

Calendar No. 78

107TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 107-36

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002

JUNE 29, 2001.—Ordered to be printed

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

REPORT

[To accompany H.R. 2217]

The Committee on Appropriations to which was referred the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, reports the same to the Senate with an amendment and recommends that the bill as amended do pass.

Amounts in new budget (obligational) authority, fiscal year 2002

Amount of bill passed by House	\$18,863,855,000
Amount of decrease by Senate	200,321,000
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Total of bill as reported to Senate	18,663,534,000
Estimates considered by House	18,072,635,000
Estimates considered by Senate	18,072,635,000
Above the budget estimate, 2002	590,899,000
Below appropriations, 2001 (including emer- gencies)	114,486,000

and hazardous waste clean up at the Independence Mine in the Matanuska Susitna Borough. The Committee expects that the Office of Surface Mining will continue to collaborate with the Waste Management Education and Research Consortium (WERC) and the Bureau of Land Management in the technical characterization and remediation of abandoned mine sites throughout the United States.

Bill language.—As in prior years, the bill includes language related to the conduct of the abandoned mine land program. The Committee has included language that maintains the Federal emergency reclamation program and limits expenditures in any one State to 25 percent of the total appropriated for Federal and State-run emergency programs. Language also is included in the bill to permit States to use prior-year carryover funds from the emergency program without being subject to the 25-percent statutory limitation per State. The Committee also has recommended language in the bill which would fund minimum program State grants at \$1,600,000 per State as well as language which provides \$10,000,000 to be used for projects in the Appalachian clean streams initiative.

The Committee also has included language specific to the State of Maryland authorizing the State to set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, subject to specific provisions identified in the bill language.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Appropriations, 2001	\$1,737,378,000
Budget estimate, 2002	1,780,486,000
House allowance	1,790,781,000
Committee recommendation	1,804,322,000

The Committee recommends \$1,804,322,000 for fiscal year 2002 for the operation of Indian programs, an increase of \$65,743,000 above the fiscal year 2001 enacted level and \$23,835,000 above the budget estimate. The Committee recommends all requested transfers and full funding for fixed costs, which total \$24,101,000. Additionally, the Committee continues the commitment made over the past 2 fiscal years and recommends the full requested level of funding for school construction, school facilities improvement and repairs, law enforcement, school operations, and Indian trust programs. The following table provides a comparison of the budget estimate with the Committee recommendation:

[In thousands of dollars]

	Budget estimate	Committee recommendation	Change
TRIBAL BUDGET SYSTEM			
Tribal Priority Allocations:			
Tribal government	377,281	377,281	.....
Human services	151,199	151,199	.....

(In thousands of dollars)

	Budget estimate	Committee recommendation	Change
Education	50,036	50,036	.....
Public safety and justice	1,417	1,417	.....
Community development	39,784	39,784	.....
Resources management	56,743	56,743	.....
Trust services	49,205	53,205	+ 4,000
General administration	24,815	24,815	.....
Subtotal, Tribal Priority Allocations	750,480	754,480	+ 4,000
Other Recurring Programs:			
Education:			
School operations:			
Forward-funded	436,427	436,427	.....
Other school operations	67,588	67,588	.....
Subtotal, School operations	504,015	504,015	.....
Continuing education	39,118	41,118	+ 2,000
Subtotal, Education	543,133	545,133	+ 2,000
Resources management	36,295	41,920	+ 5,625
Subtotal, Other Recurring Programs	579,428	587,053	+ 7,625
Non-Recurring Programs:			
Tribal government .....	.....	.....	.....
Community development .....	.....	4,000	+ 4,000
Resources management	30,906	32,711	+ 1,805
Trust services	36,866	37,012	+ 146
Yakima Nation Signal Peak road .....	.....	.....	.....
Subtotal, Non-Recurring Programs	67,772	73,723	+ 5,951
Total, Tribal Budget System	1,397,680	1,415,256	+ 17,576
BIA OPERATIONS			
Central Office Operations:			
Tribal government	2,649	2,649	.....
Human services	909	909	.....
Community development	886	886	.....
Resources management	3,476	3,476	.....
Trust services	3,129	3,129	.....
General administration:			
Education program management	2,435	2,435	.....
Other general administration	44,621	44,622	+ 1
Subtotal, General administration	47,056	47,057	+ 1
Subtotal, Central Office Operations	58,105	58,106	+ 1
Regional Office Operations:			
Tribal government	1,324	1,324	.....
Human services	3,067	3,067	.....
Community development	847	847	.....

