

Calendar No. 122

105TH CONGRESS
1ST SESSION

H. R. 2107

[Report No. 105-56]

IN THE SENATE OF THE UNITED STATES

JULY 16, 1997

Received; read twice and referred to the Committee on Appropriations

JULY 22, 1997

Reported by Mr. GORTON, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 1998, and for other pur-
4 poses, namely:

5 TITLE I—DEPARTMENT OF THE INTERIOR

6 BUREAU OF LAND MANAGEMENT

7 MANAGEMENT OF LANDS AND RESOURCES

8 For expenses necessary for protection, use, improve-
9 ment, development, disposal, cadastral surveying, classi-
10 fication, acquisition of easements and other interests in
11 lands, and performance of other functions, including main-
12 tenance of facilities, as authorized by law, in the manage-
13 ment of lands and their resources under the jurisdiction
14 of the Bureau of Land Management, including the general
15 administration of the Bureau, and assessment of mineral
16 potential of public lands pursuant to Public Law 96–487
17 (16 U.S.C. 3150(a)), ~~\$581,591,000~~ *\$578,851,000*, to re-
18 main available until expended, of which \$2,043,000 shall
19 be available for assessment of the mineral potential of
20 public lands in Alaska pursuant to section 1010 of Public
21 Law 96–487 (16 U.S.C. 3150); and of which \$3,000,000
22 shall be derived from the special receipt account estab-
23 lished by the Land and Water Conservation Act of 1965,
24 as amended (16 U.S.C. 460l–6a(i)); and of which
25 \$1,500,000 shall be available in fiscal year 1998 subject

1 to a match by at least an equal amount by the National
 2 Fish and Wildlife Foundation, to such Foundation for
 3 challenge cost share projects supporting fish and wildlife
 4 conservation affecting Bureau lands; in addition,
 5 ~~\$27,300,000~~ \$27,650,000 for Mining Law Administration
 6 program operations, to remain available until expended,
 7 to be reduced by amounts collected by the Bureau and
 8 credited to this appropriation from annual mining claim
 9 fees so as to result in a final appropriation estimated at
 10 not more than ~~\$581,591,000~~ \$578,851,000; and in addi-
 11 tion, not to exceed \$5,000,000, to remain available until
 12 expended, from annual mining claim fees; which shall be
 13 credited to this account for the costs of administering the
 14 mining claim fee program, and \$2,000,000 from commu-
 15 nication site rental fees established by the Bureau for the
 16 cost of administering communication site activities: *Pro-*
 17 *vided*, That appropriations herein made shall not be avail-
 18 able for the destruction of healthy, unadopted, wild horses
 19 and burros in the care of the Bureau or its contractors.

20 WILDLAND FIRE MANAGEMENT

21 For necessary expenses for fire use and management,
 22 fire preparedness, suppression operations, and emergency
 23 rehabilitation by the Department of the Interior,
 24 ~~\$280,103,000~~ \$282,728,000, to remain available until ex-
 25 pended, of which not to exceed ~~\$5,025,000~~ \$6,950,000
 26 shall be for the renovation or construction of fire facilities:

1 *Provided*, That such funds are also available for repay-
2 ment of advances to other appropriation accounts from
3 which funds were previously transferred for such purposes:

4 *Provided further*, That persons hired pursuant to 43
5 U.S.C. 1469 may be furnished subsistence and lodging
6 without cost from funds available from this appropriation.

7 CENTRAL HAZARDOUS MATERIALS FUND

8 For necessary expenses of the Department of the In-
9 terior and any of its component offices and bureaus for
10 the remedial action, including associated activities, of haz-
11 ardous waste substances, pollutants, or contaminants pur-
12 suant to the Comprehensive Environmental Response,
13 Compensation and Liability Act, as amended (42 U.S.C.
14 9601 et seq.), ~~\$12,000,000~~ \$14,900,000, to remain avail-
15 able until expended: *Provided*, That notwithstanding 31
16 U.S.C. 3302, sums recovered from or paid by a party in
17 advance of or as reimbursement for remedial action or re-
18 sponse activities conducted by the Department pursuant
19 to section 107 or 113(f) of such Act, shall be credited to
20 this account to be available until expended without further
21 appropriation: *Provided further*, That such sums recovered
22 from or paid by any party are not limited to monetary
23 payments and may include stocks, bonds or other personal
24 or real property, which may be retained, liquidated, or oth-
25 erwise disposed of by the Secretary and which shall be
26 credited to this account.

1 CONSTRUCTION

2 For construction of buildings, recreation facilities,
3 roads, trails, and appurtenant facilities, ~~\$3,254,000~~
4 \$3,154,000, to remain available until expended.

5 PAYMENTS IN LIEU OF TAXES

6 For expenses necessary to implement the Act of Octo-
7 ber 20, 1976, as amended, (31 U.S.C. 6901–6907),
8 ~~\$113,500,000~~ \$120,000,000, of which not to exceed
9 \$400,000 shall be available for administrative expenses:
10 *Provided*, That no payment shall be made to otherwise eli-
11 gible units of local government if the computed amount
12 of the payment is less than \$100.

13 LAND ACQUISITION

14 For expenses necessary to carry out sections 205,
15 206, and 318(d) of Public Law 94–579, including admin-
16 istrative expenses and acquisition of lands or waters, or
17 interests therein, ~~\$12,000,000~~ \$9,400,000, to be derived
18 from the Land and Water Conservation Fund, to remain
19 available until expended.

20 OREGON AND CALIFORNIA GRANT LANDS

21 For expenses necessary for management, protection,
22 and development of resources and for construction, oper-
23 ation, and maintenance of access roads, reforestation, and
24 other improvements on the revested Oregon and California
25 Railroad grant lands, on other Federal lands in the Or-
26 egon and California land-grant counties of Oregon, and

1 on adjacent rights-of-way; and acquisition of lands or in-
2 terests therein including existing connecting roads on or
3 adjacent to such grant lands; \$101,406,000, to remain
4 available until expended: *Provided*, That 25 per centum
5 of the aggregate of all receipts during the current fiscal
6 year from the revested Oregon and California Railroad
7 grant lands is hereby made a charge against the Oregon
8 and California land-grant fund and shall be transferred
9 to the General Fund in the Treasury in accordance with
10 the second paragraph of subsection (b) of title II of the
11 Act of August 28, 1937 (50 Stat. 876).

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. Any receipts derived from treatments funded by this*
21 *account shall be deposited into the Forest Ecosystem Health*
22 *and Recovery Fund.*

23 *RANGE IMPROVEMENTS*

24 For rehabilitation, protection, and acquisition of
25 lands and interests therein, and improvement of Federal
26 rangelands pursuant to section 401 of the Federal Land

1 Policy and Management Act of 1976 (43 U.S.C. 1701),
2 notwithstanding any other Act, sums equal to 50 per cen-
3 tum of all moneys received during the prior fiscal year
4 under sections 3 and 15 of the Taylor Grazing Act (43
5 U.S.C. 315 et seq.) and the amount designated for range
6 improvements from grazing fees and mineral leasing re-
7 ceipts from Bankhead-Jones lands transferred to the De-
8 partment of the Interior pursuant to law, but not less than
9 \$9,113,000, to remain available until expended: *Provided*,
10 That not to exceed \$600,000 shall be available for admin-
11 istrative expenses.

12 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

13 For administrative expenses and other costs related
14 to processing application documents and other authoriza-
15 tions for use and disposal of public lands and resources,
16 for costs of providing copies of official public land docu-
17 ments, for monitoring construction, operation, and termi-
18 nation of facilities in conjunction with use authorizations,
19 and for rehabilitation of damaged property, such amounts
20 as may be collected under Public Law 94–579, as amend-
21 ed, and Public Law 93–153, to remain available until ex-
22 pended: *Provided*, That notwithstanding any provision to
23 the contrary of section 305(a) of Public Law 94–579 (43
24 U.S.C. 1735(a)), any moneys that have been or will be
25 received pursuant to that section, whether as a result of
26 forfeiture, compromise, or settlement, if not appropriate

1 for refund pursuant to section 305(c) of that Act (43
2 U.S.C. 1735(c)), shall be available and may be expended
3 under the authority of this Act by the Secretary to im-
4 prove, protect, or rehabilitate any public lands adminis-
5 tered through the Bureau of Land Management which
6 have been damaged by the action of a resource developer,
7 purchaser, permittee, or any unauthorized person, without
8 regard to whether all moneys collected from each such ac-
9 tion are used on the exact lands damaged which led to
10 the action: *Provided further*, That any such moneys that
11 are in excess of amounts needed to repair damage to the
12 exact land for which funds were collected may be used to
13 repair other damaged public lands.

14 MISCELLANEOUS TRUST FUNDS

15 In addition to amounts authorized to be expended
16 under existing laws, there is hereby appropriated such
17 amounts as may be contributed under section 307 of the
18 Act of October 21, 1976 (43 U.S.C. 1701), and such
19 amounts as may be advanced for administrative costs, sur-
20 veys, appraisals, and costs of making conveyances of omit-
21 ted lands under section 211(b) of that Act, to remain
22 available until expended.

23 ADMINISTRATIVE PROVISIONS

24 Appropriations for the Bureau of Land Management
25 shall be available for purchase, erection, and dismantle-
26 ment of temporary structures, and alteration and mainte-

1 nance of necessary buildings and appurtenant facilities to
2 which the United States has title; up to \$100,000 for pay-
3 ments, at the discretion of the Secretary, for information
4 or evidence concerning violations of laws administered by
5 the Bureau; miscellaneous and emergency expenses of en-
6 forcement activities authorized or approved by the Sec-
7 retary and to be accounted for solely on his certificate,
8 not to exceed \$10,000: *Provided*, That notwithstanding 44
9 U.S.C. 501, the Bureau may, under cooperative cost-shar-
10 ing and partnership arrangements authorized by law, pro-
11 cure printing services from cooperators in connection with
12 jointly-produced publications for which the cooperators
13 share the cost of printing either in cash or in services,
14 and the Bureau determines the cooperator is capable of
15 meeting accepted quality standards.

16 UNITED STATES FISH AND WILDLIFE SERVICE

17 RESOURCE MANAGEMENT

18 For expenses necessary for scientific and economic
19 studies, conservation, management, investigations, protec-
20 tion, and utilization of fishery and wildlife resources, ex-
21 cept whales, seals, and sea lions, and for the performance
22 of other authorized functions related to such resources; for
23 the general administration of the United States Fish and
24 Wildlife Service; for maintenance of the herd of long-
25 horned cattle on the Wichita Mountains Wildlife Refuge;

1 and not less than \$1,000,000 for high priority projects
2 within the scope of the approved budget which shall be
3 carried out by the Youth Conservation Corps as author-
4 ized by the Act of August 13, 1970, as amended,
5 ~~\$591,042,000~~ \$585,064,000, to remain available until Sep-
6 tember 30, 1999, of which \$11,612,000 shall remain avail-
7 able until expended for operation and maintenance of fish-
8 ery mitigation facilities constructed by the Corps of Engi-
9 neers under the Lower Snake River Compensation Plan,
10 authorized by the Water Resources Development Act of
11 1976, to compensate for loss of fishery resources from
12 water development projects on the Lower Snake River,
13 and of which not less than \$2,000,000 shall be provided
14 to local governments in southern California for planning
15 associated with the Natural Communities Conservation
16 Planning (NCCP) program and shall remain available
17 until expended,—and of which not to exceed \$5,190,000
18 shall be used for implementing subsections (a), (b), (c),
19 and (e) of section 4 of the Endangered Species Act of
20 1973, as amended: *Provided, That the proviso under this*
21 *heading in Public Law 104–208 is amended by striking the*
22 *words “Education and” and inserting in lieu thereof “Con-*
23 *servation”, by striking the word “direct” and inserting in*
24 *lieu thereof the word “full”, and by inserting before the pe-*
25 *riod “, to remain available until expended”: Provided fur-*

1 *ther, That the Bureau of Reclamation transfers to the Fish*
2 *and Wildlife Service for the Recovery Implementation Pro-*
3 *gram for Endangered Fish Species in the Upper Colorado*
4 *River Basin shall be exempt from any Fish and Wildlife*
5 *Service overhead charge.*

6

CONSTRUCTION

7 For construction and acquisition of buildings and
8 other facilities required in the conservation, management,
9 investigation, protection, and utilization of fishery and
10 wildlife resources, and the acquisition of lands and inter-
11 ests therein; ~~\$40,256,000~~ \$43,053,000, to remain available
12 until expended.

13

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

14 To conduct natural resource damage assessment ac-
15 tivities by the Department of the Interior necessary to
16 carry out the provisions of the Comprehensive Environ-
17 mental Response, Compensation, and Liability Act, as
18 amended (42 U.S.C. 9601, et seq.), Federal Water Pollu-
19 tion Control Act, as amended (33 U.S.C. 1251, et seq.),
20 the Oil Pollution Act of 1990 (Public Law 101–380), and
21 Public Law 101–337; ~~\$4,128,000~~ \$4,328,000, to remain
22 available until expended: *Provided*, That under this head-
23 ing in Public Law 104–134, strike “in fiscal year 1996
24 and thereafter” in the proviso and insert “heretofore and
25 hereafter”, and before the phrase, “or properties shall be
26 utilized” in such proviso, insert “, to remain available until

1 expended,”: *Provided further, That the first proviso under*
 2 *this heading in Public Law 103–138 is amended by insert-*
 3 *ing after “account” the following: “, including transfers to*
 4 *Federal trustees and payments to non-Federal trustees,”.*

5 LAND ACQUISITION

6 For expenses necessary to carry out the Land and
 7 Water Conservation Fund Act of 1965, as amended (16
 8 U.S.C. 460l–4–11), including administrative expenses,
 9 and for acquisition of land or waters, or interest therein,
 10 in accordance with statutory authority applicable to the
 11 United States Fish and Wildlife Service, ~~\$53,000,000~~
 12 ~~\$57,292,000~~, to remain available until expended.

13 COOPERATIVE ENDANGERED SPECIES CONSERVATION
 14 FUND

15 For expenses necessary to carry out the provisions
 16 of the Endangered Species Act of 1973 (16 U.S.C. 1531–
 17 1543), as amended, \$14,000,000, for grants to States, to
 18 be derived from the Cooperative Endangered Species Con-
 19 servation Fund, and to remain available until expended.

20 NATIONAL WILDLIFE REFUGE FUND

21 For expenses necessary to implement the Act of Octo-
 22 ber 17, 1978 (16 U.S.C. 715s), ~~\$10,000,000~~ \$10,779,000.

23 REWARDS AND OPERATIONS

24 For expenses necessary to carry out the provisions
 25 of the African Elephant Conservation Act (16 U.S.C.

1 4201–4203, 4211–4213, 4221–4225, 4241–4245, and
2 1538), \$1,000,000, to remain available until expended.

3 NORTH AMERICAN WETLANDS CONSERVATION FUND

4 For expenses necessary to carry out the provisions
5 of the North American Wetlands Conservation Act, Public
6 Law 101–233, as amended, ~~\$10,500,000~~ *\$13,000,000*, to
7 remain available until expended.

8 RHINOCEROS AND TIGER CONSERVATION FUND

9 For deposit to the Rhinoceros and Tiger Conserva-
10 tion Fund, \$400,000, to remain available until expended,
11 to carry out the Rhinoceros and Tiger Conservation Act
12 of 1994 (Public Law 103–391).

13 WILDLIFE CONSERVATION AND APPRECIATION FUND

14 For deposit to the Wildlife Conservation and Appre-
15 ciation Fund, \$800,000, to remain available until ex-
16 pended.

17 ADMINISTRATIVE PROVISIONS

18 Appropriations and funds available to the United
19 States Fish and Wildlife Service shall be available for pur-
20 chase of not to exceed 108 passenger motor vehicles, of
21 which 92 are for replacement only (including 57 for police-
22 type use); not to exceed \$400,000 for payment, at the dis-
23 cretion of the Secretary, for information, rewards, or evi-
24 dence concerning violations of laws administered by the
25 Service, and miscellaneous and emergency expenses of en-
26 forcement activities, authorized or approved by the Sec-

1 retary and to be accounted for solely on his certificate;
2 repair of damage to public roads within and adjacent to
3 reservation areas caused by operations of the Service; op-
4 tions for the purchase of land at not to exceed \$1 for each
5 option; facilities incident to such public recreational uses
6 on conservation areas as are consistent with their primary
7 purpose; and the maintenance and improvement of aquar-
8 ia, buildings, and other facilities under the jurisdiction of
9 the Service and to which the United States has title, and
10 which are utilized pursuant to law in connection with man-
11 agement and investigation of fish and wildlife resources:
12 *Provided*, That notwithstanding 44 U.S.C. 501, the Serv-
13 ice may, under cooperative cost sharing and partnership
14 arrangements authorized by law, procure printing services
15 from cooperators in connection with jointly-produced pub-
16 lications for which the cooperators share at least one-half
17 the cost of printing either in cash or services and the Serv-
18 ice determines the cooperator is capable of meeting accept-
19 ed quality standards: *Provided further*, That the Service
20 may accept donated aircraft as replacements for existing
21 aircraft: *Provided further*, That notwithstanding any other
22 provision of law, the Secretary of the Interior may not
23 spend any of the funds appropriated in this Act for the
24 purchase of lands or interests in lands to be used in the
25 establishment of any new unit of the National Wildlife

1 Refuge System unless the purchase is approved in advance
 2 by the House and Senate Committees on Appropriations
 3 in compliance with the reprogramming procedures con-
 4 tained in the report accompanying this bill: *Provided fur-*
 5 *ther*, That the Secretary may sell land and interests in
 6 land, other than surface water rights, acquired in con-
 7 formance with subsections 206(a) and 207(c) of Public
 8 Law 101–816, the receipts of which shall be deposited to
 9 the Lahontan Valley and Pyramid Lake Fish and Wildlife
 10 Fund and used exclusively for the purposes of such sub-
 11 sections, without regard to the limitation on the distribu-
 12 tion of benefits in subsection 206(f)(2) of such law.

13 NATIONAL PARK SERVICE

14 OPERATION OF THE NATIONAL PARK SYSTEM

15 For expenses necessary for the management, oper-
 16 ation, and maintenance of areas and facilities adminis-
 17 tered by the National Park Service (including special road
 18 maintenance service to trucking permittees on a reimburs-
 19 able basis), and for the general administration of the Na-
 20 tional Park Service, including not to exceed ~~\$2,500,000~~
 21 *\$1,593,000* for the Volunteers-in-Parks program, and not
 22 less than \$1,000,000 for high priority projects within the
 23 scope of the approved budget which shall be carried out
 24 by the Youth Conservation Corps as authorized by 16
 25 U.S.C. 1706, ~~\$1,232,325,000~~ *\$1,249,409,000*, of which

1 \$12,800,000 for research, planning and interagency co-
2 ordination in support of land acquisition for Everglades
3 restoration shall remain available until expended, and of
4 which not to exceed \$72,000,000, to remain available until
5 expended, is to be derived from the special fee account
6 established pursuant to title V, section 5201 of Public
7 Law 100-203.

