

In the Senate of the United States,

September 18, 1997.

Resolved, That the bill from the House of Representatives (H.R. 2107) entitled “An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes”, do pass with the following

AMENDMENTS:

1 **(1)**Page 2, line 17, strike out **【\$581,591,000】** and insert:

2 *\$578,851,000*

3 **(2)**Page 3, line 4, strike out **【\$27,300,000】** and insert:

4 *\$27,650,000*

5 **(3)**Page 3, line 9, strike out **【\$581,591,000】** and insert:

6 *\$578,851,000*

7 **(4)**Page 3, line 23, strike out **【\$280,103,000】** and insert:

8 *\$282,728,000*

1 **(5)**Page 3, line 24, strike out **【\$5,025,000】** and insert:

2 \$6,950,000

3 **(6)**Page 4, line 13, strike out **【\$12,000,000】** and insert:

4 \$14,900,000

5 **(7)**Page 5, line 3, strike out **【\$3,254,000】** and insert:

6 \$3,154,000

7 **(8)**Page 5, line 8, strike out **【\$113,500,000】** and insert:

8 \$124,000,000

9 **(9)**Page 5, line 17, strike out **【\$12,000,000】** and insert:

10 \$8,600,000

11 **(10)**Page 6, after line 11, insert:

12 *FOREST ECOSYSTEMS HEALTH AND RECOVERY*

13 *(REVOLVING FUND, SPECIAL ACCOUNT)*

14 *In addition to the purposes authorized in Public Law*
15 *102–381, funds made available in the Forest Ecosystem*
16 *Health and Recovery Fund can be used for the purpose of*
17 *planning, preparing, and monitoring salvage timber sales*
18 *and forest ecosystem health and recovery activities such as*
19 *release from competing vegetation and density control treat-*
20 *ments. The Federal share of receipts derived from treat-*
21 *ments funded by this account shall be deposited into the*
22 *Forest Ecosystem Health and Recovery Fund.*

1 **(11)**Page 9, line 20, strike out **[\$591,042,000]** and in-
2 sert: *\$585,064,000*

3 **(12)**Page 10, line 6, strike out all after “expended” down
4 to and including “amended” in line 9 and insert: : *Pro-*
5 *vided, That the proviso under this heading in Public Law*
6 *104–208 is amended by striking the words “Education*
7 *and” and inserting in lieu thereof “Conservation”, by strik-*
8 *ing the word “direct” and inserting in lieu thereof the word*
9 *“full”, and by inserting before the period “, to remain*
10 *available until expended”*

11 **(13)**Page 10, line 6, strike out all after “expended” down
12 to and including “amended” in line 9 and insert: : *Pro-*
13 *vided further, That the Bureau of Reclamation transfers to*
14 *the Fish and Wildlife Service for the Recovery Implementa-*
15 *tion Program for Endangered Fish Species in the Upper*
16 *Colorado River Basin shall be exempt from any Fish and*
17 *Wildlife Service overhead charge*

18 **(14)**Page 10, line 15, strike out **[\$40,256,000]** and in-
19 sert: *\$42,053,000*

20 **(15)**Page 10, line 25, strike out **[\$4,128,000]** and insert:
21 *\$4,328,000*

22 **(16)**Page 11, line 5, after “expended,”” insert: : *Pro-*
23 *vided further, That the first proviso under this heading in*

1 *Public Law 103–138 is amended by inserting after “ac-*
2 *count” the following: “, including transfers to Federal trust-*
3 *ees and payments to non-Federal trustees,”*

4 **(17)**Page 11, line 12, strike out **【\$53,000,000】** and in-
5 sert: *\$57,292,000*

6 **(18)**Page 11, line 23, strike out **【\$10,000,000】** and in-
7 sert: *\$10,779,000*

8 **(19)**Page 12, line 6, strike out **【\$10,500,000】** and insert:
9 *\$13,000,000*

10 **(20)**Page 14, line 20, strike out **【\$2,500,000】** and insert:
11 *\$1,593,000*

12 **(21)**Page 14, line 25, strike out **【\$1,232,325,000】** and
13 insert: *\$1,250,429,000*

14 **(22)**Page 15, line 13, strike out all after “for,” down to
15 and including “is” on line 16 and insert: *\$45,284,000*

16 **(23)**Page 15, line 21, strike out **【\$40,412,000】** and in-
17 sert: *\$39,812,000*

18 **(24)**Page 15, line 23, after “1999” insert: *, of which*
19 *\$3,200,000 pursuant to section 507 of Public Law 104–333*
20 *shall remain available until expended*

1 **(25)**Page 15, line 26, after “facilities” insert: , *including*
2 *the modifications authorized by section 104 of the Ever-*
3 *glades National Park Protection and Expansion Act of*
4 *1989,*

5 **(26)**Page 15, line 26, strike out **【\$148,391,000】** and in-
6 sert: *\$173,444,000*

7 **(27)**Page 16, line 1, strike out all after “expended” down
8 to and including “470A” in line 4 and insert: : *Provided,*
9 *That \$500,000 for the Darwin Martin House in Buffalo,*
10 *New York and \$500,000 for the Penn Center, South Caro-*
11 *lina, shall be derived from the Historic Preservation Fund*
12 *pursuant to 16 U.S.C. 470a: Provided further, That*
13 *\$3,000,000 for the Hispanic Cultural Center, New Mexico,*
14 *is subject to authorization: Provided further, That*
15 *\$5,000,000 for the Oklahoma City Bombing Memorial is*
16 *subject to authorization: Provided further, That none of the*
17 *funds provided in this Act may be used to relocate the*
18 *Brooks River Lodge in Katmai National Park and Preserve*
19 *from its current physical location*

20 **(28)**Page 16, after line 4, insert:

21 *(REPROGRAMMING)*

22 *Of unobligated amounts previously made available for*
23 *the Jefferson National Expansion Memorial, \$838,000 shall*

1 *be made available for the U-505 National Historic Land-*
2 *mark.*

3 **(29)**Page 16, line 15, strike out **【\$129,000,000】** and in-
4 sert: *\$126,690,000*

5 **(30)**Page 16, line 17, strike out all after “expended”
6 down to and including “program” in line 18

7 **(31)**Page 16, line 22, strike out all after “Congress”
8 down to and including “Forest” in line 24 and insert: :
9 *Provided further, That from the funds made available for*
10 *land acquisition at Everglades National Park and Big Cy-*
11 *press National Preserve, the Secretary may provide for Fed-*
12 *eral assistance to the State of Florida for the acquisition*
13 *of lands or waters, or interests therein, within the Ever-*
14 *glades watershed (consisting of lands and waters within the*
15 *boundaries of the South Florida Water Management Dis-*
16 *trict, Florida Bay and the Florida Keys) under terms and*
17 *conditions deemed necessary by the Secretary, to improve*
18 *and restore the hydrological function of the Everglades wa-*
19 *tershed: Provided further, That the Secretary may provide*
20 *such funds to the State of Florida for acquisitions within*
21 *Stormwater Treatment Area 1-E, including reimbursement*
22 *for lands or waters, or interests therein, within Stormwater*
23 *Treatment Area 1-E acquired by the State of Florida prior*
24 *to the enactment of this Act: Provided further, That funds*

1 *provided under this head to the State of Florida shall be*
2 *subject to an agreement that such lands will be managed*
3 *in perpetuity for the restoration of the Everglades*

4 **(32)**Page 18, line 24, strike out **【\$755,795,000】** and in-
5 sert: *\$758,160,000*

6 **(33)**Page 19, line 5, after “industries” insert: *; and of*
7 *which \$2,000,000 shall remain available until expended for*
8 *development of a mineral and geologic database*

9 **(34)**Page 19, line 5, strike out **【\$147,794,000】** and in-
10 sert: *\$147,159,000*

11 **(35)**Page 19, line 15, after “municipalities” insert: *: Pro-*
12 *vided further, That hereafter the United States Geological*
13 *Survey may disperse to local entities Payment in Lieu of*
14 *Taxes impact funding appropriated to the Fish and Wild-*
15 *life Service pursuant to the Refuge Revenue Sharing Act*
16 *that is associated with Federal real property being trans-*
17 *ferred to the United States Geological Survey from the*
18 *United States Fish and Wildlife Service*

19 **(36)**Page 21, line 4, strike out **【\$139,621,000】** and in-
20 sert: *\$135,722,000*

21 **(37)**Page 21, line 5, strike out **【\$70,874,000】** and insert:
22 *\$66,175,000*

1 **(38)**Page 21, strike out all after line 6 down to and in-
2 cluding “Program,” in line 8

3 **(39)**Page 21, line 16, strike out **【\$1,500,000】** and insert:
4 *\$3,000,000*

5 **(40)**Page 22, line 18, strike out **【\$94,937,000】** and in-
6 sert: *\$97,437,000*

7 **(41)**Page 23, line 13, strike out **【\$179,624,000】** and in-
8 sert: *\$177,624,000*

9 **(42)**Page 26, line 5, strike out **【\$1,526,815,000】** and in-
10 sert: *\$1,529,024,000*

11 **(43)**Page 26, line 22, strike out **【\$59,775,000】** and in-
12 sert: *\$59,479,000*

13 **(44)**Page 29, line 20, after “funds” insert: *: Provided fur-*
14 *ther, That tribes may use tribal priority allocations funds*
15 *for the replacement and repair of school facilities which are*
16 *in compliance with 25 U.S.C. 2005(a), so long as such re-*
17 *placement or repair is approved by the Secretary and com-*
18 *pleted with non-Federal tribal and/or tribal priority alloca-*
19 *tions funds*

20 **(45)**Page 30, line 2, strike out **【\$110,751,000】** and in-
21 sert: *\$125,051,000*

1 **(46)**Page 31, line 16, strike out **【\$41,352,000】** and in-
2 sert: *\$43,352,000*

3 **(47)**Page 31, line 17, strike out **【\$40,500,000】** and in-
4 sert: *\$42,000,000*

5 **(48)**Page 31, line 24, strike out **【\$852,000】** and insert:
6 *\$1,352,000*

7 **(49)**Page 31, line 25, after “99–264” insert: , *100–383,*
8 *103–402,*

9 **(50)**Page 33, line 16, strike out **【\$68,214,000】** and in-
10 sert: *\$67,214,000*

11 **(51)**Page 33, line 16, strike out **【\$64,365,000】** and in-
12 sert: *\$63,365,000*

13 **(52)**Page 35, line 25, strike out **【\$20,445,000】** and in-
14 sert: *\$20,545,000*

15 **(53)**Page 36, line 17, strike out **【\$24,439,000】** and in-
16 sert: *\$24,500,000*

17 **(54)**Page 36, strike out lines 20 through 22, and insert:
18 *For necessary expenses of the National Indian Gaming*
19 *Commission, pursuant to Public Law 100–497, \$1,000,000,*
20 *to remain available until expended.*

1 **(55)**Page 37, line 5, strike out **【\$32,126,000】** and insert:

2 \$35,689,000

3 **(56)**Page 37, line 6, strike out **【for trust funds manage-**

4 **ment】**

5 **(57)**Page 42, strike out lines 5 through 10.

6 **(58)**Page 42, line 21, strike out all after “of” down to

7 and including “activity,” on line 22 and insert: *offshore*

8 *oil and natural gas preleasing, leasing, and related activi-*

9 *ties*

10 **(59)**Page 43, strike out lines 10 through 24 and insert:

11 *SEC. 112. Advance payments made under this title to*

12 *Indian tribes, tribal organizations, and tribal consortia*

13 *pursuant to the Indian Self-Determination and Education*

14 *Assistance Act (25 U.S.C. 450, et seq.) or the Tribally Con-*

15 *trolled Schools Act of 1988 (25 U.S.C. 2501, et seq.) may*

16 *be invested by the Indian tribe, tribal organization, or con-*

17 *sortium before such funds are expended for the purposes of*

18 *the grant, compact, or annual funding agreement so long*

19 *as such funds are—*

20 *(a) invested by the Indian tribe, tribal organiza-*

21 *tion, or consortium only in obligations of the United*

22 *States, or in obligations or securities that are guaran-*

23 *teed or insured by the United States, or mutual (or*

24 *other) funds registered with the Securities and Ex-*

1 *change Commission and which only invest in obliga-*
2 *tions of the United States or securities that are guar-*
3 *anteed or insured by the United States, or*

4 *(b) deposited only into accounts that are insured*
5 *by an agency or instrumentality of the United States,*
6 *or are fully collateralized to ensure protection of the*
7 *Funds, even in the event of a bank failure.*

8 **(60)**Page 44, strike out lines 1 through 20 and insert:

9 *SEC. 113. (a) Employees of Helium Operations, Bu-*
10 *reau of Land Management, entitled to severance pay under*
11 *5 U.S.C. 5595, may apply for, and the Secretary of the*
12 *Interior may pay, the total amount of the severance pay*
13 *to the employee in a lump sum. Employees paid severance*
14 *pay in a lump sum and subsequently reemployed by the*
15 *Federal Government shall be subject to the repayment provi-*
16 *sions of 5 U.S.C. 5595(i) (2) and (3), except that any re-*
17 *payment shall be made to the Helium Fund.*

18 *(b) Helium Operations employees who elect to continue*
19 *health benefits after separation shall be liable for not more*
20 *than the required employee contribution under 5 U.S.C.*
21 *8905a(d)(1)(A). The Helium Fund shall pay for 18 months*
22 *the remaining portion of required contributions.*

23 *(c) The Secretary of the Interior may provide for*
24 *training to assist Helium Operations employees in the tran-*
25 *sition to other Federal or private sector jobs during the fa-*

1 *cility shut-down and disposition process and for up to 12*
2 *months following separation from Federal employment, in-*
3 *cluding retraining and relocation incentives on the same*
4 *terms and conditions as authorized for employees of the De-*
5 *partment of Defense in section 348 of the National Defense*
6 *Authorization Act for Fiscal Year 1995.*

7 *(d) For purposes of the annual leave restoration provi-*
8 *sions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium pro-*
9 *duction and sales, and other related Helium Program ac-*
10 *tivities shall be deemed to create an exigency of public busi-*
11 *ness under, and annual leave that is lost during leave years*
12 *1997 through 2001 because of, 5 U.S.C. 6304 (regardless*
13 *of whether such leave was scheduled in advance) shall be*
14 *restored to the employee and shall be credited and available*
15 *in accordance with 5 U.S.C. 6304(d)(2). Annual leave so*
16 *restored and remaining unused upon the transfer of a He-*
17 *lium Program employee to a position of the executive*
18 *branch outside of the Helium Program shall be liquidated*
19 *by payment to the employee of a lump-sum from the He-*
20 *lium Fund for such leave.*

21 *(e) Benefits under this section shall be paid from the*
22 *Helium Fund in accordance with section 4(c)(4) of the He-*
23 *lium Privatization Act of 1996. Funds may be made avail-*
24 *able to Helium Program employees who are or will be sepa-*
25 *rated before October 1, 2002 because of the cessation of he-*

1 *lium production and sales and other related activities. Re-*
 2 *training benefits, including retraining and relocation in-*
 3 *centives, may be paid for retraining commencing on or be-*
 4 *fore September 30, 2002.*

5 **(61)**Page 44, strike out lines 21 through 25

6 **(62)**Page 44, after line 25, insert:

7 *SEC. 115. (a) CONVEYANCE REQUIREMENT.—Within*
 8 *90 days after the date of enactment of this Act, the Sec-*
 9 *retary of the Interior shall convey to the State of West Vir-*
 10 *ginia without reimbursement, all right, title, and interest*
 11 *of the United States in and to the property described in*
 12 *subsection (b), for sole use by the Wildlife Resources Section*
 13 *of the West Virginia Division of Natural Resources, as part*
 14 *of the State of West Virginia fish culture program.*