[In thousands of dollars]

	Budget estimate	Committee recommendation	Change
Resources management	4,365	4,365	.....
Trust services	23,669	23,669	.....
General administration	29,407	29,407	.....
Subtotal, Regional Office Operations	62,679	62,679	.....
Special Programs and Pooled Overhead:			
Education	16,039	16,039	.....
Public safety and justice	160,652	160,652	.....
Community development	3,543	8,802	+ 5,259
Resources management	1,311	1,311	.....
General administration	80,477	81,477	+ 1,000
Subtotal, Special Programs and Pooled Overhead	262,022	268,281	+ 6,259
Total, BIA Operations	382,806	389,066	+ 6,260
Total, Operation of Indian Programs	1,780,486	1,804,322	+ 23,836

Tribal priority allocations.—The Committee recommends \$754,480,000 for tribal priority allocations (TPA), an increase of \$21,454,000 above the fiscal year 2001 enacted level and an increase of \$5,300,000 above the budget request, of which \$4,000,000, \$2,000,000 is for real estate services (trust services), and \$2,000,000 is to be used to address the probate backlog (trust services). Additionally, the Committee directs the Bureau to continue funding the Incheilium Public Ferry that connects remote sections of the Colville Indian Reservation to educational and health care services.

Other recurring programs.—The Committee recommends \$587,053,000 for other recurring programs, an increase of \$20,197,000 above the fiscal year 2001 enacted level and an increase of \$7,625,000 above the budget request. Increases above the request include \$2,000,000 for operating grants for Tribally Controlled Community Colleges, \$1,000,000 for the western Washington shellfish program (Boldt decision), \$3,541,000 for the Timber-Fish-Wildlife Project, \$454,000 for the bison program, and \$150,000 for evaluation and management of rare species by the Nez Perce Tribe.

Non-recurring programs.—The Committee recommends \$73,723,000 for non-recurring programs, an increase of \$2,531,000 above the fiscal year 2001 enacted level and an increase of \$5,951,000 above the budget request. Increases above the request include \$2,000,000 for the Distance Learning Project (community development), \$1,000,000 for a grant to the Cherion Foundation to expand physician assistant training opportunities (community development), \$500,000 for the Tribal Guiding Program (community development), \$450,000 to be used by the Uintah and Ouray Agency to reduce the oil and gas permitting backlog (resources management), \$1,355,000 for the Cheyenne River Sioux Tribe's Prairie Management Plan (resources management), and \$146,000 for im-

provements in trust services provided by the Alaska Legal Services program (trust services).

Central Office Operations.—The Committee recommends \$58,106,000 for central office operations, a \$370,000 increase above the fiscal year 2001 enacted level and fully commensurate with the budget request.

Regional Office Operations.—The Committee recommends \$62,679,000 for regional office operations, an increase of \$7,365,000 above the fiscal year 2001 enacted level and fully commensurate with the budget request.

Special programs and pooled overhead.—The Committee recommends \$268,281,000 for special programs and pooled overhead, an increase of \$13,826,000 above the fiscal year 2001 enacted level and an increase of \$6,259,000 above the budget request. Increases above the request include \$500,000 for the Indian Arts and Craft Board (of which \$250,000 is for enhancements to the Pomo Indian exhibits at the Grace Hudson Museum in Ukiah, CA, and \$250,000 is for the Alaska Market Access Program proposed by the State of Alaska), \$509,000 for the United Tribes Technical College, \$350,000 for the United Sioux Tribe Development Corporation, \$100,000 for the Ponca Tribe of Nebraska Economic Development Plan (community development), \$1,500,000 for the Crownpoint Institute of Technology, \$1,300,000 for development of an Alaska Native Aviation Training Program (community development), and \$1,000,000 in general administration/facilities management for GSA rentals, and \$1,000,000 for the Yuut Elitnaviat People's Learning Center to be used to address vocational training. Prior to the release of these funds for the learning center, a report regarding the initial plans for the learning center shall be provided to the Committee.

