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107th Congress
1st Session

H. R. 2217

[Report No. 107–103]

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

IN THE HOUSE OF REPRESENTATIVES

June 19, 2001

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

A BILL

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

1. Be it enacted by the Senate and House of Representa-
2. tives of the United States of America in Congress assembled,
3. That the following sums are appropriated, out of any
4. money in the Treasury not otherwise appropriated, for the
5. Department of the Interior and related agencies for the
fiscal year ending September 30, 2002, and for other pur-
poses, namely:

TITLE I—DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improve-
ment, development, disposal, cadastral surveying, classi-
fication, acquisition of easements and other interests in
lands, and performance of other functions, including main-
tenance of facilities, as authorized by law, in the manage-
ment of lands and their resources under the jurisdiction
of the Bureau of Land Management, including the general
administration of the Bureau, and assessment of mineral
potential of public lands pursuant to Public Law 96–487
(16 U.S.C. 3150(a)), $768,711,000, to remain available
until expended, of which $1,000,000 is for high priority
projects which shall be carried out by the Youth Conserva-
tion Corps, defined in section 250(e)(4)(E)(xii) of the Bal-
anced Budget and Emergency Deficit Control Act of 1985,
as amended, for the purposes of such Act; of which
$2,225,000 shall be available for assessment of the min-
eral potential of public lands in Alaska pursuant to section
1010 of Public Law 96–487 (16 U.S.C. 3150); and of
which not to exceed $1,000,000 shall be derived from the
special receipt account established by the Land and Water
Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2002 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,298,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $768,711,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: Provided further, That of the amount provided, $28,000,000 is for "Federal Infrastructure Improvement", defined in section 250(e)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act:
Provided further, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Bureau of Land Management shall be transferred to and merged with this appropriation, and shall remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $700,806,000, to remain available until expended, of which not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the “Fire Protection” and “Emergency Department of the Interior Firefighting Fund” may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United
States property, may be credited to the appropriation from
which funds were expended to provide that protection, and
are available without fiscal year limitation: Provided fur-
ther, That using the amounts designated under this title
of this Act, the Secretary of the Interior may enter into
procurement contracts, grants, or cooperative agreements,
for hazardous fuels reduction activities, and for training
and monitoring associated with such hazardous fuels re-
duction activities, on Federal land, or on adjacent non-
Federal land for activities that benefit resources on Fed-
eral land: Provided further, That the costs of implementing
any cooperative agreement between the Federal govern-
ment and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further,
That in entering into such grants or cooperative agree-
ments, the Secretary may consider the enhancement of
local and small business employment opportunities for
rural communities, and that in entering into procurement
contracts under this section on a best value basis, the Sec-
retary may take into account the ability of an entity to
enhance local and small business employment opportuni-
ties in rural communities, and that the Secretary may
award procurement contracts, grants, or cooperative
agreements under this section to entities that include local
non-profit entities, Youth Conservation Corps or related
partnerships, or small or disadvantaged businesses: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real
property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

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

PAYMENTS IN LIEU OF TAXES

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

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $47,686,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(i) of the Balanced Budget
and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,165,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

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

RANGE IMPROVEMENTS

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

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related
to processing application documents and other authoriza-
tions for use and disposal of public lands and resources, for costs of providing copies of official public land docu-
ments, for monitoring construction, operation, and termin-
ation of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amend-
ed, and Public Law 93–153, to remain available until ex-
pended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to im-
prove, protect, or rehabilitate any public lands adminis-
tered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such ac-
tion are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.
MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services,
and the Bureau determines the cooperator is capable of meeting accepted quality standards, Provided further, That sections 28f and 28g of title 30, United States Code, are amended:

(1) In section 28f(a), by striking the first sentence and inserting, "The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before, on or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before September 1, 2002, a claim maintenance fee of $100 per claim or site."; and

(2) In section 28g, by striking "and before September 30, 2001" and inserting in lieu thereof "and before September 30, 2002".

UNITED STATES FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct
expenditure, contracts, grants, cooperative agreements
and reimbursable agreements with public and private enti-
ties, $839,852,000, to remain available until September
30, 2003, except as otherwise provided herein, of which
$28,000,000 is for "Federal Infrastructure Improve-
ment", defined in section 250(e)(4)(E)(xiv) of the Bal-
anced Budget and Emergency Deficit Control Act of 1985,
as amended, for the purposes of such Act: Provided, That
fiscal year 2001 balances in the Federal Infrastructure
Improvement account for the United States Fish and
Wildlife Service shall be transferred to and merged with
this appropriation, and shall remain available until ex-
ished: Provided further, That not less than $2,000,000
shall be provided to local governments in southern Cali-
ifornia for planning associated with the Natural Commu-
unities Conservation Planning (NCCP) program and shall
remain available until expended: Provided further, That
$2,000,000 is for high priority projects which shall be car-
ried out by the Youth Conservation Corps defined in sec-
tion 250(e)(4)(E) (xii) of the Balanced Budget and Emer-
gency Deficit Control Act of 1985, as amended, for the
purposes of such Act: Provided further, That not to exceed
$8,476,000 shall be used for implementing subsections
(a), (b), (c), and (e) of section 4 of the Endangered Spe-
cies Act, as amended, for species that are indigenous to
the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $6,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $48,849,000, to remain available until expended.
LAND ACQUISITION

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

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $50,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as
amended, for the purposes of discretionary spending limits: Provided, That, hereafter, "Fish and Wildlife Service Landowner Incentive Program" shall be considered to be within the "State and Other Conservation sub-category" in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending cat-
egory activities pursuant to section 251(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That hereafter, "Fish and Wildlife Service Stewardship Grants' shall be considered to be within the "State and Other Conservation sub-category" in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $107,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(v) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.
NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $16,414,000, of which $5,000,000 is for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That, hereafter, "Fish and Wildlife Service National Wildlife Refuge Fund" shall be considered to be within the "Payments in Lieu of Taxes sub-category" in section 250(c)(4)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $45,000,000, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(vi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That, notwithstanding any other provision of law, amounts in excess of funds provided in fiscal year 2001 shall be used only for projects in the United States.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance
1 with the Neotropical Migratory Bird Conservation Act,
2 Public Law 106–247 (16 U.S.C. 6101–6109), $5,000,000,
3 to remain available until expended, and to be for conserva-
4 tion spending category activities pursuant to section
5 251(c) of the Balanced Budget and Emergency Deficit
6 Control Act of 1985, as amended, for the purposes of dis-
7 cretionary spending limits: Provided, That, hereafter,
8 “Fish and Wildlife Service Neotropical Migratory Bird
9 Conservation” shall be considered to be within the “State
10 and Other Conservation sub-category” in section
11 250(c)(4)(G) of the Balanced Budget and Emergency Def-
12 icit Control Act of 1985, as amended.
13 MULTINATIONAL SPECIES CONSERVATION FUND
14 For expenses necessary to carry out the African Ele-
16 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
17 phant Conservation Act of 1997 (Public Law 105–96; 16
18 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
19 tion Act of 1994 (16 U.S.C. 5301–5306), and the Great
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
section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

