

Calendar No. 78

107TH CONGRESS
1ST SESSION**H.R. 2217****[Report No. 107-36]**

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 SENATE OF THE UNITED STATES

JUNE 22, 2001

Received; read twice and referred to the Committee on Appropriations

JUNE 29, 2001

Reported by Mr. BYRD, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

AN ACT

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(e)(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, \$22,298,000
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(e)(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(e) of that Act (43
14 U.S.C. 1735(e)), 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 dismantling
13 of temporary structures, and alteration and maintenance
14 of necessary buildings and appurtenant facilities to
15 which the United States has title; up to \$100,000 for pay-
16 ments, at the discretion of the Secretary, for information
17 or evidence concerning violations of laws administered by
18 the Bureau; miscellaneous and emergency expenses of en-
19 forcement activities authorized or approved by the Sec-
20 retary and to be accounted for solely on her certificate,
21 not to exceed \$10,000: *Provided*, That notwithstanding 44
22 U.S.C. 501, the Bureau may, under cooperative cost-shar-
23 ing and partnership arrangements authorized by law, pro-
24 cure printing services from cooperators in connection with
25 jointly produced publications for which the cooperators
26 share the cost of printing either in cash or in services;

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(e)(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 ear-
19 ried out by the Youth Conservation Corps defined in sec-
20 tion 250(e)(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(e)(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(e) 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(e)(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 United States Virgin Islands, the North-
12 ern Mariana Islands, and American Samoa, to establish,
13 or supplement existing, landowner incentive programs that
14 provide technical and financial assistance, including habi-
15 tat protection and restoration, to private landowners for
16 the protection and management of habitat to benefit feder-
17 ally listed, proposed, or candidate species, or other at-risk
18 species 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. 4601–4 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(e) 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(e)(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(e)(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(e) 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(e)(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(e)(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(e) 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(e)(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 4538), 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 United
6 States Virgin Islands, the Northern Mariana Islands, and
7 American Samoa, under the provisions of the Fish and
8 Wildlife Act of 1956 and the Fish and Wildlife Coordina-
9 tion Act, for the development and implementation of pro-
10 grams for the benefit of wildlife and their habitat, includ-
11 ing species that are not hunted or fished, \$100,000,000,
12 to be derived from the Land and Water Conservation
13 Fund, to remain available until expended, and to be for
14 the conservation activities defined in section
15 250(e)(4)(E)(vii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985, as amended, for the purposes
17 of such Act: *Provided*, That the Secretary shall, after de-
18 ducting administrative expenses, apportion the amount
19 provided herein in the following manner: (A) to the Dis-
20 trict of Columbia and to the Commonwealth of Puerto
21 Rico, each a sum equal to not more than one-half of 1
22 percent thereof: and (B) to Guam, American Samoa, the
23 United States Virgin Islands, and the Commonwealth of
24 the Northern Mariana Islands, each a sum equal to not
25 more than one-fourth of 1 percent thereof: *Provided fur-*
26 *ther*, That the Secretary shall apportion the remaining

1 amount in the following manner: 30 percent based on the
2 ratio to which the land area of such State bears to the
3 total land area of all such States; and 70 percent based
4 on the ratio to which the population of such State bears
5 to the total population of the United States; based on the
6 2000 United States Census; and the amounts so appor-
7 tioned shall be adjusted equitably so that no State shall
8 be apportioned a sum which is less than 1 percent of the
9 total amount available for apportionment or more than 10
10 percent: *Provided further*, That the Federal share of plan-
11 ning grants shall not exceed 75 percent of the total costs
12 of such projects and the Federal share of implementation
13 grants shall not exceed 50 percent of the total costs of
14 such projects: *Provided further*, That the non-Federal
15 share of such projects may not be derived from Federal
16 grant programs: *Provided further*, That no State, terri-
17 tory, or other jurisdiction shall receive a grant unless it
18 has developed, or committed to develop by October 1,
19 2005, a comprehensive wildlife conservation plan, con-
20 sistent with criteria established by the Secretary of the
21 Interior, that considers the broad range of the State, terri-
22 tory, or other jurisdiction's wildlife and associated habi-
23 tats, with appropriate priority placed on those species with
24 the greatest conservation need and taking into consider-
25 ation the relative level of funding available for the con-

1 chase of not to exceed 74 passenger motor vehicles, of
2 which 69 are for replacement only (including 32 for police-
3 type use); repair of damage to public roads within and
4 adjacent to reservation areas caused by operations of the
5 Service; options for the purchase of land at not to exceed
6 \$1 for each option; facilities incident to such public rec-
7 reational uses on conservation areas as are consistent with
8 their primary purpose; and the maintenance and improve-
9 ment of aquaria, buildings, and other facilities under the
10 jurisdiction of the Service and to which the United States
11 has title, and which are used pursuant to law in connection
12 with management and investigation of fish and wildlife re-
13 sources: *Provided*, That notwithstanding 44 U.S.C. 501,
14 the Service may, under cooperative cost sharing and part-
15 nership arrangements authorized by law, procure printing
16 services from cooperators in connection with jointly pro-
17 duced publications for which the cooperators share at least
18 one-half the cost of printing either in cash or services and
19 the Service determines the cooperator is capable of meet-
20 ing accepted quality standards: *Provided further*, That the
21 Service may accept donated aircraft as replacements for
22 existing aircraft: *Provided further*, That notwithstanding
23 any other provision of law, the Secretary of the Interior
24 may not spend any of the funds appropriated in this Act
25 for the purchase of lands or interests in lands to be used

1 in the establishment of any new unit of the National Wild-
2 life Refuge System unless the purchase is approved in ad-
3 vance by the House and Senate Committees on Appropria-
4 tions in compliance with the reprogramming procedures
5 contained in Senate Report 105-56.

6 NATIONAL PARK SERVICE

7 OPERATION OF THE NATIONAL PARK SYSTEM

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

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

15 UNITED STATES PARK POLICE

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

18 CONTRIBUTION FOR ANNUITY BENEFITS

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

1 essary: *Provided*, That hereafter, appropriations made to
2 the National Park Service shall not be available for this
3 purpose.

4 NATIONAL RECREATION AND PRESERVATION

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

11 URBAN PARK AND RECREATION FUND

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

19 HISTORIC PRESERVATION FUND

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

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

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

7 CONSTRUCTION

8 For construction, improvements, repair or replace-
 9 ment of physical facilities, including the modifications au-
 10 thorized by section 104 of the Everglades National Park
 11 Protection and Expansion Act of 1989, \$349,249,000, of
 12 which \$50,000,000 is for "Federal Infrastructure Im-
 13 provement", defined in section 250(c)(4)(E)(xiv) of the
 14 Balanced Budget and Emergency Deficit Control Act of
 15 1985, as amended, for the purposes of such Act.

16 LAND AND WATER CONSERVATION FUND

17 (RESCISSION)

18 The contract authority provided for fiscal year 2002
 19 by 16 U.S.C. 4601-10a is rescinded.

20 LAND ACQUISITION AND STATE ASSISTANCE

21 For expenses necessary to carry out the Land and
 22 Water Conservation Act of 1965, as amended (16 U.S.C.
 23 4601-4 through 11), including administrative expenses,
 24 and for acquisition of lands or waters, or interest therein,
 25 in accordance with the statutory authority applicable to
 26 the National Park Service, \$261,036,000, to be derived

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

1 to be acquired will be managed in perpetuity for the res-
2 toration of the Everglades: *Provided further*, That none
3 of the funds provided for the State Assistance program
4 may be used to establish a contingency fund.

5 ADMINISTRATIVE PROVISIONS

6 Appropriations for the National Park Service shall be
7 available for the purchase of not to exceed 315 passenger
8 motor vehicles, of which 256 shall be for replacement only,
9 including not to exceed 237 for police-type use, 11 buses,
10 and 8 ambulances: *Provided*, That none of the funds ap-
11 propriated to the National Park Service may be used to
12 process any grant or contract documents which do not in-
13 clude the text of 18 U.S.C. 1913: *Provided further*, That
14 none of the funds appropriated to the National Park Serv-
15 ice may be used to implement an agreement for the rede-
16 velopment of the southern end of Ellis Island until such
17 agreement has been submitted to the Congress and shall
18 not be implemented prior to the expiration of 30 calendar
19 days (not including any day in which either House of Con-
20 gress is not in session because of adjournment of more
21 than 3 calendar days to a day certain) from the receipt
22 by the Speaker of the House of Representatives and the
23 President of the Senate of a full and comprehensive report
24 on the development of the southern end of Ellis Island,
25 including the facts and circumstances relied upon in sup-
26 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(e)(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 the exist-
2 ing royalty-in-value program, including the royalty valu-
3 ation procedures established by the final rule published by
4 the Minerals Management Service on March 15, 2000 (65
5 Fed. Reg. 14022 et seq.).

6 OIL SPILL RESEARCH

7 For necessary expenses to carry out title I, section
8 1016, title IV, sections 4202 and 4303, title VII, and title
9 VIII, section 8201 of the Oil Pollution Act of 1990,
10 \$6,105,000, which shall be derived from the Oil Spill Li-
11 ability Trust Fund, to remain available until expended.

12 OFFICE OF SURFACE MINING RECLAMATION AND
13 ENFORCEMENT

14 REGULATION AND TECHNOLOGY

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

1 appropriations for the Office of Surface Mining Reclama-
2 tion and Enforcement may provide for the travel and per
3 diem expenses of State and tribal personnel attending Of-
4 fice of Surface Mining Reclamation and Enforcement
5 sponsored training.

6 ABANDONED MINE RECLAMATION FUND

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

1 exceed \$11,000,000: *Provided further*, That prior year unob-
2 ligated funds appropriated for the emergency reclamation
3 program shall not be subject to the 25 percent limitation
4 per State and may be used without fiscal year limitation
5 for emergency projects: *Provided further*, That pursuant
6 to Public Law 97-365, the Department of the Interior is
7 authorized to use up to 20 percent from the recovery of
8 the delinquent debt owed to the United States Government
9 to pay for contracts to collect these debts: *Provided fur-*
10 *ther*, That funds made available under title IV of Public
11 Law 95-87 may be used for any required non-Federal
12 share of the cost of projects funded by the Federal Gov-
13 ernment for the purpose of environmental restoration re-
14 lated to treatment or abatement of acid mine drainage
15 from abandoned mines: *Provided further*, That such
16 projects must be consistent with the purposes and prior-
17 ities of the Surface Mining Control and Reclamation Act:
18 *Provided further*, That, in addition to the amount granted
19 to the Commonwealth of Pennsylvania under sections 402
20 (g)(1) and 402(g)(5) of the Surface Mining Control and
21 Reclamation Act (Act), an additional \$500,000 will be spe-
22 cifically used for the purpose of conducting a demonstra-
23 tion project in accordance with section 401(e)(6) of the
24 Act to determine the efficacy of improving water quality

1 by removing metals from eligible waters polluted by acid
2 mine drainage.

3 BUREAU OF INDIAN AFFAIRS

4 OPERATION OF INDIAN PROGRAMS

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

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

1 tribe's trust fund account: *Provided further*, That any such
2 unobligated balances not so transferred shall expire on
3 September 30, 2004.

4 CONSTRUCTION

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

1 the Administrative and Audit Requirements and Cost
2 Principles for Assistance Programs contained in 43 CFR
3 part 12 as the regulatory requirements: *Provided further,*
4 That such grants shall not be subject to section 12.61 of
5 43 CFR; the Secretary and the grantee shall negotiate and
6 determine a schedule of payments for the work to be per-
7 formed: *Provided further,* That in considering applications,
8 the Secretary shall consider whether the Indian tribe or
9 tribal organization would be deficient in assuring that the
10 construction projects conform to applicable building stand-
11 ards and codes and Federal, tribal, or State health and
12 safety standards as required by 25 U.S.C. 2005(a), with
13 respect to organizational and financial management capa-
14 bilities: *Provided further,* That if the Secretary declines an
15 application, the Secretary shall follow the requirements
16 contained in 25 U.S.C. 2505(f): *Provided further,* That
17 any disputes between the Secretary and any grantee con-
18 cerning a grant shall be subject to the disputes provision
19 in 25 U.S.C. 2508(e): *Provided further,* That notwith-
20 standing any other provision of law, not to exceed
21 \$450,000 in collections from settlements between the
22 United States and contractors concerning the Dunseith
23 Day School are to be made available for school construc-
24 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 United States District Court, Western Dis-
16 trict of Michigan in United States v. Michigan, Case No.
17 2:73 CV 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, U.S.C. (commonly known as the "Federal Tort
16 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(e)); 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. 661e): *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 United States Virgin Islands
15 construction grants provided pursuant to Public Law 102-
16 154 to the Federal Emergency Management Agency to
17 meet the full costs associated with forgiveness of the Hur-
18 ricane Hugo Community Disaster Loan: *Provided further*,
19 That of the amounts provided for technical assistance, suf-
20 ficient funding shall be made available for a grant to the
21 Close Up Foundation: *Provided further*, That the funds
22 for the program of operations and maintenance improve-
23 ment are appropriated to institutionalize routine oper-
24 ations and maintenance improvement of capital infrastruc-
25 ture (with territorial participation and cost sharing to be

1 determined by the Secretary based on the grantees com-
2 mitment to timely maintenance of its capital assets): *Pro-*
3 *vided further*, That any appropriation for disaster assist-
4 ance under this heading in this Act or previous appropria-
5 tions Acts may be used as non-Federal matching funds
6 for the purpose of hazard mitigation grants provided pur-
7 suant to section 404 of the Robert T. Stafford Disaster
8 Relief and Emergency Assistance Act (42 U.S.C. 5170e).

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 (reduced by
23 \$9,000,000), of which not to exceed \$8,500 may be for
24 official reception and representation expenses, of which up
25 to \$1,000,000 shall be available for workers compensation
26 payments and unemployment compensation payments as-

1 sociated with the orderly closure of the United States Bu-
2 reau 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 primary 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 30 days: *Provided further*, That all funds
6 used pursuant to this section are hereby designated by
7 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 compat-
24 ible with the use of the lands as a cemetery; and (2) as
25 a burial 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 (e) 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 (reduced by \$6,000,000), to remain avail-
13 able until expended, which shall include 50 percent of all
14 moneys received during prior fiscal years as fees collected
15 under the Land and Water Conservation Fund Act of
16 1965, as amended, in accordance with section 4 of the Act
17 (16 U.S.C. 4601-6a(i)): *Provided*, That unobligated bal-
18 ances available at the start of fiscal year 2002 shall be
19 displayed by budget line item in the fiscal year 2003 budg-
20 et justification: *Provided further*, That the Secretary may
21 authorize the expenditure or transfer of such sums as nec-
22 essary to the Department of the Interior, Bureau of Land
23 Management for removal, preparation, and adoption of ex-
24 cess wild horses and burros from National Forest System
25 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 re-
5 sponse, and wildfire suppression activities of the Forest
6 Service; *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 re-
24 spect to this Act for hazardous fuels reduction, the
25 Secretary of the Interior and the Secretary of Agri-

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

15 (A) local private, nonprofit, or cooperative
16 entities;

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

20 (C) small or micro-businesses; or

21 (D) other entities that will hire or train a
22 significant percentage of local people to com-
23 plete such contracts. The authorities described
24 above relating to contracts, grants, and cooper-
25 ative agreements are available until all funds

1 provided in this title for hazardous fuels reduc-
2 tion activities in the urban wildland interface
3 are obligated.

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

14 (B) Only those funds appropriated for fiscal
15 years 2001 and 2002 to Forest Service (USDA) for
16 wildland fire management are available to the Sec-
17 retary of Agriculture for such transfer or reimburse-
18 ment.

19 (C) The amount of the transfer or reimburse-
20 ment shall be as mutually agreed by the Secretary
21 of Agriculture and the Secretary of the Interior or
22 Secretary of Commerce, as applicable, or their des-
23 ignees. The amount shall in no case exceed the ac-
24 tual costs of consultation and conferencing in con-

1 nection with wildland fire management activities af-
2 fecting National Forest System lands.

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

5 CAPITAL IMPROVEMENT AND MAINTENANCE

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

1 tunity for public comment has been provided on each de-
2 commissioning project.

3 LAND ACQUISITION

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

15 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
16 ACTS

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

23 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

24 For acquisition of lands, such sums, to be derived
25 from funds deposited by State, county, or municipal gov-
26 ernments, public school districts, or other public school au-

1 thorities pursuant to the Act of December 4, 1967, as
2 amended (16 U.S.C. 484a), to remain available until ex-
3 pended.

4 RANGE BETTERMENT FUND

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

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

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

19 MANAGEMENT OF NATIONAL FOREST LANDS FOR
20 SUBSISTENCE USES

21 For necessary expenses of the Forest Service to man-
22 age Federal lands in Alaska for subsistence uses under
23 title VIII of the Alaska National Interest Lands Conserva-
24 tion Act (Public Law 96-487), \$5,488,000, to remain
25 available 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(e)(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. 20 percent of said funds shall be re-
4 tained 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 domestic 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 the Sec-
14 retary of Energy may waive up to 50 percent of the cost-
15 sharing requirement for weatherization assistance for a
16 State which he finds to be experiencing fiscal hardship or
17 major changes in energy markets or suppliers or other
18 temporary limitations on its ability to provide matching
19 funds, provided that the State is demonstrably engaged
20 in continuing activities to secure non-Federal resources
21 and that such waiver is limited to 1 fiscal year and that
22 no State may be granted such waiver more than twice:
23 *Provided further*, That, hereafter, Indian tribal direct
24 grantees of weatherization assistance shall not be required
25 to provide matching funds.

1 for the performance of work for which the appropriation
2 is made.

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

8 The Secretary is authorized to accept lands, build-
9 ings, equipment, and other contributions from public and
10 private sources and to prosecute projects in cooperation
11 with other agencies, Federal, State, private or foreign:
12 *Provided*, That revenues and other moneys received by or
13 for the account of the Department of Energy or otherwise
14 generated by sale of products in connection with projects
15 of the Department appropriated under this Act may be
16 retained by the Secretary of Energy, to be available until
17 expended, and used only for plant construction, operation,
18 costs, and payments to cost-sharing entities as provided
19 in appropriate cost-sharing contracts or agreements: *Pro-*
20 *vided further*, That the remainder of revenues after the
21 making of such payments shall be covered into the Treas-
22 ury as miscellaneous receipts: *Provided further*, That any
23 contract, agreement, or provision thereof entered into by
24 the Secretary pursuant to this authority shall not be exe-
25 cuted prior to the expiration of 30 calendar days (not in-

1 eluding any day in which either House of Congress is not
2 in session because of adjournment of more than 3 calendar
3 days to a day certain) from the receipt by the Speaker
4 of the House of Representatives and the President of the
5 Senate of a full comprehensive report on such project, in-
6 cluding the facts and circumstances relied upon in support
7 of the proposed project.

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

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

18 DEPARTMENT OF HEALTH AND HUMAN

19 SERVICES

20 INDIAN HEALTH SERVICE

21 INDIAN HEALTH SERVICES

22 For expenses necessary to carry out the Act of Au-
23 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
24 tion Act, the Indian Health Care Improvement Act, and
25 titles II and III of the Public Health Service Act with re-

1 spect to the Indian Health Service, \$2,390,014,000, to-
2 gether with payments received during the fiscal year pur-
3 suant to 42 U.S.C. 238(b) for services furnished by the
4 Indian Health Service: *Provided*, That funds made avail-
5 able to tribes and tribal organizations through contracts,
6 grant agreements, or any other agreements or compacts
7 authorized by the Indian Self-Determination and Edu-
8 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
9 deemed to be obligated at the time of the grant or contract
10 award and thereafter shall remain available to the tribe
11 or tribal organization without fiscal year limitation: *Pro-*
12 *vided further*, That \$15,000,000 shall remain available
13 until expended, for the Indian Catastrophic Health Emer-
14 gency Fund: *Provided further*, That \$445,776,000 for con-
15 tract medical care shall remain available for obligation
16 until September 30, 2003: *Provided further*, That of the
17 funds provided, up to \$22,000,000 shall be used to carry
18 out the loan repayment program under section 108 of the
19 Indian Health Care Improvement Act: *Provided further*,
20 That funds provided in this Act may be used for 1-year
21 contracts and grants which are to be performed in 2 fiscal
22 years, so long as the total obligation is recorded in the
23 year for which the funds are appropriated: *Provided fur-*
24 *ther*, That the amounts collected by the Secretary of
25 Health and Human Services under the authority of title

1 IV of the Indian Health Care Improvement Act shall re-
2 main available until expended for the purpose of achieving
3 compliance with the applicable conditions and require-
4 ments of titles XVIII and XIX of the Social Security Act
5 (exclusive of planning, design, or construction of new fa-
6 cilities): *Provided further*, That funding contained herein,
7 and in any earlier appropriations Acts for scholarship pro-
8 grams under the Indian Health Care Improvement Act
9 (25 U.S.C. 1613) shall remain available for obligation
10 until September 30, 2003: *Provided further*, That amounts
11 received by tribes and tribal organizations under title IV
12 of the Indian Health Care Improvement Act shall be re-
13 ported and accounted for and available to the receiving
14 tribes and tribal organizations until expended: *Provided*
15 *further*, That, notwithstanding any other provision of law,
16 of the amounts provided herein, not to exceed
17 \$268,234,000 shall be for payments to tribes and tribal
18 organizations for contract or grant support costs associ-
19 ated with contracts, grants, self-governance compacts or
20 annual funding agreements between the Indian Health
21 Service and a tribe or tribal organization pursuant to the
22 Indian Self-Determination Act of 1975, as amended, prior
23 to or during fiscal year 2002, of which not to exceed
24 \$20,000,000 may be used for contract support costs asso-
25 ciated with new or expanded self-determination contracts,

1 grants, self-governance compacts or annual funding agree-
2 ments: *Provided further*, That such costs should be paid
3 at a rate commensurate with existing contracts and no
4 new or expanded self-determination contracts, grants, self-
5 governance compacts or annual funding agreements shall
6 be entered into once the \$20,000,000 has been committed:
7 *Provided further*, That no existing self-determination con-
8 tract, grant, self-governance compact or annual funding
9 agreement shall receive direct contract support costs in ex-
10 cess of the amount received in fiscal year 2001 for such
11 costs: *Provided further*, That funds available for the In-
12 dian Health Care Improvement Fund may be used, as
13 needed, to carry out activities typically funded under the
14 Indian Health Facilities account.

15 INDIAN HEALTH FACILITIES

16 For construction, repair, maintenance, improvement,
17 and equipment of health and related auxiliary facilities,
18 including quarters for personnel; preparation of plans,
19 specifications, and drawings; acquisition of sites; purchase
20 and erection of modular buildings, and purchases of trail-
21 ers; and for provision of domestic and community sanita-
22 tion facilities for Indians, as authorized by section 7 of
23 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
24 Self-Determination Act, and the Indian Health Care Im-
25 provement Act, and for expenses necessary to carry out
26 such Acts and titles II and III of the Public Health Serv-

1 ice Act with respect to environmental health and facilities
2 support activities of the Indian Health Service,
3 \$369,795,000, to remain available until expended: *Pro-*
4 *vided*, That notwithstanding any other provision of law,
5 funds appropriated for the planning, design, construction
6 or renovation of health facilities for the benefit of an In-
7 dian tribe or tribes may be used to purchase land for sites
8 to construct, improve, or enlarge health or related facili-
9 ties: *Provided further*, That from the funds appropriated
10 herein, \$5,000,000 shall be designated by the Indian
11 Health Service as a contribution to the Yukon-Kuskokwim
12 Health Corporation (YKHC) to start a priority project for
13 the acquisition of land, planning, design and construction
14 of 79 staff quarters at Bethel, Alaska, subject to a nego-
15 tiated project agreement between the YKHC and the In-
16 dian Health Service: *Provided further*, That this project
17 shall not be subject to the construction provisions of the
18 Indian Self-Determination and Education Assistance Act
19 and shall be removed from the Indian Health Service pri-
20 ority list upon completion: *Provided further*, That the Fed-
21 eral Government shall not be liable for any property dam-
22 ages or other construction claims that may arise from
23 YKHC undertaking this project: *Provided further*, That
24 the land shall be owned or leased by the YKHC and title
25 to quarters shall remain vested with the YKHC: *Provided*

1 *further*, That \$5,000,000 shall remain available until ex-
2 pended for the purpose of funding up to two joint venture
3 health care facility projects authorized under the Indian
4 Health Care Improvement Act, as amended: *Provided fur-*
5 *ther*, That priority, by rank order, shall be given to tribes
6 with outpatient projects on the existing Indian Health
7 Services priority list that have Service-approved planning
8 documents, and can demonstrate by March 1, 2002, the
9 financial capability necessary to provide an appropriate fa-
10 cility: *Provided further*, That joint venture funds
11 unallocated after March 1, 2002, shall be made available
12 for joint venture projects on a competitive basis giving pri-
13 ority to tribes that currently have no existing federally-
14 owned health care facility, have planning documents meet-
15 ing Indian Health Service requirements prepared for ap-
16 proval by the Service and can demonstrate the financial
17 capability needed to provide an appropriate facility: *Pro-*
18 *vided further*, That the Indian Health Service shall request
19 additional staffing, operation and maintenance funds for
20 these facilities in future budget requests: *Provided further*,
21 That not to exceed \$500,000 shall be used by the Indian
22 Health Service to purchase TRANSAM equipment from
23 the Department of Defense for distribution to the Indian
24 Health Service and tribal facilities: *Provided further*, That
25 not to exceed \$500,000 shall be used by the Indian Health

1 Service to obtain ambulances for the Indian Health Serv-
2 ice and tribal facilities in conjunction with an existing
3 interagency agreement between the Indian Health Service
4 and the General Services Administration: *Provided further,*
5 That not to exceed \$500,000 shall be placed in a Demoli-
6 tion Fund, available until expended, to be used by the In-
7 dian Health Service for demolition of Federal buildings:
8 *Provided further,* That notwithstanding the provisions of
9 title III, section 306, of the Indian Health Care Improve-
10 ment Act (Public Law 94-437, as amended), construction
11 contracts authorized under title I of the Indian Self-Deter-
12 mination and Education Assistance Act of 1975, as
13 amended, may be used rather than grants to fund small
14 ambulatory facility construction projects: *Provided further,*
15 That if a contract is used, the IHS is authorized to im-
16 prove municipal, private, or tribal lands, and that at no
17 time, during construction or after completion of the
18 project will the Federal Government have any rights or
19 title to any real or personal property acquired as a part
20 of the contract.