General.—The Shoshone Homeland Act enacted in the 106th Congress provided, among other things, that the Secretary of the Interior “may purchase from willing sellers the following parcels and appurtenant water rights separately, to be taken into trust for the Tribe: Lida Ranch, Nevada * * * or another parcel mutually agreed upon by the Secretary and the Tribe.” (Public Law 106–423, Section 5(d)). This legislation was supported by the Tribe, the National Park Service, the Bureau of Land Management and the Bureau of Indian Affairs. It was an outgrowth of a study mandated by Section 705(b) of the California Desert Protection Act enacted in 1994 (Public Law 103–433).

The Timbisha Shoshone Tribe, acting in conjunction with the Trust for Public Lands, has engaged for a survey of the Lida Ranch property that will meet the requirements and standards of the Federal Government. This survey will not be completed until this year. The Committee directs the Secretary to work with the Tribe to assist in securing the acquisition of this property, or another parcel mutually agreed upon by the Secretary and the Tribe, as required by the terms of Section 5(d) of Public Law 106–423 and to report to the Committee when the survey is completed.

CONSTRUCTION

Appropriations, 2001	\$356,618,000
Budget estimate, 2002	357,132,000
House allowance	357,132,000
Committee recommendation	360,132,000

The Committee recommends \$360,132,000 for construction, an increase of \$3,514,000 above the fiscal year 2001 enacted level and \$3,000,000 above the budget request. The following table provides a comparison of the budget estimate with the Committee recommendation:

[In thousands of dollars]

	Budget estimate	Committee recommendation	Change
Education	292,503	295,503	+ 3,000
Public safety and justice	5,541	5,541	.....
Resources management	50,645	50,645	.....
General administration	2,179	2,179	.....
Construction management	6,264	6,264	.....
Total, Construction	357,132	360,132	+ 3,000

The Committee's recommendation for education construction includes \$161,590,000 for Facilities Improvement and Repair, as well as \$130,799,000 for replacement school construction, an amount sufficient to address the needs of the next six schools on the Bureau's priority list. Those schools are: Wingate Elementary School (New Mexico), Palacca Day School (Arizona), Holbrook Dormitory (Arizona), Santa Fe Indian School (New Mexico), Ojibwa Indian School (North Dakota), and Paschal Sherman Indian School (Washington). With respect to the Ojibwa Indian School, the Committee is concerned that the Bureau may require school officials to complete a reservation-wide education Master Plan before allowing planning and construction on a new K-12 Ojibwa School to take place. The Committee believes that such a requirement would circumvent the BIA's own School Replacement Priority List and would unfairly delay construction of a new school. The Committee therefore directs the Bureau to proceed without making the education Master Plan a prerequisite for planning and construction of the K-12 Ojibwa School.

Within the amount provided for replacement school construction, the Committee recommends \$3,000,000 to continue the tribal school construction demonstration program that was established in fiscal year 2001. This program allows tribes to cost share 50 percent of the cost for replacement schools. Under this demonstration program, the Secretary is directed to give priority consideration to those tribes that are on the BIA priority list for construction of a replacement school.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS
PAYMENTS TO INDIANS

Appropriations, 2001	\$37,443,000
Budget estimate, 2002	60,949,000
House allowance	60,949,000
Committee recommendation	60,949,000

The Committee recommends \$60,949,000 for Indian land and water claims settlements and miscellaneous payments to Indians, an increase of \$23,506,000 above the fiscal year 2001 enacted level and commensurate with the budget request. Funding is provided as follows:

[In thousands of dollars]

	Budget estimate	Committee recommendation	Change
White Earth Land Settlement Act (Admin)	625	625	.....
Hoopa-Yurok settlement fund	250	250	.....
Pyramid Lake water rights settlement	142	142	.....
Truckee River operating agreement .....	.....	.....	.....
Ute Indian water rights settlement	24,728	24,728	.....
Aleutian-Pribilof (repairs) .....	.....	.....	.....
Weber Dam .....	.....	.....	.....
Rocky Boy's	7,950	7,950	.....
Great Lakes fishing settlement	6,254	6,254	.....
Shivwits Band Settlement	5,000	5,000	.....
Santo Domingo Pueblo Settlement	2,000	2,000	.....
Colorado Ute Settlement	8,000	8,000	.....
Torres-Martinez Settlement	6,000	6,000	.....
Total	60,949	60,949	.....

