

National Marine Conservation Council
U.S. Department of the Interior
Washington, D.C. 20248

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED SECOND CONGRESS
OF THE UNITED STATES OF AMERICA

1991

AND

PROCLAMATIONS

VOLUME 105

IN THREE PARTS

PART 2

PUBLIC LAWS 102-151 THROUGH 102-239



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON 1992

Public Law 102-154
102d Congress

An Act

Nov 13, 1991
[H R 2686]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes

Department of
the Interior and
Related
Agencies
Appropriations
Act, 1992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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, 1992, 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, 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 of Land Management, \$538,940,000 of which the following amounts shall remain available until expended not to exceed \$1,400,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U S C 4601-6a(1)), and \$23,500,000 for the Automated Land and Mineral Record System Project *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors

Notwithstanding any other provision of law, none of the funds in this or any other Act shall be available before October 1, 1992, to accept or process applications for patent for any oil shale mining claim located pursuant to the general mining laws or to issue a patent for any such oil shale mining claim, unless the holder of a valid oil shale mining claim has received first half final certificate for patent by date of enactment of this Act

FIREFIGHTING

For necessary expenses for fire management, emergency rehabilitation, firefighting, fire presuppression, and other related emergency actions by the Department of the Interior, \$122,010,000, to remain available until expended *Provided,* That such funds also are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes

EMERGENCY I

For the purpose of the Interior Firefighting, to be available only for suppression activities which remain available under this heading, agency requirements Budget and Emergency, That hereafter, only suppression activities for the previous "suppression activities" pursuant to the Emergency Deficiency Act, hereafter be so designated

For acquisition of buildings, recreation facilities, \$14,318,000

For expenses (31 U S C 6901-1) shall be available

For expenses 206, and 318(d) expenses and acquisition \$25,322,000 to be available, to remain

For expenses management of resources of access roads re-vested Oregon Federal lands in Oregon, and on interests therein to such grant laws *Provided,* That the current fiscal Railroad grant and California General Fund in the second paragraph 28, 1937 (50 Stat

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 22 passenger motor vehicles, of which 16 shall be for replacement only, \$190,200,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended *Provided*, That of the funds herein provided up to \$22,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 20 per centum 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 \$15,000,000: *Provided further*, That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: *Provided further*, That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund grant, available to a State pursuant to title IV of Public Law 95-87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools, grants and other assistance to needy Indians; maintenance of law and order, management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges, acquisition of water rights, advances for Indian industrial and business enterprises, operation of Indian arts and crafts shops and museums, development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$1,236,078,000, including \$248,152,000 for school operations costs of Bureau-funded schools

and other education programs which shall become available for obligation on July 1, 1992, and shall remain available for obligation until June 30, 1993, and of which, funds obligated as grants to schools pursuant to Public Law 100-297 shall be made on July 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calendar year, and of which not to exceed \$75,912,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1993, and the funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1992 as authorized by the Indian Self-Determination Act of 1975 (88 Stat 2203 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee, and of which \$2,021,000 for litigation support shall remain available until expended, \$5,000,000 for self-governance tribal compacts shall be made available on completion and submission of such compacts to the Congress and shall remain available until expended, and of which \$1,139,000 for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)) shall remain available until expended. *Provided*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D Perkins Vocational Education Act. *Provided further*, That \$200,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities. *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds. *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss. *Provided further*, That \$300,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation. *Provided further*, That until such time as legislation is enacted to the contrary, none of the funds appropriated in this or any other Act for the benefit of Indians residing within the jurisdictional service area of the Cherokee Nation of Oklahoma shall be expended by other than the Cherokee Nation, nor shall any funds be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without the consent of the Cherokee Nation. *Provided further*, That the Task Force on Bureau of Indian Affairs Reorganization shall continue activities under its charter as adopted and amended on April 17, 1991. *Provided further*, That any reorganization proposal shall not be implemented until the Task Force has reviewed it and recommended its implementation to the Secretary and such proposal has been submitted to and

Claims

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approved by the Bureau may be management in recommendation and disposition of funds provided may be reprogrammed available within That within a facility to be provided further General Service final lease agreement other provision Tribe for a mod-

For construction power systems, architectural and lands and interior maintenance of title 23, United States Department of Indian Affairs expended *Provided* this head for contract rescinded *Provided* available in this owned fish hatcheries such amounts as Indian Irrigation Reclamation: *Provided* contract authorized the Federal Highway program management *Provided further*, That Indian Affairs through agreement project or other of Indian Affairs That nothing heretribes from using the Bureau of Re provided for the pursuant to section

For miscellaneous pursuant to Public Law 101-628, 101-48 administrative expenses expended: *Provided* Public Law 101

