 for vein or lode claims and sections 2329, 2330, 2331,
13 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
14 37) for placer claims, and section 2337 of the Revised
15 Statutes (30 U.S.C. 42) for mill site claims, as the case
16 may be, were fully complied with by the applicant by that
17 date.

18 (c) REPORT.—On September 30, 2002, the Secretary
19 of the Interior shall file with the House and Senate Com-
20 mittees on Appropriations and the Committee on Re-
21 sources of the House of Representatives and the Com-
22 mittee on Energy and Natural Resources of the Senate
23 a report on actions taken by the Department under the
24 plan submitted pursuant to section 314(c) of the Depart-

1 ment of the Interior and Related Agencies Appropriations
2 Act, 1997 (Public Law 104–208).

3 (d) MINERAL EXAMINATIONS.—In order to process
4 patent applications in a timely and responsible manner,
5 upon the request of a patent applicant, the Secretary of
6 the Interior shall allow the applicant to fund a qualified
7 third-party contractor to be selected by the Bureau of
8 Land Management to conduct a mineral examination of
9 the mining claims or mill sites contained in a patent appli-
10 cation as set forth in subsection (b). The Bureau of Land
11 Management shall have the sole responsibility to choose
12 and pay the third-party contractor in accordance with the
13 standard procedures employed by the Bureau of Land
14 Management in the retention of third-party contractors.

15 SEC. 310. Notwithstanding any other provision of
16 law, amounts appropriated to or earmarked in Committee
17 reports for the Bureau of Indian Affairs and the Indian
18 Health Service by Public Laws 103–138, 103–332, 104–
19 134, 104–208, 105–83, 105–277, 106–113, and 106–291
20 for payments to tribes and tribal organizations for con-
21 tract support costs associated with self-determination or
22 self-governance contracts, grants, compacts, or annual
23 funding agreements with the Bureau of Indian Affairs or
24 the Indian Health Service as funded by such Acts, are the
25 total amounts available for fiscal years 1994 through 2001

1 for such purposes, except that, for the Bureau of Indian
2 Affairs, tribes and tribal organizations may use their trib-
3 al priority allocations for unmet indirect costs of ongoing
4 contracts, grants, self-governance compacts or annual
5 funding agreements.

6 SEC. 311. Notwithstanding any other provision of
7 law, for fiscal year 2002 the Secretaries of Agriculture and
8 the Interior are authorized to limit competition for water-
9 shed restoration project contracts as part of the “Jobs in
10 the Woods” Program established in Region 10 of the For-
11 est Service to individuals and entities in historically tim-
12 ber-dependent areas in the States of Washington, Oregon,
13 northern California and Alaska that have been affected by
14 reduced timber harvesting on Federal lands. The Secre-
15 taries shall consider the benefits to the local economy in
16 evaluating bids and designing procurements which create
17 economic opportunities for local contractors.

18 SEC. 312. (a) RECREATIONAL FEE DEMONSTRATION
19 PROGRAM.—Subsection (f) of section 315 of the Depart-
20 ment of the Interior and Related Agencies Appropriations
21 Act, 1996 (as contained in section 101(c) of Public Law
22 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note),
23 is amended—

1 (1) by striking “commence on October 1, 1995,
2 and end on September 30, 2002” and inserting “end
3 on September 30, 2006”; and

4 (2) by striking “September 30, 2005” and in-
5 serting “September 30, 2009”.

6 (b) EXPANSION OF PROGRAM.—Subsection (b) of
7 such section is amended by striking “no fewer than 10,
8 but as many as 100,”.

9 (c) REVENUE SHARING.—Subsection (d)(1) of such
10 section is amended by inserting “the Secure Rural Schools
11 and Community Self-Determination Act of 2000 (Public
12 Law 106–393; 16 U.S.C. 500 note),” before “and any
13 other provision”.

14 (d) DISCOUNTED FEES.—Subsection (b)(2) of such
15 section is amended by inserting after “testing” the fol-
16 lowing: “, including the provision of discounted or free ad-
17 mission or use as the Secretary considers appropriate”.

18 (e) SPECIAL USE PERMITS.—Subsection (b) of such
19 section is amended—

20 (1) in paragraph (4), by striking “and” at the
21 end of the paragraph;

22 (2) in paragraph (5), by striking the period at
23 the end of the paragraph and inserting “; and”; and

24 (3) by adding at the end the following new
25 paragraph:

1 “(6) in fiscal year 2003 and thereafter may re-
2 tain, for distribution and use as provided in sub-
3 section (c), fees imposed by the Forest Service for
4 the issuance of recreation special use authorizations
5 not exceeding one year under any provision of law.”.