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Appropriations, 2001	\$4,977,000
Budget estimate, 2002	4,986,000
House allowance	4,986,000
Committee recommendation	4,986,000

The Committee recommends \$4,986,000 for the Indian guaranteed loan program, an increase of \$9,000 over the fiscal year 2001 enacted level and commensurate with the budget request.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

Appropriations, 2001	\$75,366,000
Budget estimate, 2002	69,450,000
House allowance	72,289,000
Committee recommendation	76,450,000

The Committee recommends an appropriation of \$76,450,000, which is \$7,000,000 above the budget request. The amounts recommended by the Committee compared to the budget estimate are shown in the following table:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Appropriations, 2001	\$2,265,663,000
Budget estimate, 2002	2,387,014,000
House allowance	2,390,014,000
Committee recommendation	2,388,614,000

The Committee recommends an appropriation of \$2,388,614,000 for Indian health services.

The amounts recommended by the Committee as compared to the budget estimate are shown in the following table:

	Budget estimate	Committee recommendation	Change
Clinical services:			
IHS and tribal health delivery:			
Hospital and health clinics programs	\$1,137,711,000	\$1,137,711,000	.....
Dental health program	95,305,000	95,305,000	.....
Mental health program	47,142,000	47,142,000	.....
Alcohol and substance abuse program	135,005,000	135,005,000	.....
Contract care	445,776,000	445,776,000	.....
Subtotal, clinical services	1,860,939,000	1,860,939,000	.....
Preventive health:			
Public health nursing	37,781,000	37,781,000	.....
Health education	10,628,000	10,628,000	.....
Community health representatives program	49,789,000	49,789,000	.....
Immunization (Alaska)	1,526,000	1,526,000	.....
Subtotal, preventive health	99,724,000	99,724,000	.....
Urban health projects	29,947,000	30,947,000	+ \$1,000,000
Indian health professions	30,565,000	31,165,000	+ 600,000
Tribal management	2,406,000	2,406,000	.....
Direct operations	65,323,000	65,323,000	.....
Self-governance	9,876,000	9,876,000	.....
Contract support costs	288,234,000	288,234,000	.....
Medicare/Medicaid reimbursements: Hospital and clinic accreditation (est. collecting)	(499,985,000)	(499,985,000)	.....
Total, Indian Health Services	2,387,014,000	2,388,614,000	+ 1,600,000

Increases above the budget estimate include \$50,000 for the InPsych program at the University of North Dakota, \$50,000 for the InPsych program at the University of Montana and \$500,000 for the InMed program at the University of North Dakota. In addition, the Committee has restored \$1,000,000 to the urban health activity to fund the dental program run by First Nations Community Health Sources in cooperation with the Southwest Indian Polytechnic Institute.

The Committee expects the Indian Health Service to continue the diabetes prevention and research activities centered at the National Diabetes Prevention Center in Gallup, New Mexico, and jointly funded by the Centers for Disease Control.

INDIAN HEALTH FACILITIES

Appropriations, 2001	\$363,103,000
Budget estimate, 2002	319,795,000
House allowance	369,795,000
Committee recommendation	362,854,000

The Committee has provided an appropriation of \$362,854,000 for Indian health facilities. The amounts recommended by the Committee as compared to the budget estimate are shown in the following table:

	Budget estimate	Committee recommendation	Change
Maintenance and improvement	\$45,331,000	\$45,331,000	.....
Sanitation facilities	93,827,000	93,827,000	.....
Construction of facilities	37,568,000	80,627,000	+ \$43,059,000
Facilities and environmental health support	126,775,000	126,775,000	.....
Equipment	16,294,000	16,294,000	.....
Total, Indian health facilities	319,795,000	362,854,000	+ 43,059,000