8 NATIONAL RECREATION AND PRESERVATION

9 For expenses necessary to carry out recreation pro-
10 grams, natural programs, cultural programs, heritage
11 partnership programs, environmental compliance and re-
12 view, international park affairs, statutory or contractual
13 aid for other activities, and grant administration, not oth-
14 erwise provided for, ~~\$43,934,000~~, of which ~~\$4,500,000~~ is
15 for grants to Heritage areas in accordance with titles I-
16 VI and VIII-IX, division II of Public Law 104-333 and
17 is *\$45,284,000* to remain available until September 30,
18 1999.

19 HISTORIC PRESERVATION FUND

20 For expenses necessary in carrying out the Historic
21 Preservation Act of 1966, as amended (16 U.S.C. 470),
22 and the Omnibus Parks and Public Lands Management
23 Act of 1996 (Public Law 104-333), ~~\$40,412,000~~
24 *\$39,812,000*, to be derived from the Historic Preservation
25 Fund, to remain available until September 30, 1999, *of*

1 *which \$3,200,000 pursuant to section 507 of Public Law*
 2 *104-333 shall remain available until expended.*

3 CONSTRUCTION

4 For construction, improvements, repair or replace-
 5 ment of physical facilities, *including the modifications au-*
 6 *thorized by section 104 of the Everglades National Park*
 7 *Protection and Expansion Act of 1989, \$148,391,000*
 8 *\$167,894,000 to remain available until expended:—Pro-*
 9 *vided, That \$500,000 for the Rutherford B. Hayes Home*
 10 *and \$600,000 for the Sotterly Plantation House shall be*
 11 *derived from the Historic Preservation Fund pursuant to*
 12 *16 U.S.C. 470A: Provided, That \$500,000 for the Darwin*
 13 *Mountain House in Buffalo, New York and \$500,000 for*
 14 *the Penn Center, South Carolina, shall be derived from the*
 15 *Historic Preservation Fund pursuant to 16 U.S.C. 470a:*
 16 *Provided further, That \$3,000,000 for the Hispanic Cul-*
 17 *tural Center, New Mexico, is subject to authorization: Pro-*
 18 *vided further, That \$1,000,000 for the Oklahoma City*
 19 *Bombing Memorial is subject to authorization: Provided*
 20 *further, That none of the funds provided in this Act may*
 21 *be used to relocate the Brooks River Lodge in Katmai Na-*
 22 *tional Park and Preserve from its current physical location.*

23 LAND AND WATER CONSERVATION FUND

24 (RESCISSION)

25 The contract authority provided for fiscal year 1998
 26 by 16 U.S.C. 4601-10a is rescinded.

1 LAND ACQUISITION AND STATE ASSISTANCE

2 For expenses necessary to carry out the Land and
3 Water Conservation Fund Act of 1965, as amended (16
4 U.S.C. 4601-4-11), including administrative expenses,
5 and for acquisition of lands or waters, or interest therein,
6 in accordance with statutory authority applicable to the
7 National Park Service, ~~\$129,000,000~~ \$125,690,000, to be
8 derived from the Land and Water Conservation Fund, to
9 remain available until expended, ~~of which \$1,000,000 is~~
10 ~~to administer the State assistance program:~~ *Provided,*
11 *That any funds made available for the purpose of acquisi-*
12 *tion of the Elwha and Glines dams shall be used solely*
13 *for acquisition, and shall not be expended until the full*
14 *purchase amount has been appropriated by the Congress:—*
15 *Provided further, That of the funds provided herein,*
16 *\$8,500,000 is available for acquisition of the Sterling For-*
17 *est: Provided further, That from the funds made available*
18 *for land acquisition at Everglades National Park and Big*
19 *Cypress National Preserve, the Secretary may provide for*
20 *Federal assistance to the State of Florida for the acquisition*
21 *of lands or waters, or interests therein, within the Ever-*
22 *glades watershed (consisting of lands and waters within the*
23 *boundaries of the South Florida Water Management Dis-*
24 *trict, Florida Bay and the Florida Keys) under terms and*
25 *conditions deemed necessary by the Secretary, to improve*

1 *and restore the hydrological function of the Everglades wa-*
2 *tershed: Provided further, That funds provided under this*
3 *head to the State of Florida shall be subject to an agreement*
4 *that such lands will be managed in perpetuity for the res-*
5 *toration of the Everglades.*

6 ADMINISTRATIVE PROVISIONS

7 Appropriations for the National Park Service shall be
8 available for the purchase of not to exceed 396 passenger
9 motor vehicles, of which 302 shall be for replacement only,
10 including not to exceed 315 for police-type use, 13 buses,
11 and 6 ambulances: *Provided*, That none of the funds ap-
12 propriated to the National Park Service may be used to
13 process any grant or contract documents which do not in-
14 clude the text of 18 U.S.C. 1913: *Provided further*, That
15 none of the funds appropriated to the National Park Serv-
16 ice may be used to implement an agreement for the rede-
17 velopment of the southern end of Ellis Island until such
18 agreement has been submitted to the Congress and shall
19 not be implemented prior to the expiration of 30 calendar
20 days (not including any day in which either House of Con-
21 gress is not in session because of adjournment of more
22 than three calendar days to a day certain) from the receipt
23 by the Speaker of the House of Representatives and the
24 President of the Senate of a full and comprehensive report
25 on the development of the southern end of Ellis Island,

1 including the facts and circumstances relied upon in sup-
2 port of the proposed project.

3 None of the funds in this Act may be spent by the
4 National Park Service for activities taken in direct re-
5 sponse to the United Nations Biodiversity Convention.

6 The National Park Service may distribute to operat-
7 ing units based on the safety record of each unit the costs
8 of programs designed to improve workplace and employee
9 safety, and to encourage employees receiving workers'
10 compensation benefits pursuant to chapter 81 of title 5,
11 United States Code, to return to appropriate positions for
12 which they are medically able.

13 UNITED STATES GEOLOGICAL SURVEY

14 SURVEYS, INVESTIGATIONS, AND RESEARCH

15 For expenses necessary for the United States Geo-
16 logical Survey to perform surveys, investigations, and re-
17 search covering topography, geology, hydrology, and the
18 mineral and water resources of the United States, its Ter-
19 ritories and possessions, and other areas as authorized by
20 43 U.S.C. 31, 1332, and 1340; classify lands as to their
21 mineral and water resources; give engineering supervision
22 to power permittees and Federal Energy Regulatory Com-
23 mission licensees; administer the minerals exploration pro-
24 gram (30 U.S.C. 641); and publish and disseminate data
25 relative to the foregoing activities; and to conduct inquiries

1 into the economic conditions affecting mining and mate-
2 rials processing industries (30 U.S.C. 3, 21a, and 1603;
3 50 U.S.C. 98g(1)) and related purposes as authorized by
4 law and to publish and disseminate data; ~~\$755,795,000~~
5 ~~\$758,160,000~~ of which \$66,231,000 shall be available only
6 for cooperation with States or municipalities for water re-
7 sources investigations; and of which \$16,400,000 shall re-
8 main available until expended for conducting inquiries into
9 the economic conditions affecting mining and materials
10 processing industries; *and of which \$2,000,000 shall re-*
11 *main available until expended for development of a mineral*
12 *and geologic database;* and of which ~~\$147,794,000~~
13 ~~\$147,159,000~~ shall be available until September 30, 1999
14 for the biological research activity and the operation of
15 the Cooperative Research Units: *Provided*, That none of
16 these funds provided for the biological research activity
17 shall be used to conduct new surveys on private property,
18 unless specifically authorized in writing by the property
19 owner: *Provided further*, That no part of this appropria-
20 tion shall be used to pay more than one-half the cost of
21 topographic mapping or water resources data collection
22 and investigations carried on in cooperation with States
23 and municipalities: *Provided further*, *That hereafter the*
24 *United States Geological Survey may disperse to local enti-*
25 *ties Payment in Lieu of Taxes impact funding appro-*

1 *priated to the Fish and Wildlife Service pursuant to the*
2 *Refuge Revenue Sharing Act that is associated with Federal*
3 *real property being transferred to the United States Geo-*
4 *logical Survey from the United States Fish and Wildlife*
5 *Service.*

6 ADMINISTRATIVE PROVISIONS

7 The amount appropriated for the United States Geo-
8 logical Survey shall be available for the purchase of not
9 to exceed 53 passenger motor vehicles, of which 48 are
10 for replacement only; reimbursement to the General Serv-
11 ices Administration for security guard services; contract-
12 ing for the furnishing of topographic maps and for the
13 making of geophysical or other specialized surveys when
14 it is administratively determined that such procedures are
15 in the public interest; construction and maintenance of
16 necessary buildings and appurtenant facilities; acquisition
17 of lands for gauging stations and observation wells; ex-
18 penses of the United States National Committee on Geol-
19 ogy; and payment of compensation and expenses of per-
20 sons on the rolls of the Survey duly appointed to represent
21 the United States in the negotiation and administration
22 of interstate compacts: *Provided*, That activities funded by
23 appropriations herein made may be accomplished through
24 the use of contracts, grants, or cooperative agreements as
25 defined in 31 U.S.C. 6302, et seq.: *Provided further*, That
26 the USGS may contract directly with individuals or indi-

1 rectly with institutions or nonprofit organizations, without
 2 regard to section 41 U.S.C. 5, for the temporary or inter-
 3 mittent services of science students or recent graduates,
 4 who shall be considered employees for the purposes of
 5 chapter 81 of title 5, United States Code, relating to com-
 6 pensation for work injuries, and chapter 171 of title 28,
 7 United States Code, relating to tort claims, but shall not
 8 be considered to be Federal employees for any other pur-
 9 poses.

10 MINERALS MANAGEMENT SERVICE

11 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

12 For expenses necessary for minerals leasing and envi-
 13 ronmental studies, regulation of industry operations, and
 14 collection of royalties, as authorized by law; for enforcing
 15 laws and regulations applicable to oil, gas, and other min-
 16 erals leases, permits, licenses and operating contracts; and
 17 for matching grants or cooperative agreements; including
 18 the purchase of not to exceed eight passenger motor vehi-
 19 cles for replacement only; ~~\$139,621,000~~ *\$135,722,000*, of
 20 which not less than ~~\$70,874,000~~ *\$66,175,000* shall be
 21 available for royalty management activities; and an
 22 amount not to exceed \$65,000,000 ~~for activities within the~~
 23 ~~Outer Continental Shelf (OCS) Lands Program~~, to be
 24 credited to this appropriation and to remain available until
 25 expended, from additions to receipts resulting from in-

1 creases to rates in effect on August 5, 1993, from rate
2 increases to fee collections for OCS administrative activi-
3 ties performed by the Minerals Management Service over
4 and above the rates in effect on September 30, 1993, and
5 from additional fees for OCS administrative activities es-
6 tablished after September 30, 1993: *Provided*, That
7 ~~\$1,500,000~~ \$3,000,000 for computer acquisitions shall re-
8 main available until September 30, 1999: *Provided further*,
9 That funds appropriated under this Act shall be available
10 for the payment of interest in accordance with 30 U.S.C.
11 1721(b) and (d): *Provided further*, That not to exceed
12 \$3,000 shall be available for reasonable expenses related
13 to promoting volunteer beach and marine cleanup activi-
14 ties: *Provided further*, That notwithstanding any other
15 provision of law, \$15,000 under this head shall be avail-
16 able for refunds of overpayments in connection with cer-
17 tain Indian leases in which the Director of the Minerals
18 Management Service concurred with the claimed refund
19 due, to pay amounts owed to Indian allottees or Tribes,
20 or to correct prior unrecoverable erroneous payments.

21 OIL SPILL RESEARCH

22 For necessary expenses to carry out title I, section
23 1016, title IV, sections 4202 and 4303, title VII, and title
24 VIII, section 8201 of the Oil Pollution Act of 1990,
25 \$6,118,000, which shall be derived from the Oil Spill Li-
26 ability Trust Fund, to remain available until expended.

1 Public Law 95–87, as amended, including the purchase
2 of not more than 10 passenger motor vehicles for replace-
3 ment only, ~~\$179,624,000~~ \$177,624,000, to be derived from
4 receipts of the Abandoned Mine Reclamation Fund and
5 to remain available until expended; of which up to
6 \$5,000,000 shall be for supplemental grants to States for
7 the reclamation of abandoned sites with acid mine rock
8 drainage from coal mines through the Appalachian Clean
9 Streams Initiative: *Provided*, That grants to minimum
10 program States will be \$1,500,000 per State in fiscal year
11 1998: *Provided further*, That of the funds herein provided
12 up to \$18,000,000 may be used for the emergency pro-
13 gram authorized by section 410 of Public Law 95–87, as
14 amended, of which no more than 25 per centum shall be
15 used for emergency reclamation projects in any one State
16 and funds for federally-administered emergency reclama-
17 tion projects under this proviso shall not exceed
18 \$11,000,000: *Provided further*, That prior year unobli-
19 gated funds appropriated for the emergency reclamation
20 program shall not be subject to the 25 per centum limita-
21 tion per State and may be used without fiscal year limita-
22 tion for emergency projects: *Provided further*, That pursu-
23 ant to Public Law 97–365, the Department of the Interior
24 is authorized to use up to 20 per centum from the recovery
25 of the delinquent debt owed to the United States Govern-

1 ment to pay for contracts to collect these debts: *Provided*
2 *further*, That funds made available to States under title
3 IV of Public Law 95–87 may be used, at their discretion,
4 for any required non-Federal share of the cost of projects
5 funded by the Federal Government for the purpose of en-
6 vironmental restoration related to treatment or abatement
7 of acid mine drainage from abandoned mines: *Provided*
8 *further*, That such projects must be consistent with the
9 purposes and priorities of the Surface Mining Control and
10 Reclamation Act: *Provided further*, That the State of
11 Maryland may set aside the greater of \$1,000,000 or 10
12 percent of the total of the grants made available to the
13 State under title IV of the Surface Mining Control and
14 Reclamation Act of 1977, as amended (30 U.S.C. 1231
15 et seq.), if the amount set aside is deposited in an acid
16 mine drainage abatement and treatment fund established
17 under a State law, pursuant to which law the amount (to-
18 gether with all interest earned on the amount) is expended
19 by the State to undertake acid mine drainage abatement
20 and treatment projects, except that before any amounts
21 greater than 10 percent of its title IV grants are deposited
22 in an acid mine drainage abatement and treatment fund,
23 the State of Maryland must first complete all Surface
24 Mining Control and Reclamation Act priority one projects.

1 BUREAU OF INDIAN AFFAIRS

2 OPERATION OF INDIAN PROGRAMS

3 For operation of Indian programs by direct expendi-
4 ture, contracts, cooperative agreements, compacts, and
5 grants including expenses necessary to provide education
6 and welfare services for Indians, either directly or in co-
7 operation with States and other organizations, including
8 payment of care, tuition, assistance, and other expenses
9 of Indians in boarding homes, or institutions, or schools;
10 grants and other assistance to needy Indians; maintenance
11 of law and order; management, development, improve-
12 ment, and protection of resources and appurtenant facili-
13 ties under the jurisdiction of the Bureau, including pay-
14 ment of irrigation assessments and charges; acquisition of
15 water rights; advances for Indian industrial and business
16 enterprises; operation of Indian arts and crafts shops and
17 museums; development of Indian arts and crafts, as au-
18 thorized by law; for the general administration of the Bu-
19 reau, including such expenses in field offices; maintaining
20 of Indian reservation roads as defined in 23 U.S.C. 101;
21 and construction, repair, and improvement of Indian hous-
22 ing, ~~\$1,526,815,000~~ \$1,527,024,000, to remain available
23 until September 30, 1999 except as otherwise provided
24 herein, of which not to exceed \$93,825,000 shall be for
25 welfare assistance payments and not to exceed

1 \$105,829,000 shall be for payments to tribes and tribal
2 organizations for contract support costs associated with
3 ongoing contracts or grants or compacts entered into with
4 the Bureau prior to fiscal year 1998, as authorized by the
5 Indian Self-Determination Act of 1975, as amended, and
6 up to \$5,000,000 shall be for the Indian Self-Determina-
7 tion Fund, which shall be available for the transitional
8 cost of initial or expanded tribal contracts, grants, com-
9 pacts, or cooperative agreements with the Bureau under
10 such Act; and of which not to exceed \$374,290,000 for
11 school operations costs of Bureau-funded schools and
12 other education programs shall become available on July
13 1, 1998, and shall remain available until September 30,
14 1999; and of which not to exceed ~~\$59,775,000~~ \$59,479,000
15 shall remain available until expended for housing improve-
16 ment, road maintenance, attorney fees, litigation support,
17 self-governance grants, the Indian Self-Determination
18 Fund, land records improvements and the Navajo-Hopi
19 Settlement Program: *Provided*, That tribes and tribal con-
20 tractors may use their tribal priority allocations for unmet
21 indirect costs of ongoing contracts, grants or compact
22 agreements and for unmet welfare assistance costs: *Pro-*
23 *vided further*, That funds made available to tribes and
24 tribal organizations through contracts, compact agree-
25 ments, or grants obligated during fiscal years 1998 and

1 1999, as authorized by the Indian Self-Determination Act
2 of 1975, or grants authorized by the Indian Education
3 Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall
4 remain available until expended by the contractor or
5 grantee: *Provided further*, That to provide funding uni-
6 formity within a Self-Governance Compact, any funds pro-
7 vided in this Act with availability for more than two years
8 may be reprogrammed to two year availability but shall
9 remain available within the Compact until expended: *Pro-*
10 *vided further*, That notwithstanding any other provision
11 of law, Indian tribal governments may, by appropriate
12 changes in eligibility criteria or by other means, change
13 eligibility for general assistance or change the amount of
14 general assistance payments for individuals within the
15 service area of such tribe who are otherwise deemed eligi-
16 ble for general assistance payments so long as such
17 changes are applied in a consistent manner to individuals
18 similarly situated: *Provided further*, That any savings real-
19 ized by such changes shall be available for use in meeting
20 other priorities of the tribes: *Provided further*, That any
21 net increase in costs to the Federal Government which re-
22 sult solely from tribally increased payment levels for gen-
23 eral assistance shall be met exclusively from funds avail-
24 able to the tribe from within its tribal priority allocation:
25 *Provided further*, That any forestry funds allocated to a

1 tribe which remain unobligated as of September 30, 1998,
2 may be transferred during fiscal year 1999 to an Indian
3 forest land assistance account established for the benefit
4 of such tribe within the tribe's trust fund account: *Pro-*
5 *vided further*, That any such unobligated balances not so
6 transferred shall expire on September 30, 1999: *Provided*
7 *further*, That notwithstanding any other provision of law,
8 no funds available to the Bureau, other than the amounts
9 provided herein for assistance to public schools under 25
10 U.S.C. 452 et seq., shall be available to support the oper-
11 ation of any elementary or secondary school in the State
12 of Alaska in fiscal year 1998: *Provided further*, That funds
13 made available in this or any other Act for expenditure
14 through September 30, 1999 for schools funded by the
15 Bureau shall be available only to the schools in the Bureau
16 school system as of September 1, 1996: *Provided further*,
17 That no funds available to the Bureau shall be used to
18 support expanded grades for any school or dormitory be-
19 yond the grade structure in place or approved by the Sec-
20 retary of the Interior at each school in the Bureau school
21 system as of October 1, 1995: *Provided further*, That be-
22 ginning in fiscal year 1998 and thereafter and notwith-
23 standing 25 U.S.C. 2012(h)(1)(B), when the rates of basic
24 compensation for teachers and counselors at Bureau-oper-
25 ated schools are established at the rates of basic com-