6 (f) CAPITAL PROJECTS.—Subsection (c)(2) of such
7 section is amended by adding at the end the following new
8 subparagraph:

9 “(D) None of the funds collected under this section
10 may be used to plan, design, or construct a visitor center
11 or any other permanent structure without prior approval
12 of the Committee on Appropriations of the House of Rep-
13 resentatives and the Committee on Appropriations of the
14 Senate if the estimated total cost of the structure exceeds
15 \$500,000.”.

16 SEC. 313. All interests created under leases, conces-
17 sions, permits and other agreements associated with the
18 properties administered by the Presidio Trust, hereafter
19 shall be exempt from all taxes and special assessments of
20 every kind by the State of California and its political sub-
21 divisions.

22 SEC. 314. None of the funds made available in this
23 or any other Act for any fiscal year may be used to des-
24 ignate, or to post any sign designating, any portion of Ca-
25 naveral National Seashore in Brevard County, Florida, as

1 a clothing-optional area or as an area in which public nu-
2 dity is permitted, if such designation would be contrary
3 to county ordinance.

4 SEC. 315. Of the funds provided to the National En-
5 dowment for the Arts—

6 (1) The Chairperson shall only award a grant
7 to an individual if such grant is awarded to such in-
8 dividual for a literature fellowship, National Herit-
9 age Fellowship, or American Jazz Masters Fellow-
10 ship.

11 (2) The Chairperson shall establish procedures
12 to ensure that no funding provided through a grant,
13 except a grant made to a State or local arts agency,
14 or regional group, may be used to make a grant to
15 any other organization or individual to conduct ac-
16 tivity independent of the direct grant recipient.
17 Nothing in this subsection shall prohibit payments
18 made in exchange for goods and services.

19 (3) No grant shall be used for seasonal support
20 to a group, unless the application is specific to the
21 contents of the season, including identified programs
22 and/or projects.

23 SEC. 316. The National Endowment for the Arts and
24 the National Endowment for the Humanities are author-
25 ized to solicit, accept, receive, and invest in the name of

1 the United States, gifts, bequests, or devises of money and
2 other property or services and to use such in furtherance
3 of the functions of the National Endowment for the Arts
4 and the National Endowment for the Humanities. Any
5 proceeds from such gifts, bequests, or devises, after ac-
6 ceptance by the National Endowment for the Arts or the
7 National Endowment for the Humanities, shall be paid by
8 the donor or the representative of the donor to the Chair-
9 man. The Chairman shall enter the proceeds in a special
10 interest-bearing account to the credit of the appropriate
11 endowment for the purposes specified in each case.

12 SEC. 317. (a) In providing services or awarding fi-
13 nancial assistance under the National Foundation on the
14 Arts and the Humanities Act of 1965 from funds appro-
15 priated under this Act, the Chairperson of the National
16 Endowment for the Arts shall ensure that priority is given
17 to providing services or awarding financial assistance for
18 projects, productions, workshops, or programs that serve
19 underserved populations.

20 (b) In this section:

21 (1) The term “underserved population” means
22 a population of individuals, including urban minori-
23 ties, who have historically been outside the purview
24 of arts and humanities programs due to factors such

1 as a high incidence of income below the poverty line
2 or to geographic isolation.

3 (2) The term “poverty line” means the poverty
4 line (as defined by the Office of Management and
5 Budget, and revised annually in accordance with sec-
6 tion 673(2) of the Community Services Block Grant
7 Act (42 U.S.C. 9902(2))) applicable to a family of
8 the size involved.

9 (c) In providing services and awarding financial as-
10 sistance under the National Foundation on the Arts and
11 Humanities Act of 1965 with funds appropriated by this
12 Act, the Chairperson of the National Endowment for the
13 Arts shall ensure that priority is given to providing serv-
14 ices or awarding financial assistance for projects, produc-
15 tions, workshops, or programs that will encourage public
16 knowledge, education, understanding, and appreciation of
17 the arts.

18 (d) With funds appropriated by this Act to carry out
19 section 5 of the National Foundation on the Arts and Hu-
20 manities Act of 1965—

21 (1) the Chairperson shall establish a grant cat-
22 egory for projects, productions, workshops, or pro-
23 grams that are of national impact or availability or
24 are able to tour several States;

1 (2) the Chairperson shall not make grants ex-
2 ceeding 15 percent, in the aggregate, of such funds
3 to any single State, excluding grants made under the
4 authority of paragraph (1);

5 (3) the Chairperson shall report to the Con-
6 gress annually and by State, on grants awarded by
7 the Chairperson in each grant category under sec-
8 tion 5 of such Act; and

9 (4) the Chairperson shall encourage the use of
10 grants to improve and support community-based
11 music performance and education.