The Committee's distribution of health care facilities funding is as follows: \$27,827,000 for Fort Defiance, AZ hospital and staff quarters construction, \$15,000,000 for Winnebago, NE hospital construction, \$2,600,000 for Pinon, AZ clinic infrastructure, \$5,000,000 for Red Mesa, AZ clinic infrastructure, \$1,200,000 for Pawnee, OK clinic infrastructure, \$5,500,000 for St. Paul and Metlakatla clinic infrastructure, and \$1,500,000 for Sisseton, SD clinic design. In addition, the Committee has included \$5,000,000 for continued construction of Bethel, AK clinic staff quarters, \$5,000,000 for continuation of the joint venture program, \$10,000,000 for continuation of the small ambulatory grants program and \$2,000,000 for dental units, of which \$1,000,000 is designated for the AK SouthCentral Foundation to develop an adult dental clinic.

The Committee strongly encourages the Indian Health Service, from its Sanitation Facilities Construction program, to continue to fund at the highest level possible, construction of a new drinking water system for the Shoshone-Bannock Tribes of the Fort Hall Reservation in Idaho.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Appropriations, 2001	\$14,967,000
Budget estimate, 2002	15,148,000
House allowance	15,148,000
Committee recommendation	15,148,000

The Committee recommends an appropriation of \$15,148,000, which is \$181,000 above the fiscal year 2001 level and is the same as the budget estimate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND
ARTS DEVELOPMENT

PAYMENTS TO THE INSTITUTE

Appropriations, 2001	\$4,116,000
Budget estimate, 2002	4,490,000
House allowance	4,490,000
Committee recommendation	4,490,000

The Committee recommends an appropriation of \$4,490,000, which is \$374,000 above the fiscal year 2001 enacted level and is the same as below the budget estimate.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Appropriations, 2001	\$386,902,000
Budget estimate, 2002	396,200,000
House allowance	396,200,000
Committee recommendation	401,192,000

The Committee recommends an appropriation of \$401,192,000 for salaries and expenses of the Smithsonian Institution. This amount is \$4,992,000 above the budget estimate and \$14,290,000 above the fiscal year 2001 level.

The following table provides a comparison of the budget estimate with the Committee recommendation:

	Budget estimate	Committee recommendation	Change
Museums and research institutes	\$204,107,000	\$209,874,000	+ \$5,767,000
Program support and outreach	44,136,000	37,082,000	- 7,054,000
Administration	36,144,000	42,065,000	+ 5,921,000
Facilities services	111,813,000	112,171,000	+ 358,000
Total	396,200,000	401,192,000	+ 4,992,000

The Committee's recommendation includes the following amounts above the fiscal year 2001 level: \$10,550,000 for pay and benefits increases, \$500,000 for expansion of the MOMS program operated by SITES, \$800,000 for security system modernization and maintenance, and \$6,000,000 for an information technology initiative. In addition to these increases, \$12,290,000 in proposed fiscal year 2001 reductions have been restored to the base. Within this total, an amount of \$1,399,000 has been retained to fund collections preparation and program planning for the National Air and Space Museum Udvar-Hazy Center. The Committee expects that utilities, communications and postage increases will be met within the funds that have been restored. Reductions to the current year enacted level include one-time costs of \$2,000,000 for the American presidency exhibit and \$200,000 for the east court project at the National Museum of Natural History, \$300,000 from major scientific

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

Appropriations, 2001	\$5,391,000
Budget estimate, 2002	5,497,000
House allowance	5,497,000
Committee recommendation	5,872,000

The Committee recommends an appropriation of \$5,872,000 for natural resource damage assessments, an increase of \$481,000 from the fiscal year 2001 enacted level. An increase of \$106,000 is provided for fixed costs.

The Committee recognizes the need for consistent Federal assessment of natural resource damage incidents. The Committee therefore recommends \$375,000 for the development of a national data management system for natural resource damage incidents and restoration activities. Future operational costs are expected to be significantly lower than the development costs provided in this appropriation.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

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

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

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

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

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

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

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

SECS. 107-110. Prohibits the use of funds provided in the act for certain offshore leasing and related activities pursuant to the revised 5-year plan for Outer Continental Shelf oil and gas leasing.