15 *(b) PROPERTY DESCRIBED.—The property referred to*
 16 *in subsection (a) is the property known as the Bowden Na-*
 17 *tional Fish Hatchery, located on old United States route*
 18 *33, Randolph County, West Virginia, consisting of 44 acres*
 19 *(more or less), and all improvements and related personal*
 20 *property under the control of the Secretary that is located*
 21 *on that property, including buildings, structures, equip-*
 22 *ment, and all easements, leases, and water rights relating*
 23 *to that property.*

24 *(c) USE AND REVERSIONARY INTEREST.—The prop-*
 25 *erty conveyed to the State of West Virginia pursuant to this*

1 *section shall be used and operated solely by the Wildlife Re-*
2 *sources Section of the West Virginia Division of Natural*
3 *Resources for the purposes of fishery resources management*
4 *and fisheries related activities, and if it is used for any*
5 *other purposes or by any other party other than the use*
6 *authorized under subsection (a), all right, title, and interest*
7 *in and to all property conveyed under this section shall re-*
8 *vert to the United States. The State of West Virginia shall*
9 *ensure that the property reverting to the United States is*
10 *in substantially the same or better condition as at the time*
11 *of transfer.*

12 **(63)**Page 44, after line 25, insert:

13 *SEC. 116. Section 115 of Public Law 103-332 is*
14 *amended by inserting after the word “title” the following:*
15 *“or provided from other Federal agencies through reimburs-*
16 *able or other agreements pursuant to the Economy Act”.*

17 **(64)**Page 44, after line 25, insert:

18 *SEC. 117. The third proviso under the heading “Com-*
19 *pact of Free Association” of Public Law 100-446 is amend-*
20 *ed by striking “\$2,000,000” and inserting “\$2,500,000”*
21 *and by adding at the end of the proviso the following: “and*
22 *commencing on October 1, 1998 and every year thereafter,*
23 *this dollar amount shall be changed to reflect any fluctua-*
24 *tion occurring during the previous twelve (12) months in*

1 *the Consumer Price Index, as determined by the Secretary*
2 *of Labor”.*

3 **(65)**Page 44, after line 25, insert:

4 *SEC. 118. Any funds made available in this Act or*
5 *any other Act for tribal priority allocations (hereinafter in*
6 *this section “TPA”) in excess of the funds expended for TPA*
7 *in fiscal year 1997 (adjusted for fixed costs, internal trans-*
8 *fers pursuant to other law, and proposed increases to for-*
9 *mula driven programs not included in tribes’ TPA base)*
10 *shall only be available for distribution—*

11 *(1) to each tribe to the extent necessary to pro-*
12 *vide that tribe the minimum level of funding rec-*
13 *ommended by the Joint/Tribal/BIA/DOI Task Force*
14 *on Reorganization of the Bureau of Indian Affairs*
15 *Report of 1994 (hereafter “the 1994 Report”) not to*
16 *exceed \$160,000 per tribe; and*

17 *(2) to the extent funds remain, such funds will*
18 *be allocated according to the recommendations of a*
19 *task force comprised of 2 representatives from each*
20 *BIA area. These representatives shall be selected by*
21 *the Secretary with the participation of the tribes fol-*
22 *lowing procedures similar to those used in establish-*
23 *ing the Joint/Tribal/BIA/DOI Task Force on Reorga-*
24 *nization of the Bureau of Indian Affairs. In deter-*
25 *mining the allocation of remaining funds, the task*

1 *force shall consider the recommendations and prin-*
 2 *ciples contained in the 1994 Report. If the task force*
 3 *cannot agree on a distribution by January 31, 1998,*
 4 *the Secretary shall distribute the remaining funds*
 5 *based on the recommendations of a majority of Task*
 6 *Force members no later than February 28, 1998.*

7 **(66)**Page 44, after line 25, insert:

8 *SEC. 119. Section 116 of the Omnibus Appropriations*
 9 *Act for Fiscal Year 1997 (Public Law 104–208; 110 Stat.*
 10 *3009–201) is amended—*

11 *(1) by striking “Miners Hospital Grant” each*
 12 *place it appears and inserting in lieu thereof “Miners*
 13 *Hospital Grants”;*

14 *(2) by striking “(February 20, 1929, 45 Stat.*
 15 *1252)” each place it appears and inserting in lieu*
 16 *thereof “(July 16, 1894, 28 Stat. 110 and February*
 17 *20, 1929, 45 Stat. 1252)”;* and

18 *(3) by striking “(July 26, 1894, 28 Stat. 110)”*
 19 *each place it appears and inserting in lieu thereof*
 20 *“(July 16, 1894, 28 Stat. 110)”.*

21 **(67)**Page 44, after line 25, insert:

22 *SEC. 120. KANTISHNA MINING CLAIMS.—Notwith-*
 23 *standing any other provision of law, on October 1, 1998,*
 24 *there is hereby vested in the United States all right, title,*
 25 *and interest in and to, and the right of immediate posses-*

1 sion of, all patented mining claims and valid unpatented
2 mining claims (including any unpatented claim whose va-
3 lidity is in dispute, so long as such validity is later estab-
4 lished in a settlement or judgement pursuant to this section)
5 in the Kantishna Mining District within Denali National
6 Park and Preserve whose owners consent in writing to this
7 action within said 120 day period: Provided, That in the
8 event a bankruptcy trustee is an owner in interest in a min-
9 ing claim in the Kantishna Mining District, that consent
10 will be deemed timely for purposes of this section if the
11 trustee applies within said 120 day period to the bank-
12 ruptcy court for authority to sell the mining claim and to
13 consent to the taking of such claim, and that in such event
14 title shall vest in the United States 10 days after entry of
15 an unstayed order or judgement approving the trustee's ap-
16 plication: Provided further, That the United States shall
17 pay just compensation to the owners of any property taken
18 pursuant to this section, determined as of the date of taking:
19 Provided further, That payment shall be in the amount of
20 a negotiated settlement of the value of such property or the
21 valuation of such property awarded by judgment and shall
22 be made solely from the permanent judgment appropriation
23 established pursuant to section 1304 of title 31, United
24 States Code, and shall include accrued interest on the
25 amount of the agreed settlement value or the final judgment

1 *from the date of taking to the date of payment, calculated*
2 *in accordance with section 258e-1 of title 40, United States*
3 *Code, except that interest shall not be allowed on such*
4 *amounts as shall have been paid into the court registry:*
5 *Provided further, That the United States or the property*
6 *owner may initiate proceedings at any time after said 120*
7 *day period seeking a determination of just compensation*
8 *in the District Court for the District of Alaska pursuant*
9 *to sections 1358 and 1403 of title 28, United States Code:*
10 *Provided further, That the United States shall deposit in*
11 *the registry of the court the estimated just compensation,*
12 *or at least seventy-five percent thereof, in accordance with*
13 *the procedures generally described in section 258a of title*
14 *40, United States Code not otherwise inconsistent with this*
15 *section: Provided further, That in establishing any estimate*
16 *(other than an estimate based on an agency-certified ap-*
17 *praisal made prior to the date of enactment of this Act)*
18 *the Secretary of the Interior shall permit the property*
19 *owner to present evidence of the value of the property, in-*
20 *cluding potential mineral value, and shall consider such*
21 *evidence and permit the property owner to have a reason-*
22 *able and sufficient opportunity to comment on such esti-*
23 *mate: Provided further, That the estimated just compensa-*
24 *tion or part thereof deposited in the court registry shall be*
25 *paid to the property owner upon request: Provided further,*

1 *That any payment from the court registry to the property*
2 *owner shall be deducted from any negotiated settlement or*
3 *award by judgement: Provided further, That the United*
4 *States may not request the court to withhold any payment*
5 *from the court registry or pursue any claim for environ-*
6 *mental remediation with respect to such property until 30*
7 *days after a negotiated settlement or award by judgement*
8 *with respect to such property has been reached and payment*
9 *has been made: Provided further, That the Secretary shall*
10 *not allow any unauthorized use of property acquired pursu-*
11 *ant to this section after the date of taking, and the Secretary*
12 *shall permit the orderly termination of all operation on the*
13 *lands and the removal of equipment, facilities, and personal*
14 *property.*

15 **(68)**Page 44, after line 25, insert:

16 *SEC. 121. Section 1034 of Public Law 104–333 (110*
17 *Stat. 4093, 4240) is amended by striking “at any time*
18 *within 12 months of enactment of this Act” and inserting*
19 *in lieu thereof “on or before October 1, 1998”.*

20 **(69)**Page 44, after line 25, insert:

21 *SEC. 122. (a) KODIAK LAND VALUATION.—Notwith-*
22 *standing the Refuge Revenue Sharing Act (16 U.S.C. 715s)*
23 *or any regulations implementing such Act, the fair market*
24 *value for the initial computation of the payment to Kodiak*
25 *Island Borough pursuant to such Act shall be based on the*

1 purchase price of the parcels acquired from Akhiok-
 2 Kaguyak, Incorporated, Koniag, Incorporated, and the Old
 3 Harbor Native Corporation for addition to the Kodiak Na-
 4 tional Wildlife Refuge.

5 (b) The fair market value of the parcels described in
 6 subsection (a) shall be reappraised under the normal sched-
 7 ule for appraisals adopted by the Alaska Region of the Unit-
 8 ed States Fish and Wildlife Service under the Refuge Reve-
 9 nue Sharing Act (16 U.S.C. 715s). Any such reappraisals
 10 shall be made in accordance with such Act and any other
 11 applicable law or regulation.

12 (c) The fair market value computation required under
 13 subsection (a) shall be effective as of the date of the acquisi-
 14 tion of the parcels described in such subsection.

15 **(70)**Page 44, after line 25, insert:

16 *SEC. 123. (a) ANDROSCOGGIN RIVER VALLEY HERIT-*
 17 *AGE AREA ACT—SHORT TITLE.—This Act may be cited as*
 18 *the “Androscoggin River Valley Heritage Area Act”.*

19 (b) *PURPOSE.—The purpose of this Act is to establish*
 20 *a locally oriented commission to assist the city of Berlin,*
 21 *New Hampshire, in identifying and studying the*
 22 *Androscoggin River Valley’s historical and cultural assets.*

23 (c) *ESTABLISHMENT OF COMMISSION.—There is estab-*
 24 *lished the Androscoggin River Valley Heritage Commission*
 25 *(referred to in this Act as the “Commission”), which shall*

1 *consist of 10 members appointed not later than 3 months*
2 *after the date of enactment of this Act, as follows:*

3 *(1) 1 member appointed by the Governor of New*
4 *Hampshire, who shall serve as Chairperson.*

5 *(2) 1 member appointed by the Speaker of the*
6 *House of Representatives of the State of New Hamp-*
7 *shire.*

8 *(3) 1 member appointed by the President of the*
9 *Senate of the State of New Hampshire.*

10 *(4) 2 members appointed by the Secretary of the*
11 *Interior from among individuals recommended by*
12 *State and local cultural or historic preservation orga-*
13 *nizations.*

14 *(5) 1 member, appointed by the Secretary of the*
15 *Interior, who has experience in the area of historical*
16 *projects.*

17 *(6) 4 members appointed by the mayor of the*
18 *city of Berlin, New Hampshire.*

19 *(d) VOTING.—The Commission shall act and advise by*
20 *affirmative vote of a majority of its members.*

21 *(e) COMPENSATION.—*

22 *(1) IN GENERAL.—A member of the Commission*
23 *shall receive no pay on account of the member's serv-*
24 *ice on the Commission.*

1 (2) *TRAVEL EXPENSES.*—A member of the Com-
2 mission, while away from the member’s home or regu-
3 lar place of business in the performance of services for
4 the Commission, shall be allowed travel expenses, in-
5 cluding per diem in lieu of subsistence, in the same
6 manner as persons employed intermittently in Gov-
7 ernment service are allowed expenses under section
8 5703 of title 5, United States Code.

9 (f) *EXEMPTION FROM CHARTER RENEWAL REQUIRE-*
10 *MENTS.*—Section 14(b) of the Federal Advisory Committee
11 Act (5 U.S.C. App.) shall not apply to the Commission.

12 (g) *TERMINATION.*—The Commission shall terminate
13 on submission of a report under section 4(b).

14 (h) *SUPPORT.*—

15 (1) *STAFF AND TECHNICAL SERVICES.*—The Di-
16 rector of the National Park Service may provide such
17 staff support and technical services as are necessary
18 to carry out the functions of the Commission.

19 (2) *COMPLETION OF STUDY.*—The Secretary of
20 the Interior may provide the Commission such tech-
21 nical and other assistance as is necessary to complete
22 the study described in subsection (j).

23 (i) *OPEN MEETINGS.*—All meetings of the Commission
24 shall be open to the public.

25 (j) *STUDY.*—

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the completion of appointment of the members of the
3 Commission, the Commission shall complete a com-
4 prehensive study of the Androscoggin River Valley’s
5 history and culture in New Hampshire, which shall—

6 (A) include a catalog of all available his-
7 torically and culturally significant sites, build-
8 ings, and areas in the region;

9 (B) examine the feasibility of any Federal
10 or State historic recognition in the region;

11 (C) include a set of options for the city of
12 Berlin, New Hampshire, to pursue with respect
13 to heritage-based development, including a list of
14 available Federal, State, and private programs
15 that would further any such efforts; and

16 (D) account for the impacts of any heritage-
17 based development on State, municipal, and pri-
18 vate property.

19 (2) *REPORT.*—The Commission shall provide
20 Congress, the Secretary of the Interior, and the State
21 of New Hampshire with a report based on the study
22 described in paragraph 1.

23 (k) *NO REGULATORY AUTHORITY.*—Nothing in this
24 Act provides the Commission with any regulatory author-
25 ity.

