

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND  
RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30,  
2002, AND FOR OTHER PURPOSES

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OCTOBER 11, 2001.—Ordered to be printed  
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Mr. SKEEN, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2217]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:*

**TITLE I—DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

**MANAGEMENT OF LANDS AND RESOURCES**

*For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management 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*

*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: Provided further, That the State of Maryland may 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, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.*

#### 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, \$1,799,809,000, 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 Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed \$436,427,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2002, and shall remain available until September 30, 2003; and of which not to exceed \$58,540,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2003, may be transferred during fiscal year 2004 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated 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 require-*

*ments: 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.*

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

*ADMINISTRATIVE PROVISIONS*

*The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.*

*Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be*

*available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.*

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

*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").*

have also included the House proposed bill language for minimum program States and the Senate proposed bill language continuing language carried in previous years dealing with certain aspects of the State of Maryland program.

#### BUREAU OF INDIAN AFFAIRS

##### OPERATION OF INDIAN PROGRAMS

The conference agreement provides \$1,799,809,000 for the operation of Indian programs instead of \$1,790,781,000 as proposed by the House and \$1,804,322,000 as proposed by the Senate.

There is a decrease below the House for tribal priority allocations of \$1,675,000 for self-governance compacts.

Changes to the House level for other recurring programs include increases of \$2,000,000 for tribally controlled community colleges, \$500,000 for Washington shellfish, and \$150,000 for the Nez Perce rare species program, and a decrease of \$45,000 for tribal management and development programs. None of the funds for Washington shellfish can be used to support access onto private lands by tribal fishers for their harvest purposes.

Increases above the House for non-recurring programs include \$1,700,000 for the distance learning program in Montana, \$500,000 for the Cheiron Foundation physician training program for rural and underserved education and outreach, \$500,000 for a rural Alaska fire program, \$350,000 for oil and gas permitting for the Uintah and Ouray agency, \$400,000 for the tribal guiding program in Alaska, \$326,000 for Cheyenne River Sioux prairie management, and \$146,000 for Alaska legal services.

The managers believe that the aim of the Cheiron Foundation to utilize distance learning technology to train physicians' assistants and nurses to serve Native American communities is extremely promising. The managers expect the Foundation to focus the funding provided from this account on the aspects of the project that will bring the most benefit to Native American students and tribal communities, while pursuing other sources of funding to enhance the overall project.

There is an increase above the House for central office operations of \$1,000 for general administration/policy.

Increases above the House for special programs and pooled overhead include \$250,000 for enhancements to the Pomo Indian exhibits at the Grace Hudson Museum in Ukiah, California, \$250,000 for the Alaska market access program, \$509,000 for the United Tribes Technical College, \$250,000 for the United Sioux Tribe Development Corporation, \$100,000 for the Ponca Tribe development plan, \$1,200,000 for the Crownpoint Institute, \$1,000,000 for the Yuut Elitnaviate, and \$1,000,000 for an Alaska native aviation training program. The Bureau is directed to report to the Committees regularly regarding the expenditure of the funds provided for the native aviation training program and development of the program, including the partners involved, the number of pilots to be trained, out-year financing alternatives and other pertinent information.

The managers are concerned that the Bureau has shown little progress in addressing the land issues of the Canoncito Band of

Navajos. The managers direct the Bureau to accelerate its efforts to open, at least, a part time office at Canoncito, New Mexico.

#### CONSTRUCTION

The conference agreement provides \$357,132,000 for construction as proposed by the House instead of \$360,132,000 as proposed by the Senate. The managers have not provided \$3,000,000 for the tribal school construction demonstration program as proposed by the Senate. The managers support the goal of this demonstration program and have been approached by a number of tribes regarding additional funding following the demonstration's success in removing schools from the BIA priority list. While budgetary constraints have forced the managers to adopt the House proposal, the managers recommend that the Bureau of Indian Affairs continue the demonstration project as part of the President's fiscal year 2003 budget request.

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides \$60,949,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House and the Senate.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides \$4,986,000 for the Indian guaranteed loan program as proposed by the House and the Senate.