SEC. 111. Provides that advance payments under the Indian Self-Determination and Education Assistance Act may be (1) invested only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States

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

SEC. 112. Provides for the transfer of unobligated balances from the Bureau of Indian Affairs or the Office of the Special Trustee for American Indians for expenditure or transfer for Indian trust management activities.

SEC. 113. Provides for the renewal of grazing permits and leases that will expire on the same terms and conditions as contained in the expiring permits or until the Bureau of Land Management processes the permits. Inability on the part of the Federal Government to accomplish permit renewal procedural requirements should not prevent or interrupt ongoing grazing activities on public lands. This language is not intended to change any existing laws and the Committee supports the timely analysis of grazing activities using sound proven science.

SEC. 114. Allows the hiring of administrative law judges to address the Indian probate backlog.

SEC. 115. Permits the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities.

SEC. 116. Continues a provision requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs.

SEC. 117. Provides for the protection of lands of the Huron Cemetery for religious and cultural uses and as a burial ground.

SEC. 118. Continues a provision that land and other reimbursement the Secretary may receive in the conveyance of the Twin Cities Research Center may be used for the benefit of the National Wildlife Refuge System in Minnesota and for activities authorized by Public Law 104–134.

SEC. 119. Continues a provision carried last year providing contract authority regarding transportation at Zion National Park in Utah.

SEC. 120. Authorizes the National Park Service to enter into a cooperative agreement with the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 121. Allows the Bureau of Land Management to retain revenues derived from the sale of surplus seedlings.

SEC. 122. Continues a cost-shared tribal school construction program. This item is discussed in more detail under the Bureau of Indian Affairs construction account.

SEC. 123. Permits the sale of improvements and equipment at the White River Oil Shale Mine in Utah, and the retention and use of those funds by the Bureau of Land Management and the General Services Administration.

SEC. 124. Authorizes the Secretary of the Interior to use helicopters or motor vehicles to capture and transport horses and burros at the Sheldon and Hart National Wildlife Refuges.

SEC. 125. Provides limited authority for States to transfer funds between State allocations for the State assistance program and the

State wildlife grant program. Future budget justifications should display any amounts transferred by States between accounts in the prior fiscal year.

SEC. 126. Repeals section 819 of the Omnibus Indian Advancement Act of 2000 (Public Law 106-568). Section 819's sole purpose was to allow the Lytton Tribe to circumvent the regulatory approval procedures required by the Indian Gaming Regulatory Act of 1988 (IGRA) before newly acquired Indian lands could be use for gaming purposes.

SEC. 127. Renames Moore's Landing at the Cape Romain National Wildlife Refuge in South Carolina as "Garris Landing".

TITLE III—GENERAL PROVISIONS

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

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

SEC. 302. Provides a restriction on noncompetitive bidding in the Shawnee National Forest, IL.

SEC. 303. Provides that appropriations available in the bill shall not be used to produce literature or otherwise promote public support of a legislative proposal on which legislative action is not complete.

SEC. 304. Provides that appropriations made available in this bill will not remain available beyond the current fiscal year unless otherwise provided.

SEC. 305. Provides that appropriations made available in this bill cannot be used to provide a cook, chauffeur, or other personal servants.

SEC. 306. Provides for restrictions on departmental assessments unless approved by the Committees on Appropriations.

SEC. 307. Limits the actions of the Forest Service and the Bureau of Land Management with regard to the sale of giant sequoia trees to a manner consistent with such sales as were conducted in fiscal year 2000.

SEC. 308. Prohibits the National Park Service from implementing a concession contract which permits or requires the removal of the underground lunchroom at Carlsbad Caverns National Park.

SEC. 309. Prohibits the use of funds appropriated in the bill to demolish the bridge between Jersey City, NJ, and Ellis Island or to prevent the pedestrian use of such bridge when it is made known that such use is consistent with generally accepted safety standards.