1 (l) *AUTHORIZATION OF APPROPRIATIONS.*—*For the*
2 *purpose of carrying out the functions of the Commission,*
3 *there is authorized to be appropriated \$50,000.*

4 **(71)**Page 44, after line 25, insert:

5 *SEC. 124. (a) PRIORITY OF BONDS.*—*Section 3 of Pub-*
6 *lic Law 94–392 (90 Stat. 1193, 1195) is amended—*

7 (1) *by striking “priority for payment” and in-*
8 *serting “a parity lien with every other issue of bonds*
9 *or other obligations issued for payment”; and*

10 (2) *by striking “in the order of the date of*
11 *issue”.*

12 (b) *APPLICATION.*—*The amendments made by sub-*
13 *section (a) shall apply to obligations issued on or after the*
14 *date of enactment of this section.*

15 (c) *SHORT TERM BORROWING.*—*Section 1 of Public*
16 *Law 94–392 (90 Stat. 1193) is amended by adding the fol-*
17 *lowing new subsection at the end thereof:*

18 “(d) *The legislature of the Government of the Virgin*
19 *Islands may cause to be issued notes in anticipation of the*
20 *collection of the taxes and revenues for the current fiscal*
21 *year. Such notes shall mature and be paid within one year*
22 *from the date they are issued. No extension of such notes*
23 *shall be valid and no additional notes shall be issued under*
24 *this section until all notes issued during a preceding year*
25 *shall have been paid.”.*

1 **(72)**Page 44, after line 25, insert:

2 *SEC. 125. (a) In this section—*

3 *(1) the term “Huron Cemetery” means the lands*
4 *that form the cemetery that is popularly known as the*
5 *Huron Cemetery, located in Kansas City, Kansas, as*
6 *described in subsection (b)(3);*

7 *(2) the term “Secretary” means the Secretary of*
8 *the Interior.*

9 *(b)(1) The Secretary shall take such action as may be*
10 *necessary to ensure that the lands comprising the Huron*
11 *Cemetery (as described in paragraph (3)) are used only in*
12 *accordance with this subsection.*

13 *(2) The lands of the Huron Cemetery shall be used*
14 *only—*

15 *(A) for religious and cultural uses that are com-*
16 *patible with the use of the lands as a cemetery; and*

17 *(B) as a burial ground.*

18 *(3) The description of the lands of the Huron Cemetery*
19 *is as follows:*

20 *The tract of land in the NW ¹/₄ of sec. 10, T. 11*
21 *S., R. 25 E., of the sixth principal meridian, in Wy-*
22 *andotte County, Kansas (as surveyed and marked on*
23 *the ground on August 15, 1888, by William Millor,*
24 *Civil Engineer and Surveyor), described as follows:*

1 *“Commencing on the Northwest corner of*
 2 *the Northwest Quarter of the Northwest Quarter*
 3 *of said Section 10;*

4 *“Thence South 28 poles to the ‘true point of*
 5 *beginning’;*

6 *“Thence South 71 degrees East 10 poles and*
 7 *18 links;*

8 *“Thence South 18 degrees and 30 minutes*
 9 *West 28 poles;*

10 *“Thence West 11 and one-half poles;*

11 *“Thence North 19 degrees 15 minutes East*
 12 *31 poles and 15 feet to the ‘true point of begin-*
 13 *ning’, containing 2 acres or more.”.*

14 **(73)**Page 44, after line 25, insert:

15 *SEC. 126. ARKANSAS POST NATIONAL MEMORIAL. (a)*
 16 *The boundaries of the Arkansas Post National Memorial are*
 17 *revised to include the approximately 360 acres of land gen-*
 18 *erally depicted on the map entitled “Arkansas Post Na-*
 19 *tional Memorial, Osotouy Unit, Arkansas County, Arkan-*
 20 *sas” and dated June 1993. Such map shall be on file and*
 21 *available for public inspection in appropriate offices of the*
 22 *National Park Service of the Department of the Interior.*

23 *(b) The Secretary of the Interior is authorized to ac-*
 24 *quire the lands and interests therein described in subsection*
 25 *(a) by donation, purchase with donated or appropriated*

1 *funds, or exchange: Provided, That such lands or interests*
2 *therein may only be acquired with the consent of the owner*
3 *thereof.*

4 **(74)**Page 44, after line 25, insert:

5 *SEC. 127. Entry and permit limitations for Glacier*
6 *Bay National Park shall not apply to the Auk Nu Marine—*
7 *Glacier Bay Ferry entering Bartlett Cove for the sole pur-*
8 *pose of accessing park or other authorized visitor services*
9 *or facilities at, or originating from, the public dock area*
10 *at Bartlett Cove: Provided, That any such motor vessel en-*
11 *tering park waters for this stated and sole purpose shall*
12 *be subject to speed, distance from coast lines, and related*
13 *limitations imposed on all vessels operating in waters des-*
14 *ignated by the Superintendent, Glacier Bay, as having a*
15 *high probability of whale occupancy based on recent sight-*
16 *ing and/or past patterns of occurrence: Provided further,*
17 *That nothing in this Act shall be construed as constituting*
18 *approval for such vessels entering the waters of Glacier Bay*
19 *National Park beyond the immediate Bartlett Cove area as*
20 *defined by a line extending northeastward from Pt. Carolus*
21 *to the west to the southernmost point of Lester Island, ab-*
22 *sent required permits.*

23 **(75)**Page 44, after line 25, insert:

24 *SEC. 128. Title I of Public Law 96-514 (94 Stat.*
25 *2957) is amended under the heading “Exploration of Na-*

1 *tional Petroleum Reserve in Alaska” by striking “(8) each*
2 *lease shall be issued” through the end of the first paragraph*
3 *and inserting in lieu thereof the following: “(8) each lease*
4 *shall be issued for an initial period of ten years, and shall*
5 *be extended for so long thereafter as oil or gas is produced*
6 *from the lease in paying quantities, or as drilling or re-*
7 *working operations, as approved by the Secretary, are con-*
8 *ducted thereon; (9) for purposes of conservation of the natu-*
9 *ral resources of any oil or gas pool, field, or like area, or*
10 *any part thereof, lessees thereof and their representatives are*
11 *authorized to unite with each other, or jointly or separately*
12 *with others, in collectively adopting and operating under*
13 *a unit agreement for such pool, field, or like area, or any*
14 *part thereof (whether or not any other part of said oil or*
15 *gas pool, field, or like area is already subject to any cooper-*
16 *ative or unit plan of development or operation), whenever*
17 *determined by the Secretary to be necessary or advisable*
18 *in the public interest. Drilling, production, and well re-*
19 *working operations performed in accordance with a unit*
20 *agreement shall be deemed to be performed for the benefit*
21 *of all leases that are subject in whole or in part to such*
22 *unit agreement. When separate tracts cannot be independ-*
23 *ently developed and operated in conformity with an estab-*
24 *lished well spacing or development program, any lease, or*
25 *a portion thereof, may be pooled with other lands, whether*

1 *or not owned by the United States, under a*
2 *communitization or drilling agreement providing for an*
3 *apportionment of production or royalties among the sepa-*
4 *rate tracts of land comprising the drilling or spacing unit*
5 *when determined by the Secretary of the Interior to be in*
6 *the public interest, and operations or production pursuant*
7 *to such an agreement shall be deemed to be operations or*
8 *production as to each such lease committed thereto; (10) to*
9 *encourage the greatest ultimate recovery of oil or gas or in*
10 *the interest of conservation the Secretary is authorized to*
11 *waive, suspend, or reduce the rental, or minimum royalty,*
12 *or reduce the royalty on an entire leasehold, including on*
13 *any lease operated pursuant to a unit agreement, whenever*
14 *in his judgment the leases cannot be successfully operated*
15 *under the terms provided therein. The Secretary is author-*
16 *ized to direct or assent to the suspension of operations and*
17 *production on any lease or unit. In the event the Secretary,*
18 *in the interest of conservation, shall direct or assent to the*
19 *suspension of operations and production on any lease or*
20 *unit, any payment of acreage rental or minimum royalty*
21 *prescribed by such lease or unit likewise shall be suspended*
22 *during the period of suspension of operations and produc-*
23 *tion, and the term of such lease shall be extended by adding*
24 *any such suspension period thereto; and (11) all receipts*
25 *from sales, rentals, bonuses, and royalties on leases issued*

1 *pursuant to this section shall be paid into the Treasury of*
 2 *the United States: Provided, That 50 percentum thereof*
 3 *shall be paid by the Secretary of the Treasury semiannu-*
 4 *ally, as soon thereafter as practicable after March 30 and*
 5 *September 30 each year, to the State of Alaska for—(A)*
 6 *planning, (B) construction, maintenance, and operation of*
 7 *essential public facilities, and (C) other necessary provi-*
 8 *sions of public service: Provuded further, That in the alloca-*
 9 *tion of such funds, the State shall give priority to use by*
 10 *subdivisions of the State most directly or severely impacted*
 11 *by development of oil and gas leased under this Act.”.*

12 **(76)**Page 44, after line 25, insert:

13 *SEC. 129. LIMITATIONS ON CERTAIN INDIAN GAMING*
 14 *OPERATIONS. (a) DEFINITIONS.—For purposes of this sec-*
 15 *tion, the following definitions shall apply:*

16 *(1) CLASS III GAMING.—The term “class III*
 17 *gaming” has the meaning provided that term in sec-*
 18 *tion 4(8) of the Indian Gaming Regulatory Act (25*
 19 *U.S.C. 2703(8)).*

20 *(2) INDIAN TRIBE.—The term “Indian tribe” has*
 21 *the meaning provided that term in section 4(e) of the*
 22 *Indian Self-Determination and Education Assistance*
 23 *Act (25 U.S.C. 450(e)).*

24 *(3) SECRETARY.—The term “Secretary” means*
 25 *the Secretary of the Department of the Interior.*

1 (4) *TRIBAL-STATE COMPACT*.—The term “Tribal-
2 State compact” means a Tribal-State compact re-
3 ferred to in section 11(d) of the Indian Gaming Regu-
4 latory Act (25 U.S.C. 2710(d)).

5 (b) *CLASS III GAMING COMPACTS*.—

6 (1) *IN GENERAL*.—

7 (A) *PROHIBITION*.—During fiscal year
8 1998, the Secretary may not expend any funds
9 made available under this Act to review or ap-
10 prove any initial Tribal-State compact for class
11 III gaming entered into on or after the date of
12 enactment of this Act. This provision shall not
13 apply to any Tribal-State compact which has
14 been approved by a State in accordance with
15 State law and the Indian Gaming Regulatory
16 Act.

17 (B) *RULE OF CONSTRUCTION*.—Nothing in
18 this paragraph may be construed to prohibit the
19 review or approval by the Secretary of a renewal
20 or revision of, or amendment to a Tribal-State
21 compact that is not covered under subparagraph
22 (A).

23 (2) *TRIBAL-STATE COMPACTS*.—During fiscal
24 year 1998, notwithstanding any other provision of
25 law, no Tribal-State compact for class III gaming

1 *shall be considered to have been approved by the Sec-*
2 *retary by reason of the failure of the Secretary to ap-*
3 *prove or disapprove that compact. This provision*
4 *shall not apply to any Tribal-State compact which*
5 *has been approved by a State in accordance with*
6 *State law and the Indian Gaming Regulatory Act.*

7 *SEC. 130. SENSE OF THE SENATE CONCERNING IN-*
8 *DIAN GAMING. It is the sense of the Senate that the United*
9 *States Department of Justice should vigorously enforce the*
10 *provisions of the Indian Gaming Regulatory Act requiring*
11 *an approved tribal/State gaming compact prior to the initi-*
12 *ation of Class III gaming on Indian lands.*

13 **(77)**Page 44, after line 25, insert:

14 *SEC. 131. No funds provided in this or any other Act*
15 *may be expended to develop a rulemaking process relevant*
16 *to amending the National Indian Gaming Commission's*
17 *definition regulations located at 25 CFR 502.7 and 502.8.*

18 **(78)**Page 44, after line 25, insert:

19 *SEC. 132. YOUTH ENVIRONMENTAL SERVICE PRO-*
20 *GRAM.—Not later than 180 days after the date of enactment*
21 *of this Act, the Secretary of Interior, in consultation with*
22 *the Attorney General, shall—*

23 *(1) submit to Congress a report identifying at*
24 *least 20 sites on Federal land that are potentially*
25 *suitable and promising for activities of the Youth En-*

1 *vironmental Service program to be administered in*
2 *accordance with the Memorandum of Understanding*
3 *signed by the Secretary of the Interior and the Attor-*
4 *ney General in February 1994; and*

5 *(2) provide a copy of the report to the appro-*
6 *priate State and local law enforcement agencies in the*
7 *States and localities in which the 20 prospective sites*
8 *are located.*

9 **(79)**Page 44, after line 25, insert:

10 *SEC. 133. CONVEYANCE OF LAND TO LANDER COUNTY,*
11 *NEVADA. (a) CONVEYANCE.—Not later than the date that*
12 *is 120 days after the date of enactment of this Act, the Sec-*
13 *retary of the Interior, acting through the Director of the*
14 *Bureau of Land Management, shall convey to Lander Coun-*
15 *ty, Nevada, without consideration, all right, title, and inter-*
16 *est of the United States, subject to all valid existing rights*
17 *and to the rights of way described in subsection (b), in the*
18 *property described as T. 32 N., R. 45 E., sec. 18, lots 3,*
19 *4, 11, 12, 16, 17, 18, 19, 20 and 21, Mount Diablo Merid-*
20 *ian.*

21 *(b) RIGHTS-OF-WAY.—The property conveyed under*
22 *subsection (a) shall be subject to—*

23 *(1) the right-of-way for Interstate 80;*

1 (2) *the 33-foot wide right-of-way for access to the*
 2 *Indian cemetery included under Public Law 90–71*
 3 *(81 Stat. 173); and*

4 (3) *the following rights-of-way granted by the*
 5 *Secretary of the Interior:*

6 *NEV–010937 (powerline).*

7 *NEV–066891 (powerline).*

8 *NEV–35345 (powerline).*

9 *N–7636 (powerline).*

10 *N–56088 (powerline).*

11 *N–57541 (fiber optic cable).*

12 *N–55974 (powerline).*

13 (c) *REQUIREMENT.—The property described in this*
 14 *section shall be used for public purposes and should the*
 15 *property be sold or used for other than public purposes, the*
 16 *property shall revert to the United States.*

17 **(80)**Page 44, after line 25, insert:

18 *SEC. 134. CONVEYANCE OF CERTAIN BUREAU OF LAND*
 19 *MANAGEMENT LANDS IN CLARK COUNTY, NEVADA. (a)*

20 *FINDINGS.—Congress finds that—*

21 (1) *certain landowners who own property adja-*
 22 *cent to land managed by the Bureau of Land Man-*
 23 *agement in the North Decatur Boulevard area of Las*
 24 *Vegas, Nevada, bordering on North Las Vegas, have*
 25 *been adversely affected by certain erroneous private*

1 *land surveys that the landowners believed were accu-*
2 *rate;*

3 (2) *the landowners have occupied or improved*
4 *their property in good faith reliance on the erroneous*
5 *surveys of the properties;*

6 (3) *the landowners believed that their entitlement*
7 *to occupancy was finally adjudicated by a Judgment*
8 *and Decree entered by the Eighth Judicial District*
9 *Court of Nevada on October 26, 1989;*

10 (4) *errors in the private surveys were discovered*
11 *in connection with a dependent resurvey and section*
12 *subdivision conducted by the Bureau of Land Man-*
13 *agement in 1990, which established accurate bound-*
14 *aries between certain federally owned properties and*
15 *private properties; and*

16 (5) *the Secretary has authority to sell, and it is*
17 *appropriate that the Secretary should sell, at fair*
18 *market value, the properties described in section 2(b)*
19 *to the adversely affected landowners.*

20 (b) *CONVEYANCE OF PROPERTIES.—*

21 (1) *PURCHASE OFFERS.—*

22 (A) *IN GENERAL.—Not later than 1 year*
23 *after the date of enactment of this Act, the city*
24 *of Las Vegas, Nevada, on behalf of the owners of*
25 *real property located adjacent to the properties*

1 described in paragraph (2), may submit to the
2 Secretary of the Interior, acting through the Di-
3 rector of the Bureau of Land Management (re-
4 ferred to in this Act as the “Secretary”), a writ-
5 ten offer to purchase the properties.

6 (B) *INFORMATION TO ACCOMPANY OFFER.*—
7 An offer under subparagraph (A) shall be accom-
8 panied by—

9 (i) a description of each property of-
10 ferred to be purchased;

11 (ii) information relating to the claim
12 of ownership of the property based on an er-
13 roneous land survey; and

14 (iii) such other information as the Sec-
15 retary may require.