#### DEPARTMENTAL OFFICES

##### INSULAR AFFAIRS

##### ASSISTANCE TO TERRITORIES

The conference agreement provides \$78,950,000 for assistance to territories instead of \$72,289,000 as proposed by the House and \$76,450,000 as proposed by the Senate. The managers have agreed to Compact impact assistance funding increases above the levels proposed by the House of \$4,000,000 for Hawaii and \$1,000,000 each for Guam and the Commonwealth of the Northern Mariana Islands. The managers acknowledge the May 30, 2001, letter and report by the Secretary of the Interior concerning compact impact and therefore the Administration is encouraged to see that negotiations on the continuation of the Compacts are concluded in a timely fashion and to provide for future compact impact payments out of the available mandatory compact payments. The managers agree that the Secretary should ensure that representatives of Hawaii are consulted during the upcoming Compact renegotiations process so the impact to Hawaii of migrating citizens from the freely associated states is appropriately considered. The conference agreement also includes the \$200,000 for a utility privatization study in the U.S. Virgin Islands as proposed by the House, and the full funding level and bill language proposed by the Senate for the U.S. Virgin Islands FEMA loan repayment. The conference agreement retains the House proposed bill language concerning compensation for

American Samoa High Court Justices and the House proposed report language concerning potential withholding of American Samoa operations funding.

COMPACT OF FREE ASSOCIATION

The conference agreement provides \$23,245,000 for the Compact of Free Association as proposed by both the House and the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides \$67,741,000 for salaries and expenses for departmental management, instead of \$55,177,000 as proposed by the House and \$67,541,000 as proposed by the Senate. Funds should be distributed as follows:

Departmental direction .....	\$12,964,000
Management and coordination .....	24,905,000
Hearings and appeals .....	8,559,000
Central services .....	20,425,000
Bureau of Mines workers compensation/unemployment .....	888,000
Total .....	67,741,000

The managers concur with the concerns expressed in the Senate report regarding the capability, capacity, accuracy and security of departmental information systems. The managers are particularly concerned about information security weaknesses that have been identified by both the Inspector General and the General Accounting Office, and believe the Department should take immediate steps to address these weaknesses. The most efficient and effective means of improving information security will likely be through department-wide solutions, but individual program managers should also work in conjunction with the Department's Chief Information Officer to develop short and long term plans to address vulnerabilities that have been identified. Program managers must also be held accountable for ensuring that computer security is adequately implemented within their areas of responsibility. Methods to establish this accountability should include performance reviews, administrative sanctions for non-compliance, or adjustments in program funding if necessary.

The managers direct the Department of the Interior to study the viability of establishing an Enterprise Management Center to facilitate the Department's objective for budget and performance integration using financial information technology within the bureaus. As part of the review, the Department should consider which bureaus might benefit from being part of an initial pilot project. The managers expect this report to be forwarded to the House and Senate Committees on Appropriations by March 1, 2002.

The managers note that they have received numerous budget requests and reprogramming requests from the Federal land management agencies to purchase updated wireless communication infrastructure. In light of the Federal Communication Commission's ongoing review of spectrum allocations for wireless technologies, and the Government Accounting Office's current compilation of information for reports to Congress on this subject, the managers are



concerned that substantial investments in wireless technologies may become obsolete due to imminent policy decisions regarding spectrum reallocation. The managers urge the agencies, whenever possible, to purchase equipment that can be reprogrammed to meet future spectrum allocations, and to purchase equipment that does not interfere with current emergency radio and GPS based systems.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides \$45,000,000 for salaries and expenses of the Office of the Solicitor as proposed by the House instead of \$44,074,000 as proposed by the Senate. Funds should be distributed as follows:

Legal services .....	\$37,276,000
General administration .....	7,724,000
Total .....	45,000,000

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides \$34,302,000 as proposed by the Senate instead of \$30,490,000 as proposed by the House. Funds should be distributed as follows:

Audit .....	\$18,680,000
Investigations .....	6,763,000
Policy & Management .....	7,402,000
Program Integrity .....	1,457,000
Total .....	34,302,000

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides \$99,224,000 for Federal trust programs as proposed by the House and Senate.

The managers wish to clarify the language included in the House report with respect to funding for an historical accounting. The managers note that both the House and Senate have provided the funds requested by the Administration for an historical accounting. However, the managers remain very concerned about the costs associated with such an accounting. Therefore, these funds may not be allocated prior to the report requested by the Committees detailing the methods and costs associated with an historical accounting.

The managers reiterate the position that they will not appropriate hundreds of millions of dollars for an historical accounting that provides funds for a protracted reconciliation process whose outcome is unlikely to be successful. If the Department, working with the plaintiffs and the Court, cannot find a cost effective method for an historical accounting, the Congress may have to consider a legislative remedy to resolve this and other litigation related issues.

## INDIAN LAND CONSOLIDATION

The conference agreement provides \$10,980,000 for Indian land consolidation programs as proposed by the House and the Senate.

## NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

## NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides \$5,497,000 for the natural resource damage assessment fund as proposed by the House instead of \$5,872,000 as proposed by the Senate. The managers agree that, to the extent a national data management system is needed, funding for such a system should be addressed within the context of the fiscal year 2003 budget.

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 101, 103 through 106, and 108 through 111, which were identical in both the House and the Senate bills.

The conference agreement includes sections 113, 115, 116, 118, 121, 122, 123, 124, 125, and 126, which contained identical text in both the House and Senate bills, but the section numbers were different in the Senate bill.

Section 102 retains the text of section 102 as proposed by the Senate. Section 102 as proposed by the House had identical language as the Senate except for a grammatical difference of not spelling out "thirty days".

Section 107 retains the text of Senate section 107, which prohibits the Department of the Interior from using funds to conduct offshore preleasing, leasing and related activities in those areas under the June 12, 1998, moratorium. House section 107 had identical language except for omitting the term "preleasing".

Section 112 retains the language of House section 112 that prohibits the National Park Service from developing a reduced entrance fee program to accommodate non-local travel through a unit of the Park system. The Senate had no similar provision.

Section 114 modifies language proposed by the House and by the Senate (in section 113 of the Senate bill) dealing with grazing on BLM lands. The modification extends traditional grazing use on Federal lands managed by the National Park Service at Lake Roosevelt National Recreation Area in eastern Washington.

Section 117 retains the language of House section 117 continuing a provision carried in previous years placing a limitation on establishment of a Kankakee NWR in Indiana and Illinois that is inconsistent with the U.S. Army Corp of Engineers' efforts to control flooding and siltation. The Senate had no similar provision. The managers understand that this issue will be resolved shortly and this provision will not be carried in future years.

Section 119 retains the text of House section 119, which provides for the protection of lands at Huron Cemetery, KS. Section 117 as proposed by the Senate has identical text, with the exception of a difference in the use of punctuation.

Section 120 retains the text of section 120 as proposed by the House which continues a provision carried last year prohibiting the

study or implementation of a plan to drain Lake Powell, or to reduce the water below that required to operate Glen Canyon Dam. The Senate had no similar provision.

Section 127 retains the text of section 124 as proposed by the Senate, which authorizes the Secretary of the Interior to use helicopters or motor vehicles to capture and transport horses and burros at the Sheldon and Hart NWRs. The House had no similar provision.

Section 128 modifies the text of section 126 as proposed by the Senate clarifying that the lands taken into trust for the Lytton Rancheria of California are still subject to all of the provisions of Public Law 100–497 and, in particular with respect to Class III gaming, the compact provisions of section 2710(d) or any relevant Class III gaming procedures. The managers further recognize that nothing in section 819 of Public Law 106–568 should be construed as permitting off reservation gaming by Indian tribes except in compliance with all relevant provisions of Public Law 100–497.

Section 129 retains the text of section 127 as proposed by the Senate, which renames Moore’s Landing at the Cape Romain NWR in South Carolina as “Garris Landing.” The House had no similar provision.

Section 130 makes technical modifications to language proposed by the Senate in section 130 regarding cruise ship entries at Glacier Bay National Park and Preserve.

Section 131 retains the text of Senate section 131, which prevents the use of funds for the transfer of land on South Fox Island, Michigan without Congressional approval. The House had no similar provision. This section allows the Department of the Interior to continue working on processes pursuant to NEPA, including preparation of an EIS on the proposed land exchange, analysis of the State’s proposal and a range of alternatives, and consideration of public input. Absent a showing that the agencies have not complied with NEPA, the managers, at this time, do not intend to include this or similar restrictions next year. This language affects current regulatory and legal processes, which are sufficient to protect the environment and the public’s interests, by unnecessarily preventing the U.S. Fish and Wildlife Service and the National Park Service from releasing a record of decision on the proposed land exchange until Congress passes a law authorizing the exchange.

Section 132 includes language, agreed to in previous years, authorizing the transfer of Federal land acquisition funds for Brandywine Battlefield, Mississippi National River and Recreational Area, Shenandoah Valley National Historic District, and Ice Age National Scenic Trail.

Section 133 makes a technical change to Public Law 106–568 regarding land transfer boundaries.

Section 134 clarifies that the Secretary of the Interior has the authority to determine whether Indian lands constitute a reservation. Nothing in this section shall be construed to permit gaming on the lands described in section 123 of Public Law 106–291.

Section 135 makes a technical correction to the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act, Public Law 106–554.

The conference agreement does not include language proposed by the Senate in section 125 permitting the transfer of funds between State grant programs managed by the U.S. Fish and Wildlife Service and the National Park Service.

The conference agreement does not include the text of Senate section 128, which prevents the use of funds for mineral leasing and related activities in national monuments. This issue is addressed in Title III where the House language addressing this issue is retained.

The conference agreement does not include language proposed by the Senate in section 129 that would have expanded the special resource study area for Loess Hills in Iowa, or in section 132 dealing with the Pechanga Band of Indians, or in section 133 regarding Coastal Impact Assistance.

## TITLE II—RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

#### FOREST AND RANGELAND RESEARCH

The conference agreement provides \$241,304,000 for forest and rangeland research instead of \$236,979,000 as proposed by the House and \$242,822,000 as proposed by the Senate. Changes from the House bill include \$475,000 for the Forest Products Lab lumber salvage research, WI, \$500,000 for the Center for Bottomlands research, MS, \$175,000 for applied research in the hardwood region of Pennsylvania and nearby areas, and \$4,000,000 for Forest Inventory and Analysis (FIA). The conference agreement does not include the House proposed increase of \$1,250,000 above the request for FIA and the managers agree that the Forest Service should not follow the House report instructions concerning the FIA program under this heading or under the national forest system heading. The conference agreement does not include the Senate proposal to add funds for fixed costs but it does include the Senate proposed general reduction below the House of \$175,000. The conference agreement includes the House proposed increases for Bent Creek, NC, urban forestry research at Syracuse, NY, and Davis, CA, and Coweeta watershed research, NC. The conference agreement provides that the Northeastern States Research Cooperative, as authorized in Public Law 105-185, receive \$2,000,000, \$600,000 above the request. Of this amount, \$1,000,000 should go to ecosystem research at the Hubbard Brook Project of the Forest Service Northeastern research station, NH, and \$1,000,000 should go to the Vermont George Aiken School of Natural Resources for collaborative research with Forest Service scientists and other cooperators on economic development, forest management, and forest product research. The managers direct the Forest Service to maintain the research related presence at the former Intermountain Research Station at, or above, the current level, including the position of Assistant Station Director.

## 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 MUSEUM

## HOLOCAUST MEMORIAL MUSEUM

*For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (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.*

## PRESIDIO TRUST

## PRESIDIO TRUST FUND

*For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$23,125,000 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 Appropriations 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 classified 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 Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally 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 Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee 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 Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).*

*(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 con-*

tractor 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 tribal 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 watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries 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 Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 110 Stat. 1321-200; 16 U.S.C. 4601-6a note), is amended—*

*(1) by striking "commence on October 1, 1995, and end on September 30, 2002" and inserting "end on September 30, 2004"; and*

*(2) by striking "September 30, 2005" and inserting "September 30, 2007".*

*(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) 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. 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. 314. 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. 315. 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 acceptance 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 Chairman. 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. 316. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated 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 minorities, 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 section 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 assistance 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 services or awarding financial assistance for projects, productions, 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 Humanities Act of 1965—*

*(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs 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. 317. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.*

*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 14th 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 2002, 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 2002, less than 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, 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 authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service 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 Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts 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. REVISION OF FOREST PLANS. Prior to October 1, 2002, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

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 section 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 CONVEYANCE OF EXCESS FOREST SERVICE STRUCTURES.—The Secretary of Agri-

culture may convey, by sale or exchange, any or all right, title, and interest of the United States in and to excess buildings and other structures located 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.*—Conveyances on not more than 10 sites 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 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”.

*SEC. 331.* No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

*SEC. 332.* Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, is amended by striking “2002” and inserting “2004”. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

*SEC. 333.* Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A–25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

*SEC. 334.* The Chief of the Forest Service shall issue a special use permit for the Sioux Charlie Cabin within the boundary of the

*Custer National Forest, Montana, to Montana State University-Billings, for a term of 20 years for educational purposes compatible with the cabin's location. The permit shall be administered under normal national forest system authorities and regulations, with an additional review after 10 years to ensure the facility is being used for educational purposes.*

*SEC. 335. 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. 336. MODIFICATION TO STEEL LOAN GUARANTEE PROGRAM. (a) IN GENERAL.—Section 101 of the Emergency Steel Loan Guarantee Act of 1999 (Public Law 106-51; 15 U.S.C. 1841 note) is amended as follows:*

*(1) TERMS AND CONDITIONS.—Subsection (h) is amended—*

*(A) in paragraph (1), by striking "2005" and inserting "2015"; and*

*(B) by amending paragraph (4) to read as follows:*

*“(4) GUARANTEE LEVEL.—*

*“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), any loan guarantee provided under this section shall not exceed 85 percent of the amount of principal of the loan.*

*“(B) INCREASED LEVEL ONE.—A loan guarantee may be provided under this section in excess of 85 percent, but not more than 90 percent, of the amount of principal of the loan, if—*

*“(i) the aggregate amount of loans guaranteed at such percentage and outstanding under this section at any one time does not exceed \$100,000,000; and*

*“(ii) the aggregate amount of loans guaranteed at such percentage under this section with respect to a single qualified steel company does not exceed \$50,000,000.*

*“(C) INCREASED LEVEL TWO.—A loan guarantee may be provided under this section in excess of 85 percent, but not more than 95 percent, of the amount of principal of the loan, if—*

*“(i) the aggregate amount of loans guaranteed at such percentage and outstanding under this section at any one time does not exceed \$100,000,000; and*

*“(ii) the aggregate amount of loans guaranteed at such percentage under this section with respect to a single qualified steel company does not exceed \$50,000,000.”.*

*(2) TERMINATION OF GUARANTEE AUTHORITY.—Subsection (k) is amended by striking "2001" and inserting "2003".*

*(b) APPLICABILITY.—The amendments made by this section shall apply only with respect to any guarantee issued on or after the date of the enactment of this Act.*

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

And the Senate agree to the same.

JOE SKEEN,  
RALPH REGULA,  
JIM KOLBE,  
CHARLES H. TAYLOR,  
GEORGE R. NETHERCUTT, Jr.,  
ZACH WAMP,  
JACK KINGSTON,  
JOHN E. PETERSON,  
BILL YOUNG,  
NORMAN D. DICKS,  
JOHN P. MURTHA,  
JAMES P. MORAN,  
MAURICE HINCHEY,  
MARTIN OLAV SABO,  
DAVID OBEY,

*Managers on the Part of the House.*

ROBERT BYRD,  
PATRICK LEAHY,  
ERNEST F. HOLLINGS,  
HARRY REID,  
BYRON L. DORGAN,  
DIANNE FEINSTEIN,  
PATTY MURRAY,  
DANIEL K. INOUE,  
CONRAD BURNS,  
TED STEVENS,  
THAD COCHRAN,  
PETE V. DOMENICI,  
ROBERT F. BENNETT,  
JUDD GREGG,  
BEN NIGHTHORSE CAMPBELL,

*Managers on the Part of the Senate.*

## 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, \$2,389,614,000, 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 1-year contracts and grants which are to be performed in 2 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 remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs 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 reported 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 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 trailers; and for provision of domestic and community sanitation 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 Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$369,487,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: 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 continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian 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 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: Provided further, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.*

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

*Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent 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 reprints; 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 Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions 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 Indian 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 transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities 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 directed at curtailing Federal travel and transportation.*

*Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the*

*Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain 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 Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted 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 payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination 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 technical 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 resi-*

dence 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, \$399,253,000, of which not to exceed \$37,508,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, 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 incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.*

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

*For necessary expenses of maintenance, repair, restoration, 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 services as authorized by 5 U.S.C. 3109, \$67,900,000, to remain*

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 authorized by Public Law 99-239 and Public Law 99-658.*

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

*For necessary expenses for management of the Department of the Interior, \$67,741,000, of which not to exceed \$8,500 may be for official reception and representation expenses, and 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, \$34,302,000, of which \$3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.*

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 notwithstanding 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 activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution 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 amended (16 U.S.C. 19jj et seq.), \$5,497,000, to remain available until expended.*

#### ADMINISTRATIVE PROVISIONS

*There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess 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: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented 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 under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement 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 30 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 preleasing, 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; and 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 purposes of the grant, compact, or annual funding agreement so long as such funds are—*

*(1) invested by the Indian tribe, tribal organization, or consortium 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. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement 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 appropriate 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 unobligated 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 Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expiring permit or lease shall continue 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: Provided, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990, (Lake Roosevelt Cooperative Management Agreement) that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.*

*SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate 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 without 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, except 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 redistribute any Tribal Pri-*



ority 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 reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2002. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution 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 Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 118. Funds appropriated for the Bureau of Indian 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 Postsecondary 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.

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

SEC. 121. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 122. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking "2001" and inserting "2002".

SEC. 123. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, 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. 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 seedlings and are available without fiscal year limitation.

*SEC. 125. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:*

*(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 Assistance 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 Controlled Schools Act of 1988 (25 U.S.C. 2511).*

*(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.

SEC. 127. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 128. The Lytton Rancheria of California shall not conduct Class III gaming as defined in Public Law 100–497 on land taken into trust for the tribe pursuant to Public Law 106–568 except in

compliance with all required compact provisions of section 2710(d) of Public Law 100-497 or any relevant Class III gaming procedures.

SEC. 129. Moore's Landing at the Cape Romain National Wildlife Refuge in South Carolina is hereby named for George Garris and shall hereafter be referred to in any law, document, or records of the United States as "Garris Landing".

SEC. 130. From within funds available to the National Park Service, such sums as may be necessary shall be used for expenses necessary to complete and issue, no later than January 1, 2004, an Environmental Impact Statement (EIS) to identify and analyze the possible effects of the 1996 increases in the number of vessel entries issued for Glacier Bay National Park and Preserve: Provided, That such EIS, upon its completion, shall be used by the Secretary to set the maximum level of vessel entries: Provided further, That until the Secretary sets the level of vessel entries based on the new EIS, the number of vessel entries into the Park shall be the same as that in effect during the 2000 calendar year and the National Park Service approval of modified Alternative 5 and promulgation of the final rule issued on May 30, 1996, relating to vessel entries, including the number of such entries, for Glacier Bay National Park and Preserve are hereby approved and shall be in effect notwithstanding any other provision of law until the Secretary sets the maximum level of vessel entries consistent with this section: Provided further, That nothing in this section shall preclude the Secretary from suspending or revoking any vessel entry if the Secretary determines that it is necessary to protect Park resources.

SEC. 131. No funds contained in this Act shall be used to approve the transfer of lands on South Fox Island, Michigan until Congress has authorized such transfer.

SEC. 132. Funds provided in this Act for Federal land acquisition by the National Park Service for Brandywine Battlefield, Mississippi National River and Recreation Area, Shenandoah Valley Battlefields National Historic District, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 133. Section 902(b)(5) of Public Law 106-568 is hereby amended by inserting a comma after "N<sup>1/2</sup>".

SEC. 134. CLARIFICATION OF THE SECRETARY OF THE INTERIOR'S AUTHORITY UNDER SECTIONS 2701-2721 OF TITLE 25, UNITED STATES CODE. The authority to determine whether a specific area of land is a "reservation" for purposes of sections 2701-2721 of title 25, United States Code, was delegated to the Secretary of the Interior on October 17, 1988: Provided, That nothing in this section shall be construed to permit gaming under the Indian Gaming Regulatory Act on the lands described in section 123 of Public Law 106-291 or any lands contiguous to such lands that have not been taken into trust by the Secretary of the Interior.

SEC. 135. BLACK ROCK DESERT-HIGH ROCK CANYON EMIGRANT TRAILS NATIONAL CONSERVATION AREA. (a) AREAS INCLUDED.—The Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 is amended in sections 4(b) (16 U.S.C. 460ppp-2(b)) and 8(a) (16 U.S.C. 460ppp-6(a)) by striking

“July 19, 2000” each place it appears and inserting “October 3, 2001”.

(b) ROAD MAINTENANCE.—Section 5 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp-3) is amended by adding at the end the following:

“(h) ROAD MAINTENANCE.—Within the conservation area the Secretary may permit the use of gravel pits for the maintenance of roads within the conservation area under the Materials Act of 1947 (30 U.S.C. 601 et seq.) to the extent consistent with this Act and subject to such regulations, policies, and practices as the Secretary considers necessary.”

(c) HUNTING, TRAPPING, AND FISHING.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp-6) is amended by adding at the end the following:

“(e) HUNTING, TRAPPING, AND FISHING.—

“(1) IN GENERAL.—Nothing in this Act diminishes the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing on public land in the areas designated as wilderness under subsection (a).

“(2) APPLICABLE LAW.—Any action in the areas designated as wilderness under subsection (a) shall be consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).”

(d) WILDLAND FIRE PROTECTION.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp-6) (as amended by subsection (c)) is amended by adding at the end the following:

“(f) WILDLAND FIRE PROTECTION.—Nothing in this Act or the Wilderness Act (16 U.S.C. 1131 et seq.) precludes a Federal, State, or local agency from conducting wildland fire management operations (including prescribed burns) within the areas designated as wilderness under subsection (a), subject to any conditions that the Secretary considers appropriate.”

(e) WILDERNESS STUDY RELEASE.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp-6) (as amended by subsection (d)) is amended by adding at the end the following:

“(g) WILDERNESS STUDY RELEASE.—Congress—

“(1) finds that the parcels of land in the wilderness study areas referred to in subsection (a) that are not designated as wilderness by subsection (a) have been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782); and

“(2) declares that those parcels are no longer subject to the requirement of subsection (c) of that section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.”

No statutory language on cost sharing for weatherization grants is included in the conference agreement but the managers strongly urge the Department to pursue actively such cost sharing from State and local governments and other entities. Detailed cost-sharing information (and the amount of Federal funds provided) should be included for each State or eligible entity in the budget submission for fiscal year 2003 and in future submissions.

The conference agreement includes statutory language requiring that one-half of the funding made available in fiscal year 2002 and thereafter for the energy efficiency science initiative be managed by the fossil energy research and development program. The managers expect the Department to issue a single solicitation for this program that covers both energy conservation and fossil energy programs.

#### ECONOMIC REGULATION

The conference agreement provides \$1,996,000 for economic regulation as proposed by both the House and the Senate.

#### STRATEGIC PETROLEUM RESERVE

The conference agreement provides \$179,009,000 for the strategic petroleum reserve as proposed by the House instead of \$169,009,000 as proposed by the Senate.

The conference agreement modifies statutory language contained in both the House and Senate bills, specifying that "not to exceed" \$8,000,000 is for the Northeast Heating Oil Reserve. If the full \$8,000,000 is not needed, the managers encourage the Department to apply any excess funds to the Strategic Petroleum Reserve vapor pressure project to remove excess heat and gas from the oil in the reserve. Funds for this critical project should be continued in the base for each of the next 3 years (at least at the \$12 million level provided in fiscal year 2002) so that it can be completed no later than fiscal year 2005.

#### ENERGY INFORMATION ADMINISTRATION

The conference agreement provides \$78,499,000 for the energy information administration as proposed by the House instead of \$75,499,000 as proposed by the Senate.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

The conference agreement provides \$2,389,614,000 for Indian health services instead of \$2,390,014,000 as proposed by the House and \$2,388,614,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

For hospital and health clinic programs there are decreases of \$500,000 for Joslin diabetes programs and \$500,000 for technology upgrades. For Indian health professions there are increases of \$50,000 for the InPsych program at the University of North Dakota, \$50,000 for the InPsych program at the University of Mon-

tana, and \$500,000 for the InMed program at the University of North Dakota.

The managers agree to the following:

1. The additional contract health services funding provided for fiscal year 2002 should be distributed following a methodology developed in consultation with the tribes. The managers have received expressions of concern from many different tribes on this issue and ask that the Service base the funding distribution on a methodology that considers the needs of all eligible tribes at the same time as addressing disparities in funding.

2. The Service should continue to follow last year's direction on the level of need funded methodology and the distribution of the Indian health care improvement fund.

The conference agreement provides the House proposed statutory earmarks for contract health services and contract support costs. As in past years, there is no specific earmark for any individual tribe for contract support costs.

The managers have not agreed to statutory language proposed by the House dealing with certain limitations on contract support costs. The managers believe the disparities between BIA and IHS in the funding of contract support costs should be resolved. While there has been some discussion of this issue by the two agencies over the past few years, no resolution to these differences has resulted. The managers urge the Office of Management and Budget to serve as a coordinator for further discussion of the issue with the two agencies, with the goal of resolving existing discrepancies. The Office of Management and Budget should address this issue as part of the fiscal year 2003 budget request.

INDIAN HEALTH FACILITIES

The conference agreement provides \$369,487,000 for Indian health facilities instead of \$369,795,000 as proposed by the House and \$362,854,000 as proposed by the Senate. The changes to the House level are all in the hospital and clinic construction category. The managers agree to the following distribution of facilities construction funds (excluding sanitation facilities):

<i>Project</i>	<i>Conference agreement</i>
Fort Defiance, AZ (hospital and staff quarters) .....	\$27,827,000
Pinon, AZ (clinic infrastructure) .....	2,600,000
Winnebago, NE (hospital) .....	15,000,000
Red Mesa, AZ (clinic infrastructure) .....	5,000,000
Pawnee, OK (clinic infrastructure) .....	5,000,000
Sisseton, SD (clinic infrastructure) .....	2,333,000
St. Paul and Metlakatla, AK (clinics infrastructure) .....	5,500,000
Bethel, AK quarters .....	5,000,000
Zuni, NM quarters .....	2,000,000
Dental units .....	1,000,000
Small ambulatory care facilities .....	10,000,000
Joint ventures .....	5,000,000
 Total .....	 \$86,260,000

The managers agree to the following:

1. The funds provided for the Portland Area AMEX program should remain in the base in fiscal year 2003 for addressing the nationwide need for maintenance funds, and the Service should request an increase to the base maintenance funding in fiscal year

2003 to enable the Service to keep pace with the expanding facilities infrastructure for Federal and tribal facilities, including Alaska village-built clinics.

2. Given the tremendous unmet need for new and replacement hospitals and clinics in Indian country, the managers urge that, beginning in fiscal year 2003, the Department and the Office of Management and Budget establish a recurring base budget for hospital and clinic facilities construction rather than building from a zero-based budget each year. The managers suggest that the base amount for fiscal year 2003 should be at least \$90,000,000 (the fiscal year 2002 level plus inflation) and projects should be identified based on the established priority list (including hospitals, clinics, staff quarters, dental units, small ambulatory care facilities, and joint ventures) to total the base funding level.

3. The Service should use balances available from completed construction projects to fund the additional site work and infrastructure needs of the Pinon, AZ clinic and, to the extent available, to fund additional site work and infrastructure at the Red Mesa, AZ clinic.

4. The Service should continue funding for a new drinking water system for the Shoshone-Bannock Tribes of the Fort Hall reservation in Idaho to the extent such project is ranked within the established sanitation facility priority ranking system.

5. Rather than issuing a new solicitation for the small ambulatory grant program in fiscal year 2002, the Service should fund high priority, unfunded projects from the ranked order list generated from the fiscal year 2001 application process.

6. The Service should establish a reasonably low maximum funding threshold for the small ambulatory grant program so that several projects can be funded under that program each fiscal year. The maximum amount should not be construed as the amount available for each project, and the managers expect that most projects will be funded well below the maximum funding threshold.

7. The Service should ensure, in evaluating joint venture proposals, that any needed staff quarters are included in tribal construction proposals and that the cost of staff quarters construction and all related costs are funded by the tribe. Once constructed, staff quarters should be self-supporting from revenues generated from rental fees. The Service should not be responsible for any construction or subsequent operating costs for staff quarters that are associated with a joint venture.

The conference agreement includes statutory language that modifies the Senate proposed language on the Bethel, AK hospital staff quarters construction project. The modification permits the use of funds for staff quarters construction for sub-regional clinics in the Bethel area. The managers expect that this authority will be used on a limited basis only to the extent that such sub-regional staff quarters fit within the agreed upon overall cost for the Bethel staff quarters project and that there is no impact on the effort now underway to provide an adequate number of staff quarters at the Bethel hospital.

The conference agreement also includes statutory language permitting the Service to accept donated land for the St. Paul, AK clinic.



## OTHER RELATED AGENCIES

## OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

## SALARIES AND EXPENSES

The conference agreement provides \$15,148,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the House and the Senate.

## INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

## PAYMENT TO THE INSTITUTE

The conference agreement provides \$4,490,000 for payment to the institute as proposed by the House and the Senate.

## SMITHSONIAN INSTITUTION

## SALARIES AND EXPENSES

The conference agreement provides \$399,253,000 for salaries and expenses at the Smithsonian Institution instead of \$396,200,000 as proposed by the House and \$401,192,000 as proposed by the Senate. Changes to the House proposed funding levels for fiscal year 2002 are described below.

An increase of \$1,497,000 is provided for the Smithsonian Center for Materials Research and Education. Within this amount, program funding for the Center is restored to the fiscal year 2001 enacted level and an additional \$128,000 is included to meet anticipated annual pay costs. The managers expect that no decision will be made on an earlier proposal by Smithsonian management to eliminate this Center, as well as the Conservation Research Center, until the Science Commission has conducted a full evaluation of all science programs at the Institution and reported their findings to the Committees.

An increase of \$26,000 is provided to the National Zoo for the hiring of a curator and preliminary operations and maintenance of the permanent Farm Exhibit, which is scheduled to open to the public in the spring of 2003.

An increase of \$200,000 is provided for the Smithsonian Institution Libraries. This amount was proposed for reduction in the fiscal year 2002 budget estimate, but has been included by the managers in order to maintain the library at the Museum Support Center that supports the Center for Materials Research and Education.

An amount of \$7,200,000 is provided within the Administration line item to continue the Institution's technology initiative. The Senate included \$6,000,000 for this work. The House included \$7,645,000 for this effort, but within the line item for Institution-wide Programs. The managers expect that the House and Senate Committees on Appropriations will be provided with quarterly reports that detail the Institution's progress with this initiative.

An increase of \$58,000 is included to maintain existing health clinics as proposed by the Senate.

An increase of \$1,743,000 is included for the Office of Protection Services. The budget estimate called for a reduction of the