21 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

22 Appropriations in this Act to the Indian Health Serv-
23 ice shall be available for services as authorized by 5 U.S.C.
24 3109 but at rates not to exceed the per diem rate equiva-
25 lent to the maximum rate payable for senior-level positions
26 under 5 U.S.C. 5376; hire of passenger motor vehicles and

1 aircraft; purchase of medical equipment; purchase of re-
2 prints; purchase, renovation and erection of modular
3 buildings and renovation of existing facilities; payments
4 for telephone service in private residences in the field;
5 when authorized under regulations approved by the Sec-
6 retary; and for uniforms or allowances therefore as au-
7 thorized by 5 U.S.C. 5901–5902; and for expenses of at-
8 tendance at meetings which are concerned with the func-
9 tions or activities for which the appropriation is made or
10 which will contribute to improved conduct, supervision, or
11 management of those functions or activities.

12 In accordance with the provisions of the Indian
13 Health Care Improvement Act, non-Indian patients may
14 be extended health care at all tribally administered or In-
15 dian Health Service facilities, subject to charges, and the
16 proceeds along with funds recovered under the Federal
17 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
18 be credited to the account of the facility providing the
19 service and shall be available without fiscal year limitation.
20 Notwithstanding any other law or regulation, funds trans-
21 ferred from the Department of Housing and Urban Devel-
22 opment to the Indian Health Service shall be administered
23 under Public Law 86–121 (the Indian Sanitation Facili-
24 ties Act) and Public Law 93–638, as amended.

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

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

15 None of the funds made available to the Indian
16 Health Service in this Act shall be used to implement the
17 final rule published in the Federal Register on September
18 16, 1987, by the Department of Health and Human Serv-
19 ices, relating to the eligibility for the health care services
20 of the Indian Health Service until the Indian Health Serv-
21 ice has submitted a budget request reflecting the increased
22 costs associated with the proposed final rule, and such re-
23 quest has been included in an appropriations Act and en-
24 acted into law.

1 Funds made available in this Act are to be appor-
2 tioned to the Indian Health Service as appropriated in this
3 Act, and accounted for in the appropriation structure set
4 forth in this Act.

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

15 Reimbursements for training, technical assistance, or
16 services provided by the Indian Health Service will contain
17 total costs, including direct, administrative, and overhead
18 associated with the provision of goods, services, or tech-
19 nical assistance.

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

1 OTHER RELATED AGENCIES

2 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of Navajo and
5 Hopi Indian Relocation as authorized by Public Law 93-
6 531, \$15,148,000, to remain available until expended:
7 *Provided*, That funds provided in this or any other appro-
8 priations Act are to be used to relocate eligible individuals
9 and groups including evictees from District 6, Hopi-parti-
10 tioned lands residents, those in significantly substandard
11 housing, and all others certified as eligible and not in-
12 cluded in the preceding categories: *Provided further*, That
13 none of the funds contained in this or any other Act may
14 be used by the Office of Navajo and Hopi Indian Reloca-
15 tion to evict any single Navajo or Navajo family who, as
16 of November 30, 1985, was physically domiciled on the
17 lands partitioned to the Hopi Tribe unless a new or re-
18 placement home is provided for such household: *Provided*
19 *further*, That no relocatee will be provided with more than
20 one new or replacement home: *Provided further*, That the
21 Office shall relocate any certified eligible relocatees who
22 have selected and received an approved homesite on the
23 Navajo reservation or selected a replacement residence off
24 the Navajo reservation or on the land acquired pursuant
25 to 25 U.S.C. 640d-10.

1 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
2 CULTURE AND ARTS DEVELOPMENT
3 PAYMENT TO THE INSTITUTE

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

8 SMITHSONIAN INSTITUTION
9 SALARIES AND EXPENSES

10 For necessary expenses of the Smithsonian Institu-
11 tion, as authorized by law, including research in the fields
12 of art, science, and history; development, preservation, and
13 documentation of the National Collections; presentation of
14 public exhibits and performances; collection, preparation,
15 dissemination, and exchange of information and publica-
16 tions; conduct of education, training, and museum assist-
17 ance programs; maintenance, alteration, operation, lease
18 (for terms not to exceed 30 years), and protection of build-
19 ings, facilities, and approaches; not to exceed \$100,000
20 for services as authorized by 5 U.S.C. 3109; up to five
21 replacement passenger vehicles; purchase, rental, repair,
22 and cleaning of uniforms for employees; \$396,200,000, of
23 which not to exceed \$53,030,000 is for the instrumenta-
24 tion program; collections acquisition, Museum Support
25 Center equipment and move, exhibition reinstallation, the

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

1 REPAIR, RESTORATION AND ALTERATION OF FACILITIES

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

16 CONSTRUCTION

17 For necessary expenses for construction,
18 \$30,000,000, to remain available until expended.

19 ADMINISTRATIVE PROVISIONS, SMITHSONIAN

20 INSTITUTION

21 None of the funds in this or any other Act may be
22 used to make any changes to the existing Smithsonian
23 science programs including closure of facilities, relocation
24 of staff or redirection of functions and programs without
25 approval by the Board of Regents of recommendations re-
26 ceived from the Science Commission.

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

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

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

15 NATIONAL GALLERY OF ART

16 SALARIES AND EXPENSES

17 For the upkeep and operations of the National Gal-
18 lery of Art, the protection and care of the works of art
19 therein, and administrative expenses incident thereto, as
20 authorized by the Act of March 24, 1937 (50 Stat. 51),
21 as amended by the public resolution of April 13, 1939
22 (Public Resolution 9, Seventy-sixth Congress), including
23 services as authorized by 5 U.S.C. 3109; payment in ad-
24 vance when authorized by the treasurer of the Gallery for
25 membership in library, museum, and art associations or

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

17 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

18 For necessary expenses of repair, restoration and
19 renovation of buildings, grounds and facilities owned or
20 occupied by the National Gallery of Art, by contract or
21 otherwise, as authorized, \$14,220,000, to remain available
22 until expended: *Provided*, That contracts awarded for envi-
23 ronmental systems, protection systems, and exterior repair
24 or renovation of buildings of the National Gallery of Art
25 may be negotiated with selected contractors and awarded
26 on the basis of contractor qualifications as well as price.

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE

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

7 CONSTRUCTION

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

12 WOODROW WILSON INTERNATIONAL CENTER FOR
13 SCHOLARS
14 SALARIES AND EXPENSES

15 For expenses necessary in carrying out the provisions
16 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
17 1356) including hire of passenger vehicles and services as
18 authorized by 5 U.S.C. 3109, \$7,796,000.

19 NATIONAL FOUNDATION ON THE ARTS AND THE
20 HUMANITIES
21 NATIONAL ENDOWMENT FOR THE ARTS
22 GRANTS AND ADMINISTRATION

23 For necessary expenses to carry out the National
24 Foundation on the Arts and the Humanities Act of 1965,
25 as amended, \$98,234,000, shall be available to the Na-
26 tional Endowment for the Arts for the support of projects

1 and productions in the arts through assistance to organi-
2 zations and individuals pursuant to sections 5(e) and 5(g)
3 of the Act, for program support, and for administering
4 the functions of the Act, to remain available until ex-
5 pended: *Provided*, That funds previously appropriated to
6 the National Endowment for the Arts “Matching Grants”
7 account may be transferred to and merged with this ac-
8 count.

9 NATIONAL ENDOWMENT FOR THE HUMANITIES

10 GRANTS AND ADMINISTRATION

11 For necessary expenses to carry out the National
12 Foundation on the Arts and the Humanities Act of 1965,
13 as amended, \$107,882,000, shall be available to the Na-
14 tional Endowment for the Humanities for support of ac-
15 tivities in the humanities, pursuant to section 7(e) of the
16 Act, and for administering the functions of the Act, to
17 remain available until expended.

18 MATCHING GRANTS

19 To carry out the provisions of section 10(a)(2) of the
20 National Foundation on the Arts and the Humanities Act
21 of 1965, as amended, \$15,622,000, to remain available
22 until expended, of which \$11,622,000 shall be available
23 to the National Endowment for the Humanities for the
24 purposes of section 7(h): *Provided*, That this appropria-
25 tion shall be available for obligation only in such amounts
26 as may be equal to the total amounts of gifts, bequests,

1 and devises of money, and other property accepted by the
2 chairman or by grantees of the Endowment under the pro-
3 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
4 the current and preceding fiscal years for which equal
5 amounts have not previously been appropriated.

6 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

7 OFFICE OF MUSEUM SERVICES

8 GRANTS AND ADMINISTRATION

9 For carrying out subtitle C of the Museum and Li-
10 brary Services Act of 1996, as amended, \$26,899,000, to
11 remain available until expended.

12 CHALLENGE AMERICA ARTS FUND

13 CHALLENGE AMERICA GRANTS

14 For necessary expenses as authorized by Public Law
15 89-209, as amended, \$17,000,000, for support for arts
16 education and public outreach activities to be administered
17 by the National Endowment for the Arts, to remain avail-
18 able until expended.

19 ADMINISTRATIVE PROVISIONS

20 None of the funds appropriated to the National
21 Foundation on the Arts and the Humanities may be used
22 to process any grant or contract documents which do not
23 include the text of 18 U.S.C. 1913: *Provided*, That none
24 of the funds appropriated to the National Foundation on
25 the Arts and the Humanities may be used for official re-
26 ception and representation expenses: *Provided further*,

1 That funds from nonappropriated sources may be used as
2 necessary for official reception and representation ex-
3 penses.

4 COMMISSION OF FINE ARTS

5 SALARIES AND EXPENSES

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

13 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

14 For necessary expenses as authorized by Public Law
15 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

16 ADVISORY COUNCIL ON HISTORIC PRESERVATION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Advisory Council on
19 Historic Preservation (Public Law 89-665, as amended),
20 \$3,400,000: *Provided*, That none of these funds shall be
21 available for compensation of level V of the Executive
22 Schedule or higher positions.

23 NATIONAL CAPITAL PLANNING COMMISSION

24 SALARIES AND EXPENSES

25 For necessary expenses, as authorized by the Na-
26 tional Capital Planning Act of 1952 (40 U.S.C. 71-71i),

1 including services as authorized by 5 U.S.C. 3109,
 2 \$7,253,000: *Provided*, That all appointed members of the
 3 Commission will be compensated at a rate not to exceed
 4 the daily equivalent of the annual rate of pay for positions
 5 at level IV of the Executive Schedule for each day such
 6 member is engaged in the actual performance of duties.

7 UNITED STATES HOLOCAUST MEMORIAL COUNCIL

8 HOLOCAUST MEMORIAL MUSEUM

9 For expenses of the Holocaust Memorial Museum, as
 10 authorized by Public Law 96-388 (36 U.S.C. 1401), as
 11 amended (36 U.S.C. 2301-2310), \$36,028,000, of which
 12 \$1,900,000 for the museum's repair and rehabilitation
 13 program and \$1,264,000 for the museum's exhibitions
 14 program shall remain available until expended.

15 PRESIDIO TRUST

16 PRESIDIO TRUST FUND

17 For necessary expenses to carry out title I of the Om-
 18 nibus Parks and Public Lands Management Act of 1996,
 19 \$22,427,000, shall be available to the Presidio Trust, to
 20 remain available until expended.

21 TITLE III—GENERAL PROVISIONS

22 SEC. 301. The expenditure of any appropriation
 23 under this Act for any consulting service through procure-
 24 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
 25 to those contracts where such expenditures are a matter

1 of public record and available for public inspection, except
2 where otherwise provided under existing law, or under ex-
3 isting Executive Order issued pursuant to existing law.

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

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

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

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

22 SEC. 306. None of the funds in this Act may be used
23 to plan, prepare, or offer for sale timber from trees classi-
24 fied as giant sequoia (*Sequoiadendron giganteum*) which
25 are located on National Forest System or Bureau of Land

1 Management lands in a manner different than such sales
2 were conducted in fiscal year 2001.

3 SEC. 307. None of the funds made available by this
4 Act may be obligated or expended by the National Park
5 Service to enter into or implement a concession contract
6 which permits or requires the removal of the underground
7 lunchroom at the Carlsbad Caverns National Park.

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

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

20 (b) EXCEPTIONS.—The provisions of subsection (a)
21 shall not apply if the Secretary of the Interior determines
22 that, for the claim concerned: (1) a patent application was
23 filed with the Secretary on or before September 30, 1994;
24 and (2) all requirements established under sections 2325
25 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)

1 for vein or lode claims and sections 2329, 2330, 2331,
2 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
3 37) for placer claims; and section 2337 of the Revised
4 Statutes (30 U.S.C. 42) for mill site claims, as the case
5 may be, were fully complied with by the applicant by that
6 date.

7 (c) REPORT.—On September 30, 2002, the Secretary
8 of the Interior shall file with the House and Senate Com-
9 mittees on Appropriations and the Committee on Re-
10 sources of the House of Representatives and the Com-
11 mittee on Energy and Natural Resources of the Senate
12 a report on actions taken by the Department under the
13 plan submitted pursuant to section 314(e) of the Depart-
14 ment of the Interior and Related Agencies Appropriations
15 Act, 1997 (Public Law 104–208).

16 (d) MINERAL EXAMINATIONS.—In order to process
17 patent applications in a timely and responsible manner,
18 upon the request of a patent applicant, the Secretary of
19 the Interior shall allow the applicant to fund a qualified
20 third-party contractor to be selected by the Bureau of
21 Land Management to conduct a mineral examination of
22 the mining claims or mill sites contained in a patent appli-
23 cation as set forth in subsection (b). The Bureau of Land
24 Management shall have the sole responsibility to choose
25 and pay the third-party contractor in accordance with the

1 standard procedures employed by the Bureau of Land
2 Management in the retention of third-party contractors.

3 ~~SEC. 310.~~ Notwithstanding any other provision of
4 law, amounts appropriated to or earmarked in Committee
5 reports for the Bureau of Indian Affairs and the Indian
6 Health Service by Public Laws ~~103-138, 103-332, 104-~~
7 ~~134, 104-208, 105-83, 105-277, 106-113, and 106-291~~
8 for payments to tribes and tribal organizations for con-
9 tract support costs associated with self-determination or
10 self-governance contracts, grants, compacts, or annual
11 funding agreements with the Bureau of Indian Affairs or
12 the Indian Health Service as funded by such Acts, are the
13 total amounts available for fiscal years 1994 through 2001
14 for such purposes, except that, for the Bureau of Indian
15 Affairs, tribes and tribal organizations may use their trib-
16 al priority allocations for unmet indirect costs of ongoing
17 contracts, grants, self-governance compacts or annual
18 funding agreements.

19 ~~SEC. 311.~~ Notwithstanding any other provision of
20 law, for fiscal year 2002 the Secretaries of Agriculture and
21 the Interior are authorized to limit competition for water-
22 shed restoration project contracts as part of the “Jobs in
23 the Woods” Program established in Region 10 of the For-
24 est Service to individuals and entities in historically tim-
25 ber-dependent areas in the States of Washington, Oregon,

1 northern California and Alaska that have been affected by
2 reduced timber harvesting on Federal lands. The Secre-
3 taries shall consider the benefits to the local economy in
4 evaluating bids and designing procurements which create
5 economic opportunities for local contractors.

6 SEC. 312. (a) RECREATIONAL FEE DEMONSTRATION
7 PROGRAM.—Subsection (f) of section 315 of the Depart-
8 ment of the Interior and Related Agencies Appropriations
9 Act, 1996 (as contained in section 101(e) of Public Law
10 104-134; 110 Stat. 1321-200; 16 U.S.C. 4601-6a note);
11 is amended—

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

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

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

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

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

5 (e) SPECIAL USE PERMITS.—Subsection (b) of such
6 section is amended—

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

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

11 (3) by adding at the end the following new
12 paragraph:

13 “(6) in fiscal year 2003 and thereafter may re-
14 tain, for distribution and use as provided in sub-
15 section (e), fees imposed by the Forest Service for
16 the issuance of recreation special use authorizations
17 not exceeding 1 year under any provision of law.”.

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

21 “(D) None of the funds collected under this section
22 may be used to plan, design, or construct a visitor center
23 or any other permanent structure without prior approval
24 of the Committee on Appropriations of the House of Rep-
25 resentatives and the Committee on Appropriations of the

1 Senate if the estimated total cost of the structure exceeds
2 \$500,000.”.

3 ~~SEC. 313.~~ All interests created under leases, conces-
4 sions, permits and other agreements associated with the
5 properties administered by the Presidio Trust, hereafter
6 shall be exempt from all taxes and special assessments of
7 every kind by the State of California and its political sub-
8 divisions.

9 ~~SEC. 314.~~ None of the funds made available in this
10 or any other Act for any fiscal year may be used to des-
11 ignate, or to post any sign designating, any portion of Ca-
12 navaeral National Seashore in Brevard County, Florida, as
13 a clothing-optional area or as an area in which public nu-
14 dity is permitted, if such designation would be contrary
15 to county ordinance.

16 ~~SEC. 315.~~ Of the funds provided to the National En-
17 dowment for the Arts—

18 (1) The Chairperson shall only award a grant
19 to an individual if such grant is awarded to such in-
20 dividual for a literature fellowship, National Herit-
21 age Fellowship, or American Jazz Masters Fellow-
22 ship.

23 (2) The Chairperson shall establish procedures
24 to ensure that no funding provided through a grant,
25 except a grant made to a State or local arts agency,

1 or regional group, may be used to make a grant to
2 any other organization or individual to conduct ac-
3 tivity independent of the direct grant recipient.
4 Nothing in this subsection shall prohibit payments
5 made in exchange for goods and services.

6 ~~(3) No grant shall be used for seasonal support~~
7 ~~to a group, unless the application is specific to the~~
8 ~~contents of the season, including identified programs~~
9 ~~and/or projects.~~

10 SEC. 316. The National Endowment for the Arts and
11 the National Endowment for the Humanities are author-
12 ized to solicit, accept, receive, and invest in the name of
13 the United States, gifts, bequests, or devises of money and
14 other property or services and to use such in furtherance
15 of the functions of the National Endowment for the Arts
16 and the National Endowment for the Humanities. Any
17 proceeds from such gifts, bequests, or devises, after ac-
18 ceptance by the National Endowment for the Arts or the
19 National Endowment for the Humanities, shall be paid by
20 the donor or the representative of the donor to the Chair-
21 man. The Chairman shall enter the proceeds in a special
22 interest-bearing account to the credit of the appropriate
23 endowment for the purposes specified in each case.

24 SEC. 317. (a) In providing services or awarding fi-
25 nancial assistance under the National Foundation on the

1 Arts and the Humanities Act of 1965 from funds appro-
2 priated under this Act, the Chairperson of the National
3 Endowment for the Arts shall ensure that priority is given
4 to providing services or awarding financial assistance for
5 projects, productions, workshops, or programs that serve
6 underserved populations.

7 (b) In this section:

8 (1) The term “underserved population” means
9 a population of individuals, including urban minori-
10 ties, who have historically been outside the purview
11 of arts and humanities programs due to factors such
12 as a high incidence of income below the poverty line
13 or to geographic isolation.

14 (2) The term “poverty line” means the poverty
15 line (as defined by the Office of Management and
16 Budget, and revised annually in accordance with sec-
17 tion 673(2) of the Community Services Block Grant
18 Act (42 U.S.C. 9902(2))) applicable to a family of
19 the size involved.

20 (c) In providing services and awarding financial as-
21 sistance under the National Foundation on the Arts and
22 Humanities Act of 1965 with funds appropriated by this
23 Act, the Chairperson of the National Endowment for the
24 Arts shall ensure that priority is given to providing serv-
25 ices or awarding financial assistance for projects, produc-

1 tions, workshops, or programs that will encourage public
2 knowledge, education, understanding, and appreciation of
3 the arts.

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

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

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

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

19 (4) the Chairperson shall encourage the use of
20 grants to improve and support community-based
21 music performance and education.

22 SEC. 318. None of the funds in this Act may be used
23 to support Government-wide administrative functions un-
24 less such functions are justified in the budget process and

1 funding is approved by the House and Senate Committees
2 on Appropriations.

3 SEC. 319. Notwithstanding any other provision of
4 law, none of the funds in this Act may be used for GSA
5 Telecommunication Centers.

6 SEC. 320. None of the funds in this Act may be used
7 for planning, design or construction of improvements to
8 Pennsylvania Avenue in front of the White House without
9 the advance approval of the House and Senate Committees
10 on Appropriations.

11 SEC. 321. Amounts deposited during fiscal year 2001
12 in the roads and trails fund provided for in the fourteenth
13 paragraph under the heading "FOREST SERVICE" of
14 the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501),
15 shall be used by the Secretary of Agriculture, without re-
16 gard to the State in which the amounts were derived, to
17 repair or reconstruct roads, bridges, and trails on National
18 Forest System lands or to carry out and administer
19 projects to improve forest health conditions, which may
20 include the repair or reconstruction of roads, bridges, and
21 trails on National Forest System lands in the wildland-
22 community interface where there is an abnormally high
23 risk of fire. The projects shall emphasize reducing risks
24 to human safety and public health and property and en-
25 hancing ecological functions, long-term forest productivity,

1 and biological integrity. The projects may be completed
2 in a subsequent fiscal year. Funds shall not be expended
3 under this section to replace funds which would otherwise
4 appropriately be expended from the timber salvage sale
5 fund. Nothing in this section shall be construed to exempt
6 any project from any environmental law.

7 SEC. 322. Other than in emergency situations, none
8 of the funds in this Act may be used to operate telephone
9 answering machines during core business hours unless
10 such answering machines include an option that enables
11 callers to reach promptly an individual on-duty with the
12 agency being contacted.

13 SEC. 323. No timber sale in Region 10 shall be adver-
14 tised if the indicated rate is deficit when appraised under
15 the transaction evidence appraisal system using domestic
16 Alaska values for western red cedar. *Provided*, That sales
17 which are deficit when appraised under the transaction
18 evidence appraisal system using domestic Alaska values
19 for western red cedar may be advertised upon receipt of
20 a written request by a prospective, informed bidder, who
21 has the opportunity to review the Forest Service's cruise
22 and harvest cost estimate for that timber. Program accom-
23 plishments shall be based on volume sold. Should Region
24 10 sell, in fiscal year 2001, the annual average portion
25 of the decadal allowable sale quantity called for in the cur-

1 rent Tongass Land Management Plan in sales which are
2 not deficit when appraised under the transaction evidence
3 appraisal system using domestic Alaska values for western
4 red cedar, all of the western red cedar timber from those
5 sales which is surplus to the needs of domestic processors
6 in Alaska, shall be made available to domestic processors
7 in the contiguous 48 United States at prevailing domestic
8 prices. Should Region 10 sell, in fiscal year 2001, less
9 than the annual average portion of the decadal allowable
10 sale quantity called for in the current Tongass Land Man-
11 agement Plan in sales which are not deficit when ap-
12 praised under the transaction evidence appraisal system
13 using domestic Alaska values for western red cedar, the
14 volume of western red cedar timber available to domestic
15 processors at prevailing domestic prices in the contiguous
16 48 United States shall be that volume: (i) which is surplus
17 to the needs of domestic processors in Alaska; and (ii) is
18 that percent of the surplus western red cedar volume de-
19 termined by calculating the ratio of the total timber vol-
20 ume which has been sold on the Tongass to the annual
21 average portion of the decadal allowable sale quantity
22 called for in the current Tongass Land Management Plan.
23 The percentage shall be calculated by Region 10 on a roll-
24 ing basis as each sale is sold (for purposes of this amend-
25 ment, a "rolling basis" shall mean that the determination

1 of how much western red cedar is eligible for sale to var-
2 ious markets shall be made at the time each sale is award-
3 ed). Western red cedar shall be deemed “surplus to the
4 needs of domestic processors in Alaska” when the timber
5 sale holder has presented to the Forest Service docu-
6 mentation of the inability to sell western red cedar logs
7 from a given sale to domestic Alaska processors at price
8 equal to or greater than the log selling value stated in
9 the contract. All additional western red cedar volume not
10 sold to Alaska or contiguous 48 United States domestic
11 processors may be exported to foreign markets at the elec-
12 tion of the timber sale holder. All Alaska yellow cedar may
13 be sold at prevailing export prices at the election of the
14 timber sale holder.

15 SEC. 324. The Forest Service, in consultation with
16 the Department of Labor, shall review Forest Service
17 campground concessions policy to determine if modifica-
18 tions can be made to Forest Service contracts for camp-
19 grounds so that such concessions fall within the regulatory
20 exemption of 29 CFR 4.122(b). The Forest Service shall
21 offer in fiscal year 2002 such concession prospectuses
22 under the regulatory exemption, except that, any pro-
23 spectus that does not meet the requirements of the regu-
24 latory exemption shall be offered as a service contract in
25 accordance with the requirements of 41 U.S.C. 351–358.

1 SEC. 325. A project undertaken by the Forest Service
2 under the Recreation Fee Demonstration Program as au-
3 thorized by section 315 of the Department of the Interior
4 and Related Agencies Appropriations Act for Fiscal Year
5 1996, as amended, shall not result in—

6 (1) displacement of the holder of an authoriza-
7 tion to provide commercial recreation services on
8 Federal lands. Prior to initiating any project, the
9 Secretary shall consult with potentially affected
10 holders to determine what impacts the project may
11 have on the holders. Any modifications to the au-
12 thorization shall be made within the terms and con-
13 ditions of the authorization and authorities of the
14 impacted agency.

15 (2) the return of a commercial recreation serv-
16 ice to the Secretary for operation when such services
17 have been provided in the past by a private sector
18 provider, except when—

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

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

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

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

5 ~~SEC. 326.~~ For fiscal years 2002 and 2003, the Sec-
6 retary of Agriculture is authorized to limit competition for
7 fire and fuel treatment and watershed restoration con-
8 tracts in the Giant Sequoia National Monument and the
9 Sequoia National Forest. Preference for employment shall
10 be given to dislocated and displaced workers in Tulare,
11 Kern and Fresno Counties, California, for work associated
12 with the establishment of the Giant Sequoia National
13 Monument.

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

22 ~~SEC. 328.~~ Until September 30, 2003, the authority
23 of the Secretary of Agriculture to enter into a cooperative
24 agreement under the first section of Public Law 94-148
25 (16 U.S.C. 565a-1) for a purpose described in such sec-

1 tion includes the authority to use that legal instrument
2 when the principal purpose of the resulting relationship
3 is to the mutually significant benefit of the Forest Service
4 and the other party or parties to the agreement, including
5 nonprofit entities.

6 SEC. 329. (a) PILOT PROGRAM AUTHORIZING CON-
7 VEYANCE OF EXCESS FOREST SERVICE STRUCTURES.—

8 The Secretary of Agriculture may convey, by sale or ex-
9 change, any or all right, title, and interest of the United
10 States in and to excess buildings and other structures lo-
11 cated on National Forest System lands and under the ju-
12 risdiction of the Forest Service. The conveyance may in-
13 clude the land on which the building or other structure
14 is located and such other land immediately adjacent to the
15 building or structure as the Secretary considers necessary.