16 (2) *DESCRIPTION OF PROPERTIES.*—The prop-
17 erties described in this paragraph, containing 68.60
18 acres, more or less, are—

19 (A) Government lots 22, 23, 26, and 27 in
20 sec. 18, T. 19 S., R. 61 E., Mount Diablo Merid-
21 ian;

22 (B) Government lots 20, 21, and 24 in sec.
23 19, T. 19 S., R. 61 E., Mount Diablo Meridian;
24 and

1 (C) *Government lot 1 in sec. 24, T. 19 S.,*
 2 *R. 60 E., Mount Diablo Meridian.*

3 (3) *CONVEYANCE.—*

4 (A) *IN GENERAL.—Subject to the condition*
 5 *stated in subparagraph (B), the Secretary shall*
 6 *convey to the city of Las Vegas, Nevada, all*
 7 *right, title, and interest of the United States in*
 8 *and to the properties offered to be purchased*
 9 *under paragraph (1) on payment by the city of*
 10 *the fair market value of the properties, based on*
 11 *an appraisal of the fair market value as of De-*
 12 *cember 1, 1982, approved by the Secretary.*

13 (B) *CONDITION.—Properties shall be con-*
 14 *veyed under subparagraph (A) subject to the con-*
 15 *dition that the city convey the properties to the*
 16 *landowners who were adversely affected by reli-*
 17 *ance on erroneous surveys as described in sub-*
 18 *section (a).*

19 **(81)**Page 44, after line 25, insert:

20 *SEC. 135. DISPOSITION OF CERTAIN OIL LEASE REVE-*
 21 *NUE. (a) DEPOSIT IN FUND.—One half of the amounts*
 22 *awarded by the Supreme Court to the United States in the*
 23 *case of United States of America v. State of Alaska (117*
 24 *S. Ct. 1888) shall be deposited in a fund in the Treasury*
 25 *of the United States to be known as the “national Parks*

1 *and Environmental Improvement Fund*” (referred to in
2 *this section as the “Fund”).*

3 (b) *INVESTMENTS.—*

4 (1) *IN GENERAL.—The Secretary of the Treasury*
5 *shall invest amounts in the Fund in interest bearing*
6 *obligations of the United States.*

7 (2) *ACQUISITION OF OBLIGATIONS.—For the pur-*
8 *pose of investments under paragraph (1), obligations*
9 *may be acquired—*

10 (A) *on original issue at the issue price; or*

11 (B) *by purchase of outstanding obligations*
12 *at the market price.*

13 (3) *SALE OF OBLIGATIONS.—Any obligation ac-*
14 *quired by the Fund may be sold by the Secretary of*
15 *the Treasury at the market price.*

16 (4) *CREDITS TO FUND.—The interest earned*
17 *from investments of the Fund shall be covered into*
18 *and form a part of the Fund.*

19 (c) *TRANSFER AND AVAILABILITY OF AMOUNTS*
20 *EARNED.—Each year, interest earned and covered into the*
21 *Fund in the previous fiscal year shall be available for ap-*
22 *propriation, to the extent provided in subsequent appro-*
23 *priation bills, as follows:*

24 (1) *40 percent of such amounts shall be available*
25 *for National Park capital projects in the National*

1 *Park System that comply with the criteria stated in*
2 *subsection (d); and*

3 (2) *40 percent of such amounts shall be available*
4 *for the State-side matching grant under section 6 of*
5 *the Land and Water Conservation Fund Act of 1965*
6 *(16 U.S.C. 460l–8); and*

7 (3) *20 percent of such amounts shall be made*
8 *available to the Secretary of Commerce for the pur-*
9 *pose of carrying out marine research activities in ac-*
10 *cordance with subsection (e).*

11 *(d) CAPITAL PROJECTS.—*

12 (1) *IN GENERAL.—Funds available under sub-*
13 *section (c)(2) may be used for the design, construc-*
14 *tion, repair or replacement of high priority National*
15 *Park Service facilities directly related to enhancing*
16 *the experience of park visitors, including natural, cul-*
17 *tural, recreational and historic resources protection*
18 *projects.*

19 (2) *LIMITATION.—A project referred to in para-*
20 *graph (1) shall be consistent with—*

21 (A) *the laws governing the National Park*
22 *System;*

23 (B) *any law governing the unit of the Na-*
24 *tional Park System in which the project is un-*
25 *dertaken; and*

1 (C) *the general management plan for the*
2 *unit.*

3 (3) *NOTIFICATION OF CONGRESS.*—*The Secretary*
4 *shall submit with the annual budget submission to*
5 *Congress a list of high priority projects proposed to*
6 *be funded under paragraph (1) during the fiscal year*
7 *covered by such budget submission.*

8 (e) *MARINE RESEARCH ACTIVITIES.*—(1) *Funds avail-*
9 *able under subsection (c)(3) shall be used by the Secretary*
10 *of Commerce according to this subsection to provide grants*
11 *to Federal, State, private or foreign organizations or indi-*
12 *viduals to conduct research activities on or relating to the*
13 *fisheries or marine ecosystems in the north Pacific Ocean,*
14 *Bering Sea, and Arctic Ocean (including any lesser related*
15 *bodies of water).*

16 (2) *Research priorities and grant requests shall be re-*
17 *viewed and recommended for Secretarial approval by a*
18 *board to be known as the North Pacific Research Board (re-*
19 *ferred to in this subsection as the “Board”). The Board shall*
20 *seek to avoid duplicating other research activities, and shall*
21 *place a priority on cooperative research efforts designed to*
22 *address pressing fishery management or marine ecosystem*
23 *information needs.*

24 (3) *The Board shall be comprised of the following rep-*
25 *resentatives or their designees—*

1 (A) *the Secretary of Commerce, who shall be a*
2 *co-chair of the Board;*

3 (B) *the Secretary of State;*

4 (C) *the Secretary of the Interior;*

5 (D) *the Commandant of the Coast Guard;*

6 (E) *the Director of the Office of Naval Research;*

7 (F) *the Alaska Commissioner of Fish and Game,*
8 *who shall also be a co-chair of the Board;*

9 (G) *the Chairman of the North Pacific Fishery*
10 *Management Council;*

11 (H) *the Chairman of the Arctic Research Com-*
12 *mission;*

13 (I) *the Director of the Oil Spill Recovery Insti-*
14 *tute;*

15 (J) *the Director of the Alaska SeaLife Center;*

16 (K) *five members nominated by the Governor of*
17 *Alaska and appointed by the Secretary of Commerce,*
18 *one of whom shall represent fishing interests, one of*
19 *whom shall represent Alaska Natives, one of whom*
20 *shall represent environmental interests, one of whom*
21 *shall represent academia, and one of whom shall rep-*
22 *resent oil and gas interests;*

23 (L) *three members nominated by the Governor of*
24 *Washington and appointed by the Secretary of Com-*
25 *merce; and*

1 (M) one member nominated by the Governor of
2 Oregon and appointed by the Secretary of Commerce.
3 The members of the Board shall be individuals knowledge-
4 able by education, training, or experience regarding fish-
5 eries or marine ecosystems in the north Pacific Ocean, Ber-
6 ing Sea, or Arctic Ocean. Three nominations shall be sub-
7 mitted for each member to be appointed under subpara-
8 graphs (K), (L), and (M). Board members appointed under
9 subparagraphs (K), (L), and (M) shall serve for three year
10 terms, and may be reappointed.

11 (4)(A) The Secretary of Commerce shall review and
12 administer grants recommended by the Board. If the Sec-
13 retary does not approve a grant recommended by the board,
14 the Secretary shall explain in writing the reasons for not
15 approving such grant, and the amount recommended to be
16 used for such grant shall be available only for other grants
17 recommended by the Board.

18 (B) Grant recommendations and other decisions of the
19 Board shall be by majority vote, with each member having
20 one vote. The Board shall establish written criteria for the
21 submission of grant requests through a competitive process
22 and for deciding upon the award of grants. Grants shall
23 be recommended by the Board on the basis of merit in ac-
24 cordance with the priorities established by the Board. The
25 Secretary shall provide the Board such administrative and

1 *technical support as is necessary for the effective function-*
2 *ing of the Board. The Board shall be considered an advisory*
3 *panel established under section 302(g) of the Magnuson-Ste-*
4 *vens Fishery Conservation and Management Act (16 U.S.C.*
5 *1801 et seq.) for the purposes of section 302(i)(1) of such*
6 *Act, and the other procedural matters applicable to advi-*
7 *sory panels under section 302(i) of such Act shall apply*
8 *to the Board to the extent practicable. Members of the Board*
9 *may be reimbursed for actual expenses incurred in perform-*
10 *ance of their duties for the Board. Not more than 5 percent*
11 *of the funds provided to the Secretary of Commerce under*
12 *paragraph (1) may be used to provide support for the Board*
13 *and administer grants under this subsection.*

14 **(82)**Page 44, after line 25, insert:

15 *SEC. 136. Notwithstanding any other provision of law,*
16 *in payment for facilities, equipment, and interests de-*
17 *stroyed by the Federal Government at the Stampede Mine*
18 *Site within the boundaries of Denali National Park—(1)*
19 *the Secretary of the Interior, within existing funds des-*
20 *ignated by this Act for expenditure for Departmental Man-*
21 *agement, shall by September 15, 1998—(A) provide funds,*
22 *subject to an appraisal in accordance with standard ap-*
23 *praisal methods, not to exceed \$500,000 to the University*
24 *of Alaska Fairbanks, School of Mineral Engineering; and*
25 *(B) shall remove mining equipment at the Stampede Mine*

1 *Site identified by the School of Mineral Engineering to a*
2 *site specified by the School of Mineral Engineering; and*
3 *(2) the Secretary of the Army shall provide, at no cost, two*
4 *six by six vehicles, in excellent operating condition, or*
5 *equivalent equipment to the University of Alaska Fair-*
6 *banks, School of Mineral Engineering and shall construct*
7 *a bridge across the Bull River to the Golden Zone Mine*
8 *Site to allow ingress and egress for the activities conducted*
9 *by the School of Mineral Engineering. Upon transfer of the*
10 *funds, mining equipment, and the completion of all work*
11 *designated by this section, the University of Alaska Fair-*
12 *banks, School of Mineral Engineering shall convey all re-*
13 *maining rights and interests in the Stampede Mine Site*
14 *to the Secretary of the Interior.*

15 **(83)**Page 45, line 6, strike out **【\$187,644,000】** and in-
16 sert: \$188,644,000

17 **(84)**Page 45, line 13, strike out **【\$157,922,000】** and in-
18 sert: \$162,668,000

19 **(85)**Page 45, line 14, after “law” insert: : *Provided, That*
20 *of funds available under this heading for Pacific Northwest*
21 *Assistance in this or prior appropriations Acts, \$800,000*
22 *shall be provided to the World Forestry Center for purposes*
23 *of continuing scientific research and other authorized efforts*

1 *regarding the land exchange efforts in the Umpqua River*
2 *Basin region*

3 **(86)**Page 45, line 14, after “law” insert: : *Provided fur-*
4 *ther, That activities conducted pursuant to funds provided*
5 *herein for the Alaska Spruce Bark Beetle task force shall*
6 *be exempt from the requirements of the Federal Advisory*
7 *Committee Act*

8 **(87)**Page 45, line 25, strike out **【\$1,364,480,000】** and
9 insert: *\$1,337,045,000*

10 **(88)**Page 46, line 7, after “ed” insert: : *Provided further,*
11 *That funds may be used to construct or reconstruct facilities*
12 *of the Forest Service: Provided further, That no more than*
13 *\$250,000 shall be used on any single project, exclusive of*
14 *planning and design costs: Provided further, That the For-*
15 *est Service shall report annually to Congress the amount*
16 *obligated for each project, and the total dollars obligated*
17 *during the year*

18 **(89)**Page 46, line 14, strike out **【\$591,715,000】** and in-
19 sert: *\$582,715,000*

20 **(90)**Page 46, line 20, strike out all after “for,” down to
21 and including “\$5,600,000)” in line 21 and insert:
22 *\$155,669,000*

1 **(91)**Page 46, line 26, after “205” insert: , *of which*
2 *\$800,000 shall be available for the design and engineering*
3 *of the Trappers Loop Connector Road in the Wasatch-Cache*
4 *National Forest.*

5 **(92)**Page 46, line 26, strike out all after “205” over to
6 and including “purchasers” in line 3 on page 47

7 **(93)**Page 47, line 10, strike out **[\$45,000,000]** and in-
8 sert: *\$49,176,000*

9 **(94)**Page 49, strike out lines 3 through 8

10 **(95)**Page 50, line 11, after “Agriculture” insert: *other*
11 *than office relocations and closures in Alaska as specified*
12 *in the Committee report accompanying this bill,*

13 **(96)**Page 54, line 3, strike out **[\$2,000,000]** and insert:
14 *\$2,500,000*

15 **(97)**Page 54, line 9, strike out **[\$500,000]** and insert:
16 *\$1,000,000*

17 **(98)**Page 58, after line 11, insert:

18 *Funds appropriated by this Act for Region 10 of the*
19 *Forest Service to implement the Revised Tongass National*
20 *Forest Land Management Plan, shall be spent and obligated*
21 *at the Forest Supervisor and Ranger District levels. No*
22 *funds appropriated under this or any other Act for the pur-*

1 *pose of operations conducted at the Region 10 headquarters,*
2 *including funding of centralized field costs for funding of*
3 *persons employed at the Regional Office, shall be obligated*
4 *or expended in excess of \$17,500,000 from the total funds*
5 *appropriated for Region 10.*

6 **(99)**Page 59, line 8, strike out **【\$313,153,000】** and in-
7 sert: *\$363,969,000*

8 **(100)**Page 59, line 25, strike out **【\$115,000,000】** and
9 insert: *\$107,000,000*

10 **(101)**Page 60, line 16, strike out **【\$644,766,000】** and
11 insert: *\$629,357,000*

12 **(102)**Page 60, line 21, strike out **【\$153,845,000】** and
13 insert: *\$160,100,000*

14 **(103)**Page 61, line 2, strike out **【\$123,845,000】** and in-
15 sert: *\$129,000,000*

16 **(104)**Page 61, line 3, strike out **【\$30,000,000】** and in-
17 sert: *\$31,100,000*

18 **(105)**Page 61, strike out lines 9 through line 26 and in-
19 sert:

1 *STRATEGIC PETROLEUM RESERVE*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For necessary expenses for Strategic Petroleum Reserve*
4 *facility development and operations and program manage-*
5 *ment activities pursuant to the Energy Policy and Con-*
6 *servaion Act of 1975, as amended (42 U.S.C. 6201 et seq.),*
7 *\$207,500,000, to remain available until expended, of which*
8 *\$207,500,000 shall be repaid from the “SPR Operating*
9 *Fund” from amounts made available from the sales under*
10 *this heading: Provided, That, consistent with Public law*
11 *104–106, proceeds in excess of \$2,000,000,000 from the sale*
12 *of the Naval Petroleum Reserve Numbered 1 shall be depos-*
13 *ited into the “SPR Operating Fund”, and are hereby ap-*
14 *propriated, to remain available until expended, for repay-*
15 *ments under this heading and for operations of, or acquisi-*
16 *tion, transportation, and injection of petroleum products*
17 *into, the Strategic Petroleum Reserve: Provided further,*
18 *That if the Secretary of Energy finds that the proceeds from*
19 *the sale of the Naval Petroleum Reserve Numbered 1 will*
20 *not be at least \$2,207,500,000 in fiscal year 1998, the Sec-*
21 *retary, notwithstanding section 161 of the Energy Policy*
22 *and Conservaion Act of 1975, shall draw down and sell*
23 *oil from the Strategic Petroleum Reserve in fiscal year*
24 *1998, and deposit the proceeds into the “SPR Operating*
25 *Fund”, in amounts sufficient to make deposits into the fund*
26 *total \$207,500,000 in that fiscal year: Provided further,*

1 *That the amount of \$2,000,000,000 in the first proviso and*
2 *the amount of \$2,207,500,000 in the second proviso shall*
3 *be adjusted by the Director of the Office of Management and*
4 *Budget to amounts not to exceed \$2,415,000,000 and*
5 *\$2,622,500,000, respectively, only to the extent that an ad-*
6 *justment is necessary to avoid a sequestration, or any in-*
7 *crease in a sequestration due to this section, under the pro-*
8 *cedures prescribed in the Budget Enforcement Act of 1990,*
9 *as amended: Provided further, That the Secretary of En-*
10 *ergy, notwithstanding section 161 of the Energy Policy and*
11 *Conservation Act of 1975, shall draw down and sell oil from*
12 *the Strategic Petroleum Reserve in fiscal year 1998 suffi-*
13 *cient to deposit \$15,000,000 into the General Fund of the*
14 *Treasury of the United States, and shall transfer such*
15 *amount to the General Fund: Provided further, That pro-*
16 *ceeds deposited into the “SPR Operating Fund” under this*
17 *heading shall, upon receipt, be transferred to the Strategic*
18 *Petroleum Reserve account for operations and activities of*
19 *the Strategic Petroleum Reserve and to satisfy the require-*
20 *ments specified under this heading.*