1 pension applicable to comparable positions in overseas
2 schools under the Defense Department Overseas Teachers
3 Pay and Personnel Practices Act, such rates shall become
4 effective with the start of the next academic year following
5 the issuance of the Department of Defense salary schedule
6 and shall not be effected retroactively: *Provided further,*
7 That the Cibecue Community School may use prior year
8 school operations funds for the construction of a new high
9 school facility which is in compliance with 25 U.S.C.
10 2005(a) provided that any additional construction costs
11 for replacement of such facilities begun with prior year
12 funds shall be completed exclusively with non-Federal
13 funds: *Provided further, That tribes may use Tribal Prior-*
14 *ity Allocations funds for the replacement and repair of*
15 *school facilities which are in compliance with 25 U.S.C.*
16 *2005(a) provided that any construction costs for subsequent*
17 *replacement of such facilities is completed exclusively with*
18 *non-Federal funds.*

19 CONSTRUCTION

20 For construction, major repair, and improvement of
21 irrigation and power systems, buildings, utilities, and
22 other facilities, including architectural and engineering
23 services by contract; acquisition of lands, and interests in
24 lands; and preparation of lands for farming, and for con-
25 struction of the Navajo Indian Irrigation Project pursuant
26 to Public Law 87-483, ~~\$110,751,000~~ \$125,051,000, to re-

1 main available until expended: *Provided*, That such
2 amounts as may be available for the construction of the
3 Navajo Indian Irrigation Project may be transferred to the
4 Bureau of Reclamation: *Provided further*, That not to ex-
5 ceed 6 per centum of contract authority available to the
6 Bureau of Indian Affairs from the Federal Highway Trust
7 Fund may be used to cover the road program management
8 costs of the Bureau: *Provided further*, That any funds pro-
9 vided for the Safety of Dams program pursuant to 25
10 U.S.C. 13 shall be made available on a non-reimbursable
11 basis: *Provided further*, That for fiscal year 1998, in im-
12 plementing new construction or facilities improvement and
13 repair project grants in excess of \$100,000 that are pro-
14 vided to tribally controlled grant schools under Public Law
15 100–297, as amended, the Secretary of the Interior shall
16 use the Administrative and Audit Requirements and Cost
17 Principles for Assistance Programs contained in 43 CFR
18 part 12 as the regulatory requirements: *Provided further*,
19 That such grants shall not be subject to section 12.61 of
20 43 CFR; the Secretary and the grantee shall negotiate and
21 determine a schedule of payments for the work to be per-
22 formed: *Provided further*, That in considering applications,
23 the Secretary shall consider whether the Indian tribe or
24 tribal organization would be deficient in assuring that the
25 construction projects conform to applicable building stand-

ards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, ~~\$41,352,000~~ \$43,352,000, to remain available until expended; of which ~~\$40,500,000~~ \$42,000,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 102–374, and 102–575, and for implementation of other enacted water rights settlements, including not to exceed \$8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which ~~\$852,000~~ \$1,352,000 shall be available pursuant to Public Laws 99–264, 100–383, 103–402, and 100–580: *Provided*, That the Secretary is directed to sell land and interests in land, other than surface water rights,

1 acquired in conformance with section 2 of the Truckee
2 River Water Quality Settlement Agreement, the receipts
3 of which shall be deposited to the Lahontan Valley and
4 Pyramid Lake Fish and Wildlife Fund, and be available
5 for the purposes of section 2 of such Agreement, without
6 regard to the limitation on the distribution of benefits in
7 the second sentence of paragraph 206(f)(2) of Public Law
8 101–618.

9 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

10 For the cost of guaranteed loans, \$4,500,000, as au-
11 thorized by the Indian Financing Act of 1974, as amend-
12 ed: *Provided*, That such costs, including the cost of modi-
13 fying such loans, shall be as defined in section 502 of the
14 Congressional Budget Act of 1974: *Provided further*, That
15 these funds are available to subsidize total loan principal,
16 any part of which is to be guaranteed, not to exceed
17 \$34,615,000.

18 In addition, for administrative expenses to carry out
19 the guaranteed loan programs, \$500,000.

20 ADMINISTRATIVE PROVISIONS

21 Appropriations for the Bureau of Indian Affairs (ex-
22 cept the revolving fund for loans, the Indian loan guaran-
23 tee and insurance fund, the Technical Assistance of Indian
24 Enterprises account, the Indian Direct Loan Program ac-
25 count, and the Indian Guaranteed Loan Program account)
26 shall be available for expenses of exhibits, and purchase

1 of not to exceed 229 passenger motor vehicles, of which
2 not to exceed 187 shall be for replacement only.

3 Notwithstanding any other provision of law, no funds
4 available to the Bureau of Indian Affairs for central office
5 operations or pooled overhead general administration shall
6 be available for tribal contracts, grants, compacts, or coop-
7 erative agreements with the Bureau of Indian Affairs
8 under the provisions of the Indian Self-Determination Act
9 or the Tribal Self-Governance Act of 1994 (Public Law
10 103–413).

11 DEPARTMENTAL OFFICES

12 INSULAR AFFAIRS

13 ASSISTANCE TO TERRITORIES

14 For expenses necessary for assistance to territories
15 under the jurisdiction of the Department of the Interior,
16 ~~\$68,214,000~~ \$67,214,000, of which (1) ~~\$64,365,000~~
17 \$63,365,000 shall be available until expended for technical
18 assistance, including maintenance assistance, disaster as-
19 sistance, insular management controls, and brown tree
20 snake control and research; grants to the judiciary in
21 American Samoa for compensation and expenses, as au-
22 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
23 ment of American Samoa, in addition to current local rev-
24 enues, for construction and support of governmental func-
25 tions; grants to the Government of the Virgin Islands as

1 authorized by law; grants to the Government of Guam,
2 as authorized by law; and grants to the Government of
3 the Northern Mariana Islands as authorized by law (Pub-
4 lic Law 94-241; 90 Stat. 272); and (2) \$3,849,000 shall
5 be available for salaries and expenses of the Office of Insu-
6 lar Affairs: *Provided*, That all financial transactions of the
7 territorial and local governments herein provided for, in-
8 cluding such transactions of all agencies or instrumental-
9 ities established or utilized by such governments, may be
10 audited by the General Accounting Office, at its discre-
11 tion, in accordance with chapter 35 of title 31, United
12 States Code: *Provided further*, That Northern Mariana Is-
13 lands Covenant grant funding shall be provided according
14 to those terms of the Agreement of the Special Represent-
15 atives on Future United States Financial Assistance for
16 the Northern Mariana Islands approved by Public Law
17 99-396, or any subsequent legislation related to Common-
18 wealth of the Northern Mariana Islands grant funding:
19 *Provided further*, That of the amounts provided for tech-
20 nical assistance, sufficient funding shall be made available
21 for a grant to the Close Up Foundation: *Provided further*,
22 That the funds for the program of operations and mainte-
23 nance improvement are appropriated to institutionalize
24 routine operations and maintenance improvement of cap-
25 ital infrastructure in American Samoa, Guam, the Virgin

1 Islands, the Commonwealth of the Northern Mariana Is-
2 lands, the Republic of Palau, the Republic of the Marshall
3 Islands, and the Federated States of Micronesia through
4 assessments of long-range operations maintenance needs,
5 improved capability of local operations and maintenance
6 institutions and agencies (including management and vo-
7 cational education training), and project-specific mainte-
8 nance (with territorial participation and cost sharing to
9 be determined by the Secretary based on the individual
10 territory's commitment to timely maintenance of its cap-
11 ital assets): *Provided further*, That any appropriation for
12 disaster assistance under this head in this Act or previous
13 appropriations Acts may be used as non-Federal matching
14 funds for the purpose of hazard mitigation grants provided
15 pursuant to section 404 of the Robert T. Stafford Disaster
16 Relief and Emergency Assistance Act (42 U.S.C. 5170c).

17 COMPACT OF FREE ASSOCIATION

18 For economic assistance and necessary expenses for
19 the Federated States of Micronesia and the Republic of
20 the Marshall Islands as provided for in sections 122, 221,
21 223, 232, and 233 of the Compact of Free Association,
22 and for economic assistance and necessary expenses for
23 the Republic of Palau as provided for in sections 122, 221,
24 223, 232, and 233 of the Compact of Free Association,
25 ~~\$20,445,000~~ \$20,545,000, to remain available until ex-

1 pended, as authorized by Public Law 99–239 and Public
2 Law 99–658.

3 DEPARTMENTAL MANAGEMENT

4 SALARIES AND EXPENSES

5 For necessary expenses for management of the De-
6 partment of the Interior, \$58,286,000, of which not to ex-
7 ceed \$8,500 may be for official reception and representa-
8 tion expenses, and of which up to \$1,200,000 shall be
9 available for workers compensation payments and unem-
10 ployment compensation payments associated with the or-
11 derly closure of the United States Bureau of Mines.

12 OFFICE OF THE SOLICITOR

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of the Solicitor,
15 \$35,443,000.

16 OFFICE OF INSPECTOR GENERAL

17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of Inspector
19 General, ~~\$24,439,000~~ \$24,500,000.

20 NATIONAL INDIAN GAMING COMMISSION

21 SALARIES AND EXPENSES

22 For necessary expenses of the National Indian Gam-
23 ing Commission, pursuant to Public Law 100–497,
24 ~~\$1,000,000~~.

1 ADMINISTRATIVE PROVISIONS

2 There is hereby authorized for acquisition from avail-
3 able resources within the Working Capital Fund, 15 air-
4 craft, 10 of which shall be for replacement and which may
5 be obtained by donation, purchase or through available ex-
6 cess surplus property: *Provided*, That notwithstanding any
7 other provision of law, existing aircraft being replaced may
8 be sold, with proceeds derived or trade-in value used to
9 offset the purchase price for the replacement aircraft: *Pro-*
10 *vided further*, That no programs funded with appropriated
11 funds in the “Departmental Management”, “Office of the
12 Solicitor”, and “Office of Inspector General” may be aug-
13 mented through the Working Capital Fund or the Consoli-
14 dated Working Fund.

15 GENERAL PROVISIONS, DEPARTMENT OF THE
16 INTERIOR

17 SEC. 101. Appropriations made in this title shall be
18 available for expenditure or transfer (within each bureau
19 or office), with the approval of the Secretary, for the emer-
20 gency reconstruction, replacement, or repair of aircraft,
21 buildings, utilities, or other facilities or equipment dam-
22 aged or destroyed by fire, flood, storm, or other unavoid-
23 able causes: *Provided*, That no funds shall be made avail-
24 able under this authority until funds specifically made
25 available to the Department of the Interior for emer-

1 agencies shall have been exhausted: *Provided further*, That
2 all funds used pursuant to this section are hereby des-
3 ignated by Congress to be “emergency requirements” pur-
4 suant to section 251(b)(2)(D) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985, and must be re-
6 plenished by a supplemental appropriation which must be
7 requested as promptly as possible.

8 SEC. 102. The Secretary may authorize the expendi-
9 ture or transfer of any no year appropriation in this title,
10 in addition to the amounts included in the budget pro-
11 grams of the several agencies, for the suppression or emer-
12 gency prevention of forest or range fires on or threatening
13 lands under the jurisdiction of the Department of the Inte-
14 rior; for the emergency rehabilitation of burned-over lands
15 under its jurisdiction; for emergency actions related to po-
16 tential or actual earthquakes, floods, volcanoes, storms, or
17 other unavoidable causes; for contingency planning subse-
18 quent to actual oilspills; response and natural resource
19 damage assessment activities related to actual oilspills; for
20 the prevention, suppression, and control of actual or po-
21 tential grasshopper and Mormon cricket outbreaks on
22 lands under the jurisdiction of the Secretary, pursuant to
23 the authority in section 1773(b) of Public Law 99–198
24 (99 Stat. 1658); for emergency reclamation projects under
25 section 410 of Public Law 95–87; and shall transfer, from

1 any no year funds available to the Office of Surface Min-
2 ing Reclamation and Enforcement, such funds as may be
3 necessary to permit assumption of regulatory authority in
4 the event a primacy State is not carrying out the regu-
5 latory provisions of the Surface Mining Act: *Provided*,
6 That appropriations made in this title for fire suppression
7 purposes shall be available for the payment of obligations
8 incurred during the preceding fiscal year, and for reim-
9 bursement to other Federal agencies for destruction of ve-
10 hicles, aircraft, or other equipment in connection with
11 their use for fire suppression purposes, such reimburse-
12 ment to be credited to appropriations currently available
13 at the time of receipt thereof: *Provided further*, That for
14 emergency rehabilitation and wildfire suppression activi-
15 ties, no funds shall be made available under this authority
16 until funds appropriated to “Wildland Fire Management”
17 shall have been exhausted: *Provided further*, That all funds
18 used pursuant to this section are hereby designated by
19 Congress to be “emergency requirements” pursuant to
20 section 251(b)(2)(D) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985, and must be replen-
22 ished by a supplemental appropriation which must be re-
23 quested as promptly as possible: *Provided further*, That
24 such replenishment funds shall be used to reimburse, on

1 a pro rata basis, accounts from which emergency funds
2 were transferred.

3 SEC. 103. Appropriations made in this title shall be
4 available for operation of warehouses, garages, shops, and
5 similar facilities, wherever consolidation of activities will
6 contribute to efficiency or economy, and said appropria-
7 tions shall be reimbursed for services rendered to any
8 other activity in the same manner as authorized by sec-
9 tions 1535 and 1536 of title 31, United States Code: *Pro-*
10 *vided*, That reimbursements for costs and supplies, mate-
11 rials, equipment, and for services rendered may be cred-
12 ited to the appropriation current at the time such reim-
13 bursements are received.

14 SEC. 104. Appropriations made to the Department
15 of the Interior in this title shall be available for services
16 as authorized by 5 U.S.C. 3109, when authorized by the
17 Secretary, in total amount not to exceed \$500,000; hire,
18 maintenance, and operation of aircraft; hire of passenger
19 motor vehicles; purchase of reprints; payment for tele-
20 phone service in private residences in the field, when au-
21 thorized under regulations approved by the Secretary; and
22 the payment of dues, when authorized by the Secretary,
23 for library membership in societies or associations which
24 issue publications to members only or at a price to mem-
25 bers lower than to subscribers who are not members.

1 SEC. 105. Appropriations available to the Depart-
2 ment of the Interior for salaries and expenses shall be
3 available for uniforms or allowances therefor, as author-
4 ized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

5 SEC. 106. Appropriations made in this title shall be
6 available for obligation in connection with contracts issued
7 for services or rentals for periods not in excess of twelve
8 months beginning at any time during the fiscal year.

9 ~~SEC. 107. No final rule or regulation of any agency~~
10 ~~of the Federal Government pertaining to the recognition,~~
11 ~~management, or validity of a right-of-way pursuant to Re-~~
12 ~~vised Statute 2477 (43 U.S.C. 932) shall take effect un-~~
13 ~~less expressly authorized by an Act of Congress subse-~~
14 ~~quent to the date of enactment of this Act.~~

15 SEC. 108. No funds provided in this title may be ex-
16 pended by the Department of the Interior for the conduct
17 of offshore leasing and related activities placed under re-
18 striction in the President’s moratorium statement of June
19 26, 1990, in the areas of Northern, Central, and Southern
20 California; the North Atlantic; Washington and Oregon;
21 and the Eastern Gulf of Mexico south of 26 degrees north
22 latitude and east of 86 degrees west longitude.

23 SEC. 109. No funds provided in this title may be ex-
24 pended by the Department of the Interior for the conduct
25 of leasing, or the approval or permitting of any drilling

1 ~~or other exploration activity, offshore oil and natural gas~~
2 ~~preleasing, leasing, and related activities~~ on lands within
3 the North Aleutian Basin planning area.

4 SEC. 110. No funds provided in this title may be ex-
5 pended by the Department of the Interior to conduct off-
6 shore oil and natural gas preleasing, leasing and related
7 activities in the Eastern Gulf of Mexico planning area for
8 any lands located outside Sale 181, as identified in the
9 final Outer Continental Shelf 5-Year Oil and Gas Leasing
10 Program, 1997–2002.

11 SEC. 111. No funds provided in this title may be ex-
12 pended by the Department of the Interior to conduct oil
13 and natural gas preleasing, leasing and related activities
14 in the Mid-Atlantic and South Atlantic planning areas.

15 ~~SEC. 112. Advance payments made under this title~~
16 ~~to Indian tribes, tribal organizations, and tribal consortia~~
17 ~~pursuant to the Indian Self-Determination and Education~~
18 ~~Assistance Act (25 U.S.C. 450, et seq.) may be invested~~
19 ~~by the Indian tribe, tribal organization, or consortium be-~~
20 ~~fore such funds are expended for the purposes of the~~
21 ~~grant, compact, or annual funding agreement so long as~~
22 ~~such funds are—~~

23 (a) ~~invested by the Indian tribe, tribal organiza-~~
24 ~~tion, or consortium only in obligations of the United~~

1 States or in obligations or securities that are guar-
2 anteed or insured by the United States, or

3 (b) deposited only into accounts that are in-
4 sured by an agency or instrumentality of the United
5 States.