SEC. 310. Retains mining patent moratorium carried in previous years.

SEC. 311. Provides that funds appropriated to the Bureau of Indian Affairs and the Indian Health Service for contract support costs for fiscal years 1994 through 2001 are the total amounts available except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

SEC. 312. Includes language allowing competition for watershed restoration projects through the “Jobs in the Woods” component of the President’s forest plan for the Pacific Northwest or for the “Jobs in the Woods” program for Alaska to be limited to individuals and entities in historically timber-dependent areas covered by the plan.

SEC. 313. Includes language requiring prior approval by the Appropriations Committees before commencing planning, design, or construction of any project funded with recreational fee demonstration moneys when the estimated total project cost is greater than \$500,000.

SEC. 314. Prohibits the use of funds for posting clothing optional signs at Cape Canaveral NS, FL.

SEC. 315. Includes language defining the grantmaking capabilities and responsibilities of the National Endowment of the Arts. Grants to individuals may be made only for literature fellowships, national heritage fellowships, or American jazz masters fellowships. The Chairperson of the Endowment will establish procedures to ensure that grants made, except those to a State or local arts agency, will not be used to make a further grant to any other organization or individual to conduct activity independent of the direct grant recipient. Grants for seasonal support may not be awarded unless the application is specific to the contents of the season.

SEC. 316. Includes language allowing the National Endowment for the Arts and the National Endowment for the Humanities to raise funds and receive gifts, to deposit such in an interest-bearing account for the appropriate Endowment, and to use such to further the functions of the respective Endowments in accordance with the specified intent of the donors.

SEC. 317. Provides language for awarding financial assistance to underserved populations under the National Foundation on the Arts and the Humanities Act of 1965. With funds appropriated to carry out section 5 of the act, the chairman will establish a category of national significance grants. With the exception of this grant category, the chairman will not make grants exceeding 15 percent, in the aggregate, of such funds to any single State.

SEC. 318. Prohibits the use of appropriations to fund any activities associated with the issuance of the 5-year program under the Forest and Rangeland Renewable Resources Planning Act. Strategic planning activities carried out for that act should now be completed as part of the agency's compliance with the Government Performance and Results Act, Public Law 103-62.

SEC. 319. Prohibits the use of funds to support Government-wide administrative functions unless they are justified in the budget process and approved by the House and Senate Appropriations Committees.

SEC. 320. Prohibits the use of funds to make improvements to Pennsylvania Avenue in front of the White House without Committee approval.

SEC. 321. Provides additional authority to use the roads and trails funds for priority forest health related management. The Committee recognizes that there is a serious backlog in important road, trail and bridge work throughout the national forest system just as there is a serious backlog in needed management related to forest health.

SEC. 322. Limits the use of funds that may be used to operate telephone answering machines during core business hours unless an option is provided that enables callers to reach promptly an individual on-duty at that agency.

SEC. 323. Addresses timber sales involving Alaska western red cedar. This provision is the same as section 328 of the Fiscal Year 2001 Interior Appropriations Act, which deals with export of certain western red cedar timber from Alaska. Mills which process western red cedar in the Pacific Northwest have an insufficient supply of western red cedar, and the national forest in southeast Alaska sometimes has a surplus. This provision continues a program by which Alaska's surplus western red cedar is made available preferentially to U.S. domestic mills outside Alaska, prior to export abroad.

SEC. 324. Prohibits the use of funds to propose or issue rules, regulations, decrees, or orders to implement the Kyoto Protocol prior to Senate confirmation.

SEC. 325. Provides that the Forest Service in consultation with the Department of Labor shall modify concessions contracts so that they fall within the exemption from the Service Contract Act. Concessions contracts which cannot be so modified may be offered as a service contract.

SEC. 326. Provides that the Forest Service may not inappropriately use the Recreation Fee Demonstration program to supplant existing recreation concessions on the national forests.

SEC. 327. Authorizes the Forest Service to expand the number of stewardship and end results contracts. These projects are in addition to the projects authorized in Public Law 106-291.