21 **(106)**Page 62, line 10, strike out **【\$66,800,000】** and in-
22 sert: \$62,800,000

23 **(107)**Page 65, line 1, strike out **【102–496】** and insert:
24 102–486

1 **(108)**Page 65, line 11, strike out **【\$1,829,008,000】** and
2 insert: *\$1,958,235,000*

3 **(109)**Page 65, line 24, strike out **【\$359,348,000】** and
4 insert: *\$362,375,000*

5 **(110)**Page 67, line 6 after “expended” insert: : *Provided*
6 *further, That an amount not to exceed \$200,000 shall be*
7 *available to fund the Office of Navajo Uranium Workers*
8 *for health screening and epidemiologic follow up of ura-*
9 *nium miners and mill workers, to be derived from funds*
10 *otherwise available for administrative and travel expenses*

11 **(111)**Page 67, line 17, strike out all after “Act” down
12 to and including “\$257,310,000” in line 21 and insert:
13 *\$168,501,000*

14 **(112)**Page 70, line 9, strike out all after “Act” down to
15 and including “Service” in line 16 and insert: : *Provided*
16 *further, That with respect to functions transferred by the*
17 *Indian Health Service to tribes or tribal organizations, the*
18 *Indian Health Service is authorized to provide goods and*
19 *services to those entities, on a reimbursable basis, including*
20 *payment in advance with subsequent adjustment, and the*
21 *reimbursements received therefrom, along with the funds re-*
22 *ceived from those entities pursuant to the Indian Self-Deter-*
23 *mination Act, may be credited to the same or subsequent*

1 *appropriation account which provided the funding, said*
2 *amounts to remain available until expended*

3 **(113)**Page 71, line 6, strike out **【\$18,345,000】** and in-
4 sert: *\$15,000,000*

5 **(114)**Page 72, line 7, strike out **【\$3,000,000】** and insert:
6 *\$5,500,000*

7 **(115)**Page 72, line 23, strike out **【\$334,557,000】** and
8 insert: *\$333,708,000*

9 **(116)**Page 73, line 24, strike out **【\$50,000,000】** and in-
10 sert: *\$32,000,000*

11 **(117)**Page 74, after line 3, insert:

12 *CONSTRUCTION*

13 *For necessary expenses for construction, \$33,000,000,*
14 *to remain available until expended: Provided, That not-*
15 *withstanding any other provision of law, a single procure-*
16 *ment for the construction of the National Museum of the*
17 *American Indian may be issued which includes the full*
18 *scope of the project: Provided further, That the solicitation*
19 *and the contract shall contain the clause “availability of*
20 *funds” found at 48 CFR 52.232.18.*

21 **(118)**Page 75, line 10, strike out **【\$6,442,000】** and in-
22 sert: *\$5,942,000*

1 **(119)**Page 76, strike out lines 4 and 5 and insert:

2 *For expenses necessary in carrying out the provisions*
3 *of the Woodrow Wilson Memorial Act of 1968 (82 Stat.*
4 *1356) including hire of passenger vehicles and services as*
5 *authorized by 5 U.S.C. 3109, \$5,840,000.*

6 **(120)**Page 76, after line 7, insert:

7 *NATIONAL ENDOWMENT FOR THE ARTS*

8 **(121)**Page 76, after line 7, insert:

9 *GRANTS AND ADMINISTRATION*

10 *For necessary expenses to carry out the National Foun-*
11 *ation on the Arts and the Humanities Act of 1965, as*
12 *amended, \$83,300,000 shall be available to the National*
13 *Endowment for the Arts for the support of projects and pro-*
14 *ductions in the arts through assistance to organizations and*
15 *individuals pursuant to section 5(c) of the Act, and for ad-*
16 *ministering the functions of the Act, to remain available*
17 *until expended.*

18 **(122)**Page 76, after line 7, insert:

19 *MATCHING GRANTS*

20 *To carry out the provisions of section 10(a)(2) of the*
21 *National Foundation on the Arts and the Humanities Act*
22 *of 1965, as amended, \$16,760,000, to remain available until*
23 *expended, to the National Endowment for the Arts: Pro-*
24 *vided, That this appropriation shall be available for obliga-*

1 *tion only in such amounts as may be equal to the total*
2 *amounts of gifts, bequests, and devises of money, and other*
3 *property accepted by the Chairman or by grantees of the*
4 *Endowment under the provisions of section 10(a)(2), sub-*
5 *sections 11(a)(2)(A) and 11(a)(3)(A) during the current*
6 *and preceding fiscal years for which equal amounts have*
7 *not previously been appropriated.*

8 **(123)**Page 76, line 12, strike out **【\$96,100,000】** and in-
9 sert: *\$96,800,000*

10 **(124)**Page 77, line 9, strike out **【\$23,390,000】** and in-
11 sert: *\$22,290,000*

12 **(125)**Page 77, line 25, strike out **【\$6,000,000】** and in-
13 sert: *\$7,000,000*

14 **(126)**Page 78, line 5, strike out **【\$2,700,000】** and insert:
15 *\$2,745,000*

16 **(127)**Page 78, line 13, strike out **【\$5,700,000】** and in-
17 sert: *\$5,740,000*

18 **(128)**Page 85, strike out lines 8 through 19

19 **(129)**Page 85, strike out all after line 19 over to and
20 including line 14 on page 86

21 **(130)**Page 86, strike out lines 15 through 19 and insert:

1 *SEC. 318. No part of any appropriation contained in*
2 *this Act shall be expended or obligated to fund the activities*
3 *of the western director and special assistant to the Secretary*
4 *within the Office of the Secretary of Agriculture unless the*
5 *proposed expenditure is approved in advance by the House*
6 *and Senate Committees on Appropriations in compliance*
7 *with the reprogramming procedures contained in the report*
8 *accompanying this bill.*

9 **(131)**Page 86, line 21, after “1998” insert: *and hereafter*

10 **(132)**Page 87, strike out lines 4 through 18

11 **(133)**Page 87, line 23, after “Appropriations” insert: *if*
12 *the estimated total cost of the facility exceeds \$500,000*

13 **(134)**Page 88, strike out lines 5 through 22

14 **(135)**Page 89, strike out lines 9 through 12 and insert:

15 *SEC. 325. (a) Notwithstanding any other provision of*
16 *law, and except as provided in this section, the Aleutian/*
17 *Pribilof Islands Association, Inc., Bristol Bay Area Health*
18 *Corporation, Chugachmiut, Copper River Native Associa-*
19 *tion, Kodiak Area Native Area Association, Maniilaq Asso-*
20 *ciation, Metlakatla Indian Community, Arctic Slope Native*
21 *Association, Ltd., Norton Sound Health Corporation,*
22 *Southcentral Foundation, Southeast Alaska Regional*
23 *Health Consortium, Tanana Chiefs Conference, Inc., and*

1 *Yukon-Kuskokwim Health Corporation (hereinafter “re-*
2 *gional health entities”), without further resolutions from the*
3 *Regional Corporations, Village Corporations, Indian Reor-*
4 *ganization Act Councils, tribes and/or villages which they*
5 *represent are authorized to form a consortium (hereinafter*
6 *“the Consortium”) to enter into contracts, compacts, or*
7 *funding agreements under Public Law 93–638 (25 U.S.C.*
8 *450 et seq.), as amended, to provide all statewide health*
9 *services provided by the Indian Health Service of the U.S.*
10 *Department of Health and Human Services through the*
11 *Alaska Native Medical Center and the Alaska Area Office.*
12 *Each specified “regional health entity” shall maintain that*
13 *status for purposes of participating in the Consortium only*
14 *so long as it operates a regional health program for the In-*
15 *dian Health Service under Public Law 93–638 (25 U.S.C.*
16 *450 et seq.), as amended.*

17 *(b) The Consortium shall be governed by a 15 member*
18 *Board of Directors, which shall be composed of one rep-*
19 *resentative of each regional health entity listed in subsection*
20 *(a) above, and two additional persons who shall represent*
21 *Indian tribes, as defined in 25 U.S.C. 450b(e), and sub-*
22 *regional tribal organizations which operate health pro-*
23 *grams not affiliated with the regional health entities listed*
24 *above and Indian tribes not receiving health services from*
25 *any tribal, regional or sub-regional health provider. Each*

1 *member of the Board of Directors shall be entitled to cast*
2 *one vote. Decisions of the Board of Directors shall be made*
3 *by consensus whenever possible, and by majority vote in*
4 *the event that no consensus can be reached. The Board of*
5 *Directors shall establish at its first meeting its rules of pro-*
6 *cedure, which shall be published and made available to all*
7 *members.*

8 *(c) The statewide health services (including any pro-*
9 *grams, functions, services and activities provided as part*
10 *of such services) of the Alaska Native Medical Center and*
11 *the Alaska Area Office may only be provided by the Consor-*
12 *tium. Statewide health services for purposes of this section*
13 *shall consist of all programs, functions, services, and activi-*
14 *ties provided by or through the Alaska Native Medical Cen-*
15 *ter and the Alaska Area Office, not under contract or other*
16 *funding agreement with any other tribe or tribal organiza-*
17 *tion as of October 1, 1997, except as provided in subsection*
18 *(d) below. All statewide health services provided by the Con-*
19 *sortium under this section shall be provided pursuant to*
20 *contracts or funding agreements entered into by the Consor-*
21 *tium under Public Law 93–638 (25 U.S.C. 450 et seq.),*
22 *as amended, and for such purpose the Consortium shall be*
23 *deemed to have mature contract status as defined in section*
24 *4(h) of the Indian Self-Determination and Education As-*
25 *sistance Act, 25 U.S.C. 450b(h).*

1 (d) Cook Inlet Region, Inc., through Southcentral
2 Foundation (or any successor health care entity designated
3 by Cook Inlet Region, Inc.) pursuant to Public Law 93–
4 638 (25 U.S.C. 450 et seq.), as amended, is hereby author-
5 ized to enter into contracts or funding agreements under
6 such Public Law for all services, provided at or through
7 the Alaska Native Primary Care Center or other satellite
8 clinics in Anchorage or the Matanuska-Susitna Valley with-
9 out submission of any further authorizing resolutions from
10 any other Alaska Native Region, village corporation, In-
11 dian Reorganization Act council, or tribe, no matter where
12 located. Services provided under this paragraph shall, at
13 a minimum, maintain the level of statewide and Anchorage
14 Service Unit services provided at the Alaska Native Pri-
15 mary Care Center as of October 1, 1997, including nec-
16 essary related services performed at the Alaska Native Medi-
17 cal Center. In addition, Cook Inlet Region, Inc., through
18 Southcentral Foundation, or any lawfully designated health
19 care entity of Cook Inlet Region, Inc., shall contract or enter
20 into a funding agreement under Public Law 93–638 (25
21 U.S.C. 450 et seq.), as amended, for all primary care serv-
22 ices provided by the Alaska Native Medical Center, includ-
23 ing, but not limited to, family medicine, primary care in-
24 ternal medicine, pediatrics, obstetrics and gynecology, phys-
25 ical therapy, psychiatry, emergency services, public health

1 *nursing, health education, optometry, dentistry, audiology,*
2 *social services, pharmacy, radiology, laboratory and bio-*
3 *medical, and the administrative support for these programs,*
4 *functions, services and activities. Cook Inlet Region, Inc.,*
5 *through Southcentral Foundation, or any lawfully des-*
6 *ignated health care entity of Cook Inlet Region, Inc., may*
7 *provide additional health care services at the Alaska Native*
8 *Medical Center if such use and services are provided pursu-*
9 *ant to an agreement with the Consortium. All services cov-*
10 *ered by this subsection shall be provided on a nondiscrim-*
11 *inatory basis without regard to residency within the Mu-*
12 *nicipality of Anchorage.*

13 **(136)**Page 89, after line 12 insert:

14 *SEC. 326. (a) Notwithstanding any other provision of*
15 *law, after September 30, 1997 the Indian Health Service*
16 *may not disburse funds for the provision of health care serv-*
17 *ices pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.),*
18 *with any Alaska Native village or Alaska Native village cor-*
19 *poration that is located within the area served by an Alaska*
20 *Native regional health entity.*

21 *(b) Nothing in this section shall be construed to pro-*
22 *hibit the disbursal of funds to any Alaska Native village*
23 *or Alaska Native village corporation under any contract or*
24 *compact entered into prior to May 1, 1997, or to prohibit*
25 *the renewal of any such agreement.*

1 (c) *The General Accounting Office shall conduct a*
2 *study of the impact of contracting and compacting by the*
3 *Indian Health Service under Public Law 93–638 with Alas-*
4 *ka Native villages and Alaska Native village corporations*
5 *for the provision of health care services on the provision*
6 *of health care services by Alaska Native regional corpora-*
7 *tion health care entities. The General Accounting Office*
8 *shall submit the results of that study to the Committee on*
9 *Appropriations of the Senate and the Committee on Appro-*
10 *priations of the House by June 1, 1998.*

11 **(137)**Page 89, strike out lines 13 through 18.

12 **(138)**Page 89, strike out lines 19 through 23.

13 **(139)**Page 90, after line 5, insert:

14 *SEC. 329. Of the funds provided to the National En-*
15 *dowment for the Arts:*

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

20 (b) *The Chairperson shall establish procedures to*
21 *ensure that no funding provided through a grant, ex-*
22 *cept a grant made to a State or local arts agency, or*
23 *regional group, may be used to make a grant to any*
24 *other organization or individual to conduct activity*

1 *independent of the direct grant recipient. Nothing in*
2 *this subsection shall prohibit payments made in ex-*
3 *change for goods and services.*

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

8 **(140)**Page 90, after line 5, insert:

9 *SEC. 330. 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 **(141)**Page 90, after line 5, insert:

24 *SEC. 331. In fiscal years 1998 through 2002, the Sec-*
25 *retaries of the Interior and Agriculture may make recip-*

1 rocal delegations of their respective authorities, duties and
2 responsibilities in support of joint pilot programs to pro-
3 mote customer service and efficiency in the management of
4 public lands and national forests: Provided, That nothing
5 herein shall alter, expand or limit the existing applicability
6 of any public law or regulation to lands administered by
7 the Bureau of Land Management or the United States For-
8 est Service.

9 **(142)**Page 90, after line 5, insert:

10 *SEC. 332. No part of any appropriation contained in*
11 *this Act shall be expended or obligated to fund any activities*
12 *associated with revision of national forest land manage-*
13 *ment plans until the administration publishes new final*
14 *rules in the Federal Register for forest land management*
15 *planning activities.*

16 **(143)**Page 90, after line 5, insert:

17 *SEC. 333. No part of any appropriation contained in*
18 *this Act shall be expended or obligated to fund any activities*
19 *associated with issuance of the five year program under the*
20 *Forest and Rangeland Renewable Resources Planning Act.*

21 **(144)**Page 90, after line 5, insert:

22 *SEC. 334. (a) WATERSHED RESTORATION AND EN-*
23 *HANCEMENT AGREEMENTS—IN GENERAL.—For fiscal year*
24 *1998 and each year thereafter, appropriations for the Forest*

1 *Service may be used by the Secretary of Agriculture for the*
2 *purpose of entering into cooperative agreements with will-*
3 *ing state and local governments, private and non-profit en-*
4 *tities and landowners for protection, restoration and en-*
5 *hancement of fish and wildlife habitat, and other resources*
6 *on public or private land or both that benefit these resources*
7 *within the watershed.*

8 **(b) DIRECT AND INDIRECT WATERSHED AGREE-**
9 **MENTS.**—*The Secretary of Agriculture may enter into a wa-*
10 *tershed restoration and enhancement agreement—*

11 (1) *directly with a willing private landowner; or*

12 (2) *indirectly through an agreement with a state,*
13 *local or tribal government or other public entity, edu-*
14 *cational institution, or private non-profit organiza-*
15 *tion.*

16 **(c) TERMS AND CONDITIONS.**—*In order for the Sec-*
17 *retary to enter into a watershed restoration and enhance-*
18 *ment agreement—*

19 (1) *the agreement shall—*

20 (A) *include such terms and conditions mu-*
21 *tually agreed to by the Secretary and the land-*
22 *owner;*

23 (B) *improve the viability of and otherwise*
24 *benefit the fish, wildlife, and other resources on*
25 *national forests lands within the watershed;*

1 (C) authorize the provision of technical as-
2 sistance by the Secretary in the planning of
3 management activities that will further the pur-
4 poses of the agreement;

5 (D) provide for the sharing of costs of im-
6 plementing the agreement among the Federal
7 government, the landowner(s), and other entities,
8 as mutually agreed on by the affected interests;
9 and

10 (E) ensure that any expenditure by the Sec-
11 retary pursuant to the agreement is determined
12 by the Secretary to be in the public interest; and

13 (2) the Secretary may require such other terms
14 and conditions as are necessary to protect the public
15 investment on non-federal lands, provided such terms
16 and conditions are mutually agreed to by the Sec-
17 retary and other land owners, state and local govern-
18 ments or both.

19 **(145)**Page 90, after line 5, insert:

20 SEC. 335. The joint resolution entitled “Joint Resolu-
21 tion to establish a commission to formulate plans for a me-
22 morial to Franklin Delano Roosevelt”, approved August 11,
23 1955 (69 Stat. 694), is amended—

24 (a) in the first section by inserting before the last
25 sentence the following: “The Commission shall submit

1 *a final report to the President and Congress prior to*
2 *termination.”;*

3 *(b) by redesignating section 4 as section 5; and*

4 *(c) by inserting after section 3 the following:*

5 *“TERMINATION OF THE COMMISSION*

6 *“SEC. 4. (a) IN GENERAL.—The Commission shall ter-*
7 *minate on the earlier of—*

8 *“(1) December 31, 1997; or*

9 *“(2) the date that the Commission reports to the*
10 *President and the Congress that the Commission’s*
11 *work is complete.*

12 *“(b) COMMISSION FUNDS.—*

13 *“(1) DESIGNATION.—Before the termination of*
14 *the Commission, the Commission shall designate a*
15 *nonprofit organization to collect, manage, and expend*
16 *Commission funds after its termination.*

17 *“(2) TRANSFER OF FUNDS.—Before termination*
18 *the Commission shall transfer all Commission funds*
19 *to the entity designated under paragraph (1).*

20 *“(3) AMOUNTS COLLECTED AFTER TERMI-*
21 *NATION.—The entity designated under paragraph (1)*
22 *shall have the right to collect any amounts accruing*
23 *to the Commission after the Commission’s termi-*
24 *nation, including amounts—*

25 *“(A) given to the Commission as a gift or*
26 *bequest; or*

1 “(B) raised from the sale of coins issued
2 under the United States Commemorative Coin
3 Act of 1996 (110 Stat. 4005; 31 U.S.C. 5112
4 note).

5 “(4) USES OF FUNDS.—The Commission may
6 specify uses for any funds made available under this
7 section to the entity designated under paragraph (1),
8 including—

9 “(A) to provide for the support, mainte-
10 nance, and repair of the Memorial; and

11 “(B) to interpret and educate the public
12 about the Memorial.

13 “(5) NEGOTIATION AND CONTRACT.—The Com-
14 mission may negotiate and contract with a nonprofit
15 organization before designating the organization
16 under paragraph (1).”.

17 **(146)**Page 90, after line 5, insert:

18 SEC. 336. To facilitate priority land exchanges
19 through which the United States will receive land within
20 the White Salmon Wild and Scenic River boundaries and
21 within the Columbia River Gorge National Scenic Area, the
22 Secretary of Agriculture may hereafter accept title to such
23 lands deemed appropriate by the Secretary within the
24 States of Oregon and Washington, regardless of the State

1 *in which the transferred lands are located, following exist-*
2 *ing exchange authorities.*

3 **(147)**Page 90, after line 5, insert:

4 *SEC. 337. The boundary of the Wenatchee National*
5 *Forest in Chelan County, Washington, is hereby adjusted*
6 *to exclude section 1 of Township 23 North, Range 19 East,*
7 *Willamette Meridian.*

8 **(148)**Page 90, after line 5, insert:

9 *SEC. 338. None of the funds provided in this Act can*
10 *be used for any activities associated with the Center of Ex-*
11 *cellence for Sustainable Development unless a budget re-*
12 *quest has been submitted and approved by the Committees*
13 *on Appropriations of the House of Representatives and the*
14 *United States Senate.*

15 **(149)**Page 90, after line 5, insert:

16 *SEC. 339. (a) No funds provided in this or any other*
17 *act may be expended to develop a rulemaking proposal to*
18 *amend or replace the Bureau of Land Management regula-*
19 *tions found at 43 C.F.R. 3809 or to prepare a draft envi-*
20 *ronmental impact statement on such proposal, until the*
21 *Secretary of the Interior certifies to the Committees on En-*
22 *ergy and Natural Resources and Appropriations of the*
23 *United States Senate and the Committees on Resources and*
24 *Appropriations of the United States House of Representa-*

1 *tives that the Department of the Interior has consulted with*
2 *the Governor, or his/her representative, from each State that*
3 *contains public lands open to location under the General*
4 *Mining Laws.*

5 *(b) The Secretary shall not publish proposed regula-*
6 *tions to amend or replace the Bureau of Land Management*
7 *regulations found at 43 C.F.R. 3809 prior to November 15,*
8 *1998, and shall not finalize such regulations prior to 90*
9 *days after such publication.*

10 **(150)**Page 90, after line 5, insert:

11 *SEC. 340. (a) The Secretary of Agriculture shall con-*
12 *vey to Skamania County, Washington, all right, title, and*
13 *interest of the United States in and to a parcel of unused*
14 *real property known as the Wind River Nursery site, Gif-*
15 *ford Pinchot National Forest, Washington. (See U.S. De-*
16 *partment of Interior Geological Survey modified for USDA*
17 *Forest Service map, Stabler Quadrangle, Washington,*
18 *Skamania County, 7.5 minutes series, topographic, Provi-*
19 *sional Edition 1983). The conveyance under this subsection*
20 *shall include all improvements to the parcel, including all*
21 *infrastructure, water rights, easements, and personal prop-*
22 *erty.*

23 *(b) As consideration for the conveyance under sub-*
24 *section (b), Skamania County shall convey to the United*
25 *States all right, title, and interest of the county in a parcel*

1 of approximately 120 acres of high biodiversity, special
 2 management area land located within the Columbia River
 3 Gorge National Scenic Area.

4 (c) The exact acreage and legal description of the real
 5 property to be exchanged by Skamania County under this
 6 section shall be determined by a survey. The cost of any
 7 such survey shall be borne by Skamania County.

8 (d) The conveyances made pursuant to this section
 9 shall be subject to existing valid rights.

10 (e) Section 120(h) of the Comprehensive Environ-
 11 mental Response, Compensation, Liability Act of 1980 (42
 12 U.S.C. 9620(h)) shall apply to the conveyance required
 13 under subsection (b).

14 (f) The Secretary may require such additional terms
 15 and conditions in connection with the conveyance under
 16 subsection (a) as the Secretary considers appropriate to
 17 protect the interests of the United States consistent with ex-
 18 isting law.

19 **(151)**Page 90, after line 5, insert:

20 *SEC. 341. (a) LOCAL EXEMPTIONS FROM FOREST*
 21 *SERVICE USER FEES DUE TO LESS THAN FULL FUNDING*
 22 *OF PAYMENTS IN LIEU OF TAXES.—Section 6906 of title*
 23 *31, United States Code, is amended—*

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

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

2 “(b) *LOCAL EXEMPTIONS FROM USER FEES DUE TO*
3 *INSUFFICIENT APPROPRIATIONS.—*

4 “(1) *IN GENERAL.—Unless sufficient funds are*
5 *appropriated for a fiscal year to provide full pay-*
6 *ments under this chapter to each unit of general local*
7 *government that lies in whole or in part within the*
8 *White Mountain National Forest and is eligible for*
9 *the payments, persons residing within the boundaries*
10 *of that unit of general local government shall be ex-*
11 *empt during that fiscal year from any requirement to*
12 *pay a Demonstration Program Fee (parking permit*
13 *or passport) imposed by the Secretary of Agriculture*
14 *for access to the Forest.*

15 “(2) *ADMINISTRATION.—The Secretary of Agri-*
16 *culture shall establish a method of identifying persons*
17 *who are exempt from requirements to pay user fees*
18 *under paragraph (1).”.*

19 **(152)**Page 90, after line 5, insert:

20 *SEC. 342. None of the funds in this or any other Act*
21 *shall be expended by the Department of the Interior, the*
22 *Forest Service or any other Federal agency, for the intro-*
23 *duction of the grizzly bear population in the Selway-*
24 *Bitterroot area of Idaho and adjacent Montana, or for con-*
25 *sultations under section 7(b)(2) of the Endangered Species*

1 *Act for Federal actions affecting grizzly bear within the*
2 *Selway-Bitterroot area of Idaho, except that, funds may be*
3 *used by the Department of the Interior or the Forest Service,*
4 *or any other Federal agency for the purposes of receiving*
5 *public comment on the draft Environmental Impact State-*
6 *ment dated July 1997, and for conducting a habitat-based*
7 *population viability analysis.*

8 **(153)**Page 90, after line 5, insert:

9 *SEC. 343. The Secretary of Agriculture shall hereafter*
10 *phase in, over a 5 year period, the fee increase for a recre-*
11 *ation residence special use permit holder whose fee increase*
12 *is more than 100 percent of the previous year's fee: Pro-*
13 *vided, That no recreation residence fee may be increased*
14 *any sooner than one year from the time the permittee has*
15 *been notified by the Forest Service of the results of an ap-*
16 *praisal which has been conducted for the purpose of estab-*
17 *lishing such fees: Provided further, That no increases in*
18 *recreation residence fees on the Sawtooth National Forest*
19 *will be implemented prior to January 1, 1999.*

20 **(154)**Page 90, after line 5, insert:

21 *SEC. 344. It is the sense of the Senate that—*
22 *(1) preserving Civil War battlefields should be*
23 *an integral part of preserving our Nation's history;*
24 *and*

1 (2) *Congress should give special priority to the*
2 *preservation of Civil War battlefields by making*
3 *funds available for the purchase of threatened and en-*
4 *dangered Civil War battlefield sites.*

5 **(155)**Page 90, after line 5, insert:

6 *SEC. 345. It is the sense of the Senate that, inasmuch*
7 *as there is disagreement as to what extent, if any, Federal*
8 *funding for the arts is appropriate, and what modifications*
9 *to the mechanism for such funding may be necessary; and*
10 *further, inasmuch as there is a role for the private sector*
11 *to supplement the Federal, State, and local partnership in*
12 *support of the arts, hearings should be conducted and legis-*
13 *lation addressing these issues should be brought before the*
14 *full Senate for debate and passage during this Congress.*

15 **(156)**Page 90, after line 5, insert:

16 *SEC. 346. (a) In providing services or awarding finan-*
17 *cial assistance under the National Foundation on the Arts*
18 *and the Humanities Act of 1965 from funds appropriated*
19 *under this Act, the Chairperson of the National Endowment*
20 *for the Arts shall ensure that priority is given to providing*
21 *services or awarding financial assistance for projects, pro-*
22 *ductions, workshops, or programs that serve underserved*
23 *populations.*

24 *(b) In this section:*

1 (1) *The term “underserved population” means a*
2 *population of individuals who have historically been*
3 *outside the purview of arts and humanities programs*
4 *due to factors such as a high incidence of income*
5 *below the poverty line or to geographic isolation.*

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

12 **(157)**Page 90, after line 5, insert:

13 *SEC. 347. Within 90 days of enactment of this legisla-*
14 *tion, the Forest Service shall complete its export policy and*
15 *procedures on the use of Alaskan Western Red Cedar. In*
16 *completing this policy, the Forest Service shall evaluate the*
17 *costs and benefits of a pricing policy that offers any Alas-*
18 *kan Western Red Cedar in excess of domestic processing*
19 *needs in Alaska first to United States domestic processors.*

20 **(158)**Page 90, after line 5, insert:

21 *SEC. 348. Of the funds appropriated and designated*
22 *an emergency requirement in title II, chapter 5 of Public*
23 *Law 104–134, under the heading “Forest Service, Construc-*
24 *tion”, \$4,000,000 shall be available for the reconstruction*
25 *of the Oakridge Ranger Station, on the Willamette National*

1 *Forest in Oregon: Provided, That the amount shall be avail-*
2 *able only to the extent an official request, that includes des-*
3 *ignation of the amount as an emergency requirement as de-*
4 *finied by the Balanced Budget and Emergency Control Act*
5 *of 1985, as amended, is transmitted by the President to*
6 *Congress: Provided further, That reconstruction of the facil-*
7 *ity is designated by the Congress as an emergency require-*
8 *ment pursuant to section 251(b)(2)(D)(i) of the Balanced*
9 *Budget and Emergency Deficit Control Act of 1985, as*
10 *amended.*

11 **(159)**Page 90, after line 5, insert:

12 *SEC. 349. IMPLEMENTATION OF NEW GUIDELINES ON*
13 *NATIONAL FORESTS IN ARIZONA AND NEW MEXICO. (a)*
14 *Notwithstanding any other provision of law, none of the*
15 *funds made available under this or any other Act may be*
16 *used for the purposes of executing any adjustments to an-*
17 *nual operating plans, allotment management plans, or*
18 *terms and conditions of existing grazing permits on Na-*
19 *tional Forests in Arizona and New Mexico, which are or*
20 *may be deemed necessary to achieve compliance with 1996*
21 *amendments to the applicable forest plans, until March 1,*
22 *1998, or such time as the Forest Service publishes a schedule*
23 *for implementing proposed changes, whichever occurs first.*
24 *(b) Nothing in this section shall be interpreted to pre-*
25 *clude the expenditure of funds for the development of annual*

1 *operating plans, allotment management plans, or in devel-*
2 *oping modifications to grazing permits in cooperation with*
3 *the permittee.*

4 (c) *Nothing in this section shall be interpreted to*
5 *change authority or preclude the expenditure of funds pur-*
6 *suant to section 504 of the 1995 Rescissions Act (Public*
7 *Law 104–19).*

8 **(160)**Page 90, after line 5, insert:

9 *SEC. 350. PAYMENTS FOR ENTITLEMENT LAND. Sec-*
10 *tion 6901(2)(A)(i) of title 31, United States Code, is*
11 *amended by inserting “(other than in Alaska)” after “city”*
12 *the first place such term appears.*

13 **(161)**Page 90, after line 5, insert:

14 *SEC. 351. Delete section 103(c)(7) of Public Law 104–*
15 *333 and replace with the following:*

16 *“(7) STAFF.—Notwithstanding any other provi-*
17 *sions of law, the Trust is authorized to appoint and*
18 *fix the compensation and duties and terminate the*
19 *services of an executive director and such other offi-*
20 *cers and employees as it deems necessary without re-*
21 *gard to the provisions of title 5, United States Code,*
22 *or other laws related to the appointment, compensa-*
23 *tion or termination of Federal employees.”.*

1 **(162)**Page 90, strike out all after line 5 over to and in-
2 cluding line 25 on page 95

3 **(163)**Page 95, after line 25, insert:

4 *TITLE V—PRIORITY LAND ACQUISITIONS AND*
5 *EXCHANGES*

6 *For priority land acquisitions and land exchange*
7 *agreements to be conducted by the Bureau of Land Manage-*
8 *ment, the U.S. Fish and Wildlife Service, the National Park*
9 *Service and the U.S. Forest Service, \$700,000,000, to be de-*
10 *rived from the Land and Water Conservation Fund, to re-*
11 *main available until September 30, 2001, of which not to*
12 *exceed \$65,000,000 may be available for the acquisition of*
13 *identified lands and interests in lands to carry out the*
14 *Agreement of August 12, 1996, to acquire interests to pro-*
15 *tect and preserve Yellowstone National Park, of which not*
16 *to exceed \$250,000,000 may be available for the acquisition*
17 *of identified lands and interest in lands, at the purchase*
18 *price specified, in the September 28, 1996, Headwaters For-*
19 *est Agreement, and of which \$100,000,000 shall be available*
20 *for financial assistance to States pursuant to section 6 of*
21 *the Land and Water Conservation Fund Act of 1965, as*
22 *amended (16 U.S.C. 460l-4-11): Provided, That the Sec-*
23 *retary of the Interior and the Secretary of Agriculture, after*
24 *consultation with the heads of the National Park Service,*
25 *the United States Fish and Wildlife Service, the Bureau*

1 of Land Management, and the Forest Service, shall jointly
2 submit to Congress a report listing the lands and interests
3 in land, in order of priority, that the Secretaries propose
4 for acquisition or exchange using funds provided under this
5 heading: Provided further, That in determining the order
6 of priority, the Secretaries shall consider with respect to
7 each property the following: The natural resources located
8 on the property; the degree to which a natural resource on
9 the property is threatened; the length of time required to
10 consummate the acquisition or exchange; the extent to which
11 an increase in the cost of the property makes timely comple-
12 tion of the acquisition or exchange advisable; the extent of
13 public support for the acquisition or exchange (including
14 support of local governments and members of the public);
15 the total estimated costs associated with the acquisition or
16 exchange, including the costs of managing the lands to be
17 acquired; the extent of current Federal ownership of prop-
18 erty in the region; and such other factors as the Secretaries
19 consider appropriate, which factors shall be described in the
20 report in detail: Provided further, That the report shall de-
21 scribe the relative weight accorded to each such factor in
22 determining the priority of acquisitions and exchanges:
23 Provided further, That none of the funds appropriated
24 under this heading shall be available until the House Com-
25 mittee on Appropriations and the Senate Committee on Ap-

1 *propriations approve, in writing, a project list to be sub-*
2 *mitted by the Secretary: Provided further, That none of the*
3 *funds appropriated under this heading shall be available*
4 *for the acquisition of lands and interests in lands to carry*
5 *out the Agreement of August 12, 1996, to acquire interests*
6 *to protect and preserve Yellowstone National Park, or for*
7 *the acquisition of lands and interest in lands identified in*
8 *the September 28, 1996, Headwaters Forest Agreement until*
9 *enactment of legislation specifically authorizing such ex-*
10 *penditure: Provided further, That any funds made available*
11 *for the purpose of acquisition of the Elwha and Glines dams*
12 *shall be used solely for acquisition, and shall not be ex-*
13 *pended until the full purchase amount has been appro-*
14 *priated by the Congress: Provided further, That of the funds*
15 *provided herein, \$8,500,000 is available for acquisition of*
16 *the Sterling Forest: Provided further, That the National*
17 *Park Service may use not to exceed \$2,500,000 annually*
18 *of the amounts provided herein for the state assistance pro-*
19 *gram to administer the state assistance program.*

20 **(164)**Page 95, after line 25, insert:

21 *TITLE VI—FOREST RESOURCES CONSERVATION*
22 *AND SHORTAGE RELIEF*

23 *SEC. 601. SHORT TITLE.—This Act may be cited as*
24 *the “Forest Resources Conservation and Shortage Relief Act*
25 *of 1997”.*

1 *SEC. 602. (a) USE OF UNPROCESSED TIMBER—LIMI-*
2 *TATION ON SUBSTITUTION OF UNPROCESSED FEDERAL*
3 *TIMBER FOR UNPROCESSED TIMBER FROM PRIVATE*
4 *LAND.—Section 490 of the Forest Resources Conservation*
5 *and Shortage Relief Act of 1990 (16 U.S.C. 620b) is amend-*
6 *ed—*

7 (1) *in subsection (a)—*

8 (A) *in paragraph (1), by inserting “para-*
9 *graph (3) and” after “provided in”; and*

10 (B) *by adding at the end the following:*

11 “(3) *APPLICABILITY.—In the case of the pur-*
12 *chase by a person of unprocessed timber originating*
13 *from Federal lands west of the 119th meridian in the*
14 *State of Washington, this paragraph shall apply only*
15 *if—*

16 “(A) *the private lands referred to in para-*
17 *graph (1) are owned by the person; or*

18 “(B) *the person has the exclusive right to*
19 *harvest timber from the private lands described*
20 *in paragraph (1) during a period of more than*
21 *7 years, and may exercise that right at any time*
22 *of the person’s choosing.”;*

23 (2) *in subsection (c)—*

24 (A) *in the subsection heading, by striking*
25 *“APPROVAL OF”;*

1 (B) in paragraph (2)—

2 (i) in the paragraph heading, by in-
3 serting “FOR SOURCING AREAS FOR PROC-
4 CESSING FACILITIES LOCATED OUTSIDE THE
5 NORTHWESTERN PRIVATE TIMBER OPEN
6 MARKET AREA”; after “APPLICATION”; and

7 (ii) in subparagraph (A), by inserting
8 “(except private land located in the north-
9 western private timber open market area)”
10 after “lands”;

11 (C) in paragraph (3)—

12 (i) in the paragraph heading, by in-
13 serting “FOR SOURCING AREAS FOR PROC-
14 CESSING FACILITIES LOCATED OUTSIDE OF
15 THE NORTHWESTERN PRIVATE TIMBER
16 OPEN MARKET AREA.—(A) IN GENERAL”;
17 after “APPROVAL”; and

18 (ii) by striking the last sentence of
19 paragraph (3) and adding at the end the
20 following:

21 “(B) FOR TIMBER MANUFACTURING FACILI-
22 TIES LOCATED IN IDAHO.—Except as provided in
23 subparagraph (D), in making a determination
24 referred to in subparagraph (A), the Secretary
25 concerned shall consider the private timber ex-

1 port and the private and Federal timber
2 sourcing patterns for the applicant’s timber
3 manufacturing facilities, as well as the private
4 and Federal timber sourcing patterns for the
5 timber manufacturing facilities of other persons
6 in the same local vicinity of the applicant, and
7 the relative similarity of such private and Fed-
8 eral timber sourcing patterns.

9 “(C) FOR TIMBER MANUFACTURING FACILI-
10 TIES LOCATED IN STATES OTHER THAN IDAHO.—
11 Except as provided in subparagraph (D), in
12 making the determination referred to in sub-
13 paragraph (A), the Secretary concerned shall
14 consider the private timber export and the Fed-
15 eral timber sourcing patterns for the applicant’s
16 timber manufacturing facilities, as well as the
17 Federal timber sourcing patterns for the timber
18 manufacturing facilities of other persons in the
19 same local vicinity of the applicant, and the rel-
20 ative similarity of such Federal timber sourcing
21 patterns. Private timber sourcing patterns shall
22 not be a factor in such determinations in States
23 other than Idaho.

1 “(D) *AREA NOT INCLUDED.*—*In deciding*
2 *whether to approve or disapprove an applica-*
3 *tion, the Secretary shall not—*

4 “(i) *consider land located in the north-*
5 *western private timber open market area; or*

6 “(ii) *condition approval of the appli-*
7 *cation on the inclusion of any such land in*
8 *the applicant’s sourcing area, such land*
9 *being includable in the sourcing area only*
10 *to the extent requested by the applicant.”;*

11 (D) *in paragraph (4), in the paragraph*
12 *heading, by inserting “for sourcing areas for*
13 *processing facilities located outside the north-*
14 *western private timber open market area”;* after
15 *“application”;*

16 (E) *in paragraph (5), in the paragraph*
17 *heading, by inserting “for sourcing areas for*
18 *processing facilities located outside the north-*
19 *western private timber open market area”;* after
20 *“Determinations”;* and

21 (F) *by adding at the end the following:*

22 “(6) *SOURCING AREAS FOR PROCESSING FACILI-*
23 *TIES LOCATED IN THE NORTHWESTERN PRIVATE TIM-*
24 *BER OPEN MARKET AREA—*

1 “(A) *ESTABLISHMENT.*— *In the northwest-*
2 *ern private timber open market area—*

3 “(i) *a sourcing area boundary shall be*
4 *a circle around the processing facility of the*
5 *sourcing area applicant or holder;*

6 “(ii) *the radius of the circle—*

7 “(I) *shall be the furthest distance*
8 *that the sourcing area applicant or*
9 *holder proposes to haul Federal timber*
10 *for processing at the processing facil-*
11 *ity; and*

12 “(II) *shall be determined solely by*
13 *the sourcing area applicant or holder;*

14 “(iii) *a sourcing area shall become ef-*
15 *fective on written notice to the Regional*
16 *Forester for Region 6 of the Forest Service*
17 *of the location of the boundary of the*
18 *sourcing area;*

19 “(iv) *the 24-month requirement in*
20 *paragraph (1)(A) shall not apply;*

21 “(v) *a sourcing area holder—*

22 “(I) *may adjust the radius of the*
23 *sourcing area not more frequently than*
24 *once every 24 months; and*

1 “(II) shall provide written notice
2 to the Regional Forester for Region 6
3 of the adjusted boundary of its
4 sourcing area before using the adjusted
5 sourcing area; and

6 “(vi) a sourcing area holder that relin-
7 quishes a sourcing area may not reestablish
8 a sourcing area for that processing facility
9 before the date that is 24 months after the
10 date on which the sourcing area was relin-
11 quished.

12 “(B) TRANSITION.—With respect to a por-
13 tion of a sourcing area established before the date
14 of enactment of this paragraph that contains
15 Federal timber under contract before that date
16 and is outside the boundary of a new sourcing
17 area established under subparagraph (A)—

18 “(i) that portion shall continue to be a
19 sourcing area only until unprocessed Fed-
20 eral timber from the portion is no longer in
21 the possession of the sourcing area holder;
22 and

23 “(ii) unprocessed timber from private
24 land in that portion shall be exportable im-
25 mediately after unprocessed timber from

1 *Federal land in the portion is no longer in*
2 *the possession of the sourcing area holder.*

3 “(7) *RELINQUISHMENT AND TERMINATION OF*
4 *SOURCING AREAS.—*

5 “(A) *IN GENERAL.—A sourcing area may be*
6 *relinquished at any time.*

7 “(B) *EFFECTIVE DATE.—A relinquishment*
8 *of a sourcing area shall be effective as of the date*
9 *on which written notice is provided by the*
10 *sourcing area holder to the Regional Forester*
11 *with jurisdiction over the sourcing area where*
12 *the processing facility of the holder is located.*

13 “(C) *EXPORTABILITY.—*

14 “(i) *IN GENERAL.—On relinquishment*
15 *or termination of a sourcing area, unproc-*
16 *essed timber from private land within the*
17 *former boundary of the relinquished or ter-*
18 *minated sourcing area is exportable imme-*
19 *diately after unprocessed timber from Fed-*
20 *eral land from within that area is no longer*
21 *in the possession of the former sourcing area*
22 *holder.*

23 “(ii) *NO RESTRICTION.—The*
24 *exportability of unprocessed timber from*
25 *private land located outside of a sourcing*

1 *area shall not be restricted or in any way*
2 *affected by relinquishment or termination of*
3 *a sourcing area.”; and*

4 *(3) by adding at the end the following:*

5 “(d) *DOMESTIC TRANSPORTATION AND PROCESSING*
6 *OF PRIVATE TIMBER.—Nothing in this section restricts or*
7 *authorizes any restriction on the domestic transportation*
8 *or processing of timber harvested from private land, except*
9 *that the Secretary may prohibit processing facilities located*
10 *in the State of Idaho that have sourcing areas from process-*
11 *ing timber harvested from private land outside of the*
12 *boundaries of those sourcing areas.”.*

13 (i) *RESTRICTION ON EXPORTS OF UNPROCESSED TIM-*
14 *BER FROM STATE AND PUBLIC LAND.—Section 491(b)(2)*
15 *of the Forest Resources Conservation and Shortage Relief*
16 *Act of 1990 (16 U.S.C. 620c(b)(2)) is amended—*

17 (1) *by striking “the following” and all that fol-*
18 *lows through “(A) The Secretary” and inserting “the*
19 *Secretary”;*

20 (2) *by striking “during the period beginning on*
21 *June 1, 1993, and ending on December 31, 1995” and*
22 *inserting “as of the date of enactment of the Forest*
23 *Resources Conservation and Shortage Relief Act of*
24 *1997”;* and

25 (3) *by striking subparagraph (B).*

1 *SEC. 603. MONITORING AND ENFORCEMENT.—Section*
2 *492 of the Forest Resources Conservation and Shortage Re-*
3 *lief Act of 1990 (16 U.S.C. 620d) is amended—*

4 *(1) in subsection (c)(2), by adding at the end the*
5 *following:*

6 *“(C) MITIGATION OF PENALTIES.—*

7 *“(i) IN GENERAL.—The Secretary con-*
8 *cerned—*

9 *“(I) in determining the applica-*
10 *bility of any penalty imposed under*
11 *this paragraph, shall take into account*
12 *all relevant mitigating factors, includ-*
13 *ing mistake, inadvertence, and error;*
14 *and*

15 *“(II) based on any mitigating*
16 *factor, may, with respect to any pen-*
17 *alty imposed under this paragraph—*

18 *“(aa) reduce the penalty;*

19 *“(bb) not impose the penalty;*

20 *or*

21 *“(cc) on condition of there*
22 *being no further violation under*
23 *this paragraph for a prescribed*
24 *period, suspend imposition of the*
25 *penalty.*

1 “(i) *CONTRACTUAL REMEDIES.*—*In*
2 *the case of a minor violation of this title*
3 *(including a regulation), the Secretary con-*
4 *cerned shall, to the maximum extent prac-*
5 *ticable, permit a contracting officer to re-*
6 *dress the violation in accordance with the*
7 *applicable timber sale contract rather than*
8 *assess a penalty under this paragraph.”;*
9 *and*

10 (2) *in subsection (d)(1)—*

11 (A) *by striking “The head” and inserting*
12 *the following:*

13 “(A) *IN GENERAL.*—*Subject to subpara-*
14 *graph (B), the head”;* *and*

15 (B) *by adding at the end the following:*

16 “(B) *PREREQUISITES FOR DEBARMENT.*—

17 “(i) *IN GENERAL.*—*No person may be*
18 *debarred from bidding for or entering into*
19 *a contract for the purchase of unprocessed*
20 *timber from Federal lands under subpara-*
21 *graph (A) unless the head of the appro-*
22 *priate Federal department or agency first*
23 *finds, on the record and after an oppor-*
24 *tunity for a hearing, that debarment is*
25 *warranted.*

1 “(i) *WITHHOLDING OF AWARDS DUR-*
2 *ING DEBARMENT PROCEEDINGS.—The head*
3 *of an appropriate Federal department or*
4 *agency may withhold an award under this*
5 *title of a contract for the purchase of un-*
6 *processed timber from Federal lands during*
7 *a debarment proceeding.”.*

8 *SEC. 604. DEFINITIONS.—Section 493 of the Forest*
9 *Resources Conservation and Shortage Relief Act of 1990 (16*
10 *U.S.C. 620e) is amended—*

11 (1) *by redesignating paragraphs (3) through (8)*
12 *as paragraphs (5) through (10), respectively;*

13 (2) *by inserting after paragraph (2) the follow-*
14 *ing:*

15 “(3) *MINOR VIOLATION.—The term ‘minor viola-*
16 *tion’ means a violation, other than an intentional*
17 *violation, involving a single contract, purchase order,*
18 *processing facility, or log yard involving a quantity*
19 *of logs that is less than 25 logs and has a total value*
20 *(at the time of the violation) of less than \$10,000.*

21 “(4) *NORTHWESTERN PRIVATE TIMBER OPEN*
22 *MARKET AREA.—The term ‘northwestern private tim-*
23 *ber open market area’ means the State of Washing-*
24 *ton.”;*

1 (3) in subparagraph (B)(ix) of paragraph (9)
2 (as redesignated by paragraph (1))—

3 (A) by striking “Pulp logs or cull logs” and
4 inserting “Pulp logs, cull logs, and incidental
5 volumes of grade 3 and 4 sawlogs”;

6 (B) by inserting “primary” before “pur-
7 pose”; and

8 (C) by striking the period at the end and
9 inserting: “, or to the extent that a small quan-
10 tity of such logs are processed, into other prod-
11 ucts at domestic processing facilities.”; and

12 (4) by adding at the end the following:

13 “(11) VIOLATION.—The term ‘violation’ means a
14 violation of this Act (including a regulation issued to
15 implement this Act) with regard to a course of action,
16 including—

17 “(A) in the case of a violation by the origi-
18 nal purchaser of unprocessed timber, an act or
19 omission with respect to a single timber sale;
20 and

21 “(B) in the case of a violation by a subse-
22 quent purchaser of the timber, an act or omis-
23 sion with respect to an operation at a particular
24 processing facility or log yard.”.

1 *SEC. 605. REGULATIONS.—Section 495(a) of the For-*
2 *est Resources Conservation and Shortage Relief Act of 1990*
3 *(16 U.S.C. 620f(a)) is amended—*

4 *(1) by striking “The Secretaries” and inserting*
5 *the following:*

6 *“(1) AGRICULTURE AND INTERIOR.—The Sec-*
7 *retaries”;*

8 *(2) by striking “The Secretary of Commerce”*
9 *and inserting the following:*

10 *“(2) COMMERCE.—The Secretary of Commerce”;*
11 *and*

12 *(3) by striking the last sentence and inserting*
13 *the following:*

14 *“(3) DEADLINE.—*

15 *“(A) IN GENERAL.—Except as otherwise*
16 *provided in this title, regulations and guidelines*
17 *required under this subsection shall be issued not*
18 *later than June 1, 1998.*

19 *“(B) INTERIM REGULATIONS AND GUIDE-*
20 *LINES.—The regulations and guidelines issued*
21 *under this title that were in effect on the date of*
22 *enactment of this paragraph shall remain in ef-*
23 *fect until new regulations and guidelines are is-*
24 *sued under subparagraph (A).*

25 *“(4) PAINTING AND BRANDING.—*

1 “(A) *IN GENERAL.*—*The Secretary con-*
2 *cerned shall issue regulations that impose rea-*
3 *sonable painting, branding, or other forms of*
4 *marking or tracking requirements on unproc-*
5 *essed timber if—*

6 “(i) *the benefits of the requirements*
7 *outweigh the cost of complying with the re-*
8 *quirements; and*

9 “(ii) *the Secretary determines that,*
10 *without the requirements, it is likely that*
11 *the unprocessed timber—*

12 “(I) *would be exported in viola-*
13 *tion of this title; or*

14 “(II) *if the unprocessed timber*
15 *originated from Federal lands, would*
16 *be substituted for unprocessed timber*
17 *originating from private lands west of*
18 *the 100th Meridian in the contiguous*
19 *48 States in violation of this title.*

20 “(B) *MINIMUM SIZE.*—*The Secretary con-*
21 *cerned shall not impose painting, branding, or*
22 *other forms of marking or tracking requirements*
23 *on—*

24 “(i) *the face of a log that is less than*
25 *7 inches in diameter; or*

1 “(ii) *unprocessed timber that is less*
2 *than 8 feet in length or less than $\frac{1}{3}$ sound*
3 *wood.*

4 “(C) *WAIVERS.—*

5 “(i) *IN GENERAL.—The Secretary con-*
6 *cerned may waive log painting and brand-*
7 *ing requirements—*

8 “(I) *for a geographic area, if the*
9 *Secretary determines that the risk of*
10 *the unprocessed timber being exported*
11 *from the area or used in substitution is*
12 *low;*

13 “(II) *with respect to unprocessed*
14 *timber originating from private lands*
15 *located within an approved sourcing*
16 *area for a person who certifies that the*
17 *timber will be processed at a specific*
18 *domestic processing facility to the ex-*
19 *tent that the processing does occur; or*

20 “(III) *as part of a log yard agree-*
21 *ment that is consistent with the pur-*
22 *poses of the export and substitution re-*
23 *strictions imposed under this title.*

1 “(ii) *REVIEW AND TERMINATION OF*
2 *WAIVERS.—A waiver granted under clause*
3 *(i)—*

4 “(I) *shall, to the maximum extent*
5 *practicable, be reviewed once a year;*
6 *and*

7 “(II) *shall remain effective until*
8 *terminated by the Secretary.*

9 “(D) *FACTORS.—In making a determina-*
10 *tion under this paragraph, the Secretary con-*
11 *cerned shall consider—*

12 “(i) *the risk of unprocessed timber of*
13 *that species, grade, and size being exported*
14 *or used in substitution;*

15 “(ii) *the location of the unprocessed*
16 *timber and the effect of the location on its*
17 *being exported or used in substitution;*

18 “(iii) *the history of the person involved*
19 *with respect to compliance with log paint-*
20 *ing and branding requirements; and*

21 “(iv) *any other factor that is relevant*
22 *to determining the likelihood of the unproc-*
23 *essed timber being exported or used in sub-*
24 *stitution.*

25 “(5) *REPORTING.—*

1 “(A) *IN GENERAL.*—*Subject to subpara-*
2 *graph (B), the Secretary concerned shall issue*
3 *regulations that impose reasonable documenta-*
4 *tion and reporting requirements if the benefits of*
5 *the requirements outweigh the cost of complying*
6 *with the requirements.*

7 “(B) *WAIVERS.*—

8 “(i) *IN GENERAL.*—*The Secretary con-*
9 *cerned may waive documentation and re-*
10 *porting requirements for a person if—*

11 “(I) *an audit of the records of the*
12 *facility of the person reveals substan-*
13 *tial compliance with all notice, report-*
14 *ing, painting, and branding require-*
15 *ments during the preceding year; or*

16 “(II) *the person transferring the*
17 *unprocessed timber and the person*
18 *processing the unprocessed timber enter*
19 *into an advance agreement with the*
20 *Secretary concerned regarding the dis-*
21 *position of the unprocessed timber by*
22 *domestic processing.*

23 “(ii) *REVIEW AND TERMINATION OF*
24 *WAIVERS.*—*A waiver granted under clause*
25 *(i)—*

1 “(I) shall, to the maximum extent
2 practicable, be reviewed once a year;
3 and

4 “(II) shall remain effective until
5 terminated by the Secretary.”.

6 **(165)**Page 95, after line 25, insert:

7 *TITLE VII—MICCOSUKEE SETTLEMENT*

8 *SEC. 701. SHORT TITLE. This title may be cited as*
9 *the “Miccosukee Settlement Act of 1997”.*

10 *SEC. 702. CONGRESSIONAL FINDINGS. Congress finds*
11 *that:*

12 (1) *There is pending before the United States*
13 *District Court for the Southern District of Florida a*
14 *lawsuit by the Miccosukee Tribe that involves the tak-*
15 *ing of certain tribal lands in connection with the con-*
16 *struction of highway Interstate 75 by the Florida De-*
17 *partment of Transportation.*

18 (2) *The pendency of the lawsuit referred to in*
19 *paragraph (1) clouds title of certain lands used in the*
20 *maintenance and operation of the highway and*
21 *hinders proper planning for future maintenance and*
22 *operations.*

23 (3) *The Florida Department of Transportation,*
24 *with the concurrence of the Board of Trustees of the*
25 *Internal Improvements Trust Fund of the State of*

1 *Florida, and the Miccosukee Tribe have executed an*
2 *agreement for the purpose of resolving the dispute and*
3 *settling the lawsuit.*

4 *(4) The agreement referred to in paragraph (3)*
5 *requires the consent of Congress in connection with*
6 *contemplated land transfers.*

7 *(5) The Settlement Agreement is in the interest*
8 *of the Miccosukee Tribe, as the Tribe will receive cer-*
9 *tain monetary payments, new reservation lands to be*
10 *held in trust by the United States, and other benefits.*

11 *(6) Land received by the United States pursuant*
12 *to the Settlement Agreement is in consideration of*
13 *Miccosukee Indian Reservation lands lost by the*
14 *Miccosukee Tribe by virtue of transfer to the Florida*
15 *Department of Transportation under the Settlement*
16 *Agreement.*

17 *(7) The United States lands referred to in para-*
18 *graph (6) will be held in trust by the United States*
19 *for the use and benefit of the Miccosukee Tribe as*
20 *Miccosukee Indian Reservation lands in compensation*
21 *for the consideration given by the Tribe in the Settle-*
22 *ment Agreement.*

23 *(8) Congress shares with the parties to the Settle-*
24 *ment Agreement a desire to resolve the dispute and*
25 *settle the lawsuit.*

1 *SEC. 703. DEFINITIONS. In this title:*

2 (1) *BOARD OF TRUSTEES OF THE INTERNAL IM-*
3 *PROVEMENTS TRUST FUND.—The term “Board of*
4 *Trustees of the Internal Improvements Trust Fund”*
5 *means the agency of the State of Florida holding legal*
6 *title to and responsible for trust administration of*
7 *certain lands of the State of Florida, consisting of the*
8 *Governor, Attorney General, Commissioner of Agri-*
9 *culture, Commissioner of Education, Controller, Sec-*
10 *retary of State, and Treasurer of the State of Florida,*
11 *who are Trustees of the Board.*

12 (2) *FLORIDA DEPARTMENT OF TRANSPOR-*
13 *TATION.—The term “Florida Department of Trans-*
14 *portation” means the executive branch department*
15 *and agency of the State of Florida that—*

16 (A) *is responsible for the construction and*
17 *maintenance of surface vehicle roads, existing*
18 *pursuant to section 20.23, Florida Statutes; and*

19 (B) *has the authority to execute the Settle-*
20 *ment Agreement pursuant to section 334.044,*
21 *Florida Statutes.*

22 (3) *LAWSUIT.—The term “lawsuit” means the*
23 *action in the United States District Court for the*
24 *Southern District of Florida, entitled Miccosukee*
25 *Tribe of Indians of Florida v. State of Florida and*

1 *Florida Department of Transportation. et al., docket*
2 *No. 91-285-Civ-Paine.*

3 (4) *MICCOSUKEE LANDS.*—*The term “Miccosukee*
4 *lands” means lands that are—*

5 (A) *held in trust by the United States for*
6 *the use and benefit of the Miccosukee Tribe as*
7 *Miccosukee Indian Reservation lands; and*

8 (B) *identified pursuant to the Settlement*
9 *Agreement for transfer to the Florida Depart-*
10 *ment of Transportation.*

11 (5) *MICCOSUKEE TRIBE; TRIBE.*—*The terms*
12 *“Miccosukee Tribe” and “Tribe” mean the Miccosukee*
13 *Tribe of Indians of Florida, a tribe of American Indi-*
14 *ans recognized by the United States and organized*
15 *under section 16 of the Act of June 18, 1934 (48 Stat.*
16 *987, chapter 576; 25 U.S.C. 476) and recognized by*
17 *the State of Florida pursuant to chapter 285, Florida*
18 *Statutes.*

19 (6) *SECRETARY.*—*The term “Secretary” means*
20 *the Secretary of the Interior.*

21 (7) *SETTLEMENT AGREEMENT; AGREEMENT.*—
22 *The terms “Settlement Agreement” and “Agreement”*
23 *mean the assemblage of documents entitled “Settle-*
24 *ment Agreement” (with incorporated exhibits) that—*

25 (A) *addresses the lawsuit; and*

1 *(B)(i) was signed on August 28, 1996, by*
2 *Ben G. Watts (Secretary of the Florida Depart-*
3 *ment of Transportation) and Billy Cypress*
4 *(Chairman of the Miccosukee Tribe); and*

5 *(ii) after being signed, as described in*
6 *clause (i), was concurred in by the Board of*
7 *Trustees of the Internal Improvements Trust*
8 *Fund of the State of Florida.*

9 (8) *STATE OF FLORIDA.—The term “State of*
10 *Florida” means—*

11 *(A) all agencies or departments of the State*
12 *of Florida, including the Florida Department of*
13 *Transportation and the Board of Trustees of the*
14 *Internal Improvements Trust Fund; and*

15 *(B) the State of Florida as a governmental*
16 *entity.*

17 *SEC. 704. AUTHORITY OF SECRETARY. As Trustee for*
18 *the Miccosukee Tribe, the Secretary shall—*

19 *(1)(A) aid and assist in the fulfillment of the*
20 *Settlement Agreement at all times and in a reason-*
21 *able manner; and*

22 *(B) to accomplish the fulfillment of the Settle-*
23 *ment Agreement in accordance with subparagraph*
24 *(A), cooperate with and assist the Miccosukee Tribe;*

1 (2) upon finding that the Settlement Agreement
2 is legally sufficient and that the State of Florida has
3 the necessary authority to fulfill the Agreement—

4 (A) sign the Settlement Agreement on behalf
5 of the United States; and

6 (B) ensure that an individual other than the
7 Secretary who is a representative of the Bureau
8 of Indian Affairs also signs the Settlement Agree-
9 ment;

10 (3) upon finding that all necessary conditions
11 precedent to the transfer of Miccosukee land to the
12 Florida Department of Transportation as provided in
13 the Settlement Agreement have been or will be met so
14 that the Agreement has been or will be fulfilled, but
15 for the execution of that land transfer and related
16 land transfers—

17 (A) transfer ownership of the Miccosukee
18 land to the Florida Department of Transpor-
19 tation in accordance with the Settlement Agree-
20 ment, including in the transfer solely and exclu-
21 sively that Miccosukee land identified in the Set-
22 tlement Agreement for transfer to the Florida
23 Department of Transportation; and

24 (B) in conjunction with the land transfer
25 referred to in subparagraph (A), transfer no land

1 *other than the land referred to in that subpara-*
2 *graph to the Florida Department of Transpor-*
3 *tation; and*

4 (4) *upon finding that all necessary conditions*
5 *precedent to the transfer of Florida lands from the*
6 *State of Florida to the United States have been or*
7 *will be met so that the Agreement has been or will be*
8 *fulfilled but for the execution of that land transfer*
9 *and related land transfers, receive and accept in trust*
10 *for the use and benefit of the Miccosukee Tribe owner-*
11 *ship of all land identified in the Settlement Agree-*
12 *ment for transfer to the United States.*

13 *SEC. 705. MICCOSUKEE INDIAN RESERVATION LANDS.*
14 *The lands transferred and held in trust for the Miccosukee*
15 *Tribe under section 704(4) shall be Miccosukee Indian Res-*
16 *ervation lands.*

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

H. R. 2107

AMENDMENTS

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