16 (b) LIMITATION.—Not more than 10 conveyances
17 may be made under the authority of this section, and the
18 Secretary of Agriculture shall obtain the concurrence of
19 the Committee on Appropriations of the House of Rep-
20 resentatives and the Committee on Appropriations of the
21 Senate in advance of each conveyance.

22 (c) USE OF PROCEEDS.—The proceeds derived from
23 the sale of a building or other structure under this section
24 shall be retained by the Secretary of Agriculture and shall
25 be available to the Secretary, without further appropria-

1 tion until expended, for maintenance and rehabilitation ac-
2 tivities within the Forest Service Region in which the
3 building or structure is located.

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

6 SEC. 330. Section 551(e) of the Land Between the
7 Lakes Protection Act of 1998 (16 U.S.C. 460ll–61(e)) is
8 amended by striking “2002” and inserting “2004”.

9 SEC. 331. Section 323(a) of the Department of the
10 Interior and Related Agencies Appropriations Act, 1999,
11 as included in Public Law 105–277, Div. A, section 101(e)
12 is amended by inserting “and fiscal years 2002 through
13 2005,” before “to the extent funds are otherwise avail-
14 able”.

15 SEC. 332. No funds made available under this Act
16 shall be made available to any person or entity who has
17 been convicted of violating the Act of March 3, 1933 (41
18 U.S.C. 10a–10e, popularly know as the “Buy American
19 Act”).

20 SEC. 333. No funds provided in this Act may be ex-
21 pended to conduct preleasing, leasing and related activities
22 under either the Mineral Leasing Act (30 U.S.C. 181 et
23 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
24 1331 et seq.) within the boundaries of a National Monu-
25 ment established pursuant to the Act of June 8, 1906 (16

1 U.S.C. 431 et seq.) as such boundary existed on January
2 20, 2001, except where such activities are allowed under
3 the Presidential proclamation establishing such monu-
4 ment.

5 SEC. 334. None of the funds in this Act may be used
6 to execute a final lease agreement for oil or gas develop-
7 ment in the area of the Gulf of Mexico known as Lease
8 Sale 181 prior to April 1, 2002.

9 SEC. 335. None of the funds made available in this
10 Act may be used to suspend or revise the final regulations
11 published in the Federal Register on November 21, 2000,
12 that amended part 3809 of title 43, Code of Federal Regu-
13 lations.

14 This Act may be cited as the “Department of the In-
15 terior and Related Agencies Appropriations Act, 2002”.
16 *That the following sums are appropriated, out of any*
17 *money in the Treasury not otherwise appropriated, for the*
18 *Department of the Interior and related agencies for the fis-*
19 *cal year ending September 30, 2002, and for other purposes,*
20 *namely:*

21 *TITLE I—DEPARTMENT OF THE INTERIOR*

22 *BUREAU OF LAND MANAGEMENT*

23 *MANAGEMENT OF LANDS AND RESOURCES*

24 *For expenses necessary for protection, use, improve-*
25 *ment, development, disposal, cadastral surveying, classifica-*

1 *tion, acquisition of easements and other interests in lands,*
2 *and performance of other functions, including maintenance*
3 *of facilities, as authorized by law, in the management of*
4 *lands and their resources under the jurisdiction of the Bu-*
5 *reau of Land Management, including the general adminis-*
6 *tration of the Bureau, and assessment of mineral potential*
7 *of public lands pursuant to Public Law 96-487 (16 U.S.C.*
8 *3150(a)), \$775,962,000, to remain available until expended,*
9 *of which \$1,000,000 is for high priority projects which shall*
10 *be carried out by the Youth Conservation Corps, defined in*
11 *section 250(c)(4)(E)(xii) of the Balanced Budget and Emer-*
12 *gency Deficit Control Act of 1985, as amended, for the pur-*
13 *poses of such Act; of which \$4,000,000 shall be available*
14 *for assessment of the mineral potential of public lands in*
15 *Alaska pursuant to section 1010 of Public Law 96-487 (16*
16 *U.S.C. 3150); and of which not to exceed \$1,000,000 shall*
17 *be derived from the special receipt account established by*
18 *the Land and Water Conservation Act of 1965, as amended*
19 *(16 U.S.C. 460l-6a(i)); and of which \$3,000,000 shall be*
20 *available in fiscal year 2002 subject to a match by at least*
21 *an equal amount by the National Fish and Wildlife Foun-*
22 *dation, to such Foundation for cost-shared projects sup-*
23 *porting conservation of Bureau lands and such funds shall*
24 *be advanced to the Foundation as a lump sum grant with-*
25 *out regard to when expenses are incurred; in addition,*

1 \$32,298,000 for Mining Law Administration program oper-
2 ations, including the cost of administering the mining
3 claim fee program; to remain available until expended, to
4 be reduced by amounts collected by the Bureau and credited
5 to this appropriation from annual mining claim fees so as
6 to result in a final appropriation estimated at not more
7 than \$775,962,000, and \$2,000,000, to remain available
8 until expended, from communication site rental fees estab-
9 lished by the Bureau for the cost of administering commu-
10 nication site activities: Provided, That appropriations here-
11 in made shall not be available for the destruction of healthy,
12 unadopted, wild horses and burros in the care of the Bureau
13 or its contractors: Provided further, That of the amount
14 provided, \$28,000,000 is for the conservation activities de-
15 fined in section 250(c)(4)(E) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985, as amended, for the
17 purposes of such Act: Provided further, That balances in
18 the Federal Infrastructure Improvement account shall be
19 transferred to and merged with this appropriation, and
20 shall remain available until expended.

21 WILDLAND FIRE MANAGEMENT

22 For necessary expenses for fire preparedness, suppres-
23 sion operations, fire science and research, emergency reha-
24 bilitation, hazardous fuels reduction, and rural fire assist-
25 ance by the Department of the Interior, \$589,421,000, to
26 remain available until expended, of which not to exceed

1 \$19,774,000 shall be for the renovation or construction of
2 fire facilities: Provided, That such funds are also available
3 for repayment of advances to other appropriation accounts
4 from which funds were previously transferred for such pur-
5 poses: Provided further, That unobligated balances of
6 amounts previously appropriated to the “Fire Protection”
7 and “Emergency Department of the Interior Firefighting
8 Fund” may be transferred and merged with this appropria-
9 tion: Provided further, That persons hired pursuant to 43
10 U.S.C. 1469 may be furnished subsistence and lodging with-
11 out cost from funds available from this appropriation: Pro-
12 vided further, That notwithstanding 42 U.S.C. 1856d, sums
13 received by a bureau or office of the Department of the Inte-
14 rior for fire protection rendered pursuant to 42 U.S.C. 1856
15 et seq., protection of United States property, may be cred-
16 ited to the appropriation from which funds were expended
17 to provide that protection, and are available without fiscal
18 year limitation: Provided further, That using the amounts
19 designated under this title of this Act, the Secretary of the
20 Interior may enter into procurement contracts, grants, or
21 cooperative agreements, for hazardous fuels reduction ac-
22 tivities, and for training and monitoring associated with
23 such hazardous fuels reduction activities, on Federal land,
24 or on adjacent non-Federal land for activities that benefit
25 resources on Federal land: Provided further, That the costs

1 of implementing any cooperative agreement between the
2 Federal government and any non-Federal entity may be
3 shared, as mutually agreed on by the affected parties: Pro-
4 vided further, That in entering into such grants or coopera-
5 tive agreements, the Secretary may consider the enhance-
6 ment of local and small business employment opportunities
7 for rural communities, and that in entering into procure-
8 ment contracts under this section on a best value basis, the
9 Secretary may take into account the ability of an entity
10 to enhance local and small business employment opportuni-
11 ties in rural communities, and that the Secretary may
12 award procurement contracts, grants, or cooperative agree-
13 ments under this section to entities that include local non-
14 profit entities, Youth Conservation Corps or related part-
15 nerships, or small or disadvantaged businesses: Provided
16 further, That funds appropriated under this head may be
17 used to reimburse the United States Fish and Wildlife Serv-
18 ice and the National Marine Fisheries Service for the costs
19 of carrying out their responsibilities under the Endangered
20 Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and
21 conference, as required by section 7 of such Act in connec-
22 tion with wildland fire management activities.

23 For an additional amount to cover necessary expenses
24 for burned areas rehabilitation and fire suppression by the
25 Department of the Interior, \$70,000,000, to remain avail-

1 able until expended, of which \$50,000,000 is for wildfire
2 suppression and \$20,000,000 is for burned areas rehabilita-
3 tion: Provided, That the entire amount appropriated in this
4 paragraph is designated by the Congress as an emergency
5 requirement pursuant to section 251(b)(2)(A) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985,
7 as amended: Provided further, That these funds shall be
8 available only to the extent an official budget request for
9 a specific dollar amount, that includes designation of the
10 entire amount of the request as an emergency requirement
11 as defined in the Balanced Budget and Emergency Deficit
12 Control Act of 1985, as amended, is transmitted by the
13 President to the Congress.

14 *CENTRAL HAZARDOUS MATERIALS FUND*

15 *For necessary expenses of the Department of the Inte-*
16 *rior and any of its component offices and bureaus for the*
17 *remedial action, including associated activities, of haz-*
18 *ardous waste substances, pollutants, or contaminants pur-*
19 *suant to the Comprehensive Environmental Response, Com-*
20 *pensation, and Liability Act, as amended (42 U.S.C. 9601*
21 *et seq.), \$9,978,000, to remain available until expended:*
22 *Provided, That notwithstanding 31 U.S.C. 3302, sums re-*
23 *covered from or paid by a party in advance of or as reim-*
24 *bursement for remedial action or response activities con-*
25 *ducted by the Department pursuant to section 107 or 113(f)*
26 *of such Act, shall be credited to this account to be available*

1 *until expended without further appropriation: Provided*
2 *further, That such sums recovered from or paid by any*
3 *party are not limited to monetary payments and may in-*
4 *clude stocks, bonds or other personal or real property, which*
5 *may be retained, liquidated, or otherwise disposed of by the*
6 *Secretary and which shall be credited to this account.*

7
8 *CONSTRUCTION*

8 *For construction of buildings, recreation facilities,*
9 *roads, trails, and appurtenant facilities, \$12,976,000, to re-*
10 *main available until expended.*

11
12 *PAYMENTS IN LIEU OF TAXES*

12 *For expenses necessary to implement the Act of October*
13 *20, 1976, as amended (31 U.S.C. 6901–6907),*
14 *\$220,000,000, of which not to exceed \$400,000 shall be*
15 *available for administrative expenses and of which*
16 *\$50,000,000 is for the conservation activities defined in sec-*
17 *tion 250(c)(4)(E)(xiii) of the Balanced Budget and Emer-*
18 *gency Deficit Control Act of 1985, as amended, for the pur-*
19 *poses of such Act: Provided, That no payment shall be made*
20 *to otherwise eligible units of local government if the com-*
21 *puted amount of the payment is less than \$100.*

22
23 *LAND ACQUISITION*

23 *For expenses necessary to carry out sections 205, 206,*
24 *and 318(d) of Public Law 94–579, including administra-*
25 *tive expenses and acquisition of lands or waters, or interests*
26 *therein, \$45,686,000, to be derived from the Land and*

1 *Water Conservation Fund, to remain available until ex-*
2 *pended, and to be for the conservation activities defined in*
3 *section 250(c)(4)(E)(i) of the Balanced Budget and Emer-*
4 *gency Deficit Control Act of 1985, as amended, for the pur-*
5 *poses of such Act.*

6 *OREGON AND CALIFORNIA GRANT LANDS*

7 *For expenses necessary for management, protection,*
8 *and development of resources and for construction, oper-*
9 *ation, and maintenance of access roads, reforestation, and*
10 *other improvements on the revested Oregon and California*
11 *Railroad grant lands, on other Federal lands in the Oregon*
12 *and California land-grant counties of Oregon, and on adja-*
13 *cent rights-of-way; and acquisition of lands or interests*
14 *therein including existing connecting roads on or adjacent*
15 *to such grant lands; \$106,061,000, to remain available until*
16 *expended: Provided, That 25 percent of the aggregate of all*
17 *receipts during the current fiscal year from the revested Or-*
18 *egon and California Railroad grant lands is hereby made*
19 *a charge against the Oregon and California land-grant*
20 *fund and shall be transferred to the General Fund in the*
21 *Treasury in accordance with the second paragraph of sub-*
22 *section (b) of title II of the Act of August 28, 1937 (50 Stat.*
23 *876).*

1 *FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND*2 *(REVOLVING FUND, SPECIAL ACCOUNT)*

3 *In addition to the purposes authorized in Public Law*
4 *102–381, funds made available in the Forest Ecosystem*
5 *Health and Recovery Fund can be used for the purpose of*
6 *planning, preparing, and monitoring salvage timber sales*
7 *and forest ecosystem health and recovery activities such as*
8 *release from competing vegetation and density control treat-*
9 *ments. The Federal share of receipts (defined as the portion*
10 *of salvage timber receipts not paid to the counties under*
11 *43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public*
12 *Law 103–66) derived from treatments funded by this ac-*
13 *count shall be deposited into the Forest Ecosystem Health*
14 *and Recovery Fund.*

15 *RANGE IMPROVEMENTS*

16 *For rehabilitation, protection, and acquisition of lands*
17 *and interests therein, and improvement of Federal range-*
18 *lands pursuant to section 401 of the Federal Land Policy*
19 *and Management Act of 1976 (43 U.S.C. 1701), notwith-*
20 *standing any other Act, sums equal to 50 percent of all*
21 *moneys received during the prior fiscal year under sections*
22 *3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.)*
23 *and the amount designated for range improvements from*
24 *grazing fees and mineral leasing receipts from Bankhead-*
25 *Jones lands transferred to the Department of the Interior*
26 *pursuant to law, but not less than \$10,000,000, to remain*

1 *available until expended: Provided, That not to exceed*
2 *\$600,000 shall be available for administrative expenses.*

3 *SERVICE CHARGES, DEPOSITS, AND FORFEITURES*

4 *For administrative expenses and other costs related to*
5 *processing application documents and other authorizations*
6 *for use and disposal of public lands and resources, for costs*
7 *of providing copies of official public land documents, for*
8 *monitoring construction, operation, and termination of fa-*
9 *cilities in conjunction with use authorizations, and for re-*
10 *habilitation of damaged property, such amounts as may be*
11 *collected under Public Law 94–579, as amended, and Public*
12 *Law 93–153, to remain available until expended: Provided,*
13 *That notwithstanding any provision to the contrary of sec-*
14 *tion 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any*
15 *moneys that have been or will be received pursuant to that*
16 *section, whether as a result of forfeiture, compromise, or set-*
17 *tlement, if not appropriate for refund pursuant to section*
18 *305(c) of that Act (43 U.S.C. 1735(c)), shall be available*
19 *and may be expended under the authority of this Act by*
20 *the Secretary to improve, protect, or rehabilitate any public*
21 *lands administered through the Bureau of Land Manage-*
22 *ment which have been damaged by the action of a resource*
23 *developer, purchaser, permittee, or any unauthorized per-*
24 *son, without regard to whether all moneys collected from*
25 *each such action are used on the exact lands damaged which*
26 *led to the action: Provided further, That any such moneys*

1 *that are in excess of amounts needed to repair damage to*
2 *the exact land for which funds were collected may be used*
3 *to repair other damaged public lands.*

4 *MISCELLANEOUS TRUST FUNDS*

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

13 *ADMINISTRATIVE PROVISIONS*

14 *Appropriations for the Bureau of Land Management*
15 *shall be available for purchase, erection, and dismantlement*
16 *of temporary structures, and alteration and maintenance*
17 *of necessary buildings and appurtenant facilities to which*
18 *the United States has title; up to \$100,000 for payments,*
19 *at the discretion of the Secretary, for information or evi-*
20 *dence concerning violations of laws administered by the Bu-*
21 *reau; miscellaneous and emergency expenses of enforcement*
22 *activities authorized or approved by the Secretary and to*
23 *be accounted for solely on her certificate, not to exceed*
24 *\$10,000: Provided, That notwithstanding 44 U.S.C. 501,*
25 *the Bureau may, under cooperative cost-sharing and part-*
26 *nership arrangements authorized by law, procure printing*

1 *services from cooperators in connection with jointly pro-*
2 *duced publications for which the cooperators share the cost*
3 *of printing either in cash or in services, and the Bureau*
4 *determines the cooperator is capable of meeting accepted*
5 *quality standards: Provided further, That section 28f(a) of*
6 *title 30, United States Code, is amended:*

7 (1) *In section 28f(a), by striking the first sen-*
8 *tence and inserting, “The holder of each unpatented*
9 *mining claim, mill, or tunnel site, located pursuant*
10 *to the mining laws of the United States, whether lo-*
11 *cated before, on or after the enactment of this Act,*
12 *shall pay to the Secretary of the Interior, on or before*
13 *September 1 of each year for years 2002 through*
14 *2006, a claim maintenance fee of \$100 per claim or*
15 *site”;* and

16 (2) *In section 28g, by striking “and before Sep-*
17 *tember 30, 2001” and inserting in lieu thereof “and*
18 *before September 30, 2006”.*

19 *UNITED STATES FISH AND WILDLIFE SERVICE*

20 *RESOURCE MANAGEMENT*

21 *For necessary expenses of the United States Fish and*
22 *Wildlife Service, for scientific and economic studies, con-*
23 *servation, management, investigations, protection, and uti-*
24 *lization of fishery and wildlife resources, except whales,*
25 *seals, and sea lions, maintenance of the herd of long-horned*

1 *cattle on the Wichita Mountains Wildlife Refuge, general*
2 *administration, and for the performance of other authorized*
3 *functions related to such resources by direct expenditure,*
4 *contracts, grants, cooperative agreements and reimbursable*
5 *agreements with public and private entities, \$845,714,000,*
6 *to remain available until September 30, 2003, except as oth-*
7 *erwise provided herein, of which \$31,000,000 is for con-*
8 *servation activities defined in section 250(c)(4)(E) of the*
9 *Balanced Budget and Emergency Deficit Control Act of*
10 *1985, as amended, for the purposes of such Act: Provided,*
11 *That balances in the Federal Infrastructure Improvement*
12 *account shall be transferred to and merged with this appro-*
13 *priation, and shall remain available until expended: Pro-*
14 *vided further, That not less than \$2,000,000 shall be pro-*
15 *vided to local governments in southern California for plan-*
16 *ning associated with the Natural Communities Conserva-*
17 *tion Planning (NCCP) program and shall remain available*
18 *until expended: Provided further, That not less than*
19 *\$2,000,000 for high priority projects which shall be carried*
20 *out by the Youth Conservation Corps, defined in section*
21 *250(c)(4)(E)(xii) of the Balanced Budget and Emergency*
22 *Deficit Control Act of 1985, as amended, for the purposes*
23 *of such Act: Provided further, That not to exceed \$9,000,000*
24 *shall be used for implementing subsections (a), (b), (c), and*
25 *(e) of section 4 of the Endangered Species Act, as amended,*

1 *for species that are indigenous to the United States (except*
2 *for processing petitions, developing and issuing proposed*
3 *and final regulations, and taking any other steps to imple-*
4 *ment actions described in subsection (c)(2)(A), (c)(2)(B)(i),*
5 *or (c)(2)(B)(ii): Provided further, That of the amount*
6 *available for law enforcement, up to \$400,000 to remain*
7 *available until expended, may at the discretion of the Sec-*
8 *retary, be used for payment for information, rewards, or*
9 *evidence concerning violations of laws administered by the*
10 *Service, and miscellaneous and emergency expenses of en-*
11 *forcement activity, authorized or approved by the Secretary*
12 *and to be accounted for solely on her certificate: Provided*
13 *further, That of the amount provided for environmental*
14 *contaminants, up to \$1,000,000 may remain available*
15 *until expended for contaminant sample analyses.*

16 *CONSTRUCTION*

17 *For construction, improvement, acquisition, or re-*
18 *moval of buildings and other facilities required in the con-*
19 *servation, management, investigation, protection, and utili-*
20 *zation of fishery and wildlife resources, and the acquisition*
21 *of lands and interests therein; \$55,526,000, to remain avail-*
22 *able until expended.*

23 *LAND ACQUISITION*

24 *For expenses necessary to carry out the Land and*
25 *Water Conservation Fund Act of 1965, as amended (16*
26 *U.S.C. 460l-4 through 11), including administrative ex-*

1 *penses, and for acquisition of land or waters, or interest*
2 *therein, in accordance with statutory authority applicable*
3 *to the United States Fish and Wildlife Service,*
4 *\$108,401,000, to be derived from the Land and Water Con-*
5 *servation Fund, to remain available until expended, and*
6 *to be for the conservation activities defined in section*
7 *250(c)(4)(E)(ii) of the Balanced Budget and Emergency*
8 *Deficit Control Act of 1985, as amended, for the purposes*
9 *of such Act.*

10 *LANDOWNER INCENTIVE PROGRAM*

11 *For expenses necessary to carry out the Land and*
12 *Water Conservation Fund Act of 1965, as amended (16*
13 *U.S.C. 460l-4 through 11), including administrative ex-*
14 *penses, and for private conservation efforts to be carried out*
15 *on private lands, \$50,000,000, to be derived from the Land*
16 *and Water Conservation Fund, to remain available until*
17 *expended, and to be for conservation spending category ac-*
18 *tivities pursuant to section 251(c) of the Balanced Budget*
19 *and Emergency Deficit Control Act of 1985, as amended,*
20 *for the purposes of discretionary spending limits: Provided,*
21 *That the amount provided herein is for a Landowner Incen-*
22 *tive Program established by the Secretary that provides*
23 *matching, competitively awarded grants to States, the Dis-*
24 *trict of Columbia, Tribes, Puerto Rico, Guam, the United*
25 *States Virgin Islands, the Northern Mariana Islands, and*
26 *American Samoa, to establish, or supplement existing,*

1 *landowner incentive programs that provide technical and*
2 *financial assistance, including habitat protection and res-*
3 *toration, to private landowners for the protection and man-*
4 *agement of habitat to benefit federally listed, proposed, or*
5 *candidate species, or other at-risk species on private lands.*

6 *STEWARDSHIP GRANTS*

7 *For expenses necessary to carry out the Land and*
8 *Water Conservation Fund Act of 1965, as amended (16*
9 *U.S.C. 460l-4 through 11), including administrative ex-*
10 *penses, and for private conservation efforts to be carried out*
11 *on private lands, \$10,000,000, to be derived from the Land*
12 *and Water Conservation Fund, to remain available until*
13 *expended, and to be for conservation spending category ac-*
14 *tivities pursuant to section 251(c) of the Balanced Budget*
15 *and Emergency Deficit Control Act of 1985, as amended,*
16 *for the purposes of discretionary spending limits: Provided,*
17 *That the amount provided herein is for the Secretary to*
18 *establish a Private Stewardship Grants Program to provide*
19 *grants and other assistance to individuals and groups en-*
20 *gaged in private conservation efforts that benefit federally*
21 *listed, proposed, or candidate species, or other at-risk spe-*
22 *cies.*

23 *COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND*

24 *For expenses necessary to carry out section 6 of the*
25 *Endangered Species Act of 1973 (16 U.S.C. 1531-1543),*
26 *as amended, \$91,000,000, to be derived from the Coopera-*

1 *tive Endangered Species Conservation Fund, to remain*
2 *available until expended, and to be for the conservation ac-*
3 *tivities defined in section 250(c)(4)(E)(v) of the Balanced*
4 *Budget and Emergency Deficit Control Act of 1985, as*
5 *amended, for the purposes of such Act.*

6 *NATIONAL WILDLIFE REFUGE FUND*

7 *For expenses necessary to implement the Act of October*
8 *17, 1978 (16 U.S.C. 715s), \$14,414,000.*

9 *NORTH AMERICAN WETLANDS CONSERVATION FUND*

10 *For expenses necessary to carry out the provisions of*
11 *the North American Wetlands Conservation Act, Public*
12 *Law 101–233, as amended, \$42,000,000, to remain avail-*
13 *able until expended and to be for the conservation activities*
14 *defined in section 250(c)(4)(E)(vi) of the Balanced Budget*
15 *and Emergency Deficit Control Act of 1985, as amended,*
16 *for the purposes of such Act.*

17 *MULTINATIONAL SPECIES CONSERVATION FUND*

18 *For expenses necessary to carry out the African Ele-*
19 *phant Conservation Act (16 U.S.C. 4201–4203, 4211–4213,*
20 *4221–4225, 4241–4245, and 1538), the Asian Elephant*
21 *Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhi-*
22 *noceros and Tiger Conservation Act of 1994 (16 U.S.C.*
23 *5301–5306), and the Great Ape Conservation Act of 2000*
24 *(16 U.S.C. 6301), \$4,000,000, to remain available until ex-*
25 *pended: Provided, That funds made available under this*
26 *Act, Public Law 106–291, and Public Law 106–554 and*

1 *hereafter in annual appropriations acts for rhinoceros,*
2 *tiger, Asian elephant, and great ape conservation programs*
3 *are exempt from any sanctions imposed against any coun-*
4 *try under section 102 of the Arms Export Control Act (22*
5 *U.S.C. 2799aa-1).*

6 *STATE WILDLIFE GRANTS*

7 *(INCLUDING RESCISSION)*

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

1 ern Mariana Islands, each a sum equal to not more than
2 one-fourth of 1 percent thereof: Provided further, That the
3 Secretary shall apportion the remaining amount in the fol-
4 lowing manner: 30 percent based on the ratio to which the
5 land area of such State bears to the total land area of all
6 such States; and 70 percent based on the ratio to which
7 the population of such State bears to the total population
8 of the United States, based on the 2000 U.S. Census; and
9 the amounts so apportioned shall be adjusted equitably so
10 that no State shall be apportioned a sum which is less than
11 one percent of the total amount available for apportionment
12 or more than 10 percent: Provided further, That the Federal
13 share of planning grants shall not exceed 75 percent of the
14 total costs of such projects and the Federal share of imple-
15 mentation grants shall not exceed 50 percent of the total
16 costs of such projects: Provided further, That the non-Fed-
17 eral share of such projects may not be derived from Federal
18 grant programs: Provided further, That no State, territory,
19 or other jurisdiction shall receive a grant unless it has de-
20 veloped, or committed to develop by October 1, 2005, a com-
21 prehensive wildlife conservation plan, consistent with cri-
22 teria established by the Secretary of the Interior, that con-
23 sider the broad range of the State, territory, or other juris-
24 diction's wildlife and associated habitats, with appropriate
25 priority placed on those species with the greatest conserva-