6 *SEC. 112. Advance payments made under this title to*
7 *Indian tribes, tribal organizations, and tribal consortia*
8 *pursuant to the Indian Self-Determination and Education*
9 *Assistance Act (25 U.S.C. 450, et seq.) may be invested by*
10 *the Indian tribe, tribal organization, or consortium before*
11 *such funds are expended for the purposes of the grant, com-*
12 *pact, or annual funding agreement so long as such funds*
13 *are—*

14 (a) *invested by the Indian tribe, tribal organiza-*
15 *tion, or consortium only in obligations of the United*
16 *States, or in obligations or securities that are guaran-*
17 *teed or insured by the United States, or mutual (or*
18 *other) funds registered with the Securities and Ex-*
19 *change Commission and which only invest in obliga-*
20 *tions of the United States or securities that are guar-*
21 *anteed or insured by the United States, or*

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

1 ~~SEC. 113. (a) Employees of Helium Operations, Bu-~~
2 ~~reau of Land Management, entitled to severance pay~~
3 ~~under 5 U.S.C. 5595, may apply for, and the Secretary~~
4 ~~of the Interior may pay the total amount of the severance~~
5 ~~pay to the employee in a lump sum. Employees paid sever-~~
6 ~~ance pay in a lump sum and subsequently reemployed by~~
7 ~~the Federal government shall be subject to the repayment~~
8 ~~provisions of 5 U.S.C. 5595(i)(2) and (3), except that any~~
9 ~~repayment shall be made to the Helium Fund.~~

10 ~~(b) Helium Operations employees who elect to con-~~
11 ~~tinue health benefits after separation shall be liable for~~
12 ~~not more than the required employee contribution under~~
13 ~~5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for~~
14 ~~18 months the remaining portion of required contribu-~~
15 ~~tions.~~

16 ~~(c) Benefits under this section shall be available to~~
17 ~~Helium Operations employees who are or will be involun-~~
18 ~~tarily separated before October 1, 2002 because of the ces-~~
19 ~~sation of helium production and sales and other related~~
20 ~~activities.~~

21 *SEC. 113. (a) Employees of Helium Operations, Bu-*
22 *reau of Land Management, entitled to severance pay under*
23 *5 U.S.C. 5595, may apply for, and the Secretary of the*
24 *Interior may pay, the total amount of the severance pay*
25 *to the employee in a lump sum. Employees paid severance*

1 *pay in a lump sum and subsequently reemployed by the*
2 *Federal Government shall be subject to the repayment provi-*
3 *sions of 5 U.S.C. 5595(i) (2) and (3), except that any re-*
4 *payment shall be made to the Helium Fund.*

5 *(b) Helium Operations employees who elect to continue*
6 *health benefits after separation shall be liable for not more*
7 *than the required employee contribution under 5 U.S.C.*
8 *8905a(d)(1)(A). The Helium Fund shall pay for 18 months*
9 *the remaining portion of required contributions.*

10 *(c) The Secretary of the Interior may provide for*
11 *training to assist Helium Operations employees in the tran-*
12 *sition to other Federal or private sector jobs during the fa-*
13 *cility shut-down and disposition process and for up to 12*
14 *months following separation from Federal employment, in-*
15 *cluding retraining and relocation incentives on the same*
16 *terms and conditions as authorized for employees of the De-*
17 *partment of Defense in section 348 of the National Defense*
18 *Authorization Act for Fiscal Year 1995.*

19 *(d) For purposes of the annual leave restoration provi-*
20 *sions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium pro-*
21 *duction and sales, and other related Helium Program ac-*
22 *tivities shall be deemed to create an exigency of public busi-*
23 *ness under, and annual leave that is lost during leave years*
24 *1997 through 2001 because of, 5 U.S.C. 6304 (regardless*
25 *of whether such leave was scheduled in advance) shall be*

1 restored to the employee and shall be credited and available
2 in accordance with 5 U.S.C. 6304(d)(2). Annual leave so
3 restored and remaining unused upon the transfer of a He-
4 lium Program employee to a position of the executive
5 branch outside of the Helium Program shall be liquidated
6 by payment to the employee of a lump-sum from the He-
7 lium Fund for such leave.

8 (e) Benefits under this section shall be paid from the
9 Helium Fund in accordance with section 4(c)(4) of the He-
10 lium Privatization Act of 1996. Funds may be made avail-
11 able to Helium Program employees who are or will be sepa-
12 rated before October 1, 2002 because of the cessation of he-
13 lium production and sales and other related activities. Re-
14 training benefits, including retraining and relocation in-
15 centives, may be paid for retraining commencing on or be-
16 fore September 30, 2002.

17 ~~SEC. 114. None of the funds in this or previous ap-~~
18 ~~propriations Acts may be used to establish a new regional~~
19 ~~office in the United States Fish and Wildlife Service with-~~
20 ~~out the advance approval of the House and Senate Com-~~
21 ~~mittees on Appropriations.~~

22 *SEC. 115. (a) CONVEYANCE REQUIREMENT.—Within*
23 *90 days after the date of enactment of this Act, the Sec-*
24 *retary of the Interior shall convey to the State of West Vir-*
25 *ginia without reimbursement, all right, title, and interest*

1 *of the United States in and to the property described in*
2 *subsection (b), for sole use by the Wildlife Resources Section*
3 *of the West Virginia Division of Natural Resources, as part*
4 *of the State of West Virginia fish culture program.*

5 **(b) PROPERTY DESCRIBED.**—*The property referred to*
6 *in subsection (a) is the property known as the Bowden Na-*
7 *tional Fish Hatchery, located on old United States route*
8 *33, Randolph County, West Virginia, consisting of 44 acres*
9 *(more or less), and all improvements and related personal*
10 *property under the control of the Secretary that is located*
11 *on that property, including buildings, structures, equip-*
12 *ment, and all easements, leases, and water rights relating*
13 *to that property.*

14 **(c) USE AND REVERSIONARY INTEREST.**—*The prop-*
15 *erty conveyed to the State of West Virginia pursuant to this*
16 *section shall be used and operated solely by the Wildlife Re-*
17 *sources Section of the West Virginia Division of Natural*
18 *Resources for the purposes of fishery resources management*
19 *and fisheries related activities, and if it is used for any*
20 *other purposes or by any other party other than the use*
21 *authorized under subsection (a), all right, title, and interest*
22 *in and to all property conveyed under this section shall re-*
23 *vert to the United States. The State of West Virginia shall*
24 *ensure that the property reverting to the United States is*

1 *in substantially the same or better condition as at the time*
2 *of transfer.*

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

7 *SEC. 117. The third proviso under the heading “Com-*
8 *pact of Free Association” of Public Law 100–446 is amend-*
9 *ed by striking “\$2,000,000” and inserting “\$2,500,000”*
10 *and by adding at the end of the proviso the following: “and*
11 *commencing on October 1, 1998 and every year thereafter,*
12 *this dollar amount shall be changed to reflect any fluctua-*
13 *tion occurring during the previous twelve (12) months in*
14 *the Consumer Price Index, as determined by the Secretary*
15 *of Labor.”*

16 *SEC. 118. (a) No funds available in this Act or any*
17 *other Act for tribal priority allocations (hereinafter in this*
18 *section “TPA”) in excess of the funds expended for TPA*
19 *in fiscal year 1997 (adjusted for fixed costs and internal*
20 *transfers pursuant to other law) may be allocated or ex-*
21 *pended by the Bureau of Indian Affairs (hereinafter in this*
22 *section “BIA”) until sixty days after the BIA has submitted*
23 *to the Committee on Appropriations of the Senate and the*
24 *Committee on Appropriations of the House of Representa-*
25 *tives the report required under subsection (b).*

1 (b) *The BIA is directed to develop a formula through*
2 *which TPA funds will be allocated on the basis of need, tak-*
3 *ing into account each tribe's tribal business revenues from*
4 *all business ventures, including gaming. The BIA shall sub-*
5 *mit to the Congress its recommendations for need-based dis-*
6 *tribution formulas for TPA funds prior to January 1, 1998.*
7 *Such recommendations shall include several proposed for-*
8 *mulas, which shall provide alternative means of measuring*
9 *the wealth and needs of tribes.*

10 (c) *Notwithstanding any other provision of law, the*
11 *BIA is hereby authorized to collect such financial and sup-*
12 *porting information as is necessary from each tribe receiv-*
13 *ing or seeking to receive TPA funding to determine such*
14 *tribe's tribal business revenue from business ventures, in-*
15 *cluding gaming, for use in determining such tribe's wealth*
16 *and needs for the purposes of this section. The BIA shall*
17 *obtain such information on the previous calendar or fiscal*
18 *year's business revenues no later than April 15th of each*
19 *year. For purposes of preparing its recommendations under*
20 *subsection (b), the BIA shall require each tribe that received*
21 *TPA funds in fiscal year 1997 to submit such information*
22 *by November 1, 1997.*

23 (d) *At the request of a tribe, the BIA shall provide*
24 *such technical assistance as is necessary to foster the tribe's*
25 *compliance with subsection (c). Any tribe which does not*

1 *comply with subsection (c) in any given year will be ineli-*
2 *gible to receive TPA funds for the following fiscal year, as*
3 *such tribe's relative need cannot be determined.*

4 *(e) For the purposes of this section, the term "tribal*
5 *business revenue" means income, however derived, from any*
6 *venture (regardless of the nature or purpose of the activity)*
7 *owned, held, or operated, in whole or in part, by any entity*
8 *(whether corporate, partnership, sole proprietorship, trust,*
9 *or cooperative in nature) on behalf of the collective members*
10 *of any tribe that has received or seeks to receive TPA, and*
11 *any income from license fees and royalties collected by any*
12 *such tribe. Payments by corporations to shareholders who*
13 *are shareholders based on stock ownership, not tribal mem-*
14 *bership, will not be considered tribal business revenue under*
15 *this section unless the corporation is operated by a tribe.*

16 *(f) Notwithstanding any provision of this Act or any*
17 *other Act hereinafter enacted, no funds may be allocated*
18 *or expended by any agency of the Federal Government for*
19 *TPA after October 1, 1998 except in accordance with a*
20 *needs-based funding formula that takes into account all*
21 *tribal business revenues, including gaming, of each tribe re-*
22 *ceiving TPA funds.*

23 *SEC. 119. Section 116 of the Omnibus Appropriations*
24 *Act for Fiscal Year 1997 (Public Law 104-208; 110 Stat.*
25 *3009-201) is amended—*

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

4 (2) *by striking “(February 20, 1929, 45 Stat.*
5 *1252)” each place it appears and inserting in lieu*
6 *thereof “(July 16, 1894, 28 Stat. 110 and February*
7 *20, 1929, 45 Stat. 1252)”;* and

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

11 *TRIBAL PRIORITY ALLOCATION LIMITATION*

12 *SEC. 120. The receipt by an Indian Tribe of tribal pri-*
13 *ority allocations funding from the Bureau of Indian Affairs*
14 *“Operation of Indian Programs” account under this Act*
15 *shall—*

16 (1) *waive any claim of immunity by that Indian*
17 *tribe;*

18 (2) *subject that Indian tribe to the jurisdiction*
19 *of the courts of the United States, and grant the con-*
20 *sent of the United States to the maintenance of suit*
21 *and jurisdiction of such courts irrespective of the*
22 *issue of tribal immunity; and*

23 (3) *grant United States district courts original*
24 *jurisdiction of all civil actions brought by or against*
25 *any Indian tribe or band with a governing body duly*
26 *recognized by the Secretary of the Interior, wherein*

1 *the matter in controversy arises under the Constitu-*
2 *tion, laws, or treaties of the United States.*

3 *SEC. 121. KANTISHNA MINING CLAIMS.—Notwith-*
4 *standing any other provision of law, on October 1, 1998,*
5 *there is hereby vested in the United States all right, title,*
6 *and interest in and to, and the right of immediate posses-*
7 *sion of, all patented mining claims and valid unpatented*
8 *mining claims (including any unpatented claim whose va-*
9 *lidity is in dispute, so long as such validity is later estab-*
10 *lished in a settlement or judgement pursuant to this section)*
11 *in the Kantishna Mining District within Denali National*
12 *Park and Preserve whose owners consent in writing to this*
13 *action within said 120 day period: Provided, That in the*
14 *event a bankruptcy trustee is an owner in interest in a min-*
15 *ing claim in the Kantishna Mining District, that consent*
16 *will be deemed timely for purposes of this section if the*
17 *trustee applies within said 120 day period to the bank-*
18 *ruptcy court for authority to sell the mining claim and to*
19 *consent to the taking of such claim, and that in such event*
20 *title shall vest in the United States 10 days after entry of*
21 *an unstayed order or judgement approving the trustee's ap-*
22 *plication: Provided further, That the United States shall*
23 *pay just compensation to the owners of any property taken*
24 *pursuant to this section, determined as of the date of taking:*
25 *Provided further, That payment shall be in the amount of*

1 a negotiated settlement of the value of such property or the
2 valuation of such property awarded by judgment and shall
3 be made solely from the permanent judgment appropriation
4 established pursuant to section 1304 of title 31, United
5 States Code, and shall include accrued interest on the
6 amount of the agreed settlement value or the final judgment
7 from the date of taking to the date of payment, calculated
8 in accordance with section 258e-1 of title 40, United States
9 Code, except that interest shall not be allowed on such
10 amounts as shall have been paid into the court registry:
11 Provided further, That the United States or the property
12 owner may initiate proceedings at any time after said 120
13 day period seeking a determination of just compensation
14 in the District Court for the District of Alaska pursuant
15 to sections 1358 and 1403 of title 28, United States Code:
16 Provided further, That the United States shall deposit in
17 the registry of the court the estimated just compensation,
18 or at least seventy-five percent thereof, in accordance with
19 the procedures generally described in section 258a of title
20 40, United States Code not otherwise inconsistent with this
21 section: Provided further, That in establishing any estimate
22 (other than an estimate based on an agency-certified ap-
23 praisal made prior to the date of enactment of this Act)
24 the Secretary of the Interior shall permit the property
25 owner to present evidence of the value of the property, in-

1 cluding potential mineral value, and shall consider such
2 evidence and permit the property owner to have a reason-
3 able and sufficient opportunity to comment on such esti-
4 mate: Provided further, That the estimated just compensa-
5 tion or part thereof deposited in the court registry shall be
6 paid to the property owner upon request: Provided further,
7 That any payment from the court registry to the property
8 owner shall be deducted from any negotiated settlement or
9 award by judgement: Provided further, That the United
10 States may not request the court to withhold any payment
11 from the court registry or pursue any claim for environ-
12 mental remediation with respect to such property until 30
13 days after a negotiated settlement or award by judgement
14 with respect to such property has been reached and payment
15 has been made: Provided further, That the Secretary shall
16 not allow any unauthorized use of property acquired pursu-
17 ant to this section after the date of taking, and the Secretary
18 shall permit the orderly termination of all operation on the
19 lands and the removal of equipment, facilities, and personal
20 property.

21 SEC. 122. Section 1034 of Public Law 104-333 (110
22 Stat. 4093, 4240) is amended by striking “at any time
23 within 12 months of enactment of this Act” and inserting
24 in lieu thereof “on or before October 1, 1998”.

1 *SEC. 123. (a) KODIAK LAND VALUATION.—Notwith-*
2 *standing the Refuge Revenue Sharing Act (16 U.S.C. 715s)*
3 *or any regulations implementing such Act, the fair market*
4 *value for the initial computation of the payment to Kodiak*
5 *Island Borough pursuant to such Act shall be based on the*
6 *purchase price of the parcels acquired from Akhiok-*
7 *Kaguyak, Incorporated, Koniag, Incorporated, and the Old*
8 *Harbor Native Corporation for addition to the Kodiak Na-*
9 *tional Wildlife Refuge.*

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

17 *(c) The fair market value computation required under*
18 *subsection (a) shall be effective as of the date of the acquisi-*
19 *tion of the parcels described in such subsection.*

20 *SEC. 124. (a) ANDROSCOGGIN RIVER VALLEY HERIT-*
21 *AGE AREA ACT—SHORT TITLE.—This Act may be cited as*
22 *the “Androscoggin River Valley Heritage Area Act”.*

23 *(b) PURPOSE.—The purpose of this Act is to establish*
24 *a locally oriented commission to assist the city of Berlin,*

1 *New Hampshire, in identifying and studying the*
2 *Androscoggin River Valley’s historical and cultural assets.*

3 (c) *ESTABLISHMENT OF COMMISSION.—There is estab-*
4 *lished the Androscoggin River Valley Heritage Commission*
5 *(referred to in this Act as the “Commission”), which shall*
6 *consist of 10 members appointed not later than 3 months*
7 *after the date of enactment of this Act, as follows:*

8 (1) *1 member appointed by the Governor of New*
9 *Hampshire, who shall serve as Chairperson.*

10 (2) *1 member appointed by the Speaker of the*
11 *House of Representatives of the State of New Hamp-*
12 *shire.*

13 (3) *1 member appointed by the President of the*
14 *Senate of the State of New Hampshire.*

15 (4) *2 members appointed by the Secretary of the*
16 *Interior from among individuals recommended by*
17 *State and local cultural or historic preservation orga-*
18 *nizations.*

19 (5) *1 member, appointed by the Secretary of the*
20 *Interior, who has experience in the area of historical*
21 *projects.*

22 (6) *4 members appointed by the mayor of the*
23 *city of Berlin, New Hampshire.*

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

1 (e) *COMPENSATION.*—

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

5 (2) *TRAVEL EXPENSES.*—*A member of the Com-*
6 *mission, while away from the member's home or regu-*
7 *lar place of business in the performance of services for*
8 *the Commission, shall be allowed travel expenses, in-*
9 *cluding per diem in lieu of subsistence, in the same*
10 *manner as persons employed intermittently in Gov-*
11 *ernment service are allowed expenses under section*
12 *5703 of title 5, United States Code.*

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

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

18 (h) *SUPPORT.*—

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

23 (2) *COMPLETION OF STUDY.*—*The Secretary of*
24 *the Interior may provide the Commission such tech-*

1 *nical and other assistance as is necessary to complete*
2 *the study described in subsection (j).*

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

5 *(j) STUDY.—*

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

11 *(A) include a catalog of all available his-*
12 *torically and culturally significant sites, build-*
13 *ings, and areas in the region;*

14 *(B) examine the feasibility of any Federal*
15 *or State historic recognition in the region;*

16 *(C) include a set of options for the city of*
17 *Berlin, New Hampshire, to pursue with respect*
18 *to heritage-based development, including a list of*
19 *available Federal, State, and private programs*
20 *that would further any such efforts; and*

21 *(D) account for the impacts of any heritage-*
22 *based development on State, municipal, and pri-*
23 *vate property.*

24 *(2) REPORT.—The Commission shall provide*
25 *Congress, the Secretary of the Interior, and the State*

1 *authorized efforts regarding the land exchange efforts in the*
2 *Umpqua River Basin region: Provided further, That activi-*
3 *ties conducted pursuant to funds provided herein for the*
4 *Alaska Spruce Bark Beetle task force shall be exempt from*
5 *the requirements of the Federal Advisory Committee Act.*

6 NATIONAL FOREST SYSTEM

7 For necessary expenses of the Forest Service, not
8 otherwise provided for, for management, protection, im-
9 provement, and utilization of the National Forest System,
10 for forest planning, inventory, and monitoring, and for ad-
11 ministrative expenses associated with the management of
12 funds provided under the heads “Forest and Rangeland
13 Research,” “State and Private Forestry,” “National For-
14 est System,” “Wildland Fire Management,” “Reconstruc-
15 tion and Construction,” and “Land Acquisition,”
16 ~~\$1,364,480,000~~ \$1,346,215,000, to remain available until
17 expended, which shall include 50 per centum of all monies
18 received during prior fiscal years as fees collected under
19 the Land and Water Conservation Fund Act of 1965, as
20 amended, in accordance with section 4 of the Act (16
21 U.S.C. 460l–6a(i)): *Provided*, That up to \$10,000,000 of
22 the funds provided herein for road maintenance shall be
23 available for the planned obliteration of roads which are
24 no longer needed: *Provided further, That funds may be used*
25 *to construct or reconstruct facilities of the Forest Service:*
26 *Provided further, That no more than \$250,000 shall be used*

1 *on any single project, exclusive of planning and design*
 2 *costs: Provided further, That the Forest Service shall report*
 3 *annually to Congress the amount obligated for each project,*
 4 *and the total dollars obligated during the year.*

5 WILDLAND FIRE MANAGEMENT

6 For necessary expenses for forest fire presuppression
 7 activities on National Forest System lands, for emergency
 8 fire suppression on or adjacent to such lands or other
 9 lands under fire protection agreement, and for emergency
 10 rehabilitation of burned over National Forest System
 11 lands, ~~\$591,715,000~~ \$582,715,000 to remain available
 12 until expended: *Provided, That such funds are available*
 13 *for repayment of advances from other appropriations ac-*
 14 *counts previously transferred for such purposes.*

15 RECONSTRUCTION AND CONSTRUCTION

16 For necessary expenses of the Forest Service, not
 17 otherwise provided for, ~~\$160,122,000 (reduced by~~
 18 ~~\$5,600,000)~~ \$160,269,000, to remain available until ex-
 19 pended for construction, reconstruction and acquisition of
 20 buildings and other facilities, and for construction, recon-
 21 struction and repair of forest roads and trails by the For-
 22 est Service as authorized by 16 U.S.C. 532–538 and 23
 23 U.S.C. 101 and 205: ~~*Provided, That not to exceed*~~
 24 ~~\$50,000,000, (reduced to \$25,000,000), to remain avail-~~
 25 ~~able until expended, may be obligated for the construction~~
 26 ~~of forest roads by timber purchasers.~~

1 LAND ACQUISITION

2 For expenses necessary to carry out the provisions
3 of the Land and Water Conservation Fund Act of 1965,
4 as amended (16 U.S.C. 4601-4-11), including administra-
5 tive expenses, and for acquisition of land or waters, or in-
6 terest therein, in accordance with statutory authority ap-
7 plicable to the Forest Service, ~~\$45,000,000~~ \$49,176,000,
8 to be derived from the Land and Water Conservation
9 Fund, to remain available until expended.