12 SEC. 318. None of the funds in this Act may be used
13 to support Government-wide administrative functions un-
14 less such functions are justified in the budget process and
15 funding is approved by the House and Senate Committees
16 on Appropriations.

17 SEC. 319. Notwithstanding any other provision of
18 law, none of the funds in this Act may be used for GSA
19 Telecommunication Centers.

20 SEC. 320. None of the funds in this Act may be used
21 for planning, design or construction of improvements to
22 Pennsylvania Avenue in front of the White House without
23 the advance approval of the House and Senate Committees
24 on Appropriations.

1 SEC. 321. Amounts deposited during fiscal year 2001
2 in the roads and trails fund provided for in the fourteenth
3 paragraph under the heading “FOREST SERVICE” of
4 the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501),
5 shall be used by the Secretary of Agriculture, without re-
6 gard to the State in which the amounts were derived, to
7 repair or reconstruct roads, bridges, and trails on National
8 Forest System lands or to carry out and administer
9 projects to improve forest health conditions, which may
10 include the repair or reconstruction of roads, bridges, and
11 trails on National Forest System lands in the wildland-
12 community interface where there is an abnormally high
13 risk of fire. The projects shall emphasize reducing risks
14 to human safety and public health and property and en-
15 hancing ecological functions, long-term forest productivity,
16 and biological integrity. The projects may be completed
17 in a subsequent fiscal year. Funds shall not be expended
18 under this section to replace funds which would otherwise
19 appropriately be expended from the timber salvage sale
20 fund. Nothing in this section shall be construed to exempt
21 any project from any environmental law.

22 SEC. 322. Other than in emergency situations, none
23 of the funds in this Act may be used to operate telephone
24 answering machines during core business hours unless
25 such answering machines include an option that enables

1 callers to reach promptly an individual on-duty with the
2 agency being contacted.

3 SEC. 323. No timber sale in Region 10 shall be adver-
4 tised if the indicated rate is deficit when appraised under
5 the transaction evidence appraisal system using domestic
6 Alaska values for western red cedar: *Provided*, That sales
7 which are deficit when appraised under the transaction
8 evidence appraisal system using domestic Alaska values
9 for western red cedar may be advertised upon receipt of
10 a written request by a prospective, informed bidder, who
11 has the opportunity to review the Forest Service's cruise
12 and harvest cost estimate for that timber. Program accom-
13 plishments shall be based on volume sold. Should Region
14 10 sell, in fiscal year 2001, the annual average portion
15 of the decadal allowable sale quantity called for in the cur-
16 rent Tongass Land Management Plan in sales which are
17 not deficit when appraised under the transaction evidence
18 appraisal system using domestic Alaska values for western
19 red cedar, all of the western red cedar timber from those
20 sales which is surplus to the needs of domestic processors
21 in Alaska, shall be made available to domestic processors
22 in the contiguous 48 United States at prevailing domestic
23 prices. Should Region 10 sell, in fiscal year 2001, less
24 than the annual average portion of the decadal allowable
25 sale quantity called for in the current Tongass Land Man-

1 agement Plan in sales which are not deficit when ap-
2 praised under the transaction evidence appraisal system
3 using domestic Alaska values for western red cedar, the
4 volume of western red cedar timber available to domestic
5 processors at prevailing domestic prices in the contiguous
6 48 United States shall be that volume: (i) which is surplus
7 to the needs of domestic processors in Alaska; and (ii) is
8 that percent of the surplus western red cedar volume de-
9 termined by calculating the ratio of the total timber vol-
10 ume which has been sold on the Tongass to the annual
11 average portion of the decadal allowable sale quantity
12 called for in the current Tongass Land Management Plan.
13 The percentage shall be calculated by Region 10 on a roll-
14 ing basis as each sale is sold (for purposes of this amend-
15 ment, a “rolling basis” shall mean that the determination
16 of how much western red cedar is eligible for sale to var-
17 ious markets shall be made at the time each sale is award-
18 ed). Western red cedar shall be deemed “surplus to the
19 needs of domestic processors in Alaska” when the timber
20 sale holder has presented to the Forest Service docu-
21 mentation of the inability to sell western red cedar logs
22 from a given sale to domestic Alaska processors at price
23 equal to or greater than the log selling value stated in
24 the contract. All additional western red cedar volume not
25 sold to Alaska or contiguous 48 United States domestic

1 processors may be exported to foreign markets at the elec-
2 tion of the timber sale holder. All Alaska yellow cedar may
3 be sold at prevailing export prices at the election of the
4 timber sale holder.