1 *tion need and taking into consideration the relative level*
2 *of funding available for the conservation of those species:*
3 *Provided further, That any amount apportioned in 2002*
4 *to any State, territory, or other jurisdiction that remains*
5 *unobligated as of September 30, 2003, shall be reappor-*
6 *tioned, together with funds appropriated in 2004, in the*
7 *manner provided herein.*

8 *Of the amounts appropriated in title VIII of Public*
9 *Law 106–291, \$49,890,000 for State Wildlife Grants are*
10 *rescinded.*

11 *ADMINISTRATIVE PROVISIONS*

12 *Appropriations and funds available to the United*
13 *States Fish and Wildlife Service shall be available for pur-*
14 *chase of not to exceed 74 passenger motor vehicles, of which*
15 *69 are for replacement only (including 32 for police-type*
16 *use); repair of damage to public roads within and adjacent*
17 *to reservation areas caused by operations of the Service; op-*
18 *tions for the purchase of land at not to exceed \$1 for each*
19 *option; facilities incident to such public recreational uses*
20 *on conservation areas as are consistent with their primary*
21 *purpose; and the maintenance and improvement of aquaria,*
22 *buildings, and other facilities under the jurisdiction of the*
23 *Service and to which the United States has title, and which*
24 *are used pursuant to law in connection with management*
25 *and investigation of fish and wildlife resources: Provided,*

1 *That notwithstanding 44 U.S.C. 501, the Service may,*
2 *under cooperative cost sharing and partnership arrange-*
3 *ments authorized by law, procure printing services from co-*
4 *operators in connection with jointly produced publications*
5 *for which the cooperators share at least one-half the cost*
6 *of printing either in cash or services and the Service deter-*
7 *mines the cooperator is capable of meeting accepted quality*
8 *standards: Provided further, That the Service may accept*
9 *donated aircraft as replacements for existing aircraft: Pro-*
10 *vided further, That notwithstanding any other provision of*
11 *law, the Secretary of the Interior may not spend any of*
12 *the funds appropriated in this Act for the purchase of lands*
13 *or interests in lands to be used in the establishment of any*
14 *new unit of the National Wildlife Refuge System unless the*
15 *purchase is approved in advance by the House and Senate*
16 *Committees on Appropriations in compliance with the re-*
17 *programming procedures contained in Senate Report 105-*
18 *56.*

19 *NATIONAL PARK SERVICE*

20 *OPERATION OF THE NATIONAL PARK SYSTEM*

21 *For expenses necessary for the management, operation,*
22 *and maintenance of areas and facilities administered by*
23 *the National Park Service (including special road mainte-*
24 *nance service to trucking permittees on a reimbursable*
25 *basis), and for the general administration of the National*

1 *Park Service, \$1,473,128,000, of which \$10,881,000 for re-*
2 *search, planning and interagency coordination in support*
3 *of land acquisition for Everglades restoration shall remain*
4 *available until expended; and of which \$17,181,000, to re-*
5 *main available until September 30, 2003, is for mainte-*
6 *nance repair or rehabilitation projects for constructed as-*
7 *sets, operation of the National Park Service automated fa-*
8 *cility management software system, and comprehensive fa-*
9 *cility condition assessments; and of which \$2,000,000 is for*
10 *the Youth Conservation Corps, defined in section*
11 *250(c)(4)(E)(xii) of the Balanced Budget and Emergency*
12 *Deficit Control Act of 1985, as amended, for the purposes*
13 *of such Act, for high priority projects: Provided, That the*
14 *only funds in this account which may be made available*
15 *to support United States Park Police are those funds ap-*
16 *proved for emergency law and order incidents pursuant to*
17 *established National Park Service procedures, those funds*
18 *needed to maintain and repair United States Park Police*
19 *administrative facilities, and those funds necessary to reim-*
20 *burse the United States Park Police account for the*
21 *unbudgeted overtime and travel costs associated with special*
22 *events for an amount not to exceed \$10,000 per event subject*
23 *to the review and concurrence of the Washington head-*
24 *quarters office.*

1 *UNITED STATES PARK POLICE*

2 *For expenses necessary to carry out the programs of*
3 *the United States Park Police, \$66,106,000.*

4 *CONTRIBUTION FOR ANNUITY BENEFITS*

5 *For reimbursement (not heretofore made), pursuant to*
6 *provisions of Public Law 85-157, to the District of Colum-*
7 *bia on a monthly basis for benefit payments by the District*
8 *of Columbia to United States Park Police annuitants under*
9 *the provisions of the Policeman and Fireman's Retirement*
10 *and Disability Act (Act), to the extent those payments ex-*
11 *ceed contributions made by active Park Police members cov-*
12 *ered under the Act, such amounts as hereafter may be nec-*
13 *essary: Provided, That hereafter the appropriations made*
14 *to the National Park Service shall not be available for this*
15 *purpose.*

16 *NATIONAL RECREATION AND PRESERVATION*

17 *For expenses necessary to carry out recreation pro-*
18 *grams, natural programs, cultural programs, heritage part-*
19 *nership programs, environmental compliance and review,*
20 *international park affairs, statutory or contractual aid for*
21 *other activities, and grant administration, not otherwise*
22 *provided for, \$65,886,000.*

23 *URBAN PARK AND RECREATION FUND*

24 *For expenses necessary to carry out the provisions of*
25 *the Urban Park and Recreation Recovery Act of 1978 (16*
26 *U.S.C. 2501 et seq.), \$20,000,000, to remain available until*

1 expended and to be for the conservation activities defined
2 in section 250(c)(4)(E)(x) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985, as amended, for the
4 purposes of such Act.

5 *HISTORIC PRESERVATION FUND*

6 *For expenses necessary in carrying out the Historic*
7 *Preservation Act of 1966, as amended (16 U.S.C. 470), and*
8 *the Omnibus Parks and Public Lands Management Act of*
9 *1996 (Public Law 104–333), \$74,000,000, to be derived*
10 *from the Historic Preservation Fund, to remain available*
11 *until September 30, 2003, and to be for the conservation*
12 *activities defined in section 250(c)(4)(E)(xi) of the Bal-*
13 *anced Budget and Emergency Deficit Control Act of 1985,*
14 *as amended, for the purposes of such Act: Provided, That*
15 *of the amount provided \$30,000,000 shall be for Save Amer-*
16 *ica’s Treasures for priority preservation projects, including*
17 *preservation of intellectual and cultural artifacts, preserva-*
18 *tion of historic structures and sites, and buildings to house*
19 *cultural and historic resources and to provide educational*
20 *opportunities: Provided further, That any individual Save*
21 *America’s Treasures grant shall be matched by non-Federal*
22 *funds: Provided further, That individual projects shall only*
23 *be eligible for one grant, and all projects to be funded shall*
24 *be approved by the House and Senate Committees on Ap-*
25 *propriations prior to the commitment of grant funds: Pro-*
26 *vided further, That Save America’s Treasures funds allo-*

1 cated for Federal projects shall be available by transfer to
2 appropriate accounts of individual agencies, after approval
3 of such projects by the Secretary of the Interior: Provided
4 further, That none of the funds provided for Save America's
5 Treasures may be used for administrative expenses, and
6 staffing for the program shall be available from the existing
7 staffing levels in the National Park Service.

8 *CONSTRUCTION*

9 *For construction, improvements, repair or replacement*
10 *of physical facilities, including the modifications authorized*
11 *by section 104 of the Everglades National Park Protection*
12 *and Expansion Act of 1989, \$338,585,000, to remain avail-*
13 *able until expended, of which \$60,000,000 is for conserva-*
14 *tion activities defined in section 250(c)(4)(E) of the Bal-*
15 *anced Budget and Emergency Deficit Control Act of 1985,*
16 *as amended, for the purposes of such Act.*

17 *LAND AND WATER CONSERVATION FUND*

18 *(RESCISSION)*

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

21 *LAND ACQUISITION AND STATE ASSISTANCE*

22 *For expenses necessary to carry out the Land and*
23 *Water Conservation Act of 1965, as amended (16 U.S.C.*
24 *460l–4 through 11), including administrative expenses, and*
25 *for acquisition of lands or waters, or interest therein, in*
26 *accordance with the statutory authority applicable to the*

1 *National Park Service, \$287,036,000, to be derived from the*
2 *Land and Water Conservation Fund, to remain available*
3 *until expended and to be for the conservation activities de-*
4 *fin ed in section 250(c)(4)(E)(iii) of the Balanced Budget*
5 *and Emergency Deficit Control Act of 1985, as amended,*
6 *for the purposes of such Act, of which \$164,000,000 is for*
7 *the State assistance program including \$4,000,000 to ad-*
8 *minister the State assistance program, and of which*
9 *\$11,000,000 shall be for grants, not covering more than 50*
10 *percent of the total cost of any acquisition to be made with*
11 *such funds, to States and local communities for purposes*
12 *of acquiring lands or interests in lands to preserve and pro-*
13 *tect Civil War battlefield sites identified in the July 1993*
14 *Report on the Nation's Civil War Battlefields prepared by*
15 *the Civil War Sites Advisory Commission: Provided, That*
16 *lands or interests in land acquired with Civil War battle-*
17 *field grants shall be subject to the requirements of para-*
18 *graph 6(f)(3) of the Land and Water Conservation Fund*
19 *Act of 1965 (16 U.S.C. 460l-8(f)(3)): Provided further,*
20 *That of the amounts provided under this heading,*
21 *\$15,000,000 may be for Federal grants to the State of Flor-*
22 *ida for the acquisition of lands or waters, or interests there-*
23 *in, within the Everglades watershed (consisting of lands*
24 *and waters within the boundaries of the South Florida*
25 *Water Management District, Florida Bay and the Florida*

1 *Keys, including the areas known as the Frog Pond, the*
2 *Rocky Glades and the Eight and One-Half Square Mile*
3 *Area) under terms and conditions deemed necessary by the*
4 *Secretary to improve and restore the hydrological function*
5 *of the Everglades watershed; and \$16,000,000 may be for*
6 *project modifications authorized by section 104 of the Ever-*
7 *glades National Park and Expansion Act: Provided further,*
8 *That funds provided under this heading for assistance to*
9 *the State of Florida to acquire lands within the Everglades*
10 *watershed are contingent upon new matching non-Federal*
11 *funds by the State and shall be subject to an agreement that*
12 *the lands to be acquired will be managed in perpetuity for*
13 *the restoration of the Everglades: Provided further, That*
14 *none of the funds provided for the State Assistance program*
15 *may be used to establish a contingency fund.*

16 *ADMINISTRATIVE PROVISIONS*

17 *Appropriations for the National Park Service shall be*
18 *available for the purchase of not to exceed 315 passenger*
19 *motor vehicles, of which 256 shall be for replacement only,*
20 *including not to exceed 237 for police-type use, 11 buses,*
21 *and 8 ambulances: Provided, That none of the funds appro-*
22 *priated to the National Park Service may be used to process*
23 *any grant or contract documents which do not include the*
24 *text of 18 U.S.C. 1913: Provided further, That none of the*
25 *funds appropriated to the National Park Service may be*
26 *used to implement an agreement for the redevelopment of*

1 *the southern end of Ellis Island until such agreement has*
2 *been submitted to the Congress and shall not be imple-*
3 *mented prior to the expiration of 30 calendar days (not*
4 *including any day in which either House of Congress is*
5 *not in session because of adjournment of more than three*
6 *calendar days to a day certain) from the receipt by the*
7 *Speaker of the House of Representatives and the President*
8 *of the Senate of a full and comprehensive report on the de-*
9 *velopment of the southern end of Ellis Island, including the*
10 *facts and circumstances relied upon in support of the pro-*
11 *posed project.*

12 *None of the funds in this Act may be spent by the Na-*
13 *tional Park Service for activities taken in direct response*
14 *to the United Nations Biodiversity Convention.*

15 *The National Park Service may distribute to operating*
16 *units based on the safety record of each unit the costs of*
17 *programs designed to improve workplace and employee safe-*
18 *ty, and to encourage employees receiving workers' com-*
19 *pensation benefits pursuant to chapter 81 of title 5, United*
20 *States Code, to return to appropriate positions for which*
21 *they are medically able.*

22 *UNITED STATES GEOLOGICAL SURVEY*
23 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

24 *For expenses necessary for the United States Geological*
25 *Survey to perform surveys, investigations, and research cov-*

1 *ering topography, geology, hydrology, biology, and the min-*
2 *eral and water resources of the United States, its territories*
3 *and possessions, and other areas as authorized by 43 U.S.C.*
4 *31, 1332, and 1340; classify lands as to their mineral and*
5 *water resources; give engineering supervision to power per-*
6 *mittees and Federal Energy Regulatory Commission licens-*
7 *ees; administer the minerals exploration program (30*
8 *U.S.C. 641); and publish and disseminate data relative to*
9 *the foregoing activities; and to conduct inquiries into the*
10 *economic conditions affecting mining and materials proc-*
11 *essing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C.*
12 *98g(1)) and related purposes as authorized by law and to*
13 *publish and disseminate data; \$892,474,000, of which*
14 *\$64,318,000 shall be available only for cooperation with*
15 *States or municipalities for water resources investigations;*
16 *and of which \$16,400,000 shall remain available until ex-*
17 *pended for conducting inquiries into the economic condi-*
18 *tions affecting mining and materials processing industries;*
19 *and of which \$8,000,000 shall remain available until ex-*
20 *pended for satellite operations; and of which \$23,226,000*
21 *shall be available until September 30, 2003 for the oper-*
22 *ation and maintenance of facilities and deferred mainte-*
23 *nance; and of which \$164,424,000 shall be available until*
24 *September 30, 2003 for the biological research activity and*
25 *the operation of the Cooperative Research Units: Provided,*

1 *That none of these funds provided for the biological research*
2 *activity shall be used to conduct new surveys on private*
3 *property, unless specifically authorized in writing by the*
4 *property owner: Provided further, That of the amount pro-*
5 *vided herein, \$25,000,000 is for the conservation activities*
6 *defined in section 250(c)(4)(E)(viii) of the Balanced Budget*
7 *and Emergency Deficit Control Act of 1985, as amended,*
8 *for the purposes of such Act: Provided further, That no part*
9 *of this appropriation shall be used to pay more than one-*
10 *half the cost of topographic mapping or water resources*
11 *data collection and investigations carried on in cooperation*
12 *with States and municipalities.*

13 *ADMINISTRATIVE PROVISIONS*

14 *The amount appropriated for the United States Geo-*
15 *logical Survey shall be available for the purchase of not to*
16 *exceed 53 passenger motor vehicles, of which 48 are for re-*
17 *placement only; reimbursement to the General Services Ad-*
18 *ministration for security guard services; contracting for the*
19 *furnishing of topographic maps and for the making of geo-*
20 *physical or other specialized surveys when it is administra-*
21 *tively determined that such procedures are in the public in-*
22 *terest; construction and maintenance of necessary buildings*
23 *and appurtenant facilities; acquisition of lands for gauging*
24 *stations and observation wells; expenses of the United States*
25 *National Committee on Geology; and payment of compensa-*
26 *tion and expenses of persons on the rolls of the Survey duly*

1 *appointed to represent the United States in the negotiation*
2 *and administration of interstate compacts: Provided, That*
3 *activities funded by appropriations herein made may be ac-*
4 *complished through the use of contracts, grants, or coopera-*
5 *tive agreements as defined in 31 U.S.C. 6302 et seq.*

6 *MINERALS MANAGEMENT SERVICE*

7 *ROYALTY AND OFFSHORE MINERALS MANAGEMENT*

8 *For expenses necessary for minerals leasing and envi-*
9 *ronmental studies, regulation of industry operations, and*
10 *collection of royalties, as authorized by law; for enforcing*
11 *laws and regulations applicable to oil, gas, and other min-*
12 *erals leases, permits, licenses and operating contracts; and*
13 *for matching grants or cooperative agreements; including*
14 *the purchase of not to exceed eight passenger motor vehicles*
15 *for replacement only, \$151,933,000, of which \$84,021,000,*
16 *shall be available for royalty management activities; and*
17 *an amount not to exceed \$102,730,000, to be credited to this*
18 *appropriation and to remain available until expended,*
19 *from additions to receipts resulting from increases to rates*
20 *in effect on August 5, 1993, from rate increases to fee collec-*
21 *tions for Outer Continental Shelf administrative activities*
22 *performed by the Minerals Management Service over and*
23 *above the rates in effect on September 30, 1993, and from*
24 *additional fees for Outer Continental Shelf administrative*
25 *activities established after September 30, 1993: Provided,*

1 *That to the extent \$102,730,000 in additions to receipts are*
2 *not realized from the sources of receipts stated above, the*
3 *amount needed to reach \$102,730,000 shall be credited to*
4 *this appropriation from receipts resulting from rental rates*
5 *for Outer Continental Shelf leases in effect before August*
6 *5, 1993: Provided further, That \$3,000,000 for computer ac-*
7 *quisitions shall remain available until September 30, 2003:*
8 *Provided further, That funds appropriated under this Act*
9 *shall be available for the payment of interest in accordance*
10 *with 30 U.S.C. 1721(b) and (d): Provided further, That not*
11 *to exceed \$3,000 shall be available for reasonable expenses*
12 *related to promoting volunteer beach and marine cleanup*
13 *activities: Provided further, That notwithstanding any*
14 *other provision of law, \$15,000 under this heading shall be*
15 *available for refunds of overpayments in connection with*
16 *certain Indian leases in which the Director of the Minerals*
17 *Management Service (MMS) concurred with the claimed re-*
18 *fund due, to pay amounts owed to Indian allottees or tribes,*
19 *or to correct prior unrecoverable erroneous payments: Pro-*
20 *vided further, That MMS may under the royalty-in-kind*
21 *pilot program use a portion of the revenues from royalty-*
22 *in-kind sales, without regard to fiscal year limitation, to*
23 *pay for transportation to wholesale market centers or up-*
24 *stream pooling points, and to process or otherwise dispose*
25 *of royalty production taken in kind: Provided further, That*

1 *MMS shall analyze and document the expected return in*
2 *advance of any royalty-in-kind sales to assure to the max-*
3 *imum extent practicable that royalty income under the*
4 *pilot program is equal to or greater than royalty income*
5 *recognized under a comparable royalty-in-value program.*

6 *OIL SPILL RESEARCH*

7 *For necessary expenses to carry out title I, section*
8 *1016, title IV, sections 4202 and 4303, title VII, and title*
9 *VIII, section 8201 of the Oil Pollution Act of 1990,*
10 *\$6,118,000, which shall be derived from the Oil Spill Liabil-*
11 *ity Trust Fund, to remain available until expended.*

12 *OFFICE OF SURFACE MINING RECLAMATION AND*

13 *ENFORCEMENT*

14 *REGULATION AND TECHNOLOGY*

15 *For necessary expenses to carry out the provisions of*
16 *the Surface Mining Control and Reclamation Act of 1977,*
17 *Public Law 95–87, as amended, including the purchase of*
18 *not to exceed 10 passenger motor vehicles, for replacement*
19 *only; \$102,144,000: Provided, That the Secretary of the In-*
20 *terior, pursuant to regulations, may use directly or through*
21 *grants to States, moneys collected in fiscal year 2002 for*
22 *civil penalties assessed under section 518 of the Surface*
23 *Mining Control and Reclamation Act of 1977 (30 U.S.C.*
24 *1268), to reclaim lands adversely affected by coal mining*
25 *practices after August 3, 1977, to remain available until*

1 *expended: Provided further, That appropriations for the Of-*
2 *fice of Surface Mining Reclamation and Enforcement may*
3 *provide for the travel and per diem expenses of State and*
4 *tribal personnel attending Office of Surface Mining Rec-*
5 *lamation and Enforcement sponsored training.*

6 *ABANDONED MINE RECLAMATION FUND*

7 *For necessary expenses to carry out title IV of the Sur-*
8 *face Mining Control and Reclamation Act of 1977, Public*
9 *Law 95–87, as amended, including the purchase of not more*
10 *than 10 passenger motor vehicles for replacement only,*
11 *\$203,171,000, to be derived from receipts of the Abandoned*
12 *Mine Reclamation Fund and to remain available until ex-*
13 *pended; of which up to \$10,000,000, to be derived from the*
14 *Federal Expenses Share of the Fund, shall be for suppl-*
15 *mental grants to States for the reclamation of abandoned*
16 *sites with acid mine rock drainage from coal mines, and*
17 *for associated activities, through the Appalachian Clean*
18 *Streams Initiative: Provided, That grants to minimum pro-*
19 *gram States will be \$1,600,000 per State in fiscal year*
20 *2002: Provided further, That of the funds herein provided*
21 *up to \$18,000,000 may be used for the emergency program*
22 *authorized by section 410 of Public Law 95–87, as amend-*
23 *ed, of which no more than 25 percent shall be used for emer-*
24 *gency reclamation projects in any one State and funds for*
25 *federally administered emergency reclamation projects*
26 *under this proviso shall not exceed \$11,000,000: Provided*

1 further, That prior year unobligated funds appropriated for
2 the emergency reclamation program shall not be subject to
3 the 25 percent limitation per State and may be used with-
4 out fiscal year limitation for emergency projects: Provided
5 further, That pursuant to Public Law 97-365, the Depart-
6 ment of the Interior is authorized to use up to 20 percent
7 from the recovery of the delinquent debt owed to the United
8 States Government to pay for contracts to collect these debts:
9 Provided further, That funds made available under title IV
10 of Public Law 95-87 may be used for any required non-
11 Federal share of the cost of projects funded by the Federal
12 Government for the purpose of environmental restoration
13 related to treatment or abatement of acid mine drainage
14 from abandoned mines: Provided further, That such projects
15 must be consistent with the purposes and priorities of the
16 Surface Mining Control and Reclamation Act: Provided
17 further, That the State of Maryland may set aside the great-
18 er of \$1,000,000 or 10 percent of the total of the grants
19 made available to the State under title IV of the Surface
20 Mining Control and Reclamation Act of 1977, as amended
21 (30 U.S.C. 1231 et seq.), if the amount set aside is deposited
22 in an acid mine drainage abatement and treatment fund
23 established under a State law, pursuant to which law the
24 amount (together with all interest earned on the amount)
25 is expended by the State to undertake acid mine drainage

1 *abatement and treatment projects, except that before any*
2 *amounts greater than 10 percent of its title IV grants are*
3 *deposited in an acid mine drainage abatement and treat-*
4 *ment fund, the State of Maryland must first complete all*
5 *Surface Mining Control and Reclamation Act priority one*
6 *projects.*

7 *BUREAU OF INDIAN AFFAIRS*

8 *OPERATION OF INDIAN PROGRAMS*

9 *For expenses necessary for the operation of Indian pro-*
10 *grams, as authorized by law, including the Snyder Act of*
11 *November 2, 1921 (25 U.S.C. 13), the Indian Self-Deter-*
12 *mination and Education Assistance Act of 1975 (25 U.S.C.*
13 *450 et seq.), as amended, the Education Amendments of*
14 *1978 (25 U.S.C. 2001–2019), and the Tribally Controlled*
15 *Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended,*
16 *\$1,804,322,000, to remain available until September 30,*
17 *2003 except as otherwise provided herein, of which not to*
18 *exceed \$89,864,000 shall be for welfare assistance payments*
19 *and notwithstanding any other provision of law, including*
20 *but not limited to the Indian Self-Determination Act of*
21 *1975, as amended, not to exceed \$130,209,000 shall be*
22 *available for payments to tribes and tribal organizations*
23 *for contract support costs associated with ongoing contracts,*
24 *grants, compacts, or annual funding agreements entered*
25 *into with the Bureau prior to or during fiscal year 2002,*

1 *as authorized by such Act, except that tribes and tribal or-*
2 *ganizations may use their tribal priority allocations for*
3 *unmet indirect costs of ongoing contracts, grants, or com-*
4 *pacts, or annual funding agreements and for unmet welfare*
5 *assistance costs; and up to \$3,000,000 shall be for the In-*
6 *dian Self-Determination Fund which shall be available for*
7 *the transitional cost of initial or expanded tribal contracts,*
8 *grants, compacts or cooperative agreements with the Bureau*
9 *under such Act; and of which not to exceed \$436,427,000*
10 *for school operations costs of Bureau-funded schools and*
11 *other education programs shall become available on July*
12 *1, 2002, and shall remain available until September 30,*
13 *2003; and of which not to exceed \$58,540,000 shall remain*
14 *available until expended for housing improvement, road*
15 *maintenance, attorney fees, litigation support, the Indian*
16 *Self-Determination Fund, land records improvement, and*
17 *the Navajo-Hopi Settlement Program: Provided, That not-*
18 *withstanding any other provision of law, including but not*
19 *limited to the Indian Self-Determination Act of 1975, as*
20 *amended, and 25 U.S.C. 2008, not to exceed \$43,065,000*
21 *within and only from such amounts made available for*
22 *school operations shall be available to tribes and tribal or-*
23 *ganizations for administrative cost grants associated with*
24 *the operation of Bureau-funded schools: Provided further,*
25 *That any forestry funds allocated to a tribe which remain*

1 *unobligated as of September 30, 2003, may be transferred*
2 *during fiscal year 2004 to an Indian forest land assistance*
3 *account established for the benefit of such tribe within the*
4 *tribe's trust fund account: Provided further, That any such*
5 *unobligated balances not so transferred shall expire on Sep-*
6 *tember 30, 2004.*

7 *CONSTRUCTION*

8 *For construction, repair, improvement, and mainte-*
9 *nance of irrigation and power systems, buildings, utilities,*
10 *and other facilities, including architectural and engineering*
11 *services by contract; acquisition of lands, and interests in*
12 *lands; and preparation of lands for farming, and for con-*
13 *struction of the Navajo Indian Irrigation Project pursuant*
14 *to Public Law 87-483, \$360,132,000, to remain available*
15 *until expended: Provided, That such amounts as may be*
16 *available for the construction of the Navajo Indian Irriga-*
17 *tion Project may be transferred to the Bureau of Reclama-*
18 *tion: Provided further, That not to exceed 6 percent of con-*
19 *tract authority available to the Bureau of Indian Affairs*
20 *from the Federal Highway Trust Fund may be used to cover*
21 *the road program management costs of the Bureau: Pro-*
22 *vided further, That any funds provided for the Safety of*
23 *Dams program pursuant to 25 U.S.C. 13 shall be made*
24 *available on a nonreimbursable basis: Provided further,*
25 *That for fiscal year 2002, in implementing new construc-*
26 *tion or facilities improvement and repair project grants in*

1 *excess of \$100,000 that are provided to tribally controlled*
2 *grant schools under Public Law 100–297, as amended, the*
3 *Secretary of the Interior shall use the Administrative and*
4 *Audit Requirements and Cost Principles for Assistance Pro-*
5 *grams contained in 43 CFR part 12 as the regulatory re-*
6 *quirements: Provided further, That such grants shall not*
7 *be subject to section 12.61 of 43 CFR; the Secretary and*
8 *the grantee shall negotiate and determine a schedule of pay-*
9 *ments for the work to be performed: Provided further, That*
10 *in considering applications, the Secretary shall consider*
11 *whether the Indian tribe or tribal organization would be*
12 *deficient in assuring that the construction projects conform*
13 *to applicable building standards and codes and Federal,*
14 *tribal, or State health and safety standards as required by*
15 *25 U.S.C. 2005(a), with respect to organizational and fi-*
16 *nancial management capabilities: Provided further, That if*
17 *the Secretary declines an application, the Secretary shall*
18 *follow the requirements contained in 25 U.S.C. 2505(f):*
19 *Provided further, That any disputes between the Secretary*
20 *and any grantee concerning a grant shall be subject to the*
21 *disputes provision in 25 U.S.C. 2508(e).*

22 *INDIAN LAND AND WATER CLAIM SETTLEMENTS AND*
23 *MISCELLANEOUS PAYMENTS TO INDIANS*

24 *For miscellaneous payments to Indian tribes and indi-*
25 *viduals and for necessary administrative expenses,*
26 *\$60,949,000, to remain available until expended; of which*

1 \$24,870,000 shall be available for implementation of en-
2 acted Indian land and water claim settlements pursuant
3 to Public Laws 101-618 and 102-575, and for implementa-
4 tion of other enacted water rights settlements; of which
5 \$7,950,000 shall be available for future water supplies fa-
6 cilities under Public Law 106-163; of which \$21,875,000
7 shall be available pursuant to Public Laws 99-264, 100-
8 580, 106-263, 106-425, 106-554, and 106-568; and of
9 which \$6,254,000 shall be available for the consent decree
10 entered by the U.S. District Court, Western District of
11 Michigan in *United States v. Michigan*, Case No. 2:73 CV
12 26.