STATE WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $100,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(vii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That the Secretary shall, after deducting administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: 30 percent
based on the ratio to which the land area of such State
bears to the total land area of all such States; and 70
percent based on the ratio to which the population of such
State bears to the total population of the United States,
based on the 2000 U.S. Census; and the amounts so ap-
portioned shall be adjusted equitably so that no State shall
be apportioned a sum which is less than one percent of
the total amount available for apportionment or more than
10 percent: Provided further, That the Federal share of
planning grants shall not exceed 75 percent of the total
costs of such projects and the Federal share of implemen-
tation grants shall not exceed 50 percent of the total costs
of such projects: Provided further, That the non-Federal
share of such projects may not be derived from Federal
grant programs: Provided further, That no State, territory,
or other jurisdiction shall receive a grant unless it has de-
developed, or committed to develop by October 1, 2005, a
comprehensive wildlife conservation plan, consistent with
criteria established by the Secretary of the Interior, that
considers the broad range of the State, territory, or other
jurisdiction's wildlife and associated habitats, with appro-
priate priority placed on those species with the greatest
conservation need and taking into consideration the rel-
ative level of funding available for the conservation of
those species: Provided further, That any amount appor-
tioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in the manner provided herein.

TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $5,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That, hereafter, "Fish and Wildlife Service Tribal Wildlife Grants" shall be considered to be within the "State and Other Conservation sub-category" in section 250(e)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 74 passenger motor vehicles, of which 69 are for replacement only (including 32 for police-
type use); repair of damage to public roads within and
adjacent to reservation areas caused by operations of the
Service; options for the purchase of land at not to exceed
$1 for each option; facilities incident to such public recre-
tional uses on conservation areas as are consistent with
their primary purpose; and the maintenance and improve-
ment of aquaria, buildings, and other facilities under the
jurisdiction of the Service and to which the United States
has title, and which are used pursuant to law in connection
with management and investigation of fish and wildlife re-
sources: Provided, That notwithstanding 44 U.S.C. 501,
the Service may, under cooperative cost sharing and part-
ership arrangements authorized by law, procure printing
services from cooperators in connection with jointly pro-
duced publications for which the cooperators share at least
one-half the cost of printing either in cash or services and
the Service determines the cooperator is capable of meet-
ing accepted quality standards: Provided further, That the
Service may accept donated aircraft as replacements for
existing aircraft: Provided further, That notwithstanding
any other provision of law, the Secretary of the Interior
may not spend any of the funds appropriated in this Act
for the purchase of lands or interests in lands to be used
in the establishment of any new unit of the National Wild-
life Refuge System unless the purchase is approved in ad-
vance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,480,336,000, of which $10,869,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which $75,349,000, to remain available until expended, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects. Provided, That the only funds in this account which may be made available to support United States Park Police are
those funds approved for emergency law and order incidents pursuant to established National Park Service procedures and those funds needed to maintain and repair United States Park Police administrative facilities: Provided further, That park areas may reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office: Provided further, That none of the funds in this or any other Act may be used to fund a new Associate Director position for Partnerships.

UNITED STATES PARK POLICE

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

CONTRIBUTION FOR ANNUITY BENEFITS

For reimbursement pursuant to provisions of Public Law 85–157, to the District of Columbia on a monthly basis, for benefit payments by the District of Columbia to United States Park Police annuitants under the provisions of the Policeman and Fireman’s Retirement and Disability Act, to the extent those payments exceed contributions made by active Park Police members covered under the Act, such amounts as hereafter may be necessary: Provided, That hereafter, appropriations made to
the National Park Service shall not be available for this purpose.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $51,804,000.

URBAN PARK AND RECREATION FUND

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

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $77,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2003, and to be for the conservation activities defined in section 250(c)(4)(E)(xi) of the Balanced Budget and Emergency Deficit Control Con-
trol Act of 1985, as amended, for the purposes of such
Act: Provided, That, of the amount provided herein,
$5,000,000, to remain available until expended, is for a
grant for the perpetual care and maintenance of National
Trust Historic Sites, as authorized under 16 U.S.C.
470a(e)(2), to be made available in full upon signing of
a grant agreement: Provided further, That, notwith-
standing any other provision of law, these funds shall be
available for investment with the proceeds to be used for
the same purpose as set out herein: Provided further, That
of the total amount provided, $30,000,000 shall be for
Save America’s Treasures for priority preservation
projects, including preservation of intellectual and cultural
artifacts, preservation of historic structures and sites, and
buildings to house cultural and historic resources and to
provide educational opportunities: Provided further, That
any individual Save America’s Treasures grant shall be
matched by non-Federal funds: Provided further, That in-
dividual projects shall only be eligible for one grant, and
all projects to be funded shall be approved by the House
and Senate Committees on Appropriations prior to the
commitment of grant funds: Provided further, That Save
America’s Treasures funds allocated for Federal projects
shall be available by transfer to appropriate accounts of
individual agencies, after approval of such projects by the
Secretary of the Interior: Provided further, That none of the funds provided for Save America’s Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service 2003.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $349,249,000, of which $50,000,000 is for “Federal Infrastructure Improvement”, defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