10 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
11 ACTS

12 For acquisition of lands within the exterior bound-
13 aries of the Cache, Uinta, and Wasatch National Forests,
14 Utah; the Toiyabe National Forest, Nevada; and the An-
15 geles, San Bernardino, Sequoia, and Cleveland National
16 Forests, California, as authorized by law, \$1,069,000, to
17 be derived from forest receipts.

18 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

19 For acquisition of lands, such sums, to be derived
20 from funds deposited by State, county, or municipal gov-
21 ernments, public school districts, or other public school au-
22 thorities pursuant to the Act of December 4, 1967, as
23 amended (16 U.S.C. 484a), to remain available until ex-
24 pended.

1 RANGE BETTERMENT FUND

2 For necessary expenses of range rehabilitation, pro-
3 tection, and improvement, 50 per centum of all moneys
4 received during the prior fiscal year, as fees for grazing
5 domestic livestock on lands in National Forests in the six-
6 teen Western States, pursuant to section 401(b)(1) of
7 Public Law 94–579, as amended, to remain available until
8 expended, of which not to exceed 6 per centum shall be
9 available for administrative expenses associated with on-
10 the-ground range rehabilitation, protection, and improve-
11 ments.

12 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
13 RANGELAND RESEARCH

14 For expenses authorized by 16 U.S.C. 1643(b),
15 \$92,000, to remain available until expended, to be derived
16 from the fund established pursuant to the above Act.

17 MIDWIN NATIONAL TALLGRASS PRAIRIE RESTORATION
18 FUND

19 All funds collected for admission, occupancy, and use
20 of the Midwin National Tallgrass Prairie, and the salvage
21 value proceeds from sale of any facilities and improve-
22 ments pursuant to sections 2915(d) and (e) of Public Law
23 104–106, are hereby appropriated and made available
24 until expended for the necessary expenses of restoring and
25 administering the Midwin National Tallgrass Prairie in
26 accordance with section 2915(f) of the Act.

1 COOPERATIVE WORK, FOREST SERVICE

2 For restoring the balances borrowed for previous
3 years firefighting, ~~\$128,000,000~~, to remain available until
4 expended: *Provided*, That the appropriation shall be
5 merged with and made a part of the designated fund au-
6 thorized by Public Law 71-319, as amended.

7 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

8 Appropriations to the Forest Service for the current
9 fiscal year shall be available for: (1) purchase of not to
10 exceed 159 passenger motor vehicles of which 22 will be
11 used primarily for law enforcement purposes and of which
12 156 shall be for replacement; acquisition of 25 passenger
13 motor vehicles from excess sources, and hire of such vehi-
14 cles; operation and maintenance of aircraft, the purchase
15 of not to exceed two for replacement only, and acquisition
16 of 20 aircraft from excess sources notwithstanding other
17 provisions of law, existing aircraft being replaced may be
18 sold, with proceeds derived or trade-in value used to offset
19 the purchase price for the replacement aircraft; (2) serv-
20 ices pursuant to 7 U.S.C. 2225, and not to exceed
21 \$100,000 for employment under 5 U.S.C. 3109; (3) pur-
22 chase, erection, and alteration of buildings and other pub-
23 lic improvements (7 U.S.C. 2250); (4) acquisition of land,
24 waters, and interests therein, pursuant to 7 U.S.C. 428a;
25 (5) for expenses pursuant to the Volunteers in the Na-
26 tional Forest Act of 1972 (16 U.S.C. 558a, 558d, and

1 558a note); (6) the cost of uniforms as authorized by 5
2 U.S.C. 5901–5902; and (7) for debt collection contracts
3 in accordance with 31 U.S.C. 3718(c).

4 None of the funds made available under this Act shall
5 be obligated or expended to change the boundaries of any
6 region, to abolish any region, to move or close any regional
7 office for research, State and private forestry, or National
8 Forest System administration of the Forest Service, De-
9 partment of Agriculture *other than the relocation of the re-*
10 *gional office for Region 10 to Ketchikan and other office*
11 *relocations and closures in Alaska as specified in the Com-*
12 *mittee report accompanying this bill*, without the consent
13 of the House and Senate Committees on Appropriations.

14 Any appropriations or funds available to the Forest
15 Service may be advanced to the Wildland Fire Manage-
16 ment appropriation and may be used for forest firefighting
17 and the emergency rehabilitation of burned-over or dam-
18 aged lands or waters under its jurisdiction.

19 Funds appropriated to the Forest Service shall be
20 available for assistance to or through the Agency for Inter-
21 national Development and the Foreign Agricultural Serv-
22 ice in connection with forest and rangeland research, tech-
23 nical information, and assistance in foreign countries, and
24 shall be available to support forestry and related natural
25 resource activities outside the United States and its terri-

1 tories and possessions, including technical assistance, edu-
2 cation and training, and cooperation with United States
3 and international organizations.

4 None of the funds made available to the Forest Serv-
5 ice under this Act shall be subject to transfer under the
6 provisions of section 702(b) of the Department of Agri-
7 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
8 147b unless the proposed transfer is approved in advance
9 by the House and Senate Committees on Appropriations
10 in compliance with the reprogramming procedures con-
11 tained in the report accompanying this bill.

12 None of the funds available to the Forest Service may
13 be reprogrammed without the advance approval of the
14 House and Senate Committees on Appropriations in ac-
15 cordance with the procedures contained in the report ac-
16 companying this bill.

17 No funds appropriated to the Forest Service shall be
18 transferred to the Working Capital Fund of the Depart-
19 ment of Agriculture without the approval of the Chief of
20 the Forest Service.

21 Notwithstanding any other provision of the law, any
22 appropriations or funds available to the Forest Service
23 may be used to disseminate program information to pri-
24 vate and public individuals and organizations through the
25 use of nonmonetary items of nominal value and to provide

1 nonmonetary awards of nominal value and to incur nec-
2 essary expenses for the nonmonetary recognition of private
3 individuals and organizations that make contributions to
4 Forest Service programs.

5 Notwithstanding any other provision of law, money
6 collected, in advance or otherwise, by the Forest Service
7 under authority of section 101 of Public Law 93–153 (30
8 U.S.C. 185(1)) as reimbursement of administrative and
9 other costs incurred in processing pipeline right-of-way or
10 permit applications and for costs incurred in monitoring
11 the construction, operation, maintenance, and termination
12 of any pipeline and related facilities, may be used to reim-
13 burse the applicable appropriation to which such costs
14 were originally charged.

15 Funds available to the Forest Service shall be avail-
16 able to conduct a program of not less than \$1,000,000
17 for high priority projects within the scope of the approved
18 budget which shall be carried out by the Youth Conserva-
19 tion Corps as authorized by the Act of August 13, 1970,
20 as amended by Public Law 93–408.

21 None of the funds available in this Act shall be used
22 for timber sale preparation using clearcutting in hardwood
23 stands in excess of 25 percent of the fiscal year 1989 har-
24 vested volume in the Wayne National Forest, Ohio: *Pro-*
25 *vided*, That this limitation shall not apply to hardwood

1 stands damaged by natural disaster: *Provided further*,
2 That landscape architects shall be used to maintain a vis-
3 ually pleasing forest.

4 Any money collected from the States for fire suppres-
5 sion assistance rendered by the Forest Service on non-
6 Federal lands not in the vicinity of National Forest Sys-
7 tem lands shall be used to reimburse the applicable appro-
8 priation and shall remain available until expended as the
9 Secretary may direct in conducting activities authorized
10 by 16 U.S.C. 2101 note, 2101–2110, 1606, and 2111.

11 Of the funds available to the Forest Service, \$1,500
12 is available to the Chief of the Forest Service for official
13 reception and representation expenses.

14 Notwithstanding any other provision of law, the For-
15 est Service is authorized to employ or otherwise contract
16 with persons at regular rates of pay, as determined by the
17 Service, to perform work occasioned by emergencies such
18 as fires, storms, floods, earthquakes or any other unavoid-
19 able cause without regard to Sundays, Federal holidays,
20 and the regular workweek.

21 To the greatest extent possible, and in accordance
22 with the Final Amendment to the Shawnee National For-
23 est Plan, none of the funds available in this Act shall be
24 used for preparation of timber sales using clearcutting or

1 other forms of even aged management in hardwood stands
2 in the Shawnee National Forest, Illinois.

3 Pursuant to sections 405(b) and 410(b) of Public
4 Law 101–593, of the funds available to the Forest Service,
5 up to ~~\$2,000,000~~ \$2,500,000 may be advanced in a lump
6 sum as Federal financial assistance to the National Forest
7 Foundation, without regard to when the Foundation in-
8 curs expenses, for administrative expenses or projects on
9 or benefitting National Forest System lands or related to
10 Forest Service programs: *Provided*, That of the Federal
11 funds made available to the Foundation, no more than
12 ~~\$500,000~~ \$1,000,000 shall be available for administrative
13 expenses: *Provided further*, That the Foundation shall ob-
14 tain, by the end of the period of Federal financial assist-
15 ance, private contributions to match on at least one-for-
16 one basis funds made available by the Forest Service: *Pro-*
17 *vided further*, That the Foundation may transfer Federal
18 funds to a recipient of Federal financial assistance for a
19 project at the same rate that the recipient has obtained
20 the non-Federal matching funds: *Provided further*, That
21 hereafter, the National Forest Foundation may hold Fed-
22 eral funds made available but not immediately disbursed
23 and may use any interest or other investment income
24 earned (before, on, or after the date of enactment of this
25 Act) on Federal funds to carry out the purposes of Public

1 Law 101–593: *Provided further*, That such investments
2 may be made only in interest-bearing obligations of the
3 United States or in obligations guaranteed as to both prin-
4 cipal and interest by the United States.

5 Pursuant to section 2(b)(2) of Public Law 98–244,
6 up to \$2,000,000 of the funds available to the Forest
7 Service shall be available for matching funds, as author-
8 ized by 16 U.S.C. 3701–3709, and may be advanced in
9 a lump sum as Federal financial assistance, without re-
10 gard to when expenses are incurred, for projects on or ben-
11 efitting National Forest System lands or related to Forest
12 Service programs: *Provided*, That the Foundation shall ob-
13 tain, by the end of the period of Federal financial assist-
14 ance, private contributions to match on at least one-for-
15 one basis funds advanced by the Forest Service: *Provided*
16 *further*, That the Foundation may transfer Federal funds
17 to a recipient of Federal financial assistance for a project
18 at the same rate that the recipient has obtained the non-
19 Federal matching funds.

20 Funds appropriated to the Forest Service shall be
21 available for interactions with and providing technical as-
22 sistance to rural communities for sustainable rural devel-
23 opment purposes.

24 Notwithstanding any other provision of law, 80 per-
25 cent of the funds appropriated to the Forest Service in

1 the “National Forest System” and “Reconstruction and
2 Construction” accounts and planned to be allocated to ac-
3 tivities under the “Jobs in the Woods” program for
4 projects on National Forest land in the State of Washing-
5 ton may be granted directly to the Washington State De-
6 partment of Fish and Wildlife for accomplishment of
7 planned projects. Twenty percent of said funds shall be
8 retained by the Forest Service for planning and admin-
9 istering projects. Project selection and prioritization shall
10 be accomplished by the Forest Service with such consulta-
11 tion with the State of Washington as the Forest Service
12 deems appropriate.

13 Funds appropriated to the Forest Service shall be
14 available for payments to counties within the Columbia
15 River Gorge National Scenic Area, pursuant to sections
16 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
17 663.

18 Any funds available to the Forest Service may be
19 used for retrofitting the Commanding Officer’s Building
20 (S–2), to accommodate the relocation of the Forest Super-
21 visor’s Office for the San Bernardino National Forest:
22 *Provided*, That funds for the move must come from funds
23 otherwise available to Region 5: *Provided further*, That
24 any funds to be provided for such purposes shall only be

1 available upon approval of the House and Senate Commit-
2 tees on Appropriations.

3 The Secretary of Agriculture is authorized to enter
4 into grants, contracts, and cooperative agreements as ap-
5 propriate with the Pinchot Institute for Conservation, as
6 well as with public and other private agencies, organiza-
7 tions, institutions, and individuals, to provide for the de-
8 velopment, administration, maintenance, or restoration of
9 land, facilities, or Forest Service programs, at the Grey
10 Towers National Historic Landmark: *Provided*, That, sub-
11 ject to such terms and conditions as the Secretary of Agri-
12 culture may prescribe, any such public or private agency,
13 organization, institution, or individual may solicit, accept,
14 and administer private gifts of money and real or personal
15 property for the benefit of, or in connection with, the ac-
16 tivities and services at the Grey Towers National Historic
17 Landmark: *Provided further*, That such gifts may be ac-
18 cepted notwithstanding the fact that a donor conducts
19 business with the Department of Agriculture in any capac-
20 ity.

21 Funds appropriated to the Forest Service shall be
22 available, as determined by the Secretary, for payments
23 to Del Norte County, California, pursuant to sections
24 13(e) and 14 of the Smith River National Recreation Area
25 Act (Public Law 101–612).

1 For purposes of the Southeast Alaska Economic Dis-
2 aster Fund as set forth in section 101(c) of Public Law
3 104–134, the direct grants provided in subsection (c) shall
4 be considered direct payments for purposes of all applica-
5 ble law except that these direct grants may not be used
6 for lobbying activities.

7 No employee of the Department of Agriculture may
8 be detailed or assigned from an agency or office funded
9 by this Act to any other agency or office of the Depart-
10 ment for more than 30 days unless the individual’s em-
11 ploying agency or office is fully reimbursed by the receiv-
12 ing agency or office for the salary and expenses of the
13 employee for the period of assignment.

14 DEPARTMENT OF ENERGY

15 CLEAN COAL TECHNOLOGY

16 (RESCISSION)

17 Of the funds made available under this heading for
18 obligation in fiscal year 1997 or prior years, \$101,000,000
19 are rescinded: *Provided*, That funds made available in pre-
20 vious appropriations Acts shall be available for any ongo-
21 ing project regardless of the separate request for proposal
22 under which the project was selected.

23 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

24 For necessary expenses in carrying out fossil energy
25 research and development activities, under the authority
26 of the Department of Energy Organization Act (Public

1 Law 95–91), including the acquisition of interest, includ-
2 ing defeasible and equitable interests in any real property
3 or any facility or for plant or facility acquisition or expan-
4 sion, and for conducting inquiries, technological investiga-
5 tions and research concerning the extraction, processing,
6 use, and disposal of mineral substances without objection-
7 able social and environmental costs (30 U.S.C. 3, 1602,
8 and 1603), performed under the minerals and materials
9 science programs at the Albany Research Center in Or-
10 egon, ~~\$313,153,000~~ \$363,969,000, to remain available
11 until expended: *Provided*, That no part of the sum herein
12 made available shall be used for the field testing of nuclear
13 explosives in the recovery of oil and gas.

14 ALTERNATIVE FUELS PRODUCTION

15 (INCLUDING TRANSFER OF FUNDS)

16 Monies received as investment income on the prin-
17 cipal amount in the Great Plains Project Trust at the
18 Norwest Bank of North Dakota, in such sums as are
19 earned as of October 1, 1997, shall be deposited in this
20 account and immediately transferred to the General Fund
21 of the Treasury. Monies received as revenue sharing from
22 operation of the Great Plains Gasification Plant shall be
23 immediately transferred to the General Fund of the Treas-
24 ury.

1 NAVAL PETROLEUM AND OIL SHALE RESERVES

2 For necessary expenses in carrying out naval petro-
3 leum and oil shale reserve activities, ~~\$115,000,000~~
4 \$107,000,000, and such sums as are necessary to operate
5 Naval Petroleum Reserve Numbered 1 between May 16,
6 1998 and September 30, 1998, to remain available until
7 expended: *Provided*, That notwithstanding any other pro-
8 vision of law, revenues received from use and operation
9 of Naval Petroleum Reserve Numbered 1 in excess of
10 \$163,000,000 shall be used to offset the costs of operating
11 Naval Petroleum Reserve Numbered 1 between May 16,
12 1998 and September 30, 1998: *Provided further*, That rev-
13 enues retained pursuant to the first proviso under this
14 head in Public Law 102-381 (106 Stat. 1404) shall be
15 immediately transferred to the General Fund of the Treas-
16 ury: *Provided further*, That the requirements of 10 U.S.C.
17 7430(b)(2)(B) shall not apply to fiscal year 1998.

18 ENERGY CONSERVATION

19 For necessary expenses in carrying out energy con-
20 servation activities, ~~\$644,766,000~~ \$627,357,000, to remain
21 available until expended, including, notwithstanding any
22 other provision of law, the excess amount for fiscal year
23 1998 determined under the provisions of section 3003(d)
24 of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That
25 ~~\$153,845,000~~ \$160,100,000 shall be for use in energy con-
26 servation programs as defined in section 3008(3) of Public

1 Law 99–509 (15 U.S.C. 4507) and shall not be available
 2 until excess amounts are determined under the provisions
 3 of section 3003(d) of Public Law 99–509 (15 U.S.C.
 4 4502): *Provided further*, That notwithstanding section
 5 3003(d)(2) of Public Law 99–509 such sums shall be allo-
 6 cated to the eligible programs as follows: ~~\$123,845,000~~
 7 \$129,000,000 for weatherization assistance grants and
 8 ~~\$30,000,000~~ \$31,100,000 for State energy conservation
 9 grants.

10 **ECONOMIC REGULATION**

11 For necessary expenses in carrying out the activities
 12 of the Office of Hearings and Appeals, \$2,725,000, to re-
 13 main available until expended.