13 *INDIAN GUARANTEED LOAN PROGRAM ACCOUNT*

14 *For the cost of guaranteed loans, \$4,500,000, as au-*
15 *thorized by the Indian Financing Act of 1974, as amended:*
16 *Provided, That such costs, including the cost of modifying*
17 *such loans, shall be as defined in section 502 of the Congres-*
18 *sional Budget Act of 1974: Provided further, That these*
19 *funds are available to subsidize total loan principal, any*
20 *part of which is to be guaranteed, not to exceed \$75,000,000.*

21 *In addition, for administrative expenses to carry out*
22 *the guaranteed loan programs, \$486,000.*

23 *ADMINISTRATIVE PROVISIONS*

24 *The Bureau of Indian Affairs may carry out the oper-*
25 *ation of Indian programs by direct expenditure, contracts,*
26 *cooperative agreements, compacts and grants, either di-*

1 *rectly or in cooperation with States and other organiza-*
2 *tions.*

3 *Appropriations for the Bureau of Indian Affairs (ex-*
4 *cept the revolving fund for loans, the Indian loan guarantee*
5 *and insurance fund, and the Indian Guaranteed Loan Pro-*
6 *gram account) shall be available for expenses of exhibits,*
7 *and purchase of not to exceed 229 passenger motor vehicles,*
8 *of which not to exceed 187 shall be for replacement only.*

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

19 *In the event any tribe returns appropriations made*
20 *available by this Act to the Bureau of Indian Affairs for*
21 *distribution to other tribes, this action shall not diminish*
22 *the Federal Government's trust responsibility to that tribe,*
23 *or the government-to-government relationship between the*
24 *United States and that tribe, or that tribe's ability to access*
25 *future appropriations.*

1 *Notwithstanding any other provision of law, no funds*
2 *available to the Bureau, other than the amounts provided*
3 *herein for assistance to public schools under 25 U.S.C. 452*
4 *et seq., shall be available to support the operation of any*
5 *elementary or secondary school in the State of Alaska.*

6 *Appropriations made available in this or any other*
7 *Act for schools funded by the Bureau shall be available only*
8 *to the schools in the Bureau school system as of September*
9 *1, 1996. No funds available to the Bureau shall be used to*
10 *support expanded grades for any school or dormitory be-*
11 *yond the grade structure in place or approved by the Sec-*
12 *retary of the Interior at each school in the Bureau school*
13 *system as of October 1, 1995. Funds made available under*
14 *this Act may not be used to establish a charter school at*
15 *a Bureau-funded school (as that term is defined in section*
16 *1146 of the Education Amendments of 1978 (25 U.S.C.*
17 *2026)), except that a charter school that is in existence on*
18 *the date of the enactment of this Act and that has operated*
19 *at a Bureau-funded school before September 1, 1999, may*
20 *continue to operate during that period, but only if the char-*
21 *ter school pays to the Bureau a pro rata share of funds*
22 *to reimburse the Bureau for the use of the real and personal*
23 *property (including buses and vans), the funds of the char-*
24 *ter school are kept separate and apart from Bureau funds,*
25 *and the Bureau does not assume any obligation for charter*

1 *school programs of the State in which the school is located*
2 *if the charter school loses such funding. Employees of Bu-*
3 *reau-funded schools sharing a campus with a charter school*
4 *and performing functions related to the charter school's op-*
5 *eration and employees of a charter school shall not be treat-*
6 *ed as Federal employees for purposes of chapter 171 of title*
7 *28, United States Code (commonly known as the "Federal*
8 *Tort Claims Act").*

9 *DEPARTMENTAL OFFICES*

10 *INSULAR AFFAIRS*

11 *ASSISTANCE TO TERRITORIES*

12 *For expenses necessary for assistance to territories*
13 *under the jurisdiction of the Department of the Interior,*
14 *\$76,450,000, of which: (1) \$71,922,000 shall be available*
15 *until expended for technical assistance, including mainte-*
16 *nance assistance, disaster assistance, insular management*
17 *controls, coral reef initiative activities, and brown tree*
18 *snake control and research; grants to the judiciary in Amer-*
19 *ican Samoa for compensation and expenses, as authorized*
20 *by law (48 U.S.C. 1661(c)); grants to the Government of*
21 *American Samoa, in addition to current local revenues, for*
22 *construction and support of governmental functions; grants*
23 *to the Government of the Virgin Islands as authorized by*
24 *law; grants to the Government of Guam, as authorized by*
25 *law; and grants to the Government of the Northern Mariana*

1 *Islands as authorized by law (Public Law 94–241; 90 Stat.*
2 *272); and (2) \$4,528,000 shall be available for salaries and*
3 *expenses of the Office of Insular Affairs: Provided, That all*
4 *financial transactions of the territorial and local govern-*
5 *ments herein provided for, including such transactions of*
6 *all agencies or instrumentalities established or used by such*
7 *governments, may be audited by the General Accounting Of-*
8 *fice, at its discretion, in accordance with chapter 35 of title*
9 *31, United States Code: Provided further, That Northern*
10 *Mariana Islands Covenant grant funding shall be provided*
11 *according to those terms of the Agreement of the Special*
12 *Representatives on Future United States Financial Assist-*
13 *ance for the Northern Mariana Islands approved by Public*
14 *Law 104–134: Provided further, That of the amounts pro-*
15 *vided for technical assistance, not to exceed \$2,000,000 shall*
16 *be made available for transfer to the Disaster Assistance*
17 *Direct Loan Financing Account of the Federal Emergency*
18 *Management Agency for the purpose of covering the cost of*
19 *forgiving the repayment obligation of the Government of the*
20 *Virgin Islands on Community Disaster Loan 841, as re-*
21 *quired by section 504 of the Congressional Budget Act of*
22 *1974, as amended (2 U.S.C. 661c): Provided further, That*
23 *of the amounts provided for technical assistance, sufficient*
24 *funding shall be made available for a grant to the Close*
25 *Up Foundation: Provided further, That the funds for the*

1 *program of operations and maintenance improvement are*
2 *appropriated to institutionalize routine operations and*
3 *maintenance improvement of capital infrastructure in*
4 *American Samoa, Guam, the Virgin Islands, the Common-*
5 *wealth of the Northern Mariana Islands, the Republic of*
6 *Palau, the Republic of the Marshall Islands, and the Fed-*
7 *erated States of Micronesia through assessments of long-*
8 *range operations maintenance needs, improved capability*
9 *of local operations and maintenance institutions and agen-*
10 *cies (including management and vocational education*
11 *training), and project-specific maintenance (with terri-*
12 *torial participation and cost sharing to be determined by*
13 *the Secretary based on the individual territory's commit-*
14 *ment to timely maintenance of its capital assets): Provided*
15 *further, That any appropriation for disaster assistance*
16 *under this heading in this Act or previous appropriations*
17 *Acts may be used as non-Federal matching funds for the*
18 *purpose of hazard mitigation grants provided pursuant to*
19 *section 404 of the Robert T. Stafford Disaster Relief and*
20 *Emergency Assistance Act (42 U.S.C. 5170c).*

21 *COMPACT OF FREE ASSOCIATION*

22 *For economic assistance and necessary expenses for the*
23 *Federated States of Micronesia and the Republic of the Mar-*
24 *shall Islands as provided for in sections 122, 221, 223, 232,*
25 *and 233 of the Compact of Free Association, and for eco-*

1 *conomic assistance and necessary expenses for the Republic*
2 *of Palau as provided for in sections 122, 221, 223, 232,*
3 *and 233 of the Compact of Free Association, \$23,245,000,*
4 *to remain available until expended, as authorized by Public*
5 *Law 99–239 and Public Law 99–658.*

6 *DEPARTMENTAL MANAGEMENT*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses for management of the Depart-*
9 *ment of the Interior, \$67,541,000, of which not to exceed*
10 *\$8,500 may be for official reception and representation ex-*
11 *penses, and of which up to \$1,000,000 shall be available*
12 *for workers compensation payments and unemployment*
13 *compensation payments associated with the orderly closure*
14 *of the United States Bureau of Mines.*

15 *OFFICE OF THE SOLICITOR*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Office of the Solicitor,*
18 *\$44,074,000.*

19 *OFFICE OF INSPECTOR GENERAL*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses of the Office of Inspector Gen-*
22 *eral, \$34,302,000, of which \$3,812,000 shall be for procure-*
23 *ment by contract of independent auditing services to audit*
24 *the consolidated Department of the Interior annual finan-*
25 *cial statement and the annual financial statement of the*

1 *Department of the Interior bureaus and offices funded in*
2 *this Act.*

3 *OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS*

4 *FEDERAL TRUST PROGRAMS*

5 *For operation of trust programs for Indians by direct*
6 *expenditure, contracts, cooperative agreements, compacts,*
7 *and grants, \$99,224,000, to remain available until ex-*
8 *pended: Provided, That funds for trust management im-*
9 *provements may be transferred, as needed, to the Bureau*
10 *of Indian Affairs "Operation of Indian Programs" account*
11 *and to the Departmental Management "Salaries and Ex-*
12 *penses" account: Provided further, That funds made avail-*
13 *able to Tribes and Tribal organizations through contracts*
14 *or grants obligated during fiscal year 2002, as authorized*
15 *by the Indian Self-Determination Act of 1975 (25 U.S.C.*
16 *450 et seq.), shall remain available until expended by the*
17 *contractor or grantee: Provided further, That notwith-*
18 *standing any other provision of law, the statute of limita-*
19 *tions shall not commence to run on any claim, including*
20 *any claim in litigation pending on the date of the enact-*
21 *ment of this Act, concerning losses to or mismanagement*
22 *of trust funds, until the affected tribe or individual Indian*
23 *has been furnished with an accounting of such funds from*
24 *which the beneficiary can determine whether there has been*
25 *a loss: Provided further, That notwithstanding any other*

1 *provision of law, the Secretary shall not be required to pro-*
2 *vide a quarterly statement of performance for any Indian*
3 *trust account that has not had activity for at least 18*
4 *months and has a balance of \$1.00 or less: Provided further,*
5 *That the Secretary shall issue an annual account statement*
6 *and maintain a record of any such accounts and shall per-*
7 *mit the balance in each such account to be withdrawn upon*
8 *the express written request of the account holder.*

9 *INDIAN LAND CONSOLIDATION*

10 *For consolidation of fractional interests in Indian*
11 *lands and expenses associated with redetermining and re-*
12 *distributing escheated interests in allotted lands, and for*
13 *necessary expenses to carry out the Indian Land Consolida-*
14 *tion Act of 1983, as amended, by direct expenditure or coop-*
15 *erative agreement, \$10,980,000, to remain available until*
16 *expended and which may be transferred to the Bureau of*
17 *Indian Affairs and Departmental Management.*

18 *NATURAL RESOURCE DAMAGE ASSESSMENT AND*

19 *RESTORATION*

20 *NATURAL RESOURCE DAMAGE ASSESSMENT FUND*

21 *To conduct natural resource damage assessment activi-*
22 *ties by the Department of the Interior necessary to carry*
23 *out the provisions of the Comprehensive Environmental Re-*
24 *sponse, Compensation, and Liability Act, as amended (42*
25 *U.S.C. 9601 et seq.), Federal Water Pollution Control Act,*
26 *as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act*

1 of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.),
2 and Public Law 101–337, as amended (16 U.S.C. 19jj et
3 seq.), \$5,872,000, to remain available until expended.

4 ADMINISTRATIVE PROVISIONS

5 There is hereby authorized for acquisition from avail-
6 able resources within the Working Capital Fund, 15 air-
7 craft, 10 of which shall be for replacement and which may
8 be obtained by donation, purchase or through available ex-
9 cess surplus property: Provided, That notwithstanding any
10 other provision of law, existing aircraft being replaced may
11 be sold, with proceeds derived or trade-in value used to offset
12 the purchase price for the replacement aircraft: Provided
13 further, That no programs funded with appropriated funds
14 in the “Departmental Management”, “Office of the Solic-
15 itor”, and “Office of Inspector General” may be augmented
16 through the Working Capital Fund or the Consolidated
17 Working Fund.

18 GENERAL PROVISIONS, DEPARTMENT OF THE
19 INTERIOR

20 SEC. 101. Appropriations made in this title shall be
21 available for expenditure or transfer (within each bureau
22 or office), with the approval of the Secretary, for the emer-
23 gency reconstruction, replacement, or repair of aircraft,
24 buildings, utilities, or other facilities or equipment dam-
25 aged or destroyed by fire, flood, storm, or other unavoidable
26 causes: Provided, That no funds shall be made available

1 *under this authority until funds specifically made available*
2 *to the Department of the Interior for emergencies shall have*
3 *been exhausted: Provided further, That all funds used pur-*
4 *suant to this section are hereby designated by Congress to*
5 *be “emergency requirements” pursuant to section*
6 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
7 *icit Control Act of 1985, and must be replenished by a sup-*
8 *plemental appropriation which must be requested as*
9 *promptly as possible.*

10 *SEC. 102. The Secretary may authorize the expendi-*
11 *ture or transfer of any no year appropriation in this title,*
12 *in addition to the amounts included in the budget programs*
13 *of the several agencies, for the suppression or emergency*
14 *prevention of wildland fires on or threatening lands under*
15 *the jurisdiction of the Department of the Interior; for the*
16 *emergency rehabilitation of burned-over lands under its ju-*
17 *risdiction; for emergency actions related to potential or ac-*
18 *tual earthquakes, floods, volcanoes, storms, or other un-*
19 *avoidable causes; for contingency planning subsequent to*
20 *actual oil spills; for response and natural resource damage*
21 *assessment activities related to actual oil spills; for the pre-*
22 *vention, suppression, and control of actual or potential*
23 *grasshopper and Mormon cricket outbreaks on lands under*
24 *the jurisdiction of the Secretary, pursuant to the authority*
25 *in section 1773(b) of Public Law 99–198 (99 Stat. 1658);*

1 *for emergency reclamation projects under section 410 of*
2 *Public Law 95–87; and shall transfer, from any no year*
3 *funds available to the Office of Surface Mining Reclamation*
4 *and Enforcement, such funds as may be necessary to permit*
5 *assumption of regulatory authority in the event a primacy*
6 *State is not carrying out the regulatory provisions of the*
7 *Surface Mining Act: Provided, That appropriations made*
8 *in this title for wildland fire operations shall be available*
9 *for the payment of obligations incurred during the pre-*
10 *ceding fiscal year, and for reimbursement to other Federal*
11 *agencies for destruction of vehicles, aircraft, or other equip-*
12 *ment in connection with their use for wildland fire oper-*
13 *ations, such reimbursement to be credited to appropriations*
14 *currently available at the time of receipt thereof: Provided*
15 *further, That for wildland fire operations, no funds shall*
16 *be made available under this authority until the Secretary*
17 *determines that funds appropriated for “wildland fire oper-*
18 *ations” shall be exhausted within thirty days: Provided fur-*
19 *ther, That all funds used pursuant to this section are hereby*
20 *designated by Congress to be “emergency requirements”*
21 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
22 *and Emergency Deficit Control Act of 1985, and must be*
23 *replenished by a supplemental appropriation which must*
24 *be requested as promptly as possible: Provided further, That*
25 *such replenishment funds shall be used to reimburse, on a*

1 *pro rata basis, accounts from which emergency funds were*
2 *transferred.*

3 *SEC. 103. Appropriations made in this title shall be*
4 *available for operation of warehouses, garages, shops, and*
5 *similar facilities, wherever consolidation of activities will*
6 *contribute to efficiency or economy, and said appropri-*
7 *tions shall be reimbursed for services rendered to any other*
8 *activity in the same manner as authorized by sections 1535*
9 *and 1536 of title 31, United States Code: Provided, That*
10 *reimbursements for costs and supplies, materials, equip-*
11 *ment, and for services rendered may be credited to the ap-*
12 *propriation current at the time such reimbursements are*
13 *received.*

14 *SEC. 104. Appropriations made to the Department of*
15 *the Interior in this title shall be available for services as*
16 *authorized by 5 U.S.C. 3109, when authorized by the Sec-*
17 *retary, in total amount not to exceed \$500,000; hire, main-*
18 *tenance, and operation of aircraft; hire of passenger motor*
19 *vehicles; purchase of reprints; payment for telephone service*
20 *in private residences in the field, when authorized under*
21 *regulations approved by the Secretary; and the payment of*
22 *dues, when authorized by the Secretary, for library member-*
23 *ship in societies or associations which issue publications to*
24 *members only or at a price to members lower than to sub-*
25 *scribers who are not members.*

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

5 *SEC. 106. Annual appropriations made in this title*
6 *shall be available for obligation in connection with con-*
7 *tracts issued for services or rentals for periods not in excess*
8 *of 12 months beginning at any time during the fiscal year.*

9 *SEC. 107. No funds provided in this title may be ex-*
10 *pended by the Department of the Interior for the conduct*
11 *of offshore leasing and related activities placed under re-*
12 *striction in the President’s moratorium statement of June*
13 *12, 1998, in the areas of northern, central, and southern*
14 *California; the North Atlantic; Washington and Oregon;*
15 *and the eastern Gulf of Mexico south of 26 degrees north*
16 *latitude and east of 86 degrees west longitude.*

17 *SEC. 108. No funds provided in this title may be ex-*
18 *pended by the Department of the Interior for the conduct*
19 *of offshore oil and natural gas preleasing, leasing, and re-*
20 *lated activities, on lands within the North Aleutian Basin*
21 *planning area.*

22 *SEC. 109. No funds provided in this title may be ex-*
23 *pended by the Department of the Interior to conduct offshore*
24 *oil and natural gas preleasing, leasing and related activi-*
25 *ties in the eastern Gulf of Mexico planning area for any*

1 *lands located outside Sale 181, as identified in the final*
2 *Outer Continental Shelf 5-Year Oil and Gas Leasing Pro-*
3 *gram, 1997–2002.*

4 *SEC. 110. No funds provided in this title may be ex-*
5 *pended by the Department of the Interior to conduct oil and*
6 *natural gas preleasing, leasing and related activities in the*
7 *Mid-Atlantic and South Atlantic planning areas.*

8 *SEC. 111. Advance payments made under this title to*
9 *Indian tribes, tribal organizations, and tribal consortia*
10 *pursuant to the Indian Self-Determination and Education*
11 *Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Con-*
12 *trolled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may*
13 *be invested by the Indian tribe, tribal organization, or con-*
14 *sortium before such funds are expended for the purposes of*
15 *the grant, compact, or annual funding agreement so long*
16 *as such funds are—*

17 *(1) invested by the Indian tribe, tribal organiza-*
18 *tion, or consortium only in obligations of the United*
19 *States, or in obligations or securities that are guaran-*
20 *teed or insured by the United States, or mutual (or*
21 *other) funds registered with the Securities and Ex-*
22 *change Commission and which only invest in obliga-*
23 *tions of the United States or securities that are guar-*
24 *anteed or insured by the United States; or*

1 (2) *deposited only into accounts that are insured*
2 *by an agency or instrumentality of the United States,*
3 *or are fully collateralized to ensure protection of the*
4 *funds, even in the event of a bank failure.*

5 *SEC. 112. Appropriations made in this Act under the*
6 *headings Bureau of Indian Affairs and Office of Special*
7 *Trustee for American Indians and any available unobli-*
8 *gated balances from prior appropriations Acts made under*
9 *the same headings, shall be available for expenditure or*
10 *transfer for Indian trust management activities pursuant*
11 *to the Trust Management Improvement Project High Level*
12 *Implementation Plan.*

13 *SEC. 113. A grazing permit or lease that expires (or*
14 *is transferred) during fiscal year 2002 shall be renewed*
15 *under section 402 of the Federal Land Policy and Manage-*
16 *ment Act of 1976, as amended (43 U.S.C. 1752) or if appli-*
17 *cable, section 510 of the California Desert Protection Act*
18 *(16 U.S.C. 410aaa–50). The terms and conditions con-*
19 *tained in the expiring permit or lease shall continue in ef-*
20 *fect under the new permit or lease until such time as the*
21 *Secretary of the Interior completes processing of such per-*
22 *mit or lease in compliance with all applicable laws and*
23 *regulations, at which time such permit or lease may be can-*
24 *celed, suspended or modified, in whole or in part, to meet*
25 *the requirements of such applicable laws and regulations.*

1 *Nothing in this section shall be deemed to alter the Sec-*
2 *retary's statutory authority.*

3 *SEC. 114. Notwithstanding any other provision of law,*
4 *for the purpose of reducing the backlog of Indian probate*
5 *cases in the Department of the Interior, the hearing require-*
6 *ments of chapter 10 of title 25, United States Code, are*
7 *deemed satisfied by a proceeding conducted by an Indian*
8 *probate judge, appointed by the Secretary without regard*
9 *to the provisions of title 5, United States Code, governing*
10 *the appointments in the competitive service, for such period*
11 *of time as the Secretary determines necessary: Provided,*
12 *That the basic pay of an Indian probate judge so appointed*
13 *may be fixed by the Secretary without regard to the provi-*
14 *sions of chapter 51, and subchapter III of chapter 53 of*
15 *title 5, United States Code, governing the classification and*
16 *pay of General Schedule employees, except that no such In-*
17 *dian probate judge may be paid at a level which exceeds*
18 *the maximum rate payable for the highest grade of the Gen-*
19 *eral Schedule, including locality pay.*

20 *SEC. 115. Notwithstanding any other provision of law,*
21 *the Secretary of the Interior is authorized to redistribute*
22 *any Tribal Priority Allocation funds, including tribal base*
23 *funds, to alleviate tribal funding inequities by transferring*
24 *funds to address identified, unmet needs, dual enrollment,*
25 *overlapping service areas or inaccurate distribution meth-*

1 *odologies. No tribe shall receive a reduction in Tribal Pri-*
2 *ority Allocation funds of more than 10 percent in fiscal*
3 *year 2002. Under circumstances of dual enrollment, over-*
4 *lapping service areas or inaccurate distribution methodolo-*
5 *gies, the 10 percent limitation does not apply.*

6 *SEC. 116. Funds appropriated for the Bureau of In-*
7 *dian Affairs for postsecondary schools for fiscal year 2002*
8 *shall be allocated among the schools proportionate to the*
9 *unmet need of the schools as determined by the Postsec-*
10 *ondary Funding Formula adopted by the Office of Indian*
11 *Education Programs.*

12 *SEC. 117. (a) The Secretary of the Interior shall take*
13 *such action as may be necessary to ensure that the lands*
14 *comprising the Huron Cemetery in Kansas City, Kansas*
15 *(as described in section 123 of Public Law 106–291) are*
16 *used only in accordance with this section.*

17 *(b) The lands of the Huron Cemetery shall be used only*
18 *(1) for religious and cultural uses that are compatible with*
19 *the use of the lands as a cemetery, and (2) as a burial*
20 *ground.*

21 *SEC. 118. Notwithstanding any other provision of law,*
22 *in conveying the Twin Cities Research Center under the au-*
23 *thority provided by Public Law 104–134, as amended by*
24 *Public Law 104–208, the Secretary may accept and retain*
25 *land and other forms of reimbursement: Provided, That the*

1 *Secretary may retain and use any such reimbursement*
2 *until expended and without further appropriation: (1) for*
3 *the benefit of the National Wildlife Refuge System within*
4 *the State of Minnesota; and (2) for all activities authorized*
5 *by Public Law 100–696; 16 U.S.C. 460zz.*

6 *SEC. 119. Section 412(b) of the National Parks Omni-*
7 *bus Management Act of 1998, as amended (16 U.S.C. 5961)*
8 *is amended by striking “2001” and inserting “2002”.*

9 *SEC. 120. Notwithstanding other provisions of law, the*
10 *National Park Service may authorize, through cooperative*
11 *agreement, the Golden Gate National Parks Association to*
12 *provide fee-based education, interpretive and visitor service*
13 *functions within the Crissy Field and Fort Point areas of*
14 *the Presidio.*

15 *SEC. 121. Notwithstanding 31 U.S.C. 3302(b), sums*
16 *received by the Bureau of Land Management for the sale*
17 *of seeds or seedlings including those collected in fiscal year*
18 *2001, may be credited to the appropriation from which*
19 *funds were expended to acquire or grow the seeds or seed-*
20 *lings and are available without fiscal year limitation.*

21 *SEC. 122. TRIBAL SCHOOL CONSTRUCTION DEM-*
22 *ONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:*
23 *(1) CONSTRUCTION.—The term “construction”,*
24 *with respect to a tribally controlled school, includes*
25 *the construction or renovation of that school.*

1 (2) *INDIAN TRIBE*.—The term “Indian tribe” has
2 the meaning given that term in section 4(e) of the In-
3 dian Self-Determination and Education Assistance
4 Act (25 U.S.C. 450b(e)).

5 (3) *SECRETARY*.—The term “secretary” means
6 the Secretary of the Interior.

7 (4) *TRIBALLY CONTROLLED SCHOOL*.—The term
8 “tribally controlled school” has the meaning given
9 that term in section 5212 of the Tribally Controlled
10 Schools Act of 1988 (25 U.S.C. 2511).