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

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $261,036,000, to be derived from the Land and Water Conservation Fund, to remain
available until expended, and to be for the conservation
activities defined in section 250(e)(4)(E)(iii) of the Bal-
anced Budget and Emergency Deficit Control of 1985, as
amended, for the purposes of such Act, of which
$154,000,000 is for the State assistance program includ-
ing $4,000,000 to administer the State assistance pro-
gram: Provided, That of the amounts provided under this
heading, $16,000,000 may be for Federal grants to the
State of Florida for the acquisition of lands or waters,
or interests therein, within the Everglades watershed (con-
sisting of lands and waters within the boundaries of the
South Florida Water Management District, Florida Bay
and the Florida Keys, including the areas known as the
Frog Pond, the Rocky Glades and the Eight and One-Half
Square Mile Area) under terms and conditions deemed
necessary by the Secretary to improve and restore the
hydrological function of the Everglades watershed; and
$20,000,000 may be for project modifications authorized
by section 104 of the Everglades National Park Protection
and Expansion Act: Provided further, That funds provided
under this heading for assistance to the State of Florida
to acquire lands within the Everglades watershed are con-
tingent upon new matching non-Federal funds by the
State and shall be subject to an agreement that the lands
to be acquired will be managed in perpetuity for the res-
oration of the Everglades: Provided further, That none
of the funds provided for the State Assistance program
may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be
available for the purchase of not to exceed 315 passenger
motor vehicles, of which 256 shall be for replacement only,
including not to exceed 237 for police-type use, 11 buses,
and 8 ambulances: Provided, That none of the funds ap-
propriated to the National Park Service may be used to
process any grant or contract documents which do not in-
clude the text of 18 U.S.C. 1913: Provided further, That
none of the funds appropriated to the National Park Serv-
vice may be used to implement an agreement for the rede-
development of the southern end of Ellis Island until such
agreement has been submitted to the Congress and shall
not be implemented prior to the expiration of 30 calendar
days (not including any day in which either House of Con-
gress is not in session because of adjournment of more
than three calendar days to a day certain) from the receipt
by the Speaker of the House of Representatives and the
President of the Senate of a full and comprehensive report
on the development of the southern end of Ellis Island,
including the facts and circumstances relied upon in sup-
port of the proposed project.
None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, the National Park Service may convey a leasehold or freehold interest in Cuyahoga NP to allow for the development of utilities and parking needed to support the historic Everett Church in the village of Everett, Ohio.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regu-
latory Commission licensees; administer the minerals ex-
ploration program (30 U.S.C. 641); and publish and dis-
seminate data relative to the foregoing activities; and to
correct inquiries into the economic conditions affecting
mining and materials processing industries (30 U.S.C. 3,
21a, and 1603; 50 U.S.C. 98g(1)) and related purposes
as authorized by law and to publish and disseminate data;
$900,489,000, of which $64,318,000 shall be available
only for cooperation with States or municipalities for
water resources investigations; and of which $16,400,000
shall remain available until expended for conducting in-
quiries into the economic conditions affecting mining and
materials processing industries; and of which $18,942,000
shall be available until September 30, 2003 for the oper-
ation and maintenance of facilities and deferred mainte-
nance; and of which $163,461,000 shall be available until
September 30, 2003 for the biological research activity
and the operation of the Cooperative Research Units: Pro-
vided, That none of these funds provided for the biological
research activity shall be used to conduct new surveys on
private property, unless specifically authorized in writing
by the property owner: Provided further, That of the
amount provided herein, $25,000,000 is for the conserva-
tion activities defined in section 250(c)(4)(viii) of the Bal-
anced Budget and Emergency Deficit Control Act of 1985,
as amended, for the purposes of such Act: Provided fur-
ther, That no part of this appropriation shall be used to
pay more than one-half the cost of topographic mapping
or water resources data collection and investigations car-
ried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geo-
logical Survey shall be available for the purchase of not
to exceed 53 passenger motor vehicles, of which 48 are
for replacement only; reimbursement to the General Serv-
ices Administration for security guard services; con-
tracting for the furnishing of topographic maps and for
the making of geophysical or other specialized surveys
when it is administratively determined that such proce-
dures are in the public interest; construction and mainte-
nance of necessary buildings and appurtenant facilities;
acquisition of lands for gauging stations and observation
wells; expenses of the United States National Committee
on Geology; and payment of compensation and expenses
of persons on the rolls of the Survey duly appointed to
represent the United States in the negotiation and admin-
istration of interstate compacts: Provided, That activities
funded by appropriations herein made may be accom-
plished through the use of contracts, grants, or coopera-
tive agreements as defined in 31 U.S.C. 6302 et seq.
For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $149,867,000, of which $83,344,000, shall be available for royalty management activities; and an amount not to exceed $102,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $102,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $102,730,000 shall be credited to this appropriation from receipts resulting from rental rates for
Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2003: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to
or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

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

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $102,900,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2002 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Of-
office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $203,554,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative. Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2002: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation
per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That, in addition to the amount granted to the Commonwealth of Pennsylvania under sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act (Act), an additional $500,000 will be specifically used for the purpose of conducting a demonstration project in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage.
BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,790,781,000, to remain available until September 30, 2003 except as otherwise provided herein, of which not to exceed $89,864,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $130,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2002, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $3,000,000 shall be for the Indian Self-Determination
1 Fund which shall be available for the transitional cost of
2 initial or expanded tribal contracts, grants, compacts or
3 cooperative agreements with the Bureau under such Act;
4 and of which not to exceed $436,427,000 for school oper-
5 ations costs of Bureau-funded schools and other education
6 programs shall become available on July 1, 2002, and
7 shall remain available until September 30, 2003; and of
8 which not to exceed $58,394,000 shall remain available
9 until expended for housing improvement, road mainte-
10 nance, attorney fees, litigation support, the Indian Self-
11 Determination Fund, land records improvement, and the
12 Navajo-Hopi Settlement Program: Provided, That not-
13 withstanding any other provision of law, including but not
14 limited to the Indian Self-Determination Act of 1975, as
15 amended, and 25 U.S.C. 2008, not to exceed $43,065,000
16 within and only from such amounts made available for
17 school operations shall be available to tribes and tribal or-
18 ganizations for administrative cost grants associated with
19 the operation of Bureau-funded schools: Provided further,
20 That any forestry funds allocated to a tribe which remain
21 unobligated as of September 30, 2003, may be transferred
22 during fiscal year 2004 to an Indian forest land assistance
23 account established for the benefit of such tribe within the
24 tribe's trust fund account: Provided further, That any such
un obligated balances not so transferred shall expire on September 30, 2004.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $357,132,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2002, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost
Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): Provided further, That notwithstanding any other provision of law, not to exceed $450,000 in collections from settlements between the United States and contractors concerning the Dunseith Day School are to be made available for school construction in fiscal year 2002 and thereafter.
INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $7,950,000 shall be available for future water supplies facilities under Public Law 106–163; of which $21,875,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, 106–554, and 106–568; and of which $6,254,000 shall be available for the consent decree entered by the U.S. District Court, Western District of Michigan in United States v. Michigan, Case No. 2:73 CV 26.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $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).
In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government’s trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe’s ability to access future appropriations.