SEC. 328. Provides that any regulations or policies issued by the Departments of the Interior or Agriculture regarding recovery of costs for processing authorizations to occupy and use Federal lands shall reflect the principle that no charge shall be made for a service when the identification of the beneficiary is obscure, and the service can be considered primarily as benefitting the general public.

SEC. 329. The Committee has included language in the bill authorizing the Secretary of Agriculture to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. The purpose of this language is to give priority consideration to dislocated workers in Tulare, Kern and Fresno counties. By providing this authority to the Secretary, the Committee in no way implies its approval or disapproval of the process by which the Monument was established, nor does the grant of this authority in any way address the legality of the President's use of his powers under the Antiquities Act in this instance.

SEC. 330. Directs the Forest Service to extend the special use permit held by Montana State University—Billings for the Sioux-Charlie Cabin in Montana for a period of 50 years. At the end of the 50-year term public comments shall be solicited to determine whether another extension is in the public interest.

SEC. 331. Extends the ability of the Forest Service to enter into watershed restoration and enhancement agreements as authorized in sec. 323 of Public Law 105-277.

SEC. 332. Extends the authorities provided in sec. 551(c) of the Land Between the Lakes Protection Act of 1998 through 2004.

SEC. 333. Provides that residents living within the boundaries of the White Mountain National Forest are exempt from certain user fees.

BUDGETARY IMPACT OF BILL

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

[In millions of dollars]

	Budget authority		Outlays	
	Committee allocation	Amount of bill	Committee allocation	Amount of bill
Comparison of amounts in the bill with Committee allocations to its subcommittees of amounts in the First Concurrent Resolution for 2002: Subcommittee on Interior and Related Agencies:				
General purpose, non-defense	17,151	17,150	NA	NA
General purpose	NA	NA	16,626	¹ 16,538
Conservation	1,376	1,320	1,030	1,029
Mandatory	59	63	77	79
Projection of outlays associated with the recommendation:				
2002 .....	.....	.....	.....	² 11,528
2003 .....	.....	.....	.....	4,647
2004 .....	.....	.....	.....	1,524
2005 .....	.....	.....	.....	593
2006 and future year .....	.....	.....	.....	233
Financial assistance to State and local governments for 2002	NA	2,454	NA	1,421

¹ Includes outlays from prior-year budget authority.

² Excludes outlays from prior-year budget authority.

NA: Not applicable.

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

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

Those items are as follows:

- Sums provided to the Bureau of Land Management to inventory, manage, and improve rangelands for domestic livestock grazing pursuant to Public Law 95-514, the Public Rangeland Improvement Act of 1978.
- \$208,638,000 for the endangered species program, U.S. Fish and Wildlife Service.
- \$460,000 for the Yukon River Restoration and Enhancement Fund, U.S. Fish and Wildlife Service, pursuant to the Fisheries Act of 1995.
- Sums provided to the Fish and Wildlife Service for the conservation and protection of marine mammals pursuant to Public Law 103-238, the Marine Mammal Protection Act Amendments of 1994.
- \$484,000 for the Lake Champlain resource conservation program, U.S. Geological Survey, pursuant to the Great Lakes Critical Programs Act of 1990.
- \$2,250,000 for start-up and matching funds for projects of the National Forest Foundation, U.S. Forest Service.
- Sums provided to the Department of Energy for the integration of fuel cells with hydrogen production systems pursuant to the Hydrogen Future Act of 1996.
- Sums provided to the Department of Energy for various programs authorized in Public Law 102-486, Energy Policy Act of 1992.
- \$80,495,000 for economic regulation and the Energy Information Administration, Department of Energy, pursuant to the Omnibus Budget Reconciliation Act of 1981.
- \$15,148,000 for the Office of Navajo and Hopi Relocation.
- \$115,234,000 for the National Endowment for the Arts.
- \$125,504,000 for the National Endowment for the Humanities.

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

Pursuant to paragraph 7(c) of rule XXVI, the Committee ordered reported H.R. 2217, the Interior and Related Agencies Appropriations bill, 2002, subject to amendment and subject to its budget al-

locations, by a recorded vote of 26–0, a quorum being present. The vote was as follows:

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

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

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

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

TITLE 16—CONSERVATION

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