11 (5) *DEPARTMENT*.—The term “Department”
12 means the Department of the Interior.

13 (6) *DEMONSTRATION PROGRAM*.—The term
14 “demonstration program” means the Tribal School
15 Construction Demonstration Program.

16 (b) *IN GENERAL*.—The Secretary shall carry out a
17 demonstration program to provide grants to Indian tribes
18 for the construction of tribally controlled schools.

19 (1) *IN GENERAL*.—Subject to the availability of
20 appropriations, in carrying out the demonstration
21 program under subsection (b), the Secretary shall
22 award a grant to each Indian tribe that submits an
23 application that is approved by the Secretary under
24 paragraph (2). The Secretary shall ensure that an eli-
25 gible Indian tribe currently on the Department’s pri-

1 *ority list for constructing of replacement educational*
2 *facilities receives the highest priority for a grant*
3 *under this section.*

4 (2) *GRANT APPLICATIONS.—An application for a*
5 *grant under the section shall—*

6 (A) *include a proposal for the construction*
7 *of a tribally controlled school of the Indian tribe*
8 *that submits the application; and*

9 (B) *be in such form as the Secretary deter-*
10 *mines appropriate.*

11 (3) *GRANT AGREEMENT.—As a condition to re-*
12 *ceiving a grant under this section, the Indian tribe*
13 *shall enter into an agreement with the Secretary that*
14 *specifies—*

15 (A) *the costs of construction under the*
16 *grant;*

17 (B) *that the Indian tribe shall be required*
18 *to contribute towards the cost of the construction*
19 *a tribal share equal to 50 percent of the costs;*
20 *and*

21 (C) *any other term or condition that the*
22 *Secretary determines to be appropriate.*

23 (4) *ELIGIBILITY.—Grants awarded under the*
24 *demonstration program shall only be for construction*
25 *on replacement tribally controlled schools.*

1 (c) *EFFECT OF GRANT.*—A grant received under this
2 section shall be in addition to any other funds received by
3 an Indian tribe under any other provision of law. The re-
4 ceipt of a grant under this section shall not affect the eligi-
5 bility of an Indian tribe receiving funding, or the amount
6 of funding received by the Indian tribe, under the Tribally
7 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or
8 the Indian Self-Determination and Education Assistance
9 Act (25 U.S.C. 450 et seq.).

10 *SEC. 123. WHITE RIVER OIL SHALE MINE, UTAH. (a)*
11 *SALE.*—The Administrator of General Services (referred to
12 in this section as the “Administrator”) shall sell all right,
13 title, and interest of the United States in and to the im-
14 provements and equipment described in subsection (b) that
15 are situated on the land described in subsection (c) (referred
16 to in this section as the “Mine”).

17 (b) *DESCRIPTION OF IMPROVEMENTS AND EQUIP-*
18 *MENT.*— The improvements and equipment referred to in
19 subsection (a) are the following improvements and equip-
20 ment associated with the Mine:

- 21 (1) *Mine Service Building.*
- 22 (2) *Sewage Treatment Building.*
- 23 (3) *Electrical Switchgear Building.*
- 24 (4) *Water Treatment Building/Plant.*
- 25 (5) *Ventilation/Fan Building.*

1 (6) *Water Storage Tanks.*

2 (7) *Mine Hoist Cage and Headframe.*

3 (8) *Miscellaneous Mine-related equipment.*

4 (c) *DESCRIPTION OF LAND.—The land referred to in*
5 *subsection (a) is the land located in Uintah County, Utah,*
6 *known as the “White River Oil Shale Mine” and described*
7 *as follows:*

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

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

12 (d) *USE OF PROCEEDS.—The proceeds of the sale*
13 *under subsection (a)—*

14 (1) *shall be deposited in a special account in the*
15 *Treasury of the United States; and*

16 (2) *shall be available until expended, without*
17 *further Act of appropriation—*

18 (A) *first, to reimburse the Administrator for*
19 *the direct costs of the sale; and*

20 (B) *second, to reimburse the Bureau of*
21 *Land Management Utah State Office for the*
22 *costs of closing and rehabilitating the Mine.*

23 (e) *MINE CLOSURE AND REHABILITATION.—The clos-*
24 *ing and rehabilitation of the Mine (including closing of the*

1 mine shafts, site grading, and surface revegetation) shall
2 be conducted in accordance with—

3 (1) the regulatory requirements of the State of
4 Utah, the Mine Safety and Health Administration,
5 and the Occupational Safety and Health Administra-
6 tion; and

7 (2) other applicable law.

8 *SEC. 124. The Secretary of the Interior may use or*
9 *contract for the use of helicopters or motor vehicles on the*
10 *Sheldon and Hart National Wildlife Refuges for the purpose*
11 *of capturing and transporting horses and burros. The provi-*
12 *sions of subsection (a) of the Act of September 8, 1959 (73*
13 *Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such*
14 *use. Such use shall be in accordance with humane proce-*
15 *dures prescribed by the Secretary.*

16 *SEC. 125. Upon application of the Governor of a State,*
17 *the Secretary of the Interior shall (1) transfer not to exceed*
18 *25 percent of that State's formula allocation under the*
19 *heading "National Park Service, Land Acquisition and*
20 *State Assistance" to increase the State's allocation under*
21 *the heading "United States Fish and Wildlife Service, State*
22 *Wildlife Grants" or (2) transfer not to exceed 25 percent*
23 *of the State's formula allocation under the heading "United*
24 *States Fish and Wildlife Service, State Wildlife Grants" to*
25 *increase the State's formula allocation under the heading*

1 “National Park Service, Land Acquisition and State Assist-
2 ance”.

3 *SEC. 126. Section 819 of Public Law 106–568 is here-
4 by repealed.*

5 *SEC. 127. Moore’s Landing at the Cape Romain Na-
6 tional Wildlife Refuge in South Carolina is hereby named
7 for George Garris and shall hereafter be referred to in any
8 law, document, or records of the United States as “Garris
9 Landing”.*

10 *TITLE II—RELATED AGENCIES*

11 *DEPARTMENT OF AGRICULTURE*

12 *FOREST SERVICE*

13 *FOREST AND RANGELAND RESEARCH*

14 *For necessary expenses of forest and rangeland re-
15 search as authorized by law, \$242,822,000, to remain avail-
16 able until expended.*

17 *STATE AND PRIVATE FORESTRY*

18 *For necessary expenses of cooperating with and pro-
19 viding technical and financial assistance to States, terri-
20 tories, possessions, and others, and for forest health manage-
21 ment, cooperative forestry, and education and land con-
22 servation activities and conducting an international pro-
23 gram as authorized, \$287,331,000, to remain available
24 until expended, as authorized by law, of which
25 \$101,000,000 is for Forest Legacy and Urban and Commu-*

1 *nity Forestry, defined in section 250(c)(4)(E)(ix) of the*
2 *Balanced Budget and Emergency Deficit Control Act of*
3 *1985, as amended, for the purposes of such Act: Provided,*
4 *That none of the funds provided under this heading for the*
5 *acquisition of lands or interests in lands shall be available*
6 *until the House Committee on Appropriations and the Sen-*
7 *ate Committee on Appropriations provide to the Secretary,*
8 *in writing, a list of specific acquisitions to be undertaken*
9 *with such funds: Provided further, That notwithstanding*
10 *any other provision of law, of the funds provided under this*
11 *heading, \$5,000,000 shall be made available to Kake Tribal*
12 *Corporation as an advanced direct lump sum payment to*
13 *implement the Kake Tribal Corporation Land Transfer Act*
14 *(Public Law 106–283).*

15 *NATIONAL FOREST SYSTEM*

16 *For necessary expenses of the Forest Service, not other-*
17 *wise provided for, for management, protection, improve-*
18 *ment, and utilization of the National Forest System,*
19 *\$1,324,491,000, to remain available until expended, which*
20 *shall include 50 percent of all moneys received during prior*
21 *fiscal years as fees collected under the Land and Water Con-*
22 *servation Fund Act of 1965, as amended, in accordance*
23 *with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided,*
24 *That unobligated balances available at the start of fiscal*
25 *year 2002 shall be displayed by extended budget line item*
26 *in the fiscal year 2003 budget justification: Provided fur-*

1 *ther, That of the amount available for vegetation and water-*
2 *shed management, the Secretary may authorize the expendi-*
3 *ture or transfer of such sums as necessary to the Depart-*
4 *ment of the Interior, Bureau of Land Management for re-*
5 *moval, preparation, and adoption of excess wild horses and*
6 *burros from National Forest System lands: Provided fur-*
7 *ther, That of the funds provided under this heading for For-*
8 *est Products, \$5,000,000 shall be allocated to the Alaska Re-*
9 *gion, in addition to its normal allocation for the purposes*
10 *of preparing additional timber for sale, to establish a 3-*
11 *year timber supply and such funds may be transferred to*
12 *other appropriations accounts as necessary to maximize ac-*
13 *complishment: Provided further, That of the funds provided*
14 *for Wildlife and Fish Habitat Management, \$600,000 shall*
15 *be provided to the State of Alaska for wildlife monitoring*
16 *activities.*

17 *WILDLAND FIRE MANAGEMENT*

18 *For necessary expenses for forest fire presuppression*
19 *activities on National Forest System lands, for emergency*
20 *fire suppression on or adjacent to such lands or other lands*
21 *under fire protection agreement, and for emergency reha-*
22 *bilitation of burned-over National Forest System lands and*
23 *water, \$1,115,594,000, to remain available until expended:*
24 *Provided, That such funds including unobligated balances*
25 *under this head, are available for repayment of advances*
26 *from other appropriations accounts previously transferred*

1 *for such purposes: Provided further, That not less than 50*
2 *percent of any unobligated balances remaining (exclusive*
3 *of amounts for hazardous fuels reduction) at the end of fis-*
4 *cal year 2001 shall be transferred, as repayment for past*
5 *advances that have not been repaid, to the fund established*
6 *pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576*
7 *et seq.): Provided further, That notwithstanding any other*
8 *provision of law, \$4,000,000 of funds appropriated under*
9 *this appropriation shall be used for Fire Science Research*
10 *in support of the Joint Fire Science Program: Provided fur-*
11 *ther, That all authorities for the use of funds, including the*
12 *use of contracts, grants, and cooperative agreements, avail-*
13 *able to execute the Forest and Rangeland Research appro-*
14 *priation, are also available in the utilization of these funds*
15 *for Fire Science Research: Provided further, That funds*
16 *provided shall be available for emergency rehabilitation and*
17 *restoration, hazard reduction activities in the urban-*
18 *wildland interface, support to federal emergency response,*
19 *and wildfire suppression activities of the Forest Service:*
20 *Provided further, That amounts under this heading may*
21 *be transferred as specified in the report accompanying this*
22 *Act to the “State and Private Forestry”, “National Forest*
23 *System”, “Forest and Rangeland Research”, and “Capital*
24 *Improvement and Maintenance” accounts to fund state fire*
25 *assistance, volunteer fire assistance, and forest health man-*

1 *agement, vegetation and watershed management, heritage*
2 *site rehabilitation, wildlife and fish habitat management,*
3 *trails and facilities maintenance and restoration: Provided*
4 *further, That transfers of any amounts in excess of those*
5 *specified shall require approval of the House and Senate*
6 *Committees on Appropriations in compliance with re-*
7 *programming procedures contained in House Report No.*
8 *105–163: Provided further, That the costs of implementing*
9 *any cooperative agreement between the Federal government*
10 *and any non-Federal entity may be shared, as mutually*
11 *agreed on by the affected parties: Provided further, That*
12 *in entering into such grants or cooperative agreements, the*
13 *Secretary may consider the enhancement of local and small*
14 *business employment opportunities for rural communities,*
15 *and that in entering into procurement contracts under this*
16 *section on a best value basis, the Secretary may take into*
17 *account the ability of an entity to enhance local and small*
18 *business employment opportunities in rural communities,*
19 *and that the Secretary may award procurement contracts,*
20 *grants, or cooperative agreements under this section to enti-*
21 *ties that include local non-profit entities, Youth Conserva-*
22 *tion Corps or related partnerships with State, local or non-*
23 *profit youth groups, or small or disadvantaged businesses:*
24 *Provided further, That:*

1 (1) *In expending the funds provided with respect*
2 *to this Act for hazardous fuels reduction, the Sec-*
3 *retary of the Interior and the Secretary of Agriculture*
4 *may conduct fuel reduction treatments on Federal*
5 *lands using all contracting and hiring authorities*
6 *available to the Secretaries applicable to hazardous*
7 *fuel reduction activities under the wildland fire man-*
8 *agement accounts. Notwithstanding Federal govern-*
9 *ment procurement and contracting laws, the Secre-*
10 *taries may conduct fuel reduction treatments on Fed-*
11 *eral lands using grants and cooperative agreements.*
12 *Notwithstanding Federal government procurement*
13 *and contracting laws, in order to provide employment*
14 *and training opportunities to people in rural commu-*
15 *nities, the Secretaries may award contracts, including*
16 *contracts for monitoring activities, to—*

17 (A) *local private, nonprofit, or cooperative*
18 *entities;*

19 (B) *Youth Conservation Corps crews or re-*
20 *lated partnerships, with State, local and non-*
21 *profit youth groups;*

22 (C) *small or micro-businesses; or*

23 (D) *other entities that will hire or train a*
24 *significant percentage of local people to complete*
25 *such contracts. The authorities described above*

1 *relating to contracts, grants, and cooperative*
2 *agreements are available until all funds provided*
3 *in this title for hazardous fuels reduction activi-*
4 *ties in the urban wildland interface are obli-*
5 *gated.*

6 (2)(A) *The Secretary of Agriculture may transfer*
7 *or reimburse funds to the United States Fish and*
8 *Wildlife Service of the Department of the Interior, or*
9 *the National Marine Fisheries Service of the Depart-*
10 *ment of Commerce, for the costs of carrying out their*
11 *responsibilities under the Endangered Species Act of*
12 *1973 (16 U.S.C. 1531 et seq.) to consult and con-*
13 *ference as required by section 7 of such Act in connec-*
14 *tion with wildland fire management activities in fis-*
15 *cal years 2001 and 2002.*

16 (B) *Only those funds appropriated for fiscal*
17 *years 2001 and 2002 to Forest Service (USDA) for*
18 *wildland fire management are available to the Sec-*
19 *retary of Agriculture for such transfer or reimburse-*
20 *ment.*

21 (C) *The amount of the transfer or reimbursement*
22 *shall be as mutually agreed by the Secretary of Agri-*
23 *culture and the Secretary of the Interior or Secretary*
24 *of Commerce, as applicable, or their designees. The*
25 *amount shall in no case exceed the actual costs of con-*

1 *sultation and conferencing in connection with*
2 *wildland fire management activities affecting Na-*
3 *tional Forest System lands.*

4 *For an additional amount to cover necessary expenses*
5 *for emergency rehabilitation, wildfire suppression and other*
6 *fire operations of the Forest Service, \$165,000,000, to re-*
7 *main available until expended, of which \$100,000,000 is*
8 *for emergency rehabilitation and wildfire suppression, and*
9 *\$65,000,000 is for other fire operations: Provided, That the*
10 *entire amount appropriated in this paragraph is des-*
11 *ignated by the Congress as an emergency requirement pur-*
12 *suant to section 251(b)(2)(A) of the Balanced Budget and*
13 *Emergency Deficit Control Act of 1985, as amended: Pro-*
14 *vided further, That these funds shall be available only to*
15 *the extent an official budget request for a specific dollar*
16 *amount, that includes designation of the entire amount of*
17 *the request as an emergency requirement as defined in the*
18 *Balanced Budget and Emergency Deficit Control Act of*
19 *1985, as amended, is transmitted by the President to the*
20 *Congress.*

21 *For an additional amount, to liquidate obligations*
22 *previously incurred, \$274,147,000.*

23 *CAPITAL IMPROVEMENT AND MAINTENANCE*

24 *For necessary expenses of the Forest Service, not other-*
25 *wise provided for, \$541,286,000, to remain available until*

1 expended for construction, reconstruction, maintenance and
2 acquisition of buildings and other facilities, and for con-
3 struction, reconstruction, repair and maintenance of forest
4 roads and trails by the Forest Service as authorized by 16
5 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which
6 \$61,000,000 is for conservation activities defined in section
7 250(c)(4)(E) of the Balanced Budget and Emergency Def-
8 icit Control Act of 1985, as amended, for the purposes of
9 such Act: Provided, That fiscal year 2001 balances in the
10 Federal Infrastructure Improvement account for the Forest
11 Service shall be transferred to and merged with this appro-
12 priation and shall remain available until expended: Pro-
13 vided further, That up to \$15,000,000 of the funds provided
14 herein for road maintenance shall be available for the de-
15 commissioning of roads, including unauthorized roads not
16 part of the transportation system, which are no longer need-
17 ed: Provided further, That no funds shall be expended to
18 decommission any system road until notice and an oppor-
19 tunity for public comment has been provided on each de-
20 commissioning project: Provided further, That the Forest
21 Service shall transfer \$300,000, appropriated in Public
22 Law 106–291 within the Capital Improvement and Mainte-
23 nance appropriation, to the State and Private Forestry ap-
24 propriation, and shall provide these funds in an advance
25 direct lump sum payment to Purdue University for plan-

1 *ning and construction of a hardwood tree improvement and*
 2 *generation facility.*

3 *LAND ACQUISITION*

4 *For expenses necessary to carry out the provisions of*
 5 *the Land and Water Conservation Fund Act of 1965, as*
 6 *amended (16 U.S.C. 460l–4 through 11), including admin-*
 7 *istrative expenses, and for acquisition of land or waters,*
 8 *or interest therein, in accordance with statutory authority*
 9 *applicable to the Forest Service, \$128,877,000 to be derived*
 10 *from the Land and Water Conservation Fund, to remain*
 11 *available until expended, and to be for the conservation ac-*
 12 *tivities defined in section 250(c)(4)(E)(iv) of the Balanced*
 13 *Budget and Emergency Deficit Control Act of 1985, as*
 14 *amended, for the purposes of such Act.*

15 *ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL*

16 *ACTS*

17 *For acquisition of lands within the exterior boundaries*
 18 *of the Cache, Uinta, and Wasatch National Forests, Utah;*
 19 *the Toiyabe National Forest, Nevada; and the Angeles, San*
 20 *Bernardino, Sequoia, and Cleveland National Forests, Cali-*
 21 *fornia, as authorized by law, \$1,069,000, to be derived from*
 22 *forest receipts.*

23 *ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES*

24 *For acquisition of lands, such sums, to be derived from*
 25 *funds deposited by State, county, or municipal govern-*
 26 *ments, public school districts, or other public school authori-*

1 *ties pursuant to the Act of December 4, 1967, as amended*
2 *(16 U.S.C. 484a), to remain available until expended.*

3 *RANGE BETTERMENT FUND*

4 *For necessary expenses of range rehabilitation, protec-*
5 *tion, and improvement, 50 percent of all moneys received*
6 *during the prior fiscal year, as fees for grazing domestic*
7 *livestock on lands in National Forests in the 16 Western*
8 *States, pursuant to section 401(b)(1) of Public Law 94-*
9 *579, as amended, to remain available until expended, of*
10 *which not to exceed 6 percent shall be available for adminis-*
11 *trative expenses associated with on-the-ground range reha-*
12 *bilitation, 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 manage*
21 *federal lands in Alaska for subsistence uses under title VIII*
22 *of the Alaska National Interest Lands Conservation Act*
23 *(Public Law 96-487), \$5,488,000, to remain available until*
24 *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 ex-*
4 *ceed 132 passenger motor vehicles of which eight will be used*
5 *primarily for law enforcement purposes and of which 130*
6 *shall be for replacement; acquisition of 25 passenger motor*
7 *vehicles from excess sources, and hire of such vehicles; oper-*
8 *ation and maintenance of aircraft, the purchase of not to*
9 *exceed seven for replacement only, and acquisition of suffi-*
10 *cient aircraft from excess sources to maintain the operable*
11 *fleet at 195 aircraft for use in Forest Service wildland fire*
12 *programs and other Forest Service programs; notwith-*
13 *standing other provisions of law, existing aircraft being re-*
14 *placed may be sold, with proceeds derived or trade-in value*
15 *used to offset the purchase price for the replacement air-*
16 *craft; (2) services pursuant to 7 U.S.C. 2225, and not to*
17 *exceed \$100,000 for employment under 5 U.S.C. 3109; (3)*
18 *purchase, erection, and alteration of buildings and other*
19 *public improvements (7 U.S.C. 2250); (4) acquisition of*
20 *land, waters, and interests therein, including the Oscoda-*
21 *Wurtsmith land exchange in Michigan, pursuant to 7*
22 *U.S.C. 428a; (5) for expenses pursuant to the Volunteers*
23 *in the National Forest Act of 1972 (16 U.S.C. 558a, 558d,*
24 *and 558a note); (6) the cost of uniforms as authorized by*

1 5 U.S.C. 5901–5902; and (7) for debt collection contracts
2 in accordance with 31 U.S.C. 3718(c).

3 None of the funds made available under this Act shall
4 be obligated or expended to abolish any region, to move or
5 close any regional office for National Forest System admin-
6 istration of the Forest Service, Department of Agriculture
7 without the consent of the House and Senate Committees
8 on Appropriations.

9 Any appropriations or funds available to the Forest
10 Service may be transferred to the Wildland Fire Manage-
11 ment appropriation for forest firefighting, emergency reha-
12 bilitation of burned-over or damaged lands or waters under
13 its jurisdiction, and fire preparedness due to severe burning
14 conditions if and only if all previously appropriated emer-
15 gency contingent funds under the heading “Wildland Fire
16 Management” have been released by the President and ap-
17 portioned.

18 Funds appropriated to the Forest Service shall be
19 available for assistance to or through the Agency for Inter-
20 national Development and the Foreign Agricultural Service
21 in connection with forest and rangeland research, technical
22 information, and assistance in foreign countries, and shall
23 be available to support forestry and related natural resource
24 activities outside the United States and its territories and
25 possessions, including technical assistance, education and

1 *training, and cooperation with United States and inter-*
2 *national organizations.*

3 *None of the funds made available to the Forest Service*
4 *under this Act shall be subject to transfer under the provi-*
5 *sions of section 702(b) of the Department of Agriculture Or-*
6 *ganic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless*
7 *the proposed transfer is approved in advance by the House*
8 *and Senate Committees on Appropriations in compliance*
9 *with the reprogramming procedures contained in House Re-*
10 *port No. 105–163.*

11 *None of the funds available to the Forest Service may*
12 *be reprogrammed without the advance approval of the*
13 *House and Senate Committees on Appropriations in ac-*
14 *cordance with the procedures contained in House Report*
15 *No. 105–163.*

16 *No funds appropriated to the Forest Service shall be*
17 *transferred to the Working Capital Fund of the Department*
18 *of Agriculture without the approval of the Chief of the For-*
19 *est Service.*

20 *Funds available to the Forest Service shall be available*
21 *to conduct a program of not less than \$2,000,000 for high*
22 *priority projects within the scope of the approved budget*
23 *which shall be carried out by the Youth Conservation Corps,*
24 *defined in section 250(c)(4)(E)(xvi) of the Balanced Budget*

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

3 *Of the funds available to the Forest Service, \$2,500 is*
4 *available to the Chief of the Forest Service for official recep-*
5 *tion and representation expenses.*

6 *Pursuant to sections 405(b) and 410(b) of Public Law*
7 *101–593, of the funds available to the Forest Service, up*
8 *to \$2,250,000 may be advanced in a lump sum as Federal*
9 *financial assistance to the National Forest Foundation,*
10 *without regard to when the Foundation incurs expenses, for*
11 *administrative expenses or projects on or benefitting Na-*
12 *tional Forest System lands or related to Forest Service pro-*
13 *grams: Provided, That of the Federal funds made available*
14 *to the Foundation, no more than \$400,000 shall be available*
15 *for administrative expenses: Provided further, That the*
16 *Foundation shall obtain, by the end of the period of Federal*
17 *financial assistance, private contributions to match on at*
18 *least one-for-one basis funds made available by the Forest*
19 *Service: Provided further, That the Foundation may trans-*
20 *fer Federal funds to a non-Federal recipient for a project*
21 *at the same rate that the recipient has obtained the non-*
22 *Federal matching funds: Provided further, That hereafter,*
23 *the National Forest Foundation may hold Federal funds*
24 *made available but not immediately disbursed and may use*
25 *any interest or other investment income earned (before, on,*

1 *or after the date of the enactment of this Act) on Federal*
2 *funds to carry out the purposes of Public Law 101–593:*
3 *Provided further, That such investments may be made only*
4 *in interest-bearing obligations of the United States or in*
5 *obligations guaranteed as to both principal and interest by*
6 *the United States.*

7 *Pursuant to section 2(b)(2) of Public Law 98–244, up*
8 *to \$2,650,000 of the funds available to the Forest Service*
9 *shall be available for matching funds to the National Fish*
10 *and Wildlife Foundation, as authorized by 16 U.S.C. 3701–*
11 *3709, and may be advanced in a lump sum as Federal fi-*
12 *nancial assistance, without regard to when expenses are in-*
13 *curred, for projects on or benefitting National Forest Sys-*
14 *tem lands or related to Forest Service programs: Provided,*
15 *That the Foundation shall obtain, by the end of the period*
16 *of Federal financial assistance, private contributions to*
17 *match on at least one-for-one basis funds advanced by the*
18 *Forest Service: Provided further, That the Foundation may*
19 *transfer Federal funds to a non-Federal recipient for a*
20 *project at the same rate that the recipient has obtained the*
21 *non-Federal matching funds.*

22 *Funds appropriated to the Forest Service shall be*
23 *available for interactions with and providing technical as-*
24 *sistance to rural communities for sustainable rural develop-*
25 *ment purposes.*

1 *Notwithstanding any other provision of law, 80 per-*
2 *cent of the funds appropriated to the Forest Service in the*
3 *“National Forest System” and “Capital Improvement and*
4 *Maintenance” accounts and planned to be allocated to ac-*
5 *tivities under the “Jobs in the Woods” program for projects*
6 *on National Forest land in the State of Washington may*
7 *be granted directly to the Washington State Department of*
8 *Fish and Wildlife for accomplishment of planned projects.*
9 *Twenty percent of said funds shall be retained by the Forest*
10 *Service for planning and administering projects. Project se-*
11 *lection and prioritization shall be accomplished by the For-*
12 *est Service with such consultation with the State of Wash-*
13 *ington as the Forest Service deems appropriate.*

14 *Funds appropriated to the Forest Service shall be*
15 *available for payments to counties within the Columbia*
16 *River Gorge National Scenic Area, pursuant to sections*
17 *14(c)(1) and (2), and section 16(a)(2) of Public Law 99–*
18 *663.*