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

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this
Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school’s operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $72,289,000, of which: (1) $67,761,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree
snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,528,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the funds provided herein for American Samoa government operations, the Secretary is directed to use up to $20,000 to increase compensation
of the American Samoa High Court Justices: Provided further, That of the amounts provided for technical assistance, not to exceed $1,339,000 shall be made available for transfer to the Disaster Assistance Direct Loan Financing Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving the repayment obligation of the Government of the Virgin Islands on Community Disaster Loan 841, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): Provided further, That to the extent that the cost of forgiving the repayment obligation exceeds the $1,339,000 provided in this Act, the Secretary of the Interior shall transfer up to $2,161,000 of unexpended appropriations for U.S. Virgin Islands construction grants provided pursuant to Public Law 102–154 to the Federal Emergency Management Agency to meet the full costs associated with forgiveness of the Hurricane Hugo Community Disaster Loan: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure (with territorial participation and cost sharing to be determined...
by the Secretary based on the grantees commitment to
timely maintenance of its capital assets): Provided further,
That any appropriation for disaster assistance under this
heading in this Act or previous appropriations Acts may
be used as non-Federal matching funds for the purpose
of hazard mitigation grants provided pursuant to section
404 of the Robert T. Stafford Disaster Relief and Emer-
gency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for
the Federated States of Micronesia and the Republic of
the Marshall Islands as provided for in sections 122, 221,
223, 232, and 233 of the Compact of Free Association,
and for economic assistance and necessary expenses for
the Republic of Palau as provided for in sections 122, 221,
223, 232, and 233 of the Compact of Free Association,
$23,245,000, to remain available until expended, as au-

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the De-
partment of the Interior, $64,177,000, of which not to ex-
ceed $8,500 may be for official reception and representa-
tion expenses, of which up to $1,000,000 shall be available
for workers compensation payments and unemployment
compensation payments associated with the orderly closure of the United States Bureau of Mines.

Office of the Solicitor

Salaries and Expenses

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

Office of Inspector General

Salaries and Expenses

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

Office of Special Trustee for American Indians

Federal Trust Programs

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $99,224,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2002, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwith-
standing any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $10,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.
NATURAL RESOURCE DAMAGE ASSESSMENT AND
RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

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

ADMINISTRATIVE PROVISIONS

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

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands
1 under the jurisdiction of the Department of the Interior;
2 for the emergency rehabilitation of burned-over lands
3 under its jurisdiction; for emergency actions related to po-
4 tential or actual earthquakes, floods, volcanoes, storms, or
5 other unavoidable causes; for contingency planning subse-
6 quent to actual oil spills; for response and natural resource
7 damage assessment activities related to actual oil spills;
8 for the prevention, suppression, and control of actual or
9 potential grasshopper and Mormon cricket outbreaks on
10 lands under the jurisdiction of the Secretary, pursuant to
11 the authority in section 1773(b) of Public Law 99–198
12 (99 Stat. 1658); for emergency reclamation projects under
13 section 410 of Public Law 95–87; and shall transfer, from
14 any no year funds available to the Office of Surface Min-
15 ing Reclamation and Enforcement, such funds as may be
16 necessary to permit assumption of regulatory authority in
17 the event a primacy State is not carrying out the regu-
18 latory provisions of the Surface Mining Act: Provided,
19 That appropriations made in this title for wildland fire
20 operations shall be available for the payment of obligations
21 incurred during the preceding fiscal year, and for reim-
22 bursement to other Federal agencies for destruction of ve-
23 hicles, aircraft, or other equipment in connection with
24 their use for wildland fire operations, such reimbursement
25 to be credited to appropriations currently available at the
time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within thirty days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

Sec. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.
Sec. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

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

Sec. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

Sec. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June
12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

Sec. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

Sec. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

Sec. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

Sec. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)
may be invested by the Indian tribe, tribal organization,
or consortium before such funds are expended for the pur-
poses of the grant, compact, or annual funding agreement
so long as such funds are—

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

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

Sec. 112. Notwithstanding any other provisions of
law, the National Park Service shall not develop or imple-
ment a reduced entrance fee program to accommodate
non-local travel through a unit. The Secretary may provide
for and regulate local non-recreational passage through
units of the National Park System, allowing each unit to
develop guidelines and permits for such activity appro-
priate to that unit.
SEC. 113. Appropriations made in this Act under the
headings Bureau of Indian Affairs and Office of Special
Trustee for American Indians and any available unobli-
gated balances from prior appropriations Acts made under
the same headings, shall be available for expenditure or
transfer for Indian trust management activities pursuant
to the Trust Management Improvement Project High
Level Implementation Plan.

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

SEC. 115. Notwithstanding any other provision of
law, for the purpose of reducing the backlog of Indian pro-
bate cases in the Department of the Interior, the hearing
requirements of chapter 10 of title 25, United States
Code, are deemed satisfied by a proceeding conducted by
an Indian probate judge, appointed by the Secretary with-
out regard to the provisions of title 5, United States Code,
governing the appointments in the competitive service, for
such period of time as the Secretary determines necessary:

Provided, That the basic pay of an Indian probate judge
so appointed may be fixed by the Secretary without regard
to the provisions of chapter 51, and subchapter III of
chapter 53 of title 5, United States Code, governing the
classification and pay of General Schedule employees, ex-
cept that no such Indian probate judge may be paid at
a level which exceeds the maximum rate payable for the
highest grade of the General Schedule, including locality
pay.