14 **STRATEGIC PETROLEUM RESERVE**
 15 **(INCLUDING TRANSFER OF FUNDS)**

16 For necessary expenses for Strategic Petroleum Re-
 17 serve facility development and operations and program
 18 management activities pursuant to the Energy Policy and
 19 Conservation Act of 1975, as amended (42 U.S.C. 6201
 20 et seq.), ~~\$209,000,000~~ \$207,500,000, to remain available
 21 until expended, of which ~~\$209,000,000~~ \$207,500,000 shall
 22 be repaid from the “SPR Operating Fund” from amounts
 23 made available from the sale of oil from the Reserve: *Pro-*
 24 *vided*, That notwithstanding section 161 of the Energy
 25 Policy and Conservation Act, the Secretary shall draw
 26 down and sell in fiscal year 1998 ~~\$209,000,000~~

1 \$207,500,000 worth of oil from the Strategic Petroleum
2 Reserve: *Provided further*, That the proceeds from the sale
3 shall be deposited into the “SPR Operating Fund”, and
4 shall, upon receipt, be transferred to the Strategic Petro-
5 leum Reserve account for operations of the Strategic Pe-
6 troleum Reserve.

7 SPR PETROLEUM ACCOUNT

8 Notwithstanding 42 U.S.C. 6240(d) the United
9 States share of crude oil in Naval Petroleum Reserve
10 Numbered 1 (Elk Hills) may be sold or otherwise disposed
11 of to other than the Strategic Petroleum Reserve: *Pro-*
12 *vided*, That outlays in fiscal year 1998 resulting from the
13 use of funds in this account shall not exceed \$5,000,000.

14 ENERGY INFORMATION ADMINISTRATION

15 For necessary expenses in carrying out the activities
16 of the Energy Information Administration, \$66,800,000
17 \$62,800,000, to remain available until expended.

18 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

19 Appropriations under this Act for the current fiscal
20 year shall be available for hire of passenger motor vehicles;
21 hire, maintenance, and operation of aircraft; purchase, re-
22 pair, and cleaning of uniforms; and reimbursement to the
23 General Services Administration for security guard serv-
24 ices.

25 From appropriations under this Act, transfers of
26 sums may be made to other agencies of the Government

1 for the performance of work for which the appropriation
2 is made.

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

8 The Secretary is authorized to accept lands, build-
9 ings, equipment, and other contributions from public and
10 private sources and to prosecute projects in cooperation
11 with other agencies, Federal, State, private or foreign:
12 *Provided*, That revenues and other moneys received by or
13 for the account of the Department of Energy or otherwise
14 generated by sale of products in connection with projects
15 of the Department appropriated under this Act may be
16 retained by the Secretary of Energy, to be available until
17 expended, and used only for plant construction, operation,
18 costs, and payments to cost-sharing entities as provided
19 in appropriate cost-sharing contracts or agreements: *Pro-*
20 *vided further*, That the remainder of revenues after the
21 making of such payments shall be covered into the Treas-
22 ury as miscellaneous receipts: *Provided further*, That any
23 contract, agreement, or provision thereof entered into by
24 the Secretary pursuant to this authority shall not be exe-
25 cuted prior to the expiration of 30 calendar days (not in-

1 cluding any day in which either House of Congress is not
2 in session because of adjournment of more than three cal-
3 endar days to a day certain) from the receipt by the
4 Speaker of the House of Representatives and the Presi-
5 dent of the Senate of a full comprehensive report on such
6 project, including the facts and circumstances relied upon
7 in support of the proposed project.

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

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

18 The Secretary is authorized to accept funds from
19 other Federal agencies in return for assisting agencies in
20 achieving energy efficiency in Federal facilities and oper-
21 ations by the use of privately financed, energy saving per-
22 formance contracts and other private financing mecha-
23 nisms. The funds may be provided after agencies begin
24 to realize energy cost savings; may be retained by the Sec-
25 retary until expended; and may be used only for the pur-

1 pose of assisting Federal agencies in achieving greater ef-
2 ficiency, water conservation, and use of renewable energy
3 by means of privately financed mechanisms, including en-
4 ergy savings performance contracts. Any such privately fi-
5 nanced contracts shall meet the provisions of the Energy
6 Policy Act of 1992, Public Law ~~102-496~~ *102-486* (42
7 U.S.C. 8287).

8 DEPARTMENT OF HEALTH AND HUMAN
9 SERVICES

10 INDIAN HEALTH SERVICE

11 INDIAN HEALTH SERVICES

12 For expenses necessary to carry out the Act of Au-
13 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
14 tion Act, the Indian Health Care Improvement Act, and
15 titles II and III of the Public Health Service Act with re-
16 spect to the Indian Health Service, ~~\$1,829,008,000~~
17 *\$1,958,235,000*, together with payments received during
18 the fiscal year pursuant to 42 U.S.C. 238(b) for services
19 furnished by the Indian Health Service: *Provided*, That
20 funds made available to tribes and tribal organizations
21 through contracts, grant agreements, or any other agree-
22 ments or compacts authorized by the Indian Self-Deter-
23 mination and Education Assistance Act of 1975 (25
24 U.S.C. 450), shall be deemed to be obligated at the time
25 of the grant or contract award and thereafter shall remain

1 available to the tribe or tribal organization without fiscal
2 year limitation: *Provided further*, That \$12,000,000 shall
3 remain available until expended, for the Indian Cata-
4 strophic Health Emergency Fund: *Provided further*, That
5 ~~\$359,348,000~~ \$362,375,000 for contract medical care shall
6 remain available for obligation until September 30, 1999:
7 *Provided further*, That of the funds provided, not less than
8 \$11,889,000 shall be used to carry out the loan repayment
9 program under section 108 of the Indian Health Care Im-
10 provement Act: *Provided further*, That funds provided in
11 this Act may be used for one-year contracts and grants
12 which are to be performed in two fiscal years, so long as
13 the total obligation is recorded in the year for which the
14 funds are appropriated: *Provided further*, That the
15 amounts collected by the Secretary of Health and Human
16 Services under the authority of title IV of the Indian
17 Health Care Improvement Act shall remain available until
18 expended for the purpose of achieving compliance with the
19 applicable conditions and requirements of titles XVIII and
20 XIX of the Social Security Act (exclusive of planning, de-
21 sign, or construction of new facilities): *Provided further*,
22 That of the funds provided, \$7,500,000 shall remain avail-
23 able until expended, for the Indian Self-Determination
24 Fund, which shall be available for the transitional costs
25 of initial or expanded tribal contracts, compacts, grants

1 or cooperative agreements with the Indian Health Service
2 under the provisions of the Indian Self-Determination Act:
3 *Provided further*, That funding contained herein, and in
4 any earlier appropriations Acts for scholarship programs
5 under the Indian Health Care Improvement Act (25
6 U.S.C. 1613) shall remain available for obligation until
7 September 30, 1999: *Provided further*, That amounts re-
8 ceived by tribes and tribal organizations under title IV of
9 the Indian Health Care Improvement Act shall be reported
10 and accounted for and available to the receiving tribes and
11 tribal organizations until expended.

12 INDIAN HEALTH FACILITIES

13 For construction, repair, maintenance, improvement,
14 and equipment of health and related auxiliary facilities,
15 including quarters for personnel; preparation of plans,
16 specifications, and drawings; acquisition of sites, purchase
17 and erection of modular buildings, and purchases of trail-
18 ers; and for provision of domestic and community sanita-
19 tion facilities for Indians, as authorized by section 7 of
20 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
21 Self-Determination Act, and the Indian Health Care Im-
22 provement Act,~~and for expenses necessary to carry out~~
23 ~~such Acts and titles II and III of the Public Health Serv-~~
24 ~~ice Act with respect to environmental health and facilities~~
25 ~~support activities of the Indian Health Service,~~
26 ~~\$257,310,000~~ \$168,501,000, to remain available until ex-

1 pended: *Provided*, That notwithstanding any other provi-
2 sion of law, funds appropriated for the planning, design,
3 construction or renovation of health facilities for the bene-
4 fit of an Indian tribe or tribes may be used to purchase
5 land for sites to construct, improve, or enlarge health or
6 related facilities.

7 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

8 Appropriations in this Act to the Indian Health Serv-
9 ice shall be available for services as authorized by 5 U.S.C.
10 3109 but at rates not to exceed the per diem rate equiva-
11 lent to the maximum rate payable for senior-level positions
12 under 5 U.S.C. 5376; hire of passenger motor vehicles and
13 aircraft; purchase of medical equipment; purchase of re-
14 prints; purchase, renovation and erection of modular
15 buildings and renovation of existing facilities; payments
16 for telephone service in private residences in the field,
17 when authorized under regulations approved by the Sec-
18 retary; and for uniforms or allowances therefore as au-
19 thorized by 5 U.S.C. 5901–5902; and for expenses of at-
20 tendance at meetings which are concerned with the func-
21 tions or activities for which the appropriation is made or
22 which will contribute to improved conduct, supervision, or
23 management of those functions or activities: *Provided*,
24 That in accordance with the provisions of the Indian
25 Health Care Improvement Act, non-Indian patients may
26 be extended health care at all tribally administered or In-

1 dian Health Service facilities, subject to charges, and the
2 proceeds along with funds recovered under the Federal
3 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
4 be credited to the account of the facility providing the
5 service and shall be available without fiscal year limitation:
6 *Provided further*, That notwithstanding any other law or
7 regulation, funds transferred from the Department of
8 Housing and Urban Development to the Indian Health
9 Service shall be administered under Public Law 86–121
10 (the Indian Sanitation Facilities Act) and Public Law 93–
11 638, as amended: *Provided further*, That funds appro-
12 priated to the Indian Health Service in this Act, except
13 those used for administrative and program direction pur-
14 poses, shall not be subject to limitations directed at cur-
15 tailing Federal travel and transportation: *Provided further*,
16 That notwithstanding any other provision of law, funds
17 previously or herein made available to a tribe or tribal or-
18 ganization through a contract, grant, or agreement au-
19 thorized by title I or title III of the Indian Self-Determina-
20 tion and Education Assistance Act of 1975 (25 U.S.C.
21 450), may be deobligated and reobligated to a self-deter-
22 mination contract under title I, or a self-governance agree-
23 ment under title III of such Act and thereafter shall re-
24 main available to the tribe or tribal organization without
25 fiscal year limitation: *Provided further*, That none of the

1 funds made available to the Indian Health Service in this
2 Act shall be used to implement the final rule published
3 in the Federal Register on September 16, 1987, by the
4 Department of Health and Human Services, relating to
5 the eligibility for the health care services of the Indian
6 Health Service until the Indian Health Service has sub-
7 mitted a budget request reflecting the increased costs as-
8 sociated with the proposed final rule, and such request has
9 been included in an appropriations Act and enacted into
10 law: *Provided further*, That funds made available in this
11 Act are to be apportioned to the Indian Health Service
12 as appropriated in this Act, and accounted for in the ap-
13 propriation structure set forth in this Act: ~~*Provided fur-*~~
14 ~~*ther*~~, That funds received from any source, including tribal
15 contractors and compactors for previously transferred
16 functions which tribal contractors and compactors no
17 longer wish to retain, for services, goods, or training and
18 technical assistance, shall be retained by the Indian
19 Health Service and shall remain available until expended
20 by the Indian Health Service: *Provided further*, That with
21 respect to functions transferred by the Indian Health Serv-
22 ice to tribes or tribal organizations, the Indian Health
23 Service is authorized to provide goods and services to those
24 entities, on a reimbursable basis, including payment in ad-
25 vance with subsequent adjustment, and the reimbursements

1 *received therefrom, along with the funds received from those*
2 *entities pursuant to the Indian Self-Determination Act,*
3 *may be credited to the same or subsequent appropriation*
4 *account which provided the funding, said amounts to re-*
5 *main available until expended: Provided further, That re-*
6 *imbursements for training, technical assistance, or serv-*
7 *ices provided by the Indian Health Service will contain*
8 *total costs, including direct, administrative, and overhead*
9 *associated with the provision of goods, services, or tech-*
10 *nical assistance: Provided further, That the appropriation*
11 *structure for the Indian Health Service may not be altered*
12 *without advance approval of the House and Senate Com-*
13 *mittees on Appropriations.*

14 OTHER RELATED AGENCIES

15 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of Navajo and
18 Hopi Indian Relocation as authorized by Public Law 93–
19 531, ~~\$18,345,000~~ \$15,000,000, to remain available until
20 expended: *Provided*, That funds provided in this or any
21 other appropriations Act are to be used to relocate eligible
22 individuals and groups including evictees from District 6,
23 Hopi-partitioned lands residents, those in significantly
24 substandard housing, and all others certified as eligible
25 and not included in the preceding categories: *Provided fur-*

1 *ther*, That none of the funds contained in this or any other
 2 Act may be used by the Office of Navajo and Hopi Indian
 3 Relocation to evict any single Navajo or Navajo family
 4 who, as of November 30, 1985, was physically domiciled
 5 on the lands partitioned to the Hopi Tribe unless a new
 6 or replacement home is provided for such household: *Pro-*
 7 *vided further*, That no relocatee will be provided with more
 8 than one new or replacement home: *Provided further*, That
 9 the Office shall relocate any certified eligible relocatees
 10 who have selected and received an approved homesite on
 11 the Navajo reservation or selected a replacement residence
 12 off the Navajo reservation or on the land acquired pursu-
 13 ant to 25 U.S.C. 640d–10.

14 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
 15 CULTURE AND ARTS DEVELOPMENT

16 PAYMENT TO THE INSTITUTE

17 For payment to the Institute of American Indian and
 18 Alaska Native Culture and Arts Development, as author-
 19 ized by title XV of Public Law 99–498, as amended (20
 20 U.S.C. 56, part A), ~~\$3,000,000~~ \$5,500,000.

21 SMITHSONIAN INSTITUTION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Smithsonian Institu-
 24 tion, as authorized by law, including research in the fields
 25 of art, science, and history; development, preservation, and

1 documentation of the National Collections; presentation of
2 public exhibits and performances; collection, preparation,
3 dissemination, and exchange of information and publica-
4 tions; conduct of education, training, and museum assist-
5 ance programs; maintenance, alteration, operation, lease
6 (for terms not to exceed thirty years), and protection of
7 buildings, facilities, and approaches; not to exceed
8 \$100,000 for services as authorized by 5 U.S.C. 3109; up
9 to 5 replacement passenger vehicles; purchase, rental, re-
10 pair, and cleaning of uniforms for employees;
11 ~~\$334,557,000~~ \$333,708,000, of which not to exceed
12 \$32,718,000 for the instrumentation program, collections
13 acquisition, Museum Support Center equipment and move,
14 exhibition reinstallation, the National Museum of the
15 American Indian, the repatriation of skeletal remains pro-
16 gram, research equipment, information management, and
17 Latino programming shall remain available until ex-
18 pended, and including such funds as may be necessary to
19 support American overseas research centers and a total
20 of \$125,000 for the Council of American Overseas Re-
21 search Centers: *Provided*, That funds appropriated herein
22 are available for advance payments to independent con-
23 tractors performing research services or participating in
24 official Smithsonian presentations.

1 CONSTRUCTION AND IMPROVEMENTS, NATIONAL
2 ZOOLOGICAL PARK

3 For necessary expenses of planning, construction, re-
4 modeling, and equipping of buildings and facilities at the
5 National Zoological Park, by contract or otherwise,
6 \$3,850,000, to remain available until expended.

7 REPAIR AND RESTORATION OF BUILDINGS

8 For necessary expenses of repair and restoration of
9 buildings owned or occupied by the Smithsonian Institu-
10 tion, by contract or otherwise, as authorized by section
11 2 of the Act of August 22, 1949 (63 Stat. 623), including
12 not to exceed \$10,000 for services as authorized by 5
13 U.S.C. 3109, ~~\$50,000,000~~ \$32,000,000, to remain avail-
14 able until expended: *Provided*, That contracts awarded for
15 environmental systems, protection systems, and exterior
16 repair or restoration of buildings of the Smithsonian Insti-
17 tution may be negotiated with selected contractors and
18 awarded on the basis of contractor qualifications as well
19 as price.

20 CONSTRUCTION

21 *For necessary expenses for construction, \$33,000,000,*
22 *to remain available until expended: Provided, That not-*
23 *withstanding any other provision of law, a single procure-*
24 *ment for the construction of the National Museum of the*
25 *American Indian may be issued which includes the full*
26 *scope of the project: Provided further, That the solicitation*

1 *and the contract shall contain the clause “availability of*
2 *funds” found at 48 CFR 52.232.18.*

3 NATIONAL GALLERY OF ART

4 SALARIES AND EXPENSES

5 For the upkeep and operations of the National Gal-
6 lery of Art, the protection and care of the works of art
7 therein, and administrative expenses incident thereto, as
8 authorized by the Act of March 24, 1937 (50 Stat. 51),
9 as amended by the public resolution of April 13, 1939
10 (Public Resolution 9, Seventy-sixth Congress), including
11 services as authorized by 5 U.S.C. 3109; payment in ad-
12 vance when authorized by the treasurer of the Gallery for
13 membership in library, museum, and art associations or
14 societies whose publications or services are available to
15 members only, or to members at a price lower than to the
16 general public; purchase, repair, and cleaning of uniforms
17 for guards, and uniforms, or allowances therefor, for other
18 employees as authorized by law (5 U.S.C. 5901–5902);
19 purchase or rental of devices and services for protecting
20 buildings and contents thereof, and maintenance, alter-
21 ation, improvement, and repair of buildings, approaches,
22 and grounds; and purchase of services for restoration and
23 repair of works of art for the National Gallery of Art by
24 contracts made, without advertising, with individuals,
25 firms, or organizations at such rates or prices and under

1 such terms and conditions as the Gallery may deem prop-
 2 er, \$55,837,000, of which not to exceed \$3,026,000 for
 3 the special exhibition program shall remain available until
 4 expended.

5 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

6 For necessary expenses of repair, restoration and
 7 renovation of buildings, grounds and facilities owned or
 8 occupied by the National Gallery of Art, by contract or
 9 otherwise, as authorized, ~~\$6,442,000~~ \$5,942,000, to re-
 10 main available until expended: *Provided*, That contracts
 11 awarded for environmental systems, protection systems,
 12 and exterior repair or renovation of buildings of the Na-
 13 tional Gallery of Art may be negotiated with selected con-
 14 tractors and awarded on the basis of contractor qualifica-
 15 tions as well as price.

16 JOHN F. KENNEDY CENTER FOR THE PERFORMING
 17 ARTS

18 OPERATIONS AND MAINTENANCE

19 For necessary expenses for the operation, mainte-
 20 nance and security of the John F. Kennedy Center for
 21 the Performing Arts, \$11,375,000.

22 CONSTRUCTION

23 For necessary expenses for capital repair and reha-
 24 bilitation of the existing features of the building and site
 25 of the John F. Kennedy Center for the Performing Arts,
 26 \$9,000,000, to remain available until expended.