19 *The Secretary of Agriculture is authorized to enter into*
20 *grants, contracts, and cooperative agreements as appro-*
21 *priate with the Pinchot Institute for Conservation, as well*
22 *as with public and other private agencies, organizations,*
23 *institutions, and individuals, to provide for the develop-*
24 *ment, administration, maintenance, or restoration of land,*
25 *facilities, or Forest Service programs, at the Grey Towers*

1 *National Historic Landmark: Provided, That, subject to*
2 *such terms and conditions as the Secretary of Agriculture*
3 *may prescribe, any such public or private agency, organiza-*
4 *tion, institution, or individual may solicit, accept, and ad-*
5 *minister private gifts of money and real or personal prop-*
6 *erty for the benefit of, or in connection with, the activities*
7 *and services at the Grey Towers National Historic Land-*
8 *mark: Provided further, That such gifts may be accepted*
9 *notwithstanding the fact that a donor conducts business*
10 *with the Department of Agriculture in any capacity.*

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

16 *Notwithstanding any other provision of law, any ap-*
17 *propriations or funds available to the Forest Service not*
18 *to exceed \$500,000 may be used to reimburse the Office of*
19 *the General Counsel (OGC), Department of Agriculture, for*
20 *travel and related expenses incurred as a result of OGC as-*
21 *sistance or participation requested by the Forest Service at*
22 *meetings, training sessions, management reviews, land pur-*
23 *chase negotiations and similar non-litigation related mat-*
24 *ters. Future budget justifications for both the Forest Service*
25 *and the Department of Agriculture should clearly display*

1 *the sums previously transferred and the requested funding*
2 *transfers.*

3 *The Forest Service shall fund indirect expenses, that*
4 *is expenses not directly related to specific programs or to*
5 *the accomplishment of specific work on-the-ground, from*
6 *any funds available to the Forest Service: Provided, That*
7 *the Forest Service shall implement and adhere to the defini-*
8 *tions of indirect expenditures established pursuant to Public*
9 *Law 105-277 on a nationwide basis without flexibility for*
10 *modification by any organizational level except the Wash-*
11 *ington Office, and when changed by the Washington Office,*
12 *such changes in definition shall be reported in budget re-*
13 *quests submitted by the Forest Service: Provided further,*
14 *That the Forest Service shall provide in all future budget*
15 *justifications, planned indirect expenditures in accordance*
16 *with the definitions, summarized and displayed to the Re-*
17 *gional, Station, Area, and detached unit office level. The*
18 *justification shall display the estimated source and amount*
19 *of indirect expenditures, by expanded budget line item, of*
20 *funds in the agency's annual budget justification. The dis-*
21 *play shall include appropriated funds and the Knutson-*
22 *Vandenberg, Brush Disposal, Cooperative Work-Other, and*
23 *Salvage Sale funds. Changes between estimated and actual*
24 *indirect expenditures shall be reported in subsequent budget*
25 *justifications: Provided, That during fiscal year 2002 the*

1 *Secretary shall limit total annual indirect obligations from*
2 *the Brush Disposal, Knutson-Vandenberg, Reforestation,*
3 *Salvage Sale, and Roads and Trails funds to 20 percent*
4 *of the total obligations from each fund. Obligations in excess*
5 *of 20 percent which would otherwise be charged to the above*
6 *funds may be charged to appropriated funds available to*
7 *the Forest Service subject to notification of the Committees*
8 *on Appropriations of the House and Senate.*

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

14 *The Secretary of Agriculture may authorize the sale*
15 *of excess buildings, facilities, and other properties owned*
16 *by the Forest Service and located on the Green Mountain*
17 *National Forest, the revenues of which shall be retained by*
18 *the Forest Service and available to the Secretary without*
19 *further appropriation and until expended for maintenance*
20 *and rehabilitation activities on the Green Mountain Na-*
21 *tional Forest.*

22 *DEPARTMENT OF ENERGY*

23 *FOSSIL ENERGY RESEARCH AND DEVELOPMENT*

24 *(INCLUDING TRANSFERS OF FUNDS)*

25 *For necessary expenses in carrying out fossil energy*
26 *research and development activities, under the authority of*

1 *the Department of Energy Organization Act (Public Law*
2 *95–91), including the acquisition of interest, including de-*
3 *feasible and equitable interests in any real property or any*
4 *facility or for plant or facility acquisition or expansion,*
5 *and for conducting inquiries, technological investigations*
6 *and research concerning the extraction, processing, use, and*
7 *disposal of mineral substances without objectionable social*
8 *and environmental costs (30 U.S.C. 3, 1602, and 1603),*
9 *\$604,090,000, to remain available until expended, of which*
10 *\$11,000,000 is to begin construction, renovation, acquisi-*
11 *tion of furnishings, and demolition or removal of buildings*
12 *at National Energy Technology Laboratory facilities in*
13 *Morgantown, West Virginia and Pittsburgh, Pennsylvania,*
14 *and of which \$33,700,000 shall be derived by transfer from*
15 *funds appropriated in prior years under the heading*
16 *“Clean Coal Technology”, and of which \$150,000,000 is to*
17 *be made available, after coordination with the private sec-*
18 *tor, for a request for proposals for a Clean Coal Power Ini-*
19 *tiative providing for competitively-awarded demonstrations*
20 *of commercial scale technologies to reduce the barriers to*
21 *continued and expanded coal use: Provided, That the re-*
22 *quest for proposals shall be issued no later than one hundred*
23 *and twenty days following enactment of this Act, proposals*
24 *shall be submitted no later than ninety days after the*
25 *issuance of the request for proposals, and the Department*

1 of Energy shall make project selections no later than one
2 hundred and sixty days after the receipt of proposals: Pro-
3 vided further, That funds shall be expended in accordance
4 with the provisions governing the use of funds contained
5 under the heading "Clean Coal Technology" in prior appro-
6 priations: Provided further, That the Department may in-
7 clude provisions for repayment of Government contributions
8 to individual projects in an amount up to the Government
9 contribution to the project on terms and conditions that are
10 acceptable to the Department including repayments from
11 sale and licensing of technologies from both domestic and
12 foreign transactions: Provided further, That such repay-
13 ments shall be retained by the Department for future coal-
14 related research, development and demonstration projects:
15 Provided further, That any technology selected under this
16 program shall be considered a Clean Coal Technology, and
17 any project selected under this program shall be considered
18 a Clean Coal Technology Project, for the purposes of 42
19 U.S.C. § 7651n, and Chapters 51, 52, and 60 of title 40
20 of the Code of Federal Regulations: Provided further, That
21 no part of the sum herein made available shall be used for
22 the field testing of nuclear explosives in the recovery of oil
23 and gas: Provided further, That up to 4 percent of program
24 direction funds available to the National Energy Tech-

1 *nology Laboratory may be used to support Department of*
2 *Energy activities not included in this account.*

3 *ALTERNATIVE FUELS PRODUCTION*

4 *(RESCISSION)*

5 *Of the unobligated balances under this heading,*
6 *\$2,000,000 are rescinded.*

7 *NAVAL PETROLEUM AND OIL SHALE RESERVES*

8 *For expenses necessary to carry out naval petroleum*
9 *and oil shale reserve activities, \$17,371,000, to remain*
10 *available until expended: Provided, That, notwithstanding*
11 *any other provision of law, unobligated funds remaining*
12 *from prior years shall be available for all naval petroleum*
13 *and oil shale reserve activities.*

14 *ELK HILLS SCHOOL LANDS FUND*

15 *For necessary expenses in fulfilling installment pay-*
16 *ments under the Settlement Agreement entered into by the*
17 *United States and the State of California on October 11,*
18 *1996, as authorized by section 3415 of Public Law 104-*
19 *106, \$36,000,000, to become available on October 1, 2002*
20 *for payment to the State of California for the State Teach-*
21 *ers' Retirement Fund from the Elk Hills School Lands*
22 *Fund.*

23 *ENERGY CONSERVATION*

24 *For necessary expenses in carrying out energy con-*
25 *servation activities, \$870,805,000, to remain available until*
26 *expended: Provided, That \$251,000,000 shall be for use in*

1 *energy conservation grant programs as defined in section*
2 *3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided*
3 *further, That notwithstanding section 3003(d)(2) of Public*
4 *Law 99–509, such sums shall be allocated to the eligible*
5 *programs as follows: \$213,000,000 for weatherization assist-*
6 *ance grants and \$38,000,000 for State energy conservation*
7 *grants.*

8 *ECONOMIC REGULATION*

9 *For necessary expenses in carrying out the activities*
10 *of the Office of Hearings and Appeals, \$1,996,000, to re-*
11 *main available until expended.*

12 *STRATEGIC PETROLEUM RESERVE*

13 *For necessary expenses for Strategic Petroleum Reserve*
14 *facility development and operations and program manage-*
15 *ment activities pursuant to the Energy Policy and Con-*
16 *servation Act of 1975, as amended (42 U.S.C. 6201 et seq.),*
17 *\$169,009,000, to remain available until expended, of which*
18 *\$8,000,000 shall be available for maintenance of a North-*
19 *east Home Heating Oil Reserve.*

20 *ENERGY INFORMATION ADMINISTRATION*

21 *For necessary expenses in carrying out the activities*
22 *of the Energy Information Administration, \$75,499,000, to*
23 *remain available until expended.*

24 *ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY*

25 *Appropriations under this Act for the current fiscal*
26 *year shall be available for hire of passenger motor vehicles;*

1 *hire, maintenance, and operation of aircraft; purchase, re-*
2 *pair, and cleaning of uniforms; and reimbursement to the*
3 *General Services Administration for security guard serv-*
4 *ices.*

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

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

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

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

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

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

1 *section 108 of the Indian Health Care Improvement Act:*
2 *Provided further, That funds provided in this Act may be*
3 *used for one-year contracts and grants which are to be per-*
4 *formed in two fiscal years, so long as the total obligation*
5 *is recorded in the year for which the funds are appro-*
6 *priated: Provided further, That the amounts collected by the*
7 *Secretary of Health and Human Services under the author-*
8 *ity of title IV of the Indian Health Care Improvement Act*
9 *shall remain available until expended for the purpose of*
10 *achieving compliance with the applicable conditions and re-*
11 *quirements of titles XVIII and XIX of the Social Security*
12 *Act (exclusive of planning, design, or construction of new*
13 *facilities): Provided further, That funding contained herein,*
14 *and in any earlier appropriations Acts for scholarship pro-*
15 *grams under the Indian Health Care Improvement Act (25*
16 *U.S.C. 1613) shall remain available for obligation until*
17 *September 30, 2003: Provided further, That amounts re-*
18 *ceived by tribes and tribal organizations under title IV of*
19 *the Indian Health Care Improvement Act shall be reported*
20 *and accounted for and available to the receiving tribes and*
21 *tribal organizations until expended: Provided further, That,*
22 *notwithstanding any other provision of law, of the amounts*
23 *provided herein, not to exceed \$288,234,000 shall be for*
24 *payments to tribes and tribal organizations for contract or*
25 *grant support costs associated with contracts, grants, self-*

1 *governance compacts or annual funding agreements between*
2 *the Indian Health Service and a tribe or tribal organiza-*
3 *tion pursuant to the Indian Self-Determination Act of*
4 *1975, as amended, prior to or during fiscal year 2002, of*
5 *which up to \$40,000,000 may be used for such costs associ-*
6 *ated with the Navajo Nation's new and expanded contracts,*
7 *grants, self-governance compacts or annual funding agree-*
8 *ments: Provided further, That funds available for the In-*
9 *dian Health Care Improvement Fund may be used, as need-*
10 *ed, to carry out activities typically funded under the Indian*
11 *Health Facilities account.*

12 *INDIAN HEALTH FACILITIES*

13 *For construction, repair, maintenance, improvement,*
14 *and equipment of health and related auxiliary facilities, in-*
15 *cluding quarters for personnel; preparation of plans, speci-*
16 *fications, and drawings; acquisition of sites, purchase and*
17 *erection of modular buildings, and purchases of trailers;*
18 *and for provision of domestic and community sanitation*
19 *facilities for Indians, as authorized by section 7 of the Act*
20 *of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Deter-*
21 *mination Act, and the Indian Health Care Improvement*
22 *Act, and for expenses necessary to carry out such Acts and*
23 *titles II and III of the Public Health Service Act with re-*
24 *spect to environmental health and facilities support activi-*
25 *ties of the Indian Health Service, \$362,854,000, to remain*
26 *available until expended: Provided, That notwithstanding*

1 *any other provision of law, funds appropriated for the plan-*
2 *ning, design, construction or renovation of health facilities*
3 *for the benefit of an Indian tribe or tribes may be used*
4 *to purchase land for sites to construct, improve, or enlarge*
5 *health or related facilities: Provided further, That from the*
6 *funds appropriated herein, \$5,000,000 shall be designated*
7 *by the Indian Health Service as a contribution to the*
8 *Yukon-Kuskokwim Health Corporation (YKHC) to con-*
9 *tinue a priority project for the acquisition of land, plan-*
10 *ning, design and construction of 79 staff quarters at Bethel,*
11 *Alaska, pursuant to the negotiated project agreement be-*
12 *tween the YKHC and the Indian Health Service: Provided*
13 *further, That this project shall not be subject to the construc-*
14 *tion provisions of the Indian Self-Determination and Edu-*
15 *cation Assistance Act and shall be removed from the Indian*
16 *Health Service priority list upon completion: Provided fur-*
17 *ther, That the Federal Government shall not be liable for*
18 *any property damages or other construction claims that*
19 *may arise from YKHC undertaking this project: Provided*
20 *further, That the land shall be owned or leased by the*
21 *YKHC and title to quarters shall remain vested with the*
22 *YKHC: Provided further, That \$5,000,000 shall remain*
23 *available until expended for the purpose of funding joint*
24 *venture health care facility projects authorized under the*
25 *Indian Health Care Improvement Act, as amended: Pro-*

1 *vided further, That priority, by rank order, shall be given*
2 *to tribes with outpatient projects on the existing Indian*
3 *Health Services priority list that have Service-approved*
4 *planning documents, and can demonstrate by March 1,*
5 *2002, the financial capability necessary to provide an ap-*
6 *propriate facility: Provided further, That joint venture*
7 *funds unallocated after March 1, 2002, shall be made avail-*
8 *able for joint venture projects on a competitive basis giving*
9 *priority to tribes that currently have no existing Federally-*
10 *owned health care facility, have planning documents meet-*
11 *ing Indian Health Service requirements prepared for ap-*
12 *proval by the Service and can demonstrate the financial*
13 *capability needed to provide an appropriate facility: Pro-*
14 *vided further, That the Indian Health Service shall request*
15 *additional staffing, operation and maintenance funds for*
16 *these facilities in future budget requests: Provided further,*
17 *That not to exceed \$500,000 shall be used by the Indian*
18 *Health Service to purchase TRANSAM equipment from the*
19 *Department of Defense for distribution to the Indian Health*
20 *Service and tribal facilities: Provided further, That not to*
21 *exceed \$500,000 shall be used by the Indian Health Service*
22 *to obtain ambulances for the Indian Health Service and*
23 *tribal facilities in conjunction with an existing interagency*
24 *agreement between the Indian Health Service and the Gen-*
25 *eral Services Administration: Provided further, That not to*

1 exceed \$500,000 shall be placed in a Demolition Fund,
2 available until expended, to be used by the Indian Health
3 Service for demolition of Federal buildings: Provided fur-
4 ther, That notwithstanding the provisions of title III, sec-
5 tion 306, of the Indian Health Care Improvement Act (Pub-
6 lic Law 94-437, as amended), construction contracts au-
7 thorized under title I of the Indian Self-Determination and
8 Education Assistance Act of 1975, as amended, may be used
9 rather than grants to fund small ambulatory facility con-
10 struction projects: Provided further, That if a contract is
11 used, the IHS is authorized to improve municipal, private,
12 or tribal lands, and that at no time, during construction
13 or after completion of the project will the Federal Govern-
14 ment have any rights or title to any real or personal prop-
15 erty acquired as a part of the contract.

16 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

17 Appropriations in this Act to the Indian Health Serv-
18 ice shall be available for services as authorized by 5 U.S.C.
19 3109 but at rates not to exceed the per diem rate equivalent
20 to the maximum rate payable for senior-level positions
21 under 5 U.S.C. 5376; hire of passenger motor vehicles and
22 aircraft; purchase of medical equipment; purchase of re-
23 prints; purchase, renovation and erection of modular build-
24 ings and renovation of existing facilities; payments for tele-
25 phone service in private residences in the field, when au-
26 thorized under regulations approved by the Secretary; and

1 *for uniforms or allowances therefore as authorized by* 5
2 *U.S.C. 5901–5902; and for expenses of attendance at meet-*
3 *ings which are concerned with the functions or activities*
4 *for which the appropriation is made or which will con-*
5 *tribute to improved conduct, supervision, or management*
6 *of those functions or activities.*

7 *In accordance with the provisions of the Indian Health*
8 *Care Improvement Act, non-Indian patients may be ex-*
9 *tended health care at all tribally administered or Indian*
10 *Health Service facilities, subject to charges, and the pro-*
11 *ceeds along with funds recovered under the Federal Medical*
12 *Care Recovery Act (42 U.S.C. 2651–2653) shall be credited*
13 *to the account of the facility providing the service and shall*
14 *be available without fiscal year limitation. Notwith-*
15 *standing any other law or regulation, funds transferred*
16 *from the Department of Housing and Urban Development*
17 *to the Indian Health Service shall be administered under*
18 *Public Law 86–121 (the Indian Sanitation Facilities Act)*
19 *and Public Law 93–638, as amended.*

20 *Funds appropriated to the Indian Health Service in*
21 *this Act, except those used for administrative and program*
22 *direction purposes, shall not be subject to limitations di-*
23 *rected at curtailing Federal travel and transportation.*

24 *Notwithstanding any other provision of law, funds*
25 *previously or herein made available to a tribe or tribal or-*

1 ganization through a contract, grant, or agreement author-
2 ized by title I or title III of the Indian Self-Determination
3 and Education Assistance Act of 1975 (25 U.S.C. 450), may
4 be deobligated and reobligated to a self-determination con-
5 tract under title I, or a self-governance agreement under
6 title III of such Act and thereafter shall remain available
7 to the tribe or tribal organization without fiscal year limi-
8 tation.

9 None of the funds made available to the Indian Health
10 Service in this Act shall be used to implement the final rule
11 published in the Federal Register on September 16, 1987,
12 by the Department of Health and Human Services, relating
13 to the eligibility for the health care services of the Indian
14 Health Service until the Indian Health Service has sub-
15 mitted a budget request reflecting the increased costs associ-
16 ated with the proposed final rule, and such request has been
17 included in an appropriations Act and enacted into law.

18 Funds made available in this Act are to be appor-
19 tioned to the Indian Health Service as appropriated in this
20 Act, and accounted for in the appropriation structure set
21 forth in this Act. With respect to functions transferred by
22 the Indian Health Service to tribes or tribal organizations,
23 the Indian Health Service is authorized to provide goods
24 and services to those entities, on a reimbursable basis, in-
25 cluding payment in advance with subsequent adjustment,

1 *and the reimbursements received therefrom, along with the*
2 *funds received from those entities pursuant to the Indian*
3 *Self-Determination Act, may be credited to the same or sub-*
4 *sequent appropriation account which provided the funding,*
5 *said amounts to remain available until expended. Reim-*
6 *bursements for training, technical assistance, or services*
7 *provided by the Indian Health Service will contain total*
8 *costs, including direct, administrative, and overhead associ-*
9 *ated with the provision of goods, services, or technical as-*
10 *sistance. The appropriation structure for the Indian Health*
11 *Service may not be altered without advance approval of the*
12 *House and Senate Committees on Appropriations.*

13 *OTHER RELATED AGENCIES*

14 *OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the Office of Navajo and*
17 *Hopi Indian Relocation as authorized by Public Law 93-*
18 *531, \$15,148,000, to remain available until expended: Pro-*
19 *vided, That funds provided in this or any other appropria-*
20 *tions Act are to be used to relocate eligible individuals and*
21 *groups including evictees from District 6, Hopi-partitioned*
22 *lands residents, those in significantly substandard housing,*
23 *and all others certified as eligible and not included in the*
24 *preceding categories: Provided further, That none of the*
25 *funds contained in this or any other Act may be used by*

1 *the Office of Navajo and Hopi Indian Relocation to evict*
2 *any single Navajo or Navajo family who, as of November*
3 *30, 1985, was physically domiciled on the lands partitioned*
4 *to the Hopi Tribe unless a new or replacement home is pro-*
5 *vided for such household: Provided further, That no*
6 *relocatee will be provided with more than one new or re-*
7 *placement home: Provided further, That the Office shall re-*
8 *locate any certified eligible relocatees who have selected and*
9 *received an approved homesite on the Navajo reservation*
10 *or selected a replacement residence off the Navajo reserva-*
11 *tion or on the land acquired pursuant to 25 U.S.C. 640d-*
12 *10.*

13 *INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE*
14 *CULTURE AND ARTS DEVELOPMENT*

15 *PAYMENT TO THE INSTITUTE*

16 *For payment to the Institute of American Indian and*
17 *Alaska Native Culture and Arts Development, as authorized*
18 *by title XV of Public Law 99-498, as amended (20 U.S.C.*
19 *56 part A), \$4,490,000.*

20 *SMITHSONIAN INSTITUTION*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Smithsonian Institution,*
23 *as authorized by law, including research in the fields of art,*
24 *science, and history; development, preservation, and docu-*
25 *mentation of the National Collections; presentation of pub-*

1 *lic exhibits and performances; collection, preparation, dis-*
2 *semination, and exchange of information and publications;*
3 *conduct of education, training, and museum assistance pro-*
4 *grams; maintenance, alteration, operation, lease (for terms*
5 *not to exceed 30 years), and protection of buildings, facili-*
6 *ties, and approaches; not to exceed \$100,000 for services as*
7 *authorized by 5 U.S.C. 3109; up to five replacement pas-*
8 *senger vehicles; purchase, rental, repair, and cleaning of*
9 *uniforms for employees, \$401,192,000, of which not to ex-*
10 *ceed \$43,713,000 for the instrumentation program, collec-*
11 *tions acquisition, exhibition reinstallation, the National*
12 *Museum of the American Indian, the repatriation of skeletal*
13 *remains program, research equipment, information man-*
14 *agement, and Latino programming shall remain available*
15 *until expended, and including such funds as may be nec-*
16 *essary to support American overseas research centers and*
17 *a total of \$125,000 for the Council of American Overseas*
18 *Research Centers: Provided, That funds appropriated here-*
19 *in are available for advance payments to independent con-*
20 *tractors performing research services or participating in of-*
21 *ficial Smithsonian presentations: Provided further, That*
22 *the Smithsonian Institution may expend Federal appro-*
23 *priations designated in this Act for lease or rent payments*
24 *for long term and swing space, as rent payable to the*
25 *Smithsonian Institution, and such rent payments may be*

1 deposited into the general trust funds of the Institution to
2 the extent that federally supported activities are housed in
3 the 900 H Street, N.W. building in the District of Colum-
4 bia: Provided further, That this use of Federal appropria-
5 tions shall not be construed as debt service, a Federal guar-
6 antee of, a transfer of risk to, or an obligation of, the Fed-
7 eral Government: Provided further, That no appropriated
8 funds may be used to service debt which is incurred to fi-
9 nance the costs of acquiring the 900 H Street building or
10 of planning, designing, and constructing improvements to
11 such building.

12 REPAIR, RESTORATION AND ALTERATION OF FACILITIES

13 For necessary expenses of maintenance, repair, res-
14 toration, and alteration of facilities owned or occupied by
15 the Smithsonian Institution, by contract or otherwise, as
16 authorized by section 2 of the Act of August 22, 1949 (63
17 Stat. 623), including not to exceed \$10,000 for services as
18 authorized by 5 U.S.C. 3109, \$67,900,000, to remain avail-
19 able until expended, of which \$10,000,000 is provided for
20 maintenance, repair, rehabilitation and alteration of facili-
21 ties at the National Zoological Park: Provided, That con-
22 tracts awarded for environmental systems, protection sys-
23 tems, and repair or restoration of facilities of the Smithso-
24 nian Institution may be negotiated with selected contractors
25 and awarded on the basis of contractor qualifications as
26 well as price.

