

Calendar No. 78

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

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

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2001

Received; read twice and referred to the Committee on Appropriations

JUNE 29, 2001

Reported by Mr. BYRD, with an amendment

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

AN ACT

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

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

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

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4 *by repealed.*

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

10 *TITLE II—RELATED AGENCIES*

11 *DEPARTMENT OF AGRICULTURE*

12 *FOREST SERVICE*

13 *FOREST AND RANGELAND RESEARCH*

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

17 *STATE AND PRIVATE FORESTRY*

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

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

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

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

22 *DEPARTMENT OF ENERGY*

23 *FOSSIL ENERGY RESEARCH AND DEVELOPMENT*

24 *(INCLUDING TRANSFERS OF FUNDS)*

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

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

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

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

3 *ALTERNATIVE FUELS PRODUCTION*

4 *(RESCISSION)*

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

7 *NAVAL PETROLEUM AND OIL SHALE RESERVES*

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

14 *ELK HILLS SCHOOL LANDS FUND*

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

23 *ENERGY CONSERVATION*

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

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

8 *ECONOMIC REGULATION*

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

12 *STRATEGIC PETROLEUM RESERVE*

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

20 *ENERGY INFORMATION ADMINISTRATION*

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

24 *ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY*

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

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

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

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

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

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

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

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

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

4 *PRESIDIO TRUST*

5 *PRESIDIO TRUST FUND*

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

10 *TITLE III—GENERAL PROVISIONS*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (b) *In this section:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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107TH CONGRESS
1ST SESSION

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[Report No. 107-36]

AN ACT

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

JUNE 22, 2001

Received; read twice and referred to the Committee on
Appropriations

JUNE 29, 2001

Reported with an amendment