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

9 NATIONAL ENDOWMENT FOR THE HUMANITIES

10 GRANTS AND ADMINISTRATION

11 For necessary expenses to carry out the National
12 Foundation on the Arts and the Humanities Act of 1965,
13 as amended, ~~\$96,100,000~~ \$96,800,000, shall be available
14 to the National Endowment for the Humanities for sup-
15 port of activities in the humanities, pursuant to section
16 7(c) of the Act, and for administering the functions of the
17 Act, to remain available until expended.

18 MATCHING GRANTS

19 To carry out the provisions of section 10(a)(2) of the
20 National Foundation on the Arts and the Humanities Act
21 of 1965, as amended, \$13,900,000, to remain available
22 until expended, of which \$8,000,000 shall be available to
23 the National Endowment for the Humanities for the pur-
24 poses of section 7(h): *Provided, That this appropriation*
25 *shall be available for obligation only in such amounts as*
26 *may be equal to the total amounts of gifts, bequests, and*

1 devises of money, and other property accepted by the
 2 Chairman or by grantees of the Endowment under the
 3 provisions of subsections 11(a)(2)(B) and 11(a)(3)(B)
 4 during the current and preceding fiscal years for which
 5 equal amounts have not previously been appropriated.

6 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

7 OFFICE OF MUSEUM SERVICES

8 GRANTS AND ADMINISTRATION

9 For carrying out subtitle C of the Museum and Li-
 10 brary Services Act of 1996, ~~\$23,390,000~~ \$22,290,000, to
 11 remain available until expended.

12 ADMINISTRATIVE PROVISIONS

13 None of the funds appropriated to the National
 14 Foundation on the Arts and the Humanities may be used
 15 to process any grant or contract documents which do not
 16 include the text of 18 U.S.C. 1913: *Provided*, That none
 17 of the funds appropriated to the National Foundation on
 18 the Arts and the Humanities may be used for official re-
 19 ception and representation expenses.

20 COMMISSION OF FINE ARTS

21 SALARIES AND EXPENSES

22 For expenses made necessary by the Act establishing
 23 a Commission of Fine Arts (40 U.S.C. 104), \$907,000.

1 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

2 For necessary expenses as authorized by Public Law
3 99–190 (20 U.S.C. 956(a)), as amended, ~~\$6,000,000~~
4 \$7,000,000.

5 ADVISORY COUNCIL ON HISTORIC PRESERVATION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Advisory Council on
8 Historic Preservation (Public Law 89–665, as amended),
9 ~~\$2,700,000~~ \$2,745,000: *Provided*, That none of these
10 funds shall be available for the compensation of Executive
11 Level V or higher positions.

12 NATIONAL CAPITAL PLANNING COMMISSION

13 SALARIES AND EXPENSES

14 For necessary expenses, as authorized by the Na-
15 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
16 including services as authorized by 5 U.S.C. 3109,
17 ~~\$5,700,000~~ \$5,740,000: *Provided*, That all appointed mem-
18 bers will be compensated at a rate not to exceed the rate
19 for Executive Schedule Level IV: *Provided further*, That
20 beginning in fiscal year 1998 and thereafter, the Commis-
21 sion is authorized to charge fees to cover the full costs
22 of Geographic Information System products and services
23 supplied by the Commission, and such fees shall be cred-
24 ited to this account as an offsetting collection, to remain
25 available until expended.

1 UNITED STATES HOLOCAUST MEMORIAL COUNCIL
2 HOLOCAUST MEMORIAL COUNCIL

3 For expenses of the Holocaust Memorial Council, as
4 authorized by Public Law 96–388 (36 U.S.C. 1401), as
5 amended, \$31,707,000 of which \$1,575,000 for the Muse-
6 um’s repair and rehabilitation program and \$1,264,000
7 for the Museum’s exhibitions program shall remain avail-
8 able until expended.

9 TITLE III—GENERAL PROVISIONS

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

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

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

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

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

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

19 SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN
20 ACT.—None of the funds made available in this Act may
21 be expended by an entity unless the entity agrees that in
22 expending the funds the entity will comply with sections
23 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
24 10c; popularly known as the “Buy American Act”).

1 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-
2 ING NOTICE.—

3 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT
4 AND PRODUCTS.—In the case of any equipment or
5 product that may be authorized to be purchased
6 with financial assistance provided using funds made
7 available in this Act, it is the sense of the Congress
8 that entities receiving the assistance should, in ex-
9 pending the assistance, purchase only American-
10 made equipment and products.

11 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—
12 In providing financial assistance using funds made
13 available in this Act, the head of each Federal agen-
14 cy shall provide to each recipient of the assistance
15 a notice describing the statement made in paragraph
16 (1) by the Congress.

17 (c) PROHIBITION OF CONTRACTS WITH PERSONS
18 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
19 If it has been finally determined by a court or Federal
20 agency that any person intentionally affixed a label bear-
21 ing a “Made in America” inscription, or any inscription
22 with the same meaning, to any product sold in or shipped
23 to the United States that is not made in the United
24 States, the person shall be ineligible to receive any con-
25 tract or subcontract made with funds made available in

1 this Act, pursuant to the debarment, suspension, and ineli-
2 gibility procedures described in sections 9.400 through
3 9.409 of title 48, Code of Federal Regulations.

4 SEC. 308. None of the funds in this Act may be used
5 to plan, prepare, or offer for sale timber from trees classi-
6 fied as giant sequoia (*Sequoiadendron giganteum*) which
7 are located on National Forest System or Bureau of Land
8 Management lands in a manner different than such sales
9 were conducted in fiscal year 1995.

10 SEC. 309. None of the funds made available by this
11 Act may be obligated or expended by the National Park
12 Service to enter into or implement a concession contract
13 which permits or requires the removal of the underground
14 lunchroom at the Carlsbad Caverns National Park.

15 SEC. 310. Beginning in fiscal year 1998 and there-
16 after, where the actual costs of construction projects under
17 self-determination contracts, compacts, or grants, pursu-
18 ant to Public Laws 93–638, 103–413, or 100–297, are
19 less than the estimated costs thereof, use of the resulting
20 excess funds shall be determined by the appropriate Sec-
21 retary after consultation with the tribes.

22 SEC. 311. Notwithstanding Public Law 103–413,
23 quarterly payments of funds to tribes and tribal organiza-
24 tions under annual funding agreements pursuant to sec-
25 tion 108 of Public Law 93–638, as amended, beginning

1 in fiscal year 1998 and thereafter, may be made on the
2 first business day following the first day of a fiscal quar-
3 ter.

4 SEC. 312. None of the funds appropriated or other-
5 wise made available by this Act may be used for the
6 AmeriCorps program, unless the relevant agencies of the
7 Department of the Interior and/or Agriculture follow ap-
8 propriate reprogramming guidelines: *Provided*, That if no
9 funds are provided for the AmeriCorps program by the
10 VA–HUD and Independent Agencies fiscal year 1998 ap-
11 propriations bill, then none of the funds appropriated or
12 otherwise made available by this Act may be used for the
13 AmeriCorps programs.

14 SEC. 313. None of the funds made available in this
15 Act may be used (1) to demolish the bridge between Jersey
16 City, New Jersey, and Ellis Island; or (2) to prevent pe-
17 destrian use of such bridge, when it is made known to
18 the Federal official having authority to obligate or expend
19 such funds that such pedestrian use is consistent with gen-
20 erally accepted safety standards.

21 SEC. 314. (a) None of the funds appropriated or oth-
22 erwise made available pursuant to this Act shall be obli-
23 gated or expended to accept or process applications for
24 a patent for any mining or mill site claim located under
25 the general mining laws.

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

12 (c) On September 30, 1998, the Secretary of the In-
13 terior shall file with the House and Senate Committees
14 on Appropriations and the Committee on Resources of the
15 House of Representatives and the Committee on Energy
16 and Natural Resources of the United States Senate a re-
17 port on actions taken by the Department under the plan
18 submitted pursuant to section 314(c) of the Department
19 of the Interior and Related Agencies Appropriations Act,
20 1997 (Public Law 104–208).

21 (d) MINERAL EXAMINATIONS.—In order to process
22 patent applications in a timely and responsible manner,
23 upon the request of a patent applicant, the Secretary of
24 the Interior shall allow the applicant to fund a qualified
25 third-party contractor to be selected by the Bureau of

1 Land Management to conduct a mineral examination of
2 the mining claims or mill sites contained in a patent appli-
3 cation as set forth in subsection (b). The Bureau of Land
4 Management shall have the sole responsibility to choose
5 and pay the third-party contractor in accordance with the
6 standard procedures employed by the Bureau of Land
7 Management in the retention of third-party contractors.

8 SEC. 315. None of the funds appropriated or other-
9 wise made available by this Act may be used for the pur-
10 poses of acquiring lands in the counties of Gallia, Law-
11 rence, Monroe, or Washington, Ohio, for the Wayne Na-
12 tional Forest.

13 ~~SEC. 316. None of the funds available to the Depart-~~
14 ~~ment of the Interior or the Department of Agriculture by~~
15 ~~this or any other Act may be used to prepare, promulgate,~~
16 ~~implement, or enforce any interim or final rule or regula-~~
17 ~~tion pursuant to title VIII of the Alaska National Interest~~
18 ~~Lands Conservation Act to assert jurisdiction, manage-~~
19 ~~ment, or control over any waters (other than non-navi-~~
20 ~~gable waters on Federal lands), non-Federal lands, or~~
21 ~~lands selected by, but not conveyed to, the State of Alaska~~
22 ~~pursuant to the Submerged Lands Act of 1953 or the~~
23 ~~Alaska Statehood Act, or an Alaska Native Corporation~~
24 ~~pursuant to the Alaska Native Claims Settlement Act.~~

1 SEC. 317. No funds appropriated under this or any
2 other Act shall be used to review or modify sourcing areas
3 previously approved under section 490(c)(3) of the Forest
4 Resources Conservation and Shortage Relief Act of 1990
5 (Public Law 101-382) or to enforce or implement Federal
6 regulations 36 CFR part 223 promulgated on September
7 8, 1995. The regulations and interim rules in effect prior
8 to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87,
9 36 CFR 223 subpart D, 36 CFR 223 subpart F, and 36
10 CFR 261.6) shall remain in effect. The Secretary of Agri-
11 culture or the Secretary of the Interior shall not adopt
12 any policies concerning Public Law 101-382 or existing
13 regulations that would restrain domestic transportation or
14 processing of timber from private lands or impose addi-
15 tional accountability requirements on any timber. The Sec-
16 retary of Commerce shall extend until September 30,
17 1998, the order issued under section 491(b)(2)(A) of Pub-
18 lic Law 101-382 and shall issue an order under section
19 491(b)(2)(B) of such law that will be effective October 1,
20 1998.

21 SEC. 318. No part of any appropriation contained in
22 this Act shall be expended or obligated to fund the activi-
23 ties of the western director and special assistant to the
24 Secretary within the Office of the Secretary of Agri-
25 culture.

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 SEC. 319. Notwithstanding any other provision of
10 law, for fiscal year 1998 *and hereafter* the Secretaries of
11 Agriculture and Interior are authorized to limit competi-
12 tion for watershed restoration project contracts as part of
13 the “Jobs in the Woods” component of the President’s
14 Forest Plan for the Pacific Northwest to individuals and
15 entities in historically timber-dependent areas in the
16 States of Washington, Oregon, and northern California
17 that have been affected by reduced timber harvesting on
18 Federal lands.

19 ~~SEC. 320. Section 101(e) of Public Law 104-134 is~~
20 ~~amended as follows: Under the heading “TITLE III—~~
21 ~~GENERAL PROVISIONS” amend section 315(e)(1),~~
22 ~~subsections (A) and (B) by striking each of those sub-~~
23 ~~sections and inserting in lieu thereof:~~

24 ~~“(A) Eighty percent to a special account in the~~
25 ~~Treasury for use without further appropriation, by~~

1 the agency which administers the site, to remain
2 available for expenditure in accordance with para-
3 graph (2)(A).

4 “(B) Twenty percent to a special account in the
5 Treasury for use without further appropriation, by
6 the agency which administers the site, to remain
7 available for expenditure in accordance with para-
8 graph (2)(B).”.

9 SEC. 321. None of the funds collected under the Rec-
10 reational Fee Demonstration program may be used to
11 plan, design, or construct a visitor center or any other per-
12 manent structure without prior approval of the House and
13 the Senate Committees on Appropriations *if the estimated*
14 *total cost of the facility exceeds \$500,000.*

15 SEC. 322. Section 303(d)(1) of Public Law 96–451
16 (16 U.S.C. 1606a(d)(1)) is amended by inserting before
17 the semicolon the following: “and other forest stand im-
18 provement activities to enhance forest health and reduce
19 hazardous fuel loads of forest stands in the National For-
20 est System”.

21 SEC. 323. The Secretaries of Agriculture and Inte-
22 rior, in their conducting the Interior Columbia Basin Eco-
23 system Management Project, including both the Eastside
24 Draft Environmental Impact Statement and the Upper
25 Columbia River Basin Ecosystem Management Strategy

1 Draft Environmental Impact Statement as described in a
2 Federal Register notice on January 15, 1997 (Vol. 62, No.
3 10, page 2176) (hereinafter “Project”); shall analyze the
4 economic and social conditions, and culture and customs
5 of communities at the sub-basin level of analysis within
6 the project area to the extent practicable and delineate
7 the impacts the alternatives will have on the communities
8 in the 164 sub-basins. The project managers shall release
9 this more thorough analysis for public review as an addi-
10 tion to the draft environmental impact statements for the
11 project, and incorporate this analysis and public comments
12 to this analysis in any final environmental impact state-
13 ments and record of decisions generated by the project.

14 SEC. 324. Notwithstanding section 904(b) of Public
15 Law 104–333, hereafter, the Heritage Area established
16 under section 904 of title IX of division II of Public Law
17 104–333 shall include any portion of a city, town, or vil-
18 lage within an area specified in section 904(b)(2) of that
19 Act only to the extent that the government of the city,
20 town, or village, in a resolution of the governing board
21 or council, agrees to be included and submits the resolu-
22 tion to the Secretary of the Interior and the management
23 entities for the Heritage Area and to the extent such reso-
24 lution is not subsequently revoked in the same manner.

1 ~~SEC. 325.~~ None of the funds appropriated or other-
2 wise made available to the Indian Health Service by this
3 Act may be used to restructure the funding of Indian
4 health care delivery systems to Alaskan Natives.

5 *SEC. 325. (a) Notwithstanding any other provision of*
6 *law, and except as provided in this section, the Aleutian/*
7 *Pribilof Islands Association, Inc., Bristol Bay Area Health*
8 *Corporation, Chugachmiut, Copper River Native Associa-*
9 *tion, Kodiak Area Native Area Association, Maniilaq Asso-*
10 *ciation, Metlakatla Indian Community, Arctic Slope Native*
11 *Association, Ltd., Norton Sound Health Corporation,*
12 *Southcentral Foundation, Southeast Alaska Regional*
13 *Health Consortium, Tanana Chiefs Conference, Inc., and*
14 *Yukon-Kuskokwim Health Corporation (hereinafter “re-*
15 *gional health entities”), without further resolutions from the*
16 *Regional Corporations, Village Corporations, Indian Reor-*
17 *ganization Act Councils, tribes and/or villages which they*
18 *represent are authorized to form a consortium (hereinafter*
19 *“the Consortium”) to enter into contracts, compacts, or*
20 *funding agreements under Public Law 93–638 (25 U.S.C.*
21 *450 et seq.), as amended, to provide all statewide health*
22 *services provided by the Indian Health Service of the U.S.*
23 *Department of Health and Human Services through the*
24 *Alaska Native Medical Center and the Alaska Area Office.*
25 *Each specified “regional health entity” shall maintain that*

1 *status for purposes of participating in the Consortium only*
2 *so long as it operates a regional health program for the In-*
3 *dian Health Service under Public Law 93–638 (25 U.S.C.*
4 *450 et seq.), as amended.*

5 *(b) The Consortium shall be governed by a 15 member*
6 *Board of Directors, which shall be composed of one rep-*
7 *resentative of each regional health entity listed in subsection*
8 *(a) above, and two additional persons who shall represent*
9 *Indian tribes, as defined in 25 U.S.C. 450b(e), and sub-*
10 *regional tribal organizations which operate health pro-*
11 *grams not affiliated with the regional health entities listed*
12 *above and Indian tribes not receiving health services from*
13 *any tribal, regional or sub-regional health provider. Each*
14 *member of the Board of Directors shall be entitled to cast*
15 *one vote. Decisions of the Board of Directors shall be made*
16 *by consensus whenever possible, and by majority vote in*
17 *the event that no consensus can be reached. The Board of*
18 *Directors shall establish at its first meeting its rules of pro-*
19 *cedure, which shall be published and made available to all*
20 *members.*

21 *(c) The statewide health services (including any pro-*
22 *grams, functions, services and activities provided as part*
23 *of such services) of the Alaska Native Medical Center and*
24 *the Alaska Area Office may only be provided by the Consor-*
25 *tium. Statewide health services for purposes of this section*

1 *shall consist of all programs, functions, services, and activi-*
2 *ties provided by or through the Alaska Native Medical Cen-*
3 *ter and the Alaska Area Office, not under contract or other*
4 *funding agreement with any other tribe or tribal organiza-*
5 *tion as of October 1, 1997, except as provided in subsection*
6 *(d) below. All statewide health services provided by the Con-*
7 *sortium under this section shall be provided pursuant to*
8 *contracts or funding agreements entered into by the Consor-*
9 *tium under Public Law 93–638 (25 U.S.C. 450 et seq.),*
10 *as amended, and for such purpose the Consortium shall be*
11 *deemed to have mature contract status as defined in section*
12 *4(h) of the Indian Self-Determination and Education As-*
13 *sistance Act, 25 U.S.C. 450b(h).*

14 *(d) Cook Inlet Region, Inc., through Southcentral*
15 *Foundation (or any successor health care entity designated*
16 *by Cook Inlet Region, Inc.) pursuant to Public Law 93–*
17 *638 (25 U.S.C. 450 et seq.), as amended, is hereby author-*
18 *ized to enter into contracts or funding agreements under*
19 *such Public Law for all services, provided at or through*
20 *the Alaska Native Primary Care Center or other satellite*
21 *clinics in Anchorage or the Matanuska-Susitna Valley with-*
22 *out submission of any further authorizing resolutions from*
23 *any other Alaska Native Region, village corporation, In-*
24 *dian Reorganization Act council, or tribe, no matter where*
25 *located. Services provided under this paragraph shall, at*

1 a minimum, maintain the level of statewide and Anchorage
2 Service Unit services provided at the Alaska Native Pri-
3 mary Care Center as of October 1, 1997, including nec-
4 essary related services performed at the Alaska Native Medi-
5 cal Center. In addition, Cook Inlet Region, Inc., through
6 Southcentral Foundation, or any lawfully designated health
7 care entity of Cook Inlet Region, Inc., shall contract or enter
8 into a funding agreement under Public Law 93-638 (25
9 U.S.C. 450 et seq.), as amended, for all primary care serv-
10 ices provided by the Alaska Native Medical Center, includ-
11 ing, but not limited to, family medicine, primary care in-
12 ternal medicine, pediatrics, obstetrics and gynecology, phys-
13 ical therapy, psychiatry, emergency services, public health
14 nursing, health education, optometry, dentistry, audiology,
15 social services, pharmacy, radiology, laboratory and bio-
16 medical, and the administrative support for these programs,
17 functions, services and activities. Cook Inlet Region, Inc.,
18 through Southcentral Foundation, or any lawfully des-
19 igned health care entity of Cook Inlet Region, Inc., may
20 provide additional health care services at the Alaska Native
21 Medical Center if such use and services are provided pursu-
22 ant to an agreement with the Consortium. All services cov-
23 ered by this subsection shall be provided on a nondiscrim-
24 inatory basis without regard to residency within the Mu-
25 nicipality of Anchorage.