1 CONSTRUCTION

2 *For necessary expenses for construction, \$25,000,000,*
3 *to remain available until expended.*

4 ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

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

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

14 *None of the funds in this or any other Act may be*
15 *used to make any changes to the existing Smithsonian*
16 *science programs, including closure of facilities, relocation*
17 *of staff or redirection of functions and programs, without*
18 *approval by the Board of Regents of recommendations re-*
19 *ceived from the Science Commission.*

20 *None of the funds available to the Smithsonian may*
21 *be reprogrammed without the advance written approval of*
22 *the House and Senate Committees on Appropriations in ac-*
23 *cordance with the procedures contained in House Report*
24 *No. 105–163.*

1 NATIONAL GALLERY OF ART

2 SALARIES AND EXPENSES

3 *For the upkeep and operations of the National Gallery*
4 *of Art, the protection and care of the works of art therein,*
5 *and administrative expenses incident thereto, as authorized*
6 *by the Act of March 24, 1937 (50 Stat. 51), as amended*
7 *by the public resolution of April 13, 1939 (Public Resolu-*
8 *tion 9, Seventy-sixth Congress), including services as au-*
9 *thorized by 5 U.S.C. 3109; payment in advance when au-*
10 *thorized by the treasurer of the Gallery for membership in*
11 *library, museum, and art associations or societies whose*
12 *publications or services are available to members only, or*
13 *to members at a price lower than to the general public; pur-*
14 *chase, repair, and cleaning of uniforms for guards, and uni-*
15 *forms, or allowances therefor, for other employees as author-*
16 *ized by law (5 U.S.C. 5901–5902); purchase or rental of*
17 *devices and services for protecting buildings and contents*
18 *thereof, and maintenance, alteration, improvement, and re-*
19 *pair of buildings, approaches, and grounds; and purchase*
20 *of services for restoration and repair of works of art for*
21 *the National Gallery of Art by contracts made, without ad-*
22 *vertising, with individuals, firms, or organizations at such*
23 *rates or prices and under such terms and conditions as the*
24 *Gallery may deem proper, \$68,967,000, of which not to ex-*

1 *ceed \$3,026,000 for the special exhibition program shall re-*
2 *main available until expended.*

3 *REPAIR, RESTORATION AND RENOVATION OF BUILDINGS*

4 *For necessary expenses of repair, restoration and ren-*
5 *ovation of buildings, grounds and facilities owned or occu-*
6 *pied by the National Gallery of Art, by contract or other-*
7 *wise, as authorized, \$14,220,000, to remain available until*
8 *expended: Provided, That contracts awarded for environ-*
9 *mental systems, protection systems, and exterior repair or*
10 *renovation of buildings of the National Gallery of Art may*
11 *be negotiated with selected contractors and awarded on the*
12 *basis of contractor qualifications as well as price.*

13 *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS*

14 *OPERATIONS AND MAINTENANCE*

15 *For necessary expenses for the operation, maintenance*
16 *and security of the John F. Kennedy Center for the Per-*
17 *forming Arts, \$15,000,000.*

18 *CONSTRUCTION*

19 *For necessary expenses for capital repair and restora-*
20 *tion of the existing features of the building and site of the*
21 *John F. Kennedy Center for the Performing Arts,*
22 *\$19,000,000, to remain available until expended.*

1 *WOODROW WILSON INTERNATIONAL CENTER FOR*
2 *SCHOLARS*
3 *SALARIES AND EXPENSES*

4 *For expenses necessary in carrying out the provisions*
5 *of the Woodrow Wilson Memorial Act of 1968 (82 Stat.*
6 *1356) including hire of passenger vehicles and services as*
7 *authorized by 5 U.S.C. 3109, \$7,796,000.*

8 *NATIONAL FOUNDATION ON THE ARTS AND THE*
9 *HUMANITIES*

10 *NATIONAL ENDOWMENT FOR THE ARTS*
11 *GRANTS AND ADMINISTRATION*

12 *For necessary expenses to carry out the National Foun-*
13 *ation on the Arts and the Humanities Act of 1965, as*
14 *amended, \$98,234,000 shall be available to the National*
15 *Endowment for the Arts for the support of projects and pro-*
16 *ductions in the arts through assistance to organizations and*
17 *individuals pursuant to sections 5(c) and 5(g) of the Act,*
18 *for program support, and for administering the functions*
19 *of the Act, to remain available until expended.*

20 *NATIONAL ENDOWMENT FOR THE HUMANITIES*
21 *GRANTS AND ADMINISTRATION*

22 *For necessary expenses to carry out the National Foun-*
23 *ation on the Arts and the Humanities Act of 1965, as*
24 *amended, \$109,882,000, shall be available to the National*
25 *Endowment for the Humanities for support of activities in*

1 *the humanities, pursuant to section 7(c) of the Act, and for*
2 *administering the functions of the Act, to remain available*
3 *until expended.*

4 *MATCHING GRANTS*

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

18 *INSTITUTE OF MUSEUM AND LIBRARY SERVICES*

19 *OFFICE OF MUSEUM SERVICES*

20 *GRANTS AND ADMINISTRATION*

21 *For carrying out subtitle C of the Museum and Li-*
22 *brary Services Act of 1996, as amended, \$26,899,000, to*
23 *remain available until expended.*

1 *CHALLENGE AMERICA ARTS FUND*2 *CHALLENGE AMERICA GRANTS*

3 *For necessary expenses as authorized by Public Law*
4 *89–209, as amended, \$17,000,000 for support for arts edu-*
5 *cation and public outreach activities to be administered by*
6 *the National Endowment for the Arts, to remain available*
7 *until expended.*

8 *ADMINISTRATIVE PROVISIONS*

9 *None of the funds appropriated to the National Foun-*
10 *dation on the Arts and the Humanities 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, That none of*
13 *the funds appropriated to the National Foundation on the*
14 *Arts and the Humanities may be used for official reception*
15 *and representation expenses: Provided further, That funds*
16 *from nonappropriated sources may be used as necessary for*
17 *official reception and representation expenses.*

18 *COMMISSION OF FINE ARTS*19 *SALARIES AND EXPENSES*

20 *For expenses made necessary by the Act establishing*
21 *a Commission of Fine Arts (40 U.S.C. 104), \$1,174,000:*
22 *Provided, That the Commission is authorized to charge fees*
23 *to cover the full costs of its publications, and such fees shall*
24 *be credited to this account as an offsetting collection, to re-*
25 *main available until expended without further appropri-*
26 *ation.*

1 *NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS*

2 *For necessary expenses as authorized by Public Law*
3 *99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000.*

4 *ADVISORY COUNCIL ON HISTORIC PRESERVATION*5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the Advisory Council on His-*
7 *toric Preservation (Public Law 89–665, as amended),*
8 *\$3,310,000: Provided, That none of these funds shall be*
9 *available for compensation of level V of the Executive Sched-*
10 *ule or higher positions.*

11 *NATIONAL CAPITAL PLANNING COMMISSION*12 *SALARIES AND EXPENSES*

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

21 *UNITED STATES HOLOCAUST MEMORIAL MUSEUM*22 *HOLOCAUST MEMORIAL MUSEUM*

23 *For expenses of the Holocaust Memorial Museum, as*
24 *authorized by Public Law 106–292 (36 U.S.C. 2301–2310),*
25 *\$36,028,000, of which \$1,900,000 for the museum’s repair*

1 *and rehabilitation program and \$1,264,000 for the muse-*
2 *um's exhibitions program shall remain available until ex-*
3 *pended.*

4 *PRESIDIO TRUST*

5 *PRESIDIO TRUST FUND*

6 *For necessary expenses to carry out title I of the Omni-*
7 *bus Parks and Public Lands Management Act of 1996,*
8 *\$23,125,000 shall be available to the Presidio Trust, to re-*
9 *main available until expended.*

10 *TITLE III—GENERAL PROVISIONS*

11 *SEC. 301. The expenditure of any appropriation under*
12 *this Act for any consulting service through procurement*
13 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*
14 *those contracts where such expenditures are a matter of pub-*
15 *lic record and available for public inspection, except where*
16 *otherwise provided under existing law, or under existing*
17 *Executive order issued pursuant to existing law.*

18 *SEC. 302. No part of any appropriation under this*
19 *Act shall be available to the Secretary of the Interior or*
20 *the Secretary of Agriculture for the leasing of oil and nat-*
21 *ural gas by noncompetitive bidding on publicly owned*
22 *lands within the boundaries of the Shawnee National For-*
23 *est, Illinois: Provided, That nothing herein is intended to*
24 *inhibit or otherwise affect the sale, lease, or right to access*
25 *to minerals owned by private individuals.*

1 *SEC. 303. No part of any appropriation contained in*
2 *this Act shall be available for any activity or the publica-*
3 *tion or distribution of literature that in any way tends to*
4 *promote public support or opposition to any legislative pro-*
5 *posal on which congressional action is not complete.*

6 *SEC. 304. No part of any appropriation contained in*
7 *this Act shall remain available for obligation beyond the*
8 *current fiscal year unless expressly so provided herein.*

9 *SEC. 305. None of the funds provided in this Act to*
10 *any department or agency shall be obligated or expended*
11 *to provide a personal cook, chauffeur, or other personal serv-*
12 *ants to any officer or employee of such department or agen-*
13 *cy except as otherwise provided by law.*

14 *SEC. 306. No assessments may be levied against any*
15 *program, budget activity, subactivity, or project funded by*
16 *this Act unless advance notice of such assessments and the*
17 *basis therefor are presented to the Committees on Appro-*
18 *priations and are approved by such committees.*

19 *SEC. 307. None of the funds in this Act may be used*
20 *to plan, prepare, or offer for sale timber from trees classified*
21 *as giant sequoia (*Sequoiadendron giganteum*) which are lo-*
22 *cated on National Forest System or Bureau of Land Man-*
23 *agement lands in a manner different than such sales were*
24 *conducted in fiscal year 2001.*

1 *SEC. 308. None of the funds made available by this*
2 *Act may be obligated or expended by the National Park*
3 *Service to enter into or implement a concession contract*
4 *which permits or requires the removal of the underground*
5 *lunchroom at the Carlsbad Caverns National Park.*

6 *SEC. 309. None of the funds made available in this*
7 *Act may be used: (1) to demolish the bridge between Jersey*
8 *City, New Jersey, and Ellis Island; or (2) to prevent pedes-*
9 *trian use of such bridge, when such pedestrian use is con-*
10 *sistent with generally accepted safety standards.*

11 *SEC. 310. (a) LIMITATION OF FUNDS.—None of the*
12 *funds appropriated or otherwise made available pursuant*
13 *to this Act shall be obligated or expended to accept or proc-*
14 *ess applications for a patent for any mining or mill site*
15 *claim located under the general mining laws.*

16 *(b) EXCEPTIONS.—The provisions of subsection (a)*
17 *shall not apply if the Secretary of the Interior determines*
18 *that, for the claim concerned: (1) a patent application was*
19 *filed with the Secretary on or before September 30, 1994;*
20 *and (2) all requirements established under sections 2325*
21 *and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)*
22 *for vein or lode claims and sections 2329, 2330, 2331, and*
23 *2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37)*
24 *for placer claims, and section 2337 of the Revised Statutes*

1 *(30 U.S.C. 42) for mill site claims, as the case may be,*
2 *were fully complied with by the applicant by that date.*

3 *(c) REPORT.—On September 30, 2002, the Secretary*
4 *of the Interior shall file with the House and Senate Com-*
5 *mittees on Appropriations and the Committee on Resources*
6 *of the House of Representatives and the Committee on En-*
7 *ergy and Natural Resources of the Senate a report on ac-*
8 *tions taken by the Department under the plan submitted*
9 *pursuant to section 314(c) of the Department of the Interior*
10 *and Related Agencies Appropriations Act, 1997 (Public*
11 *Law 104–208).*

12 *(d) MINERAL EXAMINATIONS.—In order to process*
13 *patent applications in a timely and responsible manner,*
14 *upon the request of a patent applicant, the Secretary of the*
15 *Interior shall allow the applicant to fund a qualified third-*
16 *party contractor to be selected by the Bureau of Land Man-*
17 *agement to conduct a mineral examination of the mining*
18 *claims or mill sites contained in a patent application as*
19 *set forth in subsection (b). The Bureau of Land Manage-*
20 *ment shall have the sole responsibility to choose and pay*
21 *the third-party contractor in accordance with the standard*
22 *procedures employed by the Bureau of Land Management*
23 *in the retention of third-party contractors.*

24 *SEC. 311. Notwithstanding any other provision of law,*
25 *amounts appropriated to or earmarked in committee re-*

1 ports for the Bureau of Indian Affairs and the Indian
2 Health Service by Public Laws 103–138, 103–332, 104–
3 134, 104–208, 105–83, 105–277, 106–113, and 106–291 for
4 payments to tribes and tribal organizations for contract
5 support costs associated with self-determination or self-gov-
6 ernance contracts, grants, compacts, or annual funding
7 agreements with the Bureau of Indian Affairs or the Indian
8 Health Service as funded by such Acts, are the total
9 amounts available for fiscal years 1994 through 2001 for
10 such purposes, except that, for the Bureau of Indian Affairs,
11 tribes and tribal organizations may use their tribal priority
12 allocations for unmet indirect costs of ongoing contracts,
13 grants, self-governance compacts or annual funding agree-
14 ments.

15 SEC. 312. Notwithstanding any other provision of law,
16 for fiscal year 2002 the Secretaries of Agriculture and the
17 Interior are authorized to limit competition for watershed
18 restoration project contracts as part of the “Jobs in the
19 Woods” Program established in Region 10 of the Forest
20 Service to individuals and entities in historically timber-
21 dependent areas in the States of Washington, Oregon, north-
22 ern California and Alaska that have been affected by re-
23 duced timber harvesting on Federal lands. The Secretaries
24 shall consider the benefits to the local economy in evaluating

1 *bids and designing procurements which create economic op-*
2 *portunities for local contractors.*

3 *SEC. 313. None of the funds collected under the Rec-*
4 *reational Fee Demonstration program may be used to plan,*
5 *design, or construct a visitor center or any other permanent*
6 *structure without prior approval of the House and the Sen-*
7 *ate Committees on Appropriations if the estimated total*
8 *cost of the facility exceeds \$500,000.*

9 *SEC. 314. None of the funds made available in this*
10 *or any other Act for any fiscal year may be used to des-*
11 *ignate, or to post any sign designating, any portion of Ca-*
12 *naveral National Seashore in Brevard County, Florida, as*
13 *a clothing-optional area or as an area in which public nu-*
14 *idity is permitted, if such designation would be contrary to*
15 *county ordinance.*

16 *SEC. 315. Of the funds provided to the National En-*
17 *dowment for the Arts—*

18 *(1) The Chairperson shall only award a grant to*
19 *an individual if such grant is awarded to such indi-*
20 *vidual for a literature fellowship, National Heritage*
21 *Fellowship, or American Jazz Masters Fellowship.*

22 *(2) The Chairperson shall establish procedures to*
23 *ensure that no funding provided through a grant, ex-*
24 *cept a grant made to a State or local arts agency, or*
25 *regional group, may be used to make a grant to any*

1 *other organization or individual to conduct activity*
2 *independent of the direct grant recipient. Nothing in*
3 *this subsection shall prohibit payments made in ex-*
4 *change for goods and services.*

5 *(3) No grant shall be used for seasonal support*
6 *to a group, unless the application is specific to the*
7 *contents of the season, including identified programs*
8 *and/or projects.*

9 *SEC. 316. The National Endowment for the Arts and*
10 *the National Endowment for the Humanities are authorized*
11 *to solicit, accept, receive, and invest in the name of the*
12 *United States, gifts, bequests, or devises of money and other*
13 *property or services and to use such in furtherance of the*
14 *functions of the National Endowment for the Arts and the*
15 *National Endowment for the Humanities. Any proceeds*
16 *from such gifts, bequests, or devises, after acceptance by the*
17 *National Endowment for the Arts or the National Endow-*
18 *ment for the Humanities, shall be paid by the donor or the*
19 *representative of the donor to the Chairman. The Chairman*
20 *shall enter the proceeds in a special interest-bearing account*
21 *to the credit of the appropriate endowment for the purposes*
22 *specified in each case.*

23 *SEC. 317. (a) In providing services or awarding finan-*
24 *cial assistance under the National Foundation on the Arts*
25 *and the Humanities Act of 1965 from funds appropriated*

1 *under this Act, the Chairperson of the National Endowment*
2 *for the Arts shall ensure that priority is given to providing*
3 *services or awarding financial assistance for projects, pro-*
4 *ductions, workshops, or programs that serve underserved*
5 *populations.*

6 *(b) In this section:*

7 *(1) The term “underserved population” means a*
8 *population of individuals, including urban minori-*
9 *ties, who have historically been outside the purview of*
10 *arts and humanities programs due to factors such as*
11 *a high incidence of income below the poverty line or*
12 *to geographic isolation.*

13 *(2) The term “poverty line” means the poverty*
14 *line (as defined by the Office of Management and*
15 *Budget, and revised annually in accordance with sec-*
16 *tion 673(2) of the Community Services Block Grant*
17 *Act (42 U.S.C. 9902(2))) applicable to a family of the*
18 *size involved.*

19 *(c) In providing services and awarding financial as-*
20 *sistance under the National Foundation on the Arts and*
21 *Humanities Act of 1965 with funds appropriated by this*
22 *Act, the Chairperson of the National Endowment for the*
23 *Arts shall ensure that priority is given to providing services*
24 *or awarding financial assistance for projects, productions,*
25 *workshops, or programs that will encourage public knowl-*

1 *edge, education, understanding, and appreciation of the*
2 *arts.*

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

6 *(1) the Chairperson shall establish a grant cat-*
7 *egory for projects, productions, workshops, or pro-*
8 *grams that are of national impact or availability or*
9 *are able to tour several States;*

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

14 *(3) the Chairperson shall report to the Congress*
15 *annually and by State, on grants awarded by the*
16 *Chairperson in each grant category under section 5 of*
17 *such Act; and*

18 *(4) the Chairperson shall encourage the use of*
19 *grants to improve and support community-based*
20 *music performance and education.*

21 *SEC. 318. No part of any appropriation contained in*
22 *this Act shall be expended or obligated to complete and issue*
23 *the 5-year program under the Forest and Rangeland Re-*
24 *newable Resources Planning Act.*

1 *SEC. 319. None of the funds in this Act may be used*
2 *to support Government-wide administrative functions un-*
3 *less such functions are justified in the budget process and*
4 *funding is approved by the House and Senate Committees*
5 *on Appropriations.*

6 *SEC. 320. None of the funds in this Act may be used*
7 *for planning, design or construction of improvements to*
8 *Pennsylvania Avenue in front of the White House without*
9 *the advance approval of the House and Senate Committees*
10 *on Appropriations.*

11 *SEC. 321. Amounts deposited during fiscal year 2001*
12 *in the roads and trails fund provided for in the fourteenth*
13 *paragraph under the heading "FOREST SERVICE" of the*
14 *Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall*
15 *be used by the Secretary of Agriculture, without regard to*
16 *the State in which the amounts were derived, to repair or*
17 *reconstruct roads, bridges, and trails on National Forest*
18 *System lands or to carry out and administer projects to*
19 *improve forest health conditions, which may include the re-*
20 *pair or reconstruction of roads, bridges, and trails on Na-*
21 *tional Forest System lands in the wildland-community*
22 *interface where there is an abnormally high risk of fire. The*
23 *projects shall emphasize reducing risks to human safety and*
24 *public health and property and enhancing ecological func-*
25 *tions, long-term forest productivity, and biological integ-*

1 rity. The projects may be completed in a subsequent fiscal
2 year. Funds shall not be expended under this section to re-
3 place funds which would otherwise appropriately be ex-
4 pended from the timber salvage sale fund. Nothing in this
5 section shall be construed to exempt any project from any
6 environmental law.

7 *SEC. 322. Other than in emergency situations, none*
8 *of the funds in this Act may be used to operate telephone*
9 *answering machines during core business hours unless such*
10 *answering machines include an option that enables callers*
11 *to reach promptly an individual on-duty with the agency*
12 *being contacted.*

13 *SEC. 323. No timber sale in Region 10 shall be adver-*
14 *tised if the indicated rate is deficit when appraised under*
15 *the transaction evidence appraisal system using domestic*
16 *Alaska values for western red cedar: Provided, That sales*
17 *which are deficit when appraised under the transaction evi-*
18 *dence appraisal system using domestic Alaska values for*
19 *western red cedar may be advertised upon receipt of a writ-*
20 *ten request by a prospective, informed bidder, who has the*
21 *opportunity to review the Forest Service's cruise and har-*
22 *vest cost estimate for that timber. Program accomplish-*
23 *ments shall be based on volume sold. Should Region 10 sell,*
24 *in fiscal year 2002, the annual average portion of the*
25 *decadal allowable sale quantity called for in the current*

1 *Tongass Land Management Plan in sales which are not def-*
2 *icit when appraised under the transaction evidence ap-*
3 *praisal system using domestic Alaska values for western red*
4 *cedar, all of the western red cedar timber from those sales*
5 *which is surplus to the needs of domestic processors in Alas-*
6 *ka, shall be made available to domestic processors in the*
7 *contiguous 48 United States at prevailing domestic prices.*
8 *Should Region 10 sell, in fiscal year 2002, less than the*
9 *annual average portion of the decadal allowable sale quan-*
10 *tity called for in the current Tongass Land Management*
11 *Plan in sales which are not deficit when appraised under*
12 *the transaction evidence appraisal system using domestic*
13 *Alaska values for western red cedar, the volume of western*
14 *red cedar timber available to domestic processors at pre-*
15 *vailing domestic prices in the contiguous 48 United States*
16 *shall be that volume: (i) which is surplus to the needs of*
17 *domestic processors in Alaska; and (ii) is that percent of*
18 *the surplus western red cedar volume determined by calcu-*
19 *lating the ratio of the total timber volume which has been*
20 *sold on the Tongass to the annual average portion of the*
21 *decadal allowable sale quantity called for in the current*
22 *Tongass Land Management Plan. The percentage shall be*
23 *calculated by Region 10 on a rolling basis as each sale is*
24 *sold (for purposes of this amendment, a “rolling basis” shall*
25 *mean that the determination of how much western red cedar*

1 *is eligible for sale to various markets shall be made at the*
2 *time each sale is awarded). Western red cedar shall be*
3 *deemed “surplus to the needs of domestic processors in Alas-*
4 *ka” when the timber sale holder has presented to the Forest*
5 *Service documentation of the inability to sell western red*
6 *cedar logs from a given sale to domestic Alaska processors*
7 *at price equal to or greater than the log selling value stated*
8 *in the contract. All additional western red cedar volume*
9 *not sold to Alaska or contiguous 48 United States domestic*
10 *processors may be exported to foreign markets at the election*
11 *of the timber sale holder. All Alaska yellow cedar may be*
12 *sold at prevailing export prices at the election of the timber*
13 *sale holder.*

14 *SEC. 324. None of the funds appropriated by this Act*
15 *shall be used to propose or issue rules, regulations, decrees,*
16 *or orders for the purpose of implementation, or in prepara-*
17 *tion for implementation, of the Kyoto Protocol which was*
18 *adopted on December 11, 1997, in Kyoto, Japan at the*
19 *Third Conference of the Parties to the United Nations*
20 *Framework Convention on Climate Change, which has not*
21 *been submitted to the Senate for advice and consent to rati-*
22 *fication pursuant to article II, section 2, clause 2, of the*
23 *United States Constitution, and which has not entered into*
24 *force pursuant to article 25 of the Protocol.*

1 *SEC. 325. The Forest Service, in consultation with the*
2 *Department of Labor, shall review Forest Service camp-*
3 *ground concessions policy to determine if modifications can*
4 *be made to Forest Service contracts for campgrounds so that*
5 *such concessions fall within the regulatory exemption of 29*
6 *CFR 4.122(b). The Forest Service shall offer in fiscal year*
7 *2002 such concession prospectuses under the regulatory ex-*
8 *emption, except that, any prospectus that does not meet the*
9 *requirements of the regulatory exemption shall be offered as*
10 *a service contract in accordance with the requirements of*
11 *41 U.S.C. 351–358.*

12 *SEC. 326. A project undertaken by the Forest Service*
13 *under the Recreation Fee Demonstration Program as au-*
14 *thorized by section 315 of the Department of the Interior*
15 *and Related Agencies Appropriations Act for Fiscal Year*
16 *1996, as amended, shall not result in—*

17 *(1) displacement of the holder of an authoriza-*
18 *tion to provide commercial recreation services on Fed-*
19 *eral lands. Prior to initiating any project, the Sec-*
20 *retary shall consult with potentially affected holders*
21 *to determine what impacts the project may have on*
22 *the holders. Any modifications to the authorization*
23 *shall be made within the terms and conditions of the*
24 *authorization and authorities of the impacted agency.*

1 (2) *the return of a commercial recreation service*
2 *to the Secretary for operation when such services have*
3 *been provided in the past by a private sector pro-*
4 *vider, except when—*

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

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

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

12 *In such cases, the agency may use the Recreation Fee Dem-*
13 *onstration Program to provide for operations until a subse-*
14 *quent operator can be found through the offering of a new*
15 *prospectus.*

16 *SEC. 327. The authority to enter into stewardship and*
17 *end result contracts provided to the Forest Service in ac-*
18 *cordance with section 347 of title III of section 101(e) of*
19 *division A of Public Law 105–277 is hereby expanded to*
20 *authorize the Forest Service to enter into an additional 28*
21 *contracts subject to the same terms and conditions as pro-*
22 *vided in that section: Provided, That of the additional con-*
23 *tracts authorized by this section at least 9 shall be allocated*
24 *to Region 1 and at least 3 to Region 6.*

1 *SEC. 328. Any regulations or policies promulgated or*
2 *adopted by the Departments of Agriculture or the Interior*
3 *regarding recovery of costs for processing authorizations to*
4 *occupy and use Federal lands under their control shall ad-*
5 *here to and incorporate the following principle arising from*
6 *Office of Management and Budget Circular, A-25; no*
7 *charge should be made for a service when the identification*
8 *of the specific beneficiary is obscure, and the service can*
9 *be considered primarily as benefiting broadly the general*
10 *public.*

11 *SEC. 329. Notwithstanding any other provision of law,*
12 *for fiscal year 2002, the Secretary of Agriculture is author-*
13 *ized to limit competition for fire and fuel treatment and*
14 *watershed restoration contracts in the Giant Sequoia Na-*
15 *tional Monument and the Sequoia National Forest. Pref-*
16 *erence for employment shall be given to dislocated and dis-*
17 *placed workers in Tulare, Kern and Fresno Counties, Cali-*
18 *fornia, for work associated with the establishment of the*
19 *Giant Sequoia National Monument.*

20 *SEC. 330. The Secretary of Agriculture, acting through*
21 *the Chief of the Forest Service shall:*

22 *(1) extend the special use permit for the Sioux*
23 *Charlie Cabin in the Absaroka Beartooth Wilderness*
24 *Area, Montana, held by Montana State University—*
25 *Billings for a period of 50 years; and*

1 (2) *solicit public comments at the end of the 50*
2 *year period to determine whether another extension*
3 *should be granted.*

4 *SEC. 331. Section 323 of the Department of the Inte-*
5 *rior and Related Agencies Appropriations Act, 1999, as in-*
6 *cluded in Public Law 105–277, Division A, section 101(e),*
7 *is amended by striking “and 2001,” and inserting “, 2001*
8 *and 2002,”.*

9 *SEC. 332. Section 551(c) of the Land Between the*
10 *Lakes Protection Act of 1998 (16 U.S.C. 460lll–61(c)) is*
11 *amended by striking “2002” and inserting “2004”.*

12 *SEC. 333. LOCAL EXEMPTIONS FROM FOREST SERV-*
13 *ICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title*
14 *31, United States Code, is amended—*

15 (1) *by inserting “(a) IN GENERAL.—” before*
16 *“Necessary”; and*

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

18 “(b) *LOCAL EXEMPTIONS FROM DEMONSTRATION*
19 *PROGRAM FEES.—*

20 “(1) *IN GENERAL.—Each unit of general local*
21 *government that lies in whole or in part within the*
22 *White Mountain National Forest and persons residing*
23 *within the boundaries of that unit of general local*
24 *government shall be exempt during that fiscal year*
25 *from any requirement to pay a Demonstration Pro-*

1 *gram Fee (parking permit or passport) imposed by*
2 *the Secretary of Agriculture for access to the Forest.*

3 *“(2) ADMINISTRATION.—The Secretary of Agri-*
4 *culture shall establish a method of identifying persons*
5 *who are exempt from paying user fees under para-*
6 *graph (1). This method may include valid form of*
7 *identification including a drivers license.”.*

8 *This Act may be cited as the “Department of the Inte-*
9 *rior and Related Agencies Appropriations Act, 2002”.*

Calendar No. 78

107TH CONGRESS
1ST SESSION

H.R. 2217

[Report No. 107-36]

AN ACT

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

JUNE 22, 2001

Received; read twice and referred to the Committee on Appropriations

JUNE 29, 2001

Reported with an amendment