5 SEC. 324. The Forest Service, in consultation with
6 the Department of Labor, shall review Forest Service
7 campground concessions policy to determine if modifica-
8 tions can be made to Forest Service contracts for camp-
9 grounds so that such concessions fall within the regulatory
10 exemption of 29 CFR 4.122(b). The Forest Service shall
11 offer in fiscal year 2002 such concession prospectuses
12 under the regulatory exemption, except that, any pro-
13 spectus that does not meet the requirements of the regu-
14 latory exemption shall be offered as a service contract in
15 accordance with the requirements of 41 U.S.C. 351–358.

16 SEC. 325. A project undertaken by the Forest Service
17 under the Recreation Fee Demonstration Program as au-
18 thorized by section 315 of the Department of the Interior
19 and Related Agencies Appropriations Act for Fiscal Year
20 1996, as amended, shall not result in—

21 (1) displacement of the holder of an authoriza-
22 tion to provide commercial recreation services on
23 Federal lands. Prior to initiating any project, the
24 Secretary shall consult with potentially affected
25 holders to determine what impacts the project may

1 have on the holders. Any modifications to the au-
2 thorization shall be made within the terms and con-
3 ditions of the authorization and authorities of the
4 impacted agency.

5 (2) the return of a commercial recreation serv-
6 ice to the Secretary for operation when such services
7 have been provided in the past by a private sector
8 provider, except when—

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

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

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

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

20 SEC. 326. For fiscal years 2002 and 2003, the Sec-
21 retary of Agriculture is authorized to limit competition for
22 fire and fuel treatment and watershed restoration con-
23 tracts in the Giant Sequoia National Monument and the
24 Sequoia National Forest. Preference for employment shall
25 be given to dislocated and displaced workers in Tulare,

1 Kern and Fresno Counties, California, for work associated
2 with the establishment of the Giant Sequoia National
3 Monument.

4 SEC. 327. EXPEDITIOUS TREATMENT OF FOREST
5 PLAN REVISIONS.—The Secretary of Agriculture shall
6 complete revisions to all land and resource management
7 plans to manage a unit of the National Forest System pur-
8 suant to Section 6 of the Forest and Rangeland Renew-
9 able Resources Planning Act of 1974 (16 U.S.C. 1604)
10 as expeditiously as practicable using the funds provided
11 for that purpose by this Act.

12 SEC. 328. Until September 30, 2003, the authority
13 of the Secretary of Agriculture to enter into a cooperative
14 agreement under the first section of Public Law 94–148
15 (16 U.S.C. 565a–1) for a purpose described in such sec-
16 tion includes the authority to use that legal instrument
17 when the principal purpose of the resulting relationship
18 is to the mutually significant benefit of the Forest Service
19 and the other party or parties to the agreement, including
20 nonprofit entities.

21 SEC. 329. (a) PILOT PROGRAM AUTHORIZING CON-
22 VEYANCE OF EXCESS FOREST SERVICE STRUCTURES.—
23 The Secretary of Agriculture may convey, by sale or ex-
24 change, any or all right, title, and interest of the United
25 States in and to excess buildings and other structures lo-

1 cated on National Forest System lands and under the ju-
2 risdiction of the Forest Service. The conveyance may in-
3 clude the land on which the building or other structure
4 is located and such other land immediately adjacent to the
5 building or structure as the Secretary considers necessary.

6 (b) LIMITATION.—Not more than 10 conveyances
7 may be made under the authority of this section, and the
8 Secretary of Agriculture shall obtain the concurrence of
9 the Committee on Appropriations of the House of Rep-
10 resentatives and the Committee on Appropriations of the
11 Senate in advance of each conveyance.

12 (c) USE OF PROCEEDS.—The proceeds derived from
13 the sale of a building or other structure under this section
14 shall be retained by the Secretary of Agriculture and shall
15 be available to the Secretary, without further appropria-
16 tion until expended, for maintenance and rehabilitation ac-
17 tivities within the Forest Service Region in which the
18 building or structure is located.

19 (d) DURATION OF AUTHORITY.—The authority pro-
20 vided by this section expires on September 30, 2005.

21 SEC. 330. Section 551(c) of the Land Between the
22 Lakes Protection Act of 1998 (16 U.S.C. 460lll–61(c)) is
23 amended by striking “2002” and inserting “2004”.

24 SEC. 331. Section 323(a) of the Department of the
25 Interior and Related Agencies Appropriations Act, 1999,

1 as included in Public Law 105–277, Div. A, section 101(e)
2 is amended by inserting “and fiscal years 2002 through
3 2005,” before “to the extent funds are otherwise avail-
4 able”.

5 This Act may be cited as the “Department of the In-
6 terior and Related Agencies Appropriations Act, 2002”.

Union Calendar No. 56

107TH CONGRESS
1ST SESSION

H. R. 2217

[Report No. 107-103]

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

JUNE 19, 2001

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed