

Union Calendar No. 56

107TH CONGRESS
1ST SESSION

H. R. 2217

[Report No. 107-103]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2001

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

A BILL

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

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

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

3 TITLE I—DEPARTMENT OF THE INTERIOR

4 BUREAU OF LAND MANAGEMENT

5 MANAGEMENT OF LANDS AND RESOURCES

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

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

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

8 STATE AND PRIVATE FORESTRY

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

1 DEPARTMENT OF ENERGY

2 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

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

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

8 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

20 ELK HILLS SCHOOL LANDS FUND

21 (INCLUDING TRANSFER OF FUNDS)

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

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

3 ENERGY CONSERVATION

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

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

5 ECONOMIC REGULATION

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

9 STRATEGIC PETROLEUM RESERVE

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

17 ENERGY INFORMATION ADMINISTRATION

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

21 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

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

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

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

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

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

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

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

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

PRESIDIO TRUST

PRESIDIO TRUST FUND

1
2
3 For necessary expenses to carry out title I of the Om-
4 nibus Parks and Public Lands Management Act of 1996,
5 \$22,427,000, shall be available to the Presidio Trust, to
6 remain available until expended.

TITLE III—GENERAL PROVISIONS

7
8 SEC. 301. The expenditure of any appropriation
9 under this Act for any consulting service through procure-
10 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
11 to those contracts where such expenditures are a matter
12 of public record and available for public inspection, except
13 where otherwise provided under existing law, or under ex-
14 isting Executive Order issued pursuant to existing law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 SEC. 312. (a) RECREATIONAL FEE DEMONSTRATION
19 PROGRAM.—Subsection (f) of section 315 of the Depart-
20 ment of the Interior and Related Agencies Appropriations
21 Act, 1996 (as contained in section 101(c) of Public Law
22 104–134; 110 Stat. 1321–200; 16 U.S.C. 4601–6a note),
23 is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (b) In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Union Calendar No. 56

107TH CONGRESS
1ST SESSION

H. R. 2217

[Report No. 107-103]

A BILL

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

JUNE 19, 2001

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