Sec. 116. Notwithstanding any other provision of
law, the Secretary of the Interior is authorized to redis-
tribute any Tribal Priority Allocation funds, including
tribal base funds, to alleviate tribal funding inequities by
transferring funds to address identified, unmet needs,
dual enrollment, overlapping service areas or inaccurate
distribution methodologies. No tribe shall receive a reduc-
tion in Tribal Priority Allocation funds of more than 10
percent in fiscal year 2002. Under circumstances of dual
enrollment, overlapping service areas or inaccurate distri-
bution methodologies, the 10 percent limitation does not
apply.

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

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

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

(b) The lands of the Huron Cemetery shall be used
only (1) for religious and cultural uses that are compatible
with the use of the lands as a cemetery, and (2) as a burial
ground.
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 amended
10 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-
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-
itor service functions within the Crissy Field and Fort
Point areas of the Presidio.

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

Sec. 125. Tribal School Construction Demon-
stration Program. (a) Definitions.—In this sec-
tion:

(1) Construction.—The term "construction",
with respect to a tribally controlled school, includes
the construction or renovation of that school.

(2) Indian Tribe.—The term "Indian tribe"
has the meaning given that term in section 4(e) of
the Indian Self-Determination and Education Assist-
ance Act (25 U.S.C. 450b(e)).

(3) Secretary.—The term "Secretary" means
the Secretary of the Interior.

(4) Tribally Controlled School.—The
term "tribally controlled school" has the meaning
given that term in section 5212 of the Tribally Con-
(5) DEPARTMENT.—The term "Department" means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Tribal School Construction Demonstration Program.

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

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department's priority list for construction of replacement educational facilities receives the highest priority for a grant under this section.

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

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

(B) be in such form as the Secretary determines appropriate.
(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

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

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

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall only be for construction of replacement tribally controlled schools.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).
SEC. 126. WHITE RIVER OIL SHALE MINE, UTAH.

(a) SALE.—The Administrator of General Services (referred to in this section as the "Administrator") shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the "Mine").

(b) DESCRIPTION OF IMPROVEMENTS AND EQUIPMENT.—The improvements and equipment referred to in subsection (a) are the following improvements and equipment associated with the Mine:

(1) Mine Service Building.

(2) Sewage Treatment Building.

(3) Electrical Switchgear Building.

(4) Water Treatment Building/Plant.

(5) Ventilation/Fan Building.

(6) Water Storage Tanks.

(7) Mine Hoist Cage and Headframe.

(8) Miscellaneous Mine-related equipment.

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

(1) T. 10 S., R. 24 E., Salt Lake Meridian, sections 12 through 14, 19 through 30, 33, and 34.
(2) T. 10 S., R. 25 E., Salt Lake Meridian, sections 18 and 19.

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

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

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

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

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

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

(1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and

(2) other applicable law.
TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $236,979,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $277,771,000, to remain available until expended, as authorized by law, of which $60,000,000 is for the Forest Legacy Program, $8,000,000 is for the Stewardship Incentives Program, and $36,000,000 is for the Urban and Community Forestry Program, defined in section 250(c)(4)(E)(ix) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; Provided, That, hereafter, "Forest Service State and Private Forestry, Stewardship Incentives Program" shall be considered to be within the "State and Other Conservation sub-category" in section 250(c)(4)(G) of the Balanced Budget
and Emergency Deficit Control Act of 1985, as amended:

Provided further, That none of the funds provided under
this heading for the acquisition of lands or interests in
lands shall be available until the House Committee on Ap-
propriations and the Senate Committee on Appropriations
provide to the Secretary, in writing, a list of specific acqui-
sitions to be undertaken with such funds.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not
otherwise provided, for management, protection, improve-
ment, and utilization of the National Forest System,
$1,326,445,000, to remain available until expended, which
shall include 50 percent of all moneys received during
prior fiscal years as fees collected under the Land and
Water Conservation Fund Act of 1965, as amended, in
accordance with section 4 of the Act (16 U.S.C. 460l–
6a(i)): Provided, That unobligated balances available at
the start of fiscal year 2002 shall be displayed by budget
line item in the fiscal year 2003 budget justification: Pro-
vided further, That the Secretary may authorize the ex-
penditure or transfer of such sums as necessary to the
Department of the Interior, Bureau of Land Management
for removal, preparation, and adoption of excess wild
horses and burros from National Forest System lands.
For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,402,305,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2000 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds.
for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to federal emergency response, and wildfire suppression activities of the Forest Service; Provided further, That of the funds provided, $227,010,000 is for hazardous fuel treatment, $81,000,000 is for rehabilitation and restoration, $38,000,000 is for capital improvement and maintenance of fire facilities, $27,265,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $50,383,000 is for state fire assistance, $8,262,000 is for volunteer fire assistance, $11,974,000 is for forest health activities on state, private, and federal lands, and $12,472,000 is for economic action programs: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", "Forest and Rangeland Research", and "Capital Improvement and Maintenance" accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: Provided fur-
ther, That transfers of any amounts in excess of those au-
 thorized in this paragraph, shall require approval of the
 House and Senate Committees on Appropriations in com-
 pliance with reprogramming procedures contained in
 House Report No. 105–163: Provided further, That the
 costs of implementing any cooperative agreement between
 the Federal government and any non-Federal entity may
 be shared, as mutually agreed on by the affected parties:
 Provided further, That in entering into such grants or co-
 operative agreements, the Secretary may consider the en-
 hancement of local and small business employment oppor-
 tunities for rural communities, and that in entering into
 procurement contracts under this section on a best value
 basis, the Secretary may take into account the ability of
 an entity to enhance local and small business employment
 opportunities in rural communities, and that the Secretary
 may award procurement contracts, grants, or cooperative
 agreements under this section to entities that include local
 non-profit entities, Youth Conservation Corps or related
 partnerships with State, local or non-profit youth groups,
 or small or disadvantaged businesses: Provided further,
 That:
 (1) In expending the funds provided with respect to
 this Act for hazardous fuels reduction, the Secretary of
 the Interior and the Secretary of Agriculture may conduct
fuel reduction treatments on Federal lands using all con-
tracting and hiring authorities available to the Secretaries
applicable to hazardous fuel reduction activities under the
wildland fire management accounts. Notwithstanding Fed-
eral government procurement and contracting laws, the
Secretaries may conduct fuel reduction treatments on
Federal lands using grants and cooperative agreements.
Notwithstanding Federal government procurement and
contracting laws, in order to provide employment and
training opportunities to people in rural communities, the
Secretaries may award contracts, including contracts for
monitoring activities, to—

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

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

(C) small or micro-businesses; or

(D) other entities that will hire or train a
significant percentage of local people to com-
plete such contracts. The authorities described
above relating to contracts, grants, and cooper-
ative agreements are available until all funds
provided in this title for hazardous fuels reduc-
tion activities in the urban wildland interface are obligated.

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

(B) Only those funds appropriated for fiscal years 2001 and 2002 to Forest Service (USDA) for wildland fire management are available to the Secretary of Agriculture for such transfer or reimbursement.

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

For an additional amount, to liquidate obligations previously incurred, $274,147,000.
CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $535,513,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which $50,000,000 is for "Federal Infrastructure Improvement", defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Forest Service shall be transferred to and merged with this appropriation, and shall remain available until expended: Provided further, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.
LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $130,877,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(iv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as
amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,488,000, to remain available until expended.
Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which eight will be used primarily for law enforcement purposes and of which 130 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (5) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (6) for debt collection contracts in accordance with 31 U.S.C. 3718(e).
Any appropriations or funds available to the Secretary may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations.
in compliance with the reprogramming procedures con-

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

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

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

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

Pursuant to sections 405(b) and 410(b) of Public
Law 101–593, of the funds available to the Forest Service,
up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefiting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.
Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: 

Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the “National Forest System” and “Capital Improvement and Maintenance” accounts and planned to be allocated to activities under the “Jobs in the Woods” program for projects on National Forest land in the State of Wash-
ington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

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

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal
property for the benefit of, or in connection with, the ac-
tivities and services at the Grey Towers National Historic
Landmark: Provided further, That such gifts may be ac-
cepted notwithstanding the fact that a donor conducts
business with the Department of Agriculture in any capac-
ity.

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

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

No employee of the Department of Agriculture may
be detailed or assigned from an agency or office funded
by this Act to any other agency or office of the department
for more than 30 days unless the individual’s employing
agency or office is fully reimbursed by the receiving agency
or office for the salary and expenses of the employee for
the period of assignment.

The Forest Service shall fund indirect expenses, that
is expenses not directly related to specific programs or to
the accomplishment of specific work on-the-ground, from
any funds available to the Forest Service: Provided, That
the Forest Service shall implement and adhere to the defi-

nitions of indirect expenditures established pursuant to
Public Law 105–277 on a nationwide basis without flexi-
bility for modification by any organizational level except
the Washington Office, and when changed by the Wash-
ington Office, such changes in definition shall be reported
in budget requests submitted by the Forest Service: Pro-
vided further, That the Forest Service shall provide in all
future budget justifications, planned indirect expenditures
in accordance with the definitions, summarized and dis-
played to the Regional, Station, Area, and detached unit
office level. The justification shall display the estimated
source and amount of indirect expenditures, by expanded
budget line item, of funds in the agency’s annual budget
justification. The display shall include appropriated funds
and the Knutson-Vandenberg, Brush Disposal, Coopera-
tive Work-Other, and Salvage Sale funds. Changes be-
tween estimated and actual indirect expenditures shall be
reported in subsequent budget justifications: Provided,
That during fiscal year 2002 the Secretary shall limit total
annual indirect obligations from the Brush Disposal,
Knutson-Vandenberg, Reforestation, Salvage Sale, and
Roads and Trails funds to 20 percent of the total obliga-
tions from each fund. Obligations in excess of 20 percent
which would otherwise be charged to the above funds may
be charged to appropriated funds available to the Forest
Service subject to notification of the Committees on Ap-
propriations of the House and Senate.

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

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

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $579,000,000, to remain available until expended, of which $150,000,000 is to be available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development and demonstration of commercial scale technologies to reduce the barriers to continued and expanded coal use; Provided, That all awards shall be cost-shared with industry participants; Provided further, That in order to enhance the return to the taxpayer, provisions for royalties from commercialization of funded technologies shall be included in the program solicitation, including provisions for reasonable royalties from sale or licensing of technologies from both do-
mestic and foreign transactions: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out engineering studies to determine the cost of development, the predicted rate and quantity of petroleum recovery, the methodology, and the equipment specifications for development of Shannon Formation at Naval Petroleum Reserve Numbered 3, utilizing a below-the-reservoir production method, $17,371,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, $36,000,000, to be derived by transfer from
funds appropriated in prior years under the heading "Clean Coal Technology".

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $940,805,000 to remain available until expended: *Provided*, That $311,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507):

*Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $249,000,000 for weatherization assistance grants and $62,000,000 for State energy conservation grants: *Provided further*, That notwithstanding any other provision of law, in fiscal year 2002 and thereafter sums appropriated for weatherization assistance grants shall be contingent on a non-Federal cost share of 25 percent by each participating State or other qualified participant: *Provided further*, That the Secretary of Energy may waive up to fifty percent of the cost-sharing requirement for weatherization assistance for a State which he finds to be experiencing fiscal hardship or major changes in energy markets or suppliers or other temporary limitations on its ability to provide matching funds, provided that the State is demonstrably engaged in continuing activities to secure non-Federal resources and that such waiver is limited to one fiscal year and that no State
may be granted such waiver more than twice. *Provided further*, That, hereafter, Indian tribal direct grantees of weatherization assistance shall not be required to provide matching funds.

**ECONOMIC REGULATION**

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,996,000, to remain available until expended.

**STRATEGIC PETROLEUM RESERVE**

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

**ENERGY INFORMATION ADMINISTRATION**

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

**ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY**

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the
General Services Administration for security guard services.

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

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

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treas-
ury as miscellaneous receipts: Provided further, That any
contract, agreement, or provision thereof entered into by
the Secretary pursuant to this authority shall not be exe-
cuted prior to the expiration of 30 calendar days (not in-
cluding any day in which either House of Congress is not
in session because of adjournment of more than three cal-
endar days to a day certain) from the receipt by the
Speaker of the House of Representatives and the Presi-
dent of the Senate of a full comprehensive report on such
project, including the facts and circumstances relied upon
in support of the proposed project.

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

In addition to other authorities set forth in this Act,
the Secretary may accept fees and contributions from pub-
lic and private sources, to be deposited in a contributed
funds account, and prosecute projects using such fees and
contributions in cooperation with other Federal, State or
private agencies or concerns.
DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,390,014,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $445,776,000 for contract medical care shall remain available for obligation until September 30, 2003: Provided further, That of the funds provided, up to $22,000,000 shall be used to carry...
out the loan repayment program under section 108 of the
Indian Health Care Improvement Act: Provided further,
That funds provided in this Act may be used for one-year
contracts and grants which are to be performed in two
fiscal years, so long as the total obligation is recorded in
the year for which the funds are appropriated: Provided
further, That the amounts collected by the Secretary of
Health and Human Services under the authority of title
IV of the Indian Health Care Improvement Act shall re-
main available until expended for the purpose of achieving
compliance with the applicable conditions and require-
ments of titles XVIII and XIX of the Social Security Act
(exclusive of planning, design, or construction of new fa-
cilities): Provided further, That funding contained herein,
and in any earlier appropriations Acts for scholarship pro-
grams under the Indian Health Care Improvement Act
(25 U.S.C. 1613) shall remain available for obligation
until September 30, 2003: Provided further, That amounts
received by tribes and tribal organizations under title IV
of the Indian Health Care Improvement Act shall be re-
ported and accounted for and available to the receiving
tribes and tribal organizations until expended: Provided
further, That, notwithstanding any other provision of law,
of the amounts provided herein, not to exceed
$268,234,000 shall be for payments to tribes and tribal
organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2002, of which not to exceed $20,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That such costs should be paid at a rate commensurate with existing contracts and no new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements shall be entered into once the $20,000,000 has been committed: Provided further, That no existing self-determination contract, grant, self-governance compact or annual funding agreement shall receive direct contract support costs in excess of the amount received in fiscal year 2001 for such costs: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans,
specifications, and drawings; acquisition of sites, purchase
and erection of modular buildings, and purchases of trail-
ers; and for provision of domestic and community sanita-
tion facilities for Indians, as authorized by section 7 of
the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
Self-Determination Act, and the Indian Health Care Im-
provement Act, and for expenses necessary to carry out
such Acts and titles II and III of the Public Health Serv-
ice Act with respect to environmental health and facilities
support activities of the Indian Health Service,
$369,795,000, to remain available until expended: Pro-
vided, That notwithstanding any other provision of law,
funds appropriated for the planning, design, construction
or renovation of health facilities for the benefit of an In-
dian tribe or tribes may be used to purchase land for sites
to construct, improve, or enlarge health or related facili-
ties: Provided further, That from the funds appropriated
herein, $5,000,000 shall be designated by the Indian
Health Service as a contribution to the Yukon-Kuskokwim
Health Corporation (YKHC) to start a priority project for
the acquisition of land, planning, design and construction
of 79 staff quarters at Bethel, Alaska, subject to a nego-
tiated project agreement between the YKHC and the In-
dian Health Service: Provided further, That this project
shall not be subject to the construction provisions of the
Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That $5,000,000 shall remain available until expended for the purpose of funding up to two joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: Provided further, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2002, the financial capability necessary to provide an appropriate facility: Provided further, That joint venture funds unallocated after March 1, 2002, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: Provided further, That the joint venture agreements shall...
vided further, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the
project will the Federal Government have any rights or
title to any real or personal property acquired as a part
of the contract.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Serv-

ice shall be available for services as authorized by 5 U.S.C.

3109 but at rates not to exceed the per diem rate equiva-

lent to the maximum rate payable for senior-level positions

under 5 U.S.C. 5376; hire of passenger motor vehicles and

aircraft; purchase of medical equipment; purchase of re-

prints; purchase, renovation and erection of modular

buildings and renovation of existing facilities; payments

for telephone service in private residences in the field,

when authorized under regulations approved by the Sec-

retary; and for uniforms or allowances therefore as au-

thorized by 5 U.S.C. 5901–5902; and for expenses of at-

tendance at meetings which are concerned with the func-
tions or activities for which the appropriation is made or

which will contribute to improved conduct, supervision, or

management of those functions or activities.

In accordance with the provisions of the Indian

Health Care Improvement Act, non-Indian patients may

be extended health care at all tribally administered or In-
dian Health Service facilities, subject to charges, and the

proceeds along with funds recovered under the Federal

Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
be credited to the account of the facility providing the
service and shall be available without fiscal year limitation.
Notwithstanding any other law or regulation, funds trans-
ferred from the Department of Housing and Urban Devel-
opment to the Indian Health Service shall be administered
under Public Law 86–121 (the Indian Sanitation Facili-
ties Act) and Public Law 93–638, as amended.

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

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

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

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this
Act, and accounted for in the appropriation structure set
forth in this Act.

With respect to functions transferred by the Indian
Health Service to tribes or tribal organizations, the Indian
Health Service is authorized to provide goods and services
to those entities, on a reimbursable basis, including pay-
ment in advance with subsequent adjustment. The reim-
bursements received therefrom, along with the funds re-
ceived from those entities pursuant to the Indian Self-Determina-
tion Act, may be credited to the same or subsequent appropriation account which provided the funding.

Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or
services provided by the Indian Health Service will contain
total costs, including direct, administrative, and overhead
associated with the provision of goods, services, or tech-
nical assistance.
The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

Salaries and Expenses

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,148,000, to remain available until expended:

Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the
Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

Institute of American Indian and Alaska Native Culture and Arts Development Payment to the Institute

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

Smithsonian Institution Salaries and Expenses

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $396,200,000, of
which not to exceed $53,030,000 is for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, Latino programming, and outreach, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of the Federal Government: Provided further, That no appropriated funds may be used to service debt which is in-
curred to finance the costs of acquiring the 900 H Street
building or of planning, designing, and constructing im-
provements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

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

CONSTRUCTION

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

ADMINISTRATIVE PROVISIONS, SMITHSONIAN

INSTITUTION

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

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

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

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

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gal-
lergy of Art, the protection and care of the works of art
therein, and administrative expenses incident thereto, as
authorized by the Act of March 24, 1937 (50 Stat. 51),
as amended by the public resolution of April 13, 1939
(Public Resolution 9, Seventy-sixth Congress), including
services as authorized by 5 U.S.C. 3109; payment in ad-
advance when authorized by the treasurer of the Gallery for
membership in library, museum, and art associations or
societies whose publications or services are available to
members only, or to members at a price lower than to the
general public; purchase, repair, and cleaning of uniforms
for guards, and uniforms, or allowances therefor, for other
employees as authorized by law (5 U.S.C. 5901–5902);
purchase or rental of devices and services for protecting
buildings and contents thereof, and maintenance, alter-
ation, improvement, and repair of buildings, approaches,
and grounds; and purchase of services for restoration and
repair of works of art for the National Gallery of Art by
contracts made, without advertising, with individuals,
 firms, or organizations at such rates or prices and under
such terms and conditions as the Gallery may deem prop-
er, $68,967,000, of which not to exceed $3,026,000 for
the special exhibition program shall remain available until
expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

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

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

**John F. Kennedy Center for the Performing Arts Operations and Maintenance**

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $15,000,000.

**Construction**

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $19,000,000, to remain available until expended.

**Woodrow Wilson International Center for Scholars Salaries and Expenses**

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $7,796,000.
NATIONAL FOUNDATION ON THE ARTS AND THE
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $98,234,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(e) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts “Matching Grants” account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $104,882,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(e) of the Act, and for administering the functions of the Act, to remain available until expended.
MATCHING GRANTS

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

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $24,899,000, to remain available until expended.

CHALLENGE AMERICA ARTS FUND

CHALLENGE AMERICA GRANTS

For necessary expenses as authorized by Public Law 89–209, as amended, $7,000,000, for support for arts education and public outreach activities to be administered
by the National Endowment for the Arts, to remain avail-
able until expended.

ADMINISTRATIVE PROVISIONS

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

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

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

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law
99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.
ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

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

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

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

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL MUSEUM

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

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $22,427,000, shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

Sec. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Sec. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

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

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

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

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

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

Sec. 308. None of the funds made available in this
Act may be used: (1) to demolish the bridge between Jer-
sey City, New Jersey, and Ellis Island; or (2) to prevent
pedestrian use of such bridge, when it is made known to
the Federal official having authority to obligate or expend
such funds that such pedestrian use is consistent with gen-
erally accepted safety standards.
SEC. 309. (a) LIMITATION OF FUNDS.—None of the
funds appropriated or otherwise made available pursuant
to this Act shall be obligated or expended to accept or
process applications for a patent for any mining or mill
site claim located under the general mining laws.

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

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

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

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

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

Sec. 312. (a) Recreational Fee Demonstration
Program.—Subsection (f) of section 315 of the Depart-
ment of the Interior and Related Agencies Appropriations
Act, 1996 (as contained in section 101(e) of Public Law
is amended—
(1) by striking "commence on October 1, 1995, and end on September 30, 2002" and inserting "end on September 30, 2006"; and

(2) by striking "September 30, 2005" and inserting "September 30, 2009".

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

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

(d) DISCOUNTED FEES.—Subsection (b)(2) of such section is amended by inserting after "testing" the following: ", including the provision of discounted or free admission or use as the Secretary considers appropriate".

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

(1) in paragraph (4), by striking "and" at the end of the paragraph;

(2) in paragraph (5), by striking the period at the end of the paragraph and inserting "; and"; and

(3) by adding at the end the following new paragraph:
“(6) in fiscal year 2003 and thereafter may retain, for distribution and use as provided in subsection (c), fees imposed by the Forest Service for the issuance of recreation special use authorizations not exceeding one year under any provision of law.”.

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

“(D) None of the funds collected under this section may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate if the estimated total cost of the structure exceeds $500,000.”.

Sec. 313. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

Sec. 314. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as
a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

Sec. 315. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

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

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

Sec. 316. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of
the United States, gifts, bequests, or devises of money and
other property or services and to use such in furtherance
of the functions of the National Endowment for the Arts
and the National Endowment for the Humanities. Any
proceeds from such gifts, bequests, or devises, after ac-
ceptance by the National Endowment for the Arts or the
National Endowment for the Humanities, shall be paid by
the donor or the representative of the donor to the Chair-
man. The Chairman shall enter the proceeds in a special
interest-bearing account to the credit of the appropriate
endowment for the purposes specified in each case.

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

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

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

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

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

(1) the Chairperson shall establish a grant cat-
egory for projects, productions, workshops, or pro-
grams that are of national impact or availability or
are able to tour several States;
(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

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

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

Sec. 318. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

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

Sec. 320. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.
Sec. 321. Amounts deposited during fiscal year 2001 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

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

Sec. 323. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar; Provided, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2001, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2001, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Man-
agement Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic
processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

Sec. 324. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2002 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

Sec. 325. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

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

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

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

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

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

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

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

Sec. 327. Expeditious Treatment of Forest
Plan Revisions.—The Secretary of Agriculture shall
complete revisions to all land and resource management
plans to manage a unit of the National Forest System pur-
suant to Section 6 of the Forest and Rangeland Renew-
able Resources Planning Act of 1974 (16 U.S.C. 1604)
as expeditiously as practicable using the funds provided
for that purpose by this Act.

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

Sec. 329. (a) Pilot Program Authorizing Con-
veyance of Excess Forest Service Structures.—
The Secretary of Agriculture may convey, by sale or ex-
change, any or all right, title, and interest of the United
States in and to excess buildings and other structures lo-
ated on National Forest System lands and under the jurisdiction of the Forest Service. The conveyance may include the land on which the building or other structure is located and such other land immediately adjacent to the building or structure as the Secretary considers necessary.

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

(c) USE OF PROCEEDS.—The proceeds derived from the sale of a building or other structure under this section shall be retained by the Secretary of Agriculture and shall be available to the Secretary, without further appropriation until expended, for maintenance and rehabilitation activities within the Forest Service Region in which the building or structure is located.

(d) DURATION OF AUTHORITY.—The authority provided by this section expires on September 30, 2005.

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

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

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2002”.
A BILL

[Report No. 107-103]

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