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approved by the Committees on Appropriations, except that the Bureau may submit a reorganization proposal related only to management improvements, along with Task Force comments or recommendations to the Committees on Appropriations for review and disposition by the Committees *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended *Provided further*, That within available funds \$100,000 is available to lease space in a facility to be constructed by the Nez Perce Tribe in Lapwai, Idaho *Provided further*, That the Bureau of Indian Affairs will incorporate General Services Administration Market Survey findings into the final lease agreement *Provided further*, That notwithstanding any other provision of law, \$150,000 shall be provided to the Blackfeet Tribe for a model trust department pilot program

CONSTRUCTION

(INCLUDING RESCISSION)

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract, acquisition of lands and interests in lands; preparation of lands for farming, maintenance of Indian reservation roads as defined in section 101 of title 23, United States Code, and construction, repair, and improvement of Indian housing, \$213,163,000, to remain available until expended *Provided*, That of the funds previously provided under this head for construction contract support, \$7,000,000 is hereby rescinded *Provided further*, That \$1,000,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities *Provided further* 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 per centum 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 of Indian Affairs *Provided further*, That none of the funds available to the Bureau of Indian Affairs in this or any other Act shall be used to transfer, through agreement, memorandum of understanding, demonstration project or other method, the Safety of Dams program of the Bureau of Indian Affairs to the Bureau of Reclamation *Provided further*, That nothing herein shall prevent the Bureau of Indian Affairs or tribes from using, on a case-by-case basis, the technical expertise of the Bureau of Reclamation: *Provided further*, That none of the funds provided for the Safety of Dams program are available for transfer pursuant to sections 101 and 102 of this Act

MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98-500, 99-264, 100-580, 101-618, 101-602, 101-628, 101-486, and 100-585, including funds for necessary administrative expenses, \$87,617,000, to remain available until expended: *Provided*, That income earned on funds appropriated by Public Law 101-121, October 23, 1989, 103 Stat 701, 715 for the

25 USC 1773d
 note

purposes of section 6(b) of the Puyallup Tribe of Indians Settlement Act of 1989, Public Law 101-41 June 21 1989, 103 Stat 83, may be utilized by the Permanent Trust Fund Board of Trustees to secure necessary and appropriate financial, auditing, accounting, insurance and other administrative services to fulfill the Board of Trustees' fiduciary and administrative responsibilities *Provided further*, That no more than 5 per centum of the income in any year may be utilized for such purposes *Provided further*, That of the funds included for Public Law 101-602, \$5,000,000 shall be made available on September 30, 1992, of the funds included for Public Law 101-628 \$23,000,000 shall be made available on September 30, 1992 and of the funds included for Public Law 101-618 \$12,500,000 shall be made available on September 30 1992

NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93-531, as amended (25 U.S.C. 640d-30), including necessary administrative expenses \$1,000,000 to remain available until expended

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, \$1,000,000

INDIAN DIRECT LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans of expert assistance loans authorized by the Act of November 4, 1963, as amended and the cost of direct loans authorized by the Indian Financing Act of 1974, as amended, \$3,039,000 *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$15,735,000

In addition, for administrative expenses necessary to carry out the direct loan program, \$1,020,000, which may be transferred to and merged with the appropriations for Operation of Indian Programs to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans authorized by the Indian Financing Act of 1974, as amended, \$8,512,000 *Provided*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed not to exceed \$56,432,000

In addition, for administrative expenses necessary to carry out the guaranteed loan program, \$1,020,000, which may be transferred to and merged with the appropriations for Operation of Indian Programs to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990

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Beginning October 1, 1991, and thereafter, amounts collected by the Secretary in connection with the Alaska Resupply Program (Public Law 77-457) shall be deposited into a special fund to be established in the Treasury, to be available to carry out the provisions of the Alaska Resupply Program, such amounts to remain available until expended. *Provided*, That unobligated balances of amounts collected in fiscal year 1991 and credited to the Operation of Indian Programs account as offsetting collections, shall be transferred and credited to this account

ADMINISTRATIVE PROVISIONS

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Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 188 passenger carrying motor vehicles, of which not to exceed 147 shall be for replacement only

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For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, \$93,477,000, of which (1) \$89,447,000 shall be available until expended for technical assistance, including maintenance assistance, drug interdiction and abuse prevention, and brown tree snake control and research, late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454, 98 Stat 1732), grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)), grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions, grants to the Government of the Virgin Islands as authorized by law, grants to the Government of Guam, as authorized by law, grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241, 90 Stat 272), and (2) \$4,030,000 shall be available for salaries and expenses of the Office of Territorial and International Affairs. *Provided*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration. *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code. *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but

48 USC 1401f
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48 USC 1469b

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