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

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

13 *(c) The General Accounting Office shall conduct a*
14 *study of the impact of contracting and compacting by the*
15 *Indian Health Service under Public Law 93–638 with Alas-*
16 *ka Native villages and Alaska Native village corporations*
17 *for the provision of health care services on the provision*
18 *of health care services by Alaska Native regional corpora-*
19 *tion health care entities. The General Accounting Office*
20 *shall submit the results of that study to the Committee on*
21 *Appropriations of the Senate and the Committee on Appro-*
22 *priations of the House by June 1, 1998.*

23 ~~SEC. 326. None of the funds made available by this~~
24 ~~Act may be used for the eviction of any person from real~~
25 ~~property in Sleeping Bear Dunes National Lakeshore that~~

1 the person was authorized, on July 10, 1997, to occupy
2 under a lease by the Department of the Interior or a spe-
3 cial use permit issued by the Department of the Interior.

4 ~~SEC. 327. None of the funds made available by this~~
5 ~~Act may be obligated or expended for the Man and Bio-~~
6 ~~sphere Program or the World Heritage Program adminis-~~
7 ~~tered by the United Nations Educational, Scientific, and~~
8 ~~Cultural Organization (UNESCO).~~

9 SEC. 328. None of the funds made available in this
10 or any other Act for any fiscal year may be used to des-
11 ignate, or to post any sign designating, any portion of Ca-
12 naval National Seashore in Brevard County, Florida, as
13 a clothing-optional area or as an area in which public nu-
14 dity is permitted, if such designation would be contrary
15 to county ordinance.

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

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

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

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

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

9 *SEC. 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 *SEC. 331. In fiscal years 1998 through 2002, the Sec-*
24 *retaries of the Interior and Agriculture may make recip-*
25 *rocal delegations of their respective authorities, duties and*

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

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

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

18 *SEC. 334. (a) WATERSHED RESTORATION AND EN-*
19 *HANCEMENT AGREEMENTS—IN GENERAL.—For fiscal year*
20 *1998 and each year thereafter, appropriations for the Forest*
21 *Service may be used by the Secretary of Agriculture for the*
22 *purpose of entering into cooperative agreements with will-*
23 *ing state and local governments, private and non-profit en-*
24 *tities and landowners for protection, restoration and en-*
25 *hancement of fish and wildlife habitat, and other resources*

1 *on public or private land or both that benefit these resources*
2 *within the watershed.*

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

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

7 (2) *indirectly through an agreement with a state,*
8 *local or tribal government or other public entity, edu-*
9 *cational institution, or private non-profit organiza-*
10 *tion.*

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

14 (1) *the agreement shall—*

15 (A) *include such terms and conditions mu-*
16 *tually agreed to by the Secretary and the land-*
17 *owner;*

18 (B) *improve the viability of and otherwise*
19 *benefit the fish, wildlife, and other resources on*
20 *national forests lands within the watershed;*

21 (C) *authorize the provision of technical as-*
22 *sistance by the Secretary in the planning of*
23 *management activities that will further the pur-*
24 *poses of the agreement;*

1 (D) provide for the sharing of costs of im-
2 plementing the agreement among the Federal
3 government, the landowner(s), and other entities,
4 as mutually agreed on by the affected interests;
5 and

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

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

15 SEC. 335. The joint resolution entitled “Joint Resolu-
16 tion to establish a commission to formulate plans for a me-
17 morial to Franklin Delano Roosevelt”, approved August 11,
18 1955 (69 Stat. 694), is amended—

19 (a) in the first section by inserting before the last
20 sentence the following: “The Commission shall submit
21 a final report to the President and Congress prior to
22 termination.”;

23 (b) by redesignating section 4 as section 5; and

24 (c) by inserting after section 3 the following:

1 “*TERMINATION OF THE COMMISSION*

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

4 “(1) *December 31, 1997; or*

5 “(2) *the date that the Commission reports to the*
6 *President and the Congress that the Commission’s*
7 *work is complete.*

8 “(b) *COMMISSION FUNDS.—*

9 “(1) *DESIGNATION.—Before the termination of*
10 *the Commission, the Commission shall designate a*
11 *nonprofit organization to collect, manage, and expend*
12 *Commission funds after its termination.*

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

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

21 (A) *given to the Commission as a gift or be-*
22 *quest; or*

23 (B) *raised from the sale of coins issued*
24 *under the United States Commemorative Coin*

1 *Act of 1996 (110 Stat. 4005; 31 U.S.C. 5112*
2 *note).*

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

7 “(A) *to provide for the support, mainte-*
8 *nance, and repair of the Memorial; and*

9 “(B) *to interpret and educate the public*
10 *about the Memorial.*

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

15 *SEC. 336. To facilitate priority land exchanges*
16 *through which the United States will receive land within*
17 *the White Salmon Wild and Scenic River boundaries and*
18 *within the Columbia River Gorge National Scenic Area, the*
19 *Secretary of Agriculture may hereafter accept title to such*
20 *lands deemed appropriate by the Secretary within the*
21 *States of Oregon and Washington, regardless of the State*
22 *in which the transferred lands are located, following exist-*
23 *ing exchange authorities.*

24 *SEC. 337. The boundary of the Wenatchee National*
25 *Forest in Chelan County, Washington, is hereby adjusted*

1 *to exclude section 1 of Township 23 North, Range 19 East,*
2 *Willamette Meridian.*

3 *SEC. 338. None of the funds provided in this Act can*
4 *be used for any activities associated with the Center of Ex-*
5 *cellence for Sustainable Development unless a budget re-*
6 *quest has been submitted and approved by the Committees*
7 *on Appropriations of the House of Representatives and the*
8 *United States Senate.*

9 *SEC. 339. (a) No funds provided in this or any other*
10 *act may be expended to develop a rulemaking proposal to*
11 *amend or replace the Bureau of Land Management regula-*
12 *tions found at 43 C.F.R. 3809 or to prepare a draft envi-*
13 *ronmental impact statement on any such proposal, until*
14 *the Secretary of the Interior establishes a Committee which*
15 *shall prepare and submit a report in accordance with this*
16 *section.*

17 *(b) The Committee shall be composed of appropriate*
18 *representatives from the Department of the Interior and a*
19 *representative appointed by the Governor from each State*
20 *that contains public lands open to location under the Gen-*
21 *eral Mining Laws. The Committee shall be established and*
22 *operated pursuant to the terms of the Federal Advisory*
23 *Committee Act, 5 U.S.C. ap 2 1 et seq.*

24 *(c) The Committee established pursuant to subsection*
25 *(b) shall prepare and submit a report to the Committees*

1 *on Energy and Natural Resources and Appropriations of*
2 *the United States Senate and the Committees on Resources*
3 *and Appropriations of the United States House of Rep-*
4 *resentatives which (1) contains consensus recommendations*
5 *on the appropriate relationship of States and Federal land*
6 *management agencies in environmental, land management*
7 *and regulation of activities subject to the Bureau's regula-*
8 *tions at 43 C.F.R. 3809, (2) identifies current and proposed*
9 *State environmental, land management and reclamation*
10 *laws, regulations, performance standards and policies ap-*
11 *plicable to such activities, including those State laws and*
12 *regulations which have been adopted to achieve primacy in*
13 *the administration of federally mandated efforts; (3) ex-*
14 *plains how these current State laws, regulations, perform-*
15 *ance standards and policies are coordinated with Federal*
16 *surface management efforts; and (4) contains consensus rec-*
17 *ommendations for how Federal and State coordination can*
18 *be maximized in the future to ensure environmental protec-*
19 *tion and minimize regulatory duplication, conflict and bur-*
20 *dens.*

21 *SEC. 340. (a) The Secretary of Agriculture shall con-*
22 *vey to Skamania County, Washington, all right, title, and*
23 *interest of the United States in and to a parcel of unused*
24 *real property known as the Wind River Nursery site, Gif-*
25 *ford Pinchot National Forest, Washington. (See U.S. De-*

1 *partment of Interior Geological Survey modified for USDA*
2 *Forest Service map, Stabler Quadrangle, Washington,*
3 *Skamania County, 7.5 minutes series, topographic, Provi-*
4 *sional Edition 1983). The conveyance under this subsection*
5 *shall include all improvements to the parcel, including all*
6 *infrastructure, water rights, easements, and personal prop-*
7 *erty.*

8 *(b) As consideration for the conveyance under sub-*
9 *section (b), Skamania County shall convey to the United*
10 *States all right, title, and interest of the county in a parcel*
11 *of approximately 120 acres of high biodiversity, special*
12 *management area land located within the Columbia River*
13 *Gorge National Scenic Area.*

14 *(c) The exact acreage and legal description of the real*
15 *property to be exchanged by Skamania County under this*
16 *section shall be determined by a survey. The cost of any*
17 *such survey shall be borne by Skamania County.*

18 *(d) The conveyances made pursuant to this section*
19 *shall be subject to existing valid rights.*

20 *(e) Section 120(h) of the Comprehensive Environ-*
21 *mental Response, Compensation, Liability Act of 1980 (42*
22 *U.S.C. 9620(h)) shall apply to the conveyance required*
23 *under subsection (b).*

24 *(f) The Secretary may require such additional terms*
25 *and conditions in connection with the conveyance under*

1 subsection (a) as the Secretary considers appropriate to
2 protect the interests of the United States consistent with ex-
3 isting law.

4 *SEC. 341. (a) LOCAL EXEMPTIONS FROM FOREST*
5 *SERVICE USER FEES DUE TO LESS THAN FULL FUNDING*
6 *OF PAYMENTS IN LIEU OF TAXES.*—Section 6906 of title
7 31, United States Code, is amended—

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

10 (2) by adding at the end the following:

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

13 “(1) *IN GENERAL.*—Unless sufficient funds are
14 appropriated for a fiscal year to provide full pay-
15 ments under this chapter to each unit of general local
16 government eligible for the payments, persons residing
17 within the boundaries of that unit of general local
18 government shall be exempt during that fiscal year
19 from any requirement to pay a recreational user fee
20 imposed by the Secretary of Agriculture for access to
21 the White Mountain National Forest that lies, in
22 whole or in part, within those boundaries.

23 “(2) *ADMINISTRATION.*—The Secretary of Agri-
24 culture shall establish a method of identifying persons

1 *who are exempt from requirements to pay user fees*
 2 *under paragraph (1).”.*

3 *SEC. 342. None of the funds in this or any other Act*
 4 *shall be expended by the Department of the Interior, the*
 5 *Forest Service or any other Federal agency, for the intro-*
 6 *duction of the grizzly bear population in the Selway-*
 7 *Bitterroot area of Idaho and adjacent Montana, or for con-*
 8 *sultations under section 7(b)(2) of the Endangered Species*
 9 *Act for Federal actions affecting grizzly bear within the*
 10 *Selway-Bitterroot area of Idaho, except that, funds may be*
 11 *used by the Department of the Interior or the Forest Service,*
 12 *or any other Federal agency for the purposes of receiving*
 13 *public comment on the draft Environmental Impact State-*
 14 *ment dated July 1997, and for conducting a habitat-based*
 15 *population viability analysis.*

16 **TITLE IV—DEFICIT REDUCTION LOCK-BOX**

17 **SEC. 401. SHORT TITLE.**

18 This title may be cited as the “Deficit Reduction
 19 Lock-box Act of 1997”.

20 **SEC. 402. DEFICIT REDUCTION LOCK-BOX LEDGER.**

21 (a) **ESTABLISHMENT OF LEDGER.**—Title III of the
 22 Congressional Budget Act of 1974 is amended by adding
 23 at the end the following new section:

24 “DEFICIT REDUCTION LOCK-BOX LEDGER

25 “SEC. 314. (a) **ESTABLISHMENT OF LEDGER.**—The
 26 Director of the Congressional Budget Office (hereinafter

1 in this section referred to as the ‘Director’) shall maintain
2 a ledger to be known as the ‘Deficit Reduction Lock-box
3 Ledger’. The Ledger shall be divided into entries cor-
4 responding to the subcommittees of the Committees on
5 Appropriations. Each entry shall consist of three parts:
6 the ‘House Lock-box Balance’; the ‘Senate Lock-box Bal-
7 ance’; and the ‘Joint House-Senate Lock-box Balance’.

8 “(b) COMPONENTS OF LEDGER.—Each component in
9 an entry shall consist only of amounts credited to it under
10 subsection (c). No entry of a negative amount shall be
11 made.

12 “(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Di-
13 rector shall, upon the engrossment of any appropriation
14 bill by the House of Representatives and upon the engross-
15 ment of that bill by the Senate, credit to the applicable
16 entry balance of that House amounts of new budget au-
17 thority and outlays equal to the net amounts of reductions
18 in new budget authority and in outlays resulting from
19 amendments agreed to by that House to that bill.

20 “(2) The Director shall, upon the engrossment of
21 Senate amendments to any appropriation bill, credit to the
22 applicable Joint House-Senate Lock-box Balance the
23 amounts of new budget authority and outlays equal to—

24 “(A) an amount equal to one-half of the sum of
25 (i) the amount of new budget authority in the House

1 Lock-box Balance plus (ii) the amount of new budget
 2 et authority in the Senate Lock-box Balance for that
 3 bill; and

4 “(B) an amount equal to one-half of the sum
 5 of (i) the amount of outlays in the House Lock-box
 6 Balance plus (ii) the amount of outlays in the Sen-
 7 ate Lock-box Balance for that bill.

8 “(3) CALCULATION OF LOCK-BOX SAVINGS IN SEN-
 9 ATE.—For purposes of calculating under this section the
 10 net amounts of reductions in new budget authority and
 11 in outlays resulting from amendments agreed to by the
 12 Senate on an appropriation bill, the amendments reported
 13 to the Senate by its Committee on Appropriations shall
 14 be considered to be part of the original text of the bill.

15 “(d) DEFINITION.—As used in this section, the term
 16 ‘appropriation bill’ means any general or special appro-
 17 priation bill, and any bill or joint resolution making sup-
 18 plemental, deficiency, or continuing appropriations
 19 through the end of a fiscal year.”.

20 (b) CONFORMING AMENDMENT.—The table of con-
 21 tents set forth in section 1(b) of the Congressional Budget
 22 and Impoundment Control Act of 1974 is amended by in-
 23 serting after the item relating to section 313 the following
 24 new item:

“Sec. 314. Deficit reduction lock-box ledger.”.

1 **SEC. 403. TALLY DURING HOUSE CONSIDERATION.**

2 There shall be available to Members in the House of
3 Representatives during consideration of any appropria-
4 tions bill by the House a running tally of the amendments
5 adopted reflecting increases and decreases of budget au-
6 thority in the bill as reported.

7 **SEC. 404. DOWNWARD ADJUSTMENT OF 602(A) ALLOCA-**
8 **TIONS AND SECTION 602(B) SUBALLOCA-**
9 **TIONS.**

10 (a) ALLOCATIONS.—Section 602(a) of the Congres-
11 sional Budget Act of 1974 is amended by adding at the
12 end the following new paragraph:

13 “(5) Upon the engrossment of Senate amend-
14 ments to any appropriation bill (as defined in section
15 314(d)) for a fiscal year, the amounts allocated
16 under paragraph (1) or (2) to the Committee on Ap-
17 propriations of each House upon the adoption of the
18 most recent concurrent resolution on the budget for
19 that fiscal year shall be adjusted downward by the
20 amounts credited to the applicable Joint House-Sen-
21 ate Lock-box Balance under section 314(c)(2). The
22 revised levels of budget authority and outlays shall
23 be submitted to each House by the chairman of the
24 Committee on the Budget of that House and shall
25 be printed in the Congressional Record.”.

1 (b) SUBALLOCATIONS.—Section 602(b)(1) of the
2 Congressional Budget Act of 1974 is amended by adding
3 at the end the following new sentence: “Whenever an ad-
4 justment is made under subsection (a)(5) to an allocation
5 under that subsection, the chairman of the Committee on
6 Appropriations of each House shall make downward ad-
7 justments in the most recent suballocations of new budget
8 authority and outlays under subparagraph (A) to the ap-
9 propriate subcommittees of that committee in the total
10 amounts of those adjustments under section 314(c)(2).
11 The revised suballocations shall be submitted to each
12 House by the chairman of the Committee on Appropria-
13 tions of that House and shall be printed in the Congres-
14 sional Record.”.

15 **SEC. 405. PERIODIC REPORTING OF LEDGER STATEMENTS.**

16 Section 308(b)(1) of the Congressional Budget Act
17 of 1974 is amended by adding at the end the following
18 new sentence: “Such reports shall also include an up-to-
19 date tabulation of the amounts contained in the ledger and
20 each entry established by section 314(a).”.

21 **SEC. 406. DOWNWARD ADJUSTMENT OF DISCRETIONARY**
22 **SPENDING LIMITS.**

23 The discretionary spending limits for new budget au-
24 thority and outlays for any fiscal year set forth in section
25 601(a)(2) of the Congressional Budget Act of 1974, as

1 adjusted in strict conformance with section 251 of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985,
3 shall be reduced by the amounts set forth in the final regu-
4 lar appropriation bill for that fiscal year or joint resolution
5 making continuing appropriations through the end of that
6 fiscal year. Those amounts shall be the sums of the Joint
7 House-Senate Lock-box Balances for that fiscal year, as
8 calculated under section 602(a)(5) of the Congressional
9 Budget Act of 1974. That bill or joint resolution shall con-
10 tain the following statement of law: “As required by sec-
11 tion 406 of the Deficit Reduction Lock-box Act of 1997,
12 for fiscal year [insert appropriate fiscal year] and each out-
13 year, the adjusted discretionary spending limit for new
14 budget authority shall be reduced by \$ [insert appropriate
15 amount of reduction] and the adjusted discretionary limit
16 for outlays shall be reduced by \$ [insert appropriate
17 amount of reduction] for the budget year and each out-
18 year.”. Notwithstanding section 904(e) of the Congres-
19 sional Budget Act of 1974, section 306 of that Act as it
20 applies to this statement shall be waived. This adjustment
21 shall be reflected in reports under sections 254(g) and
22 254(h) of the Balanced Budget and Emergency Deficit
23 Control Act of 1985.

1 **SEC. 407. EFFECTIVE DATE.**

2 (a) **IN GENERAL.**—This title shall apply to all appro-
3 priation bills making appropriations for fiscal year 1998
4 or any subsequent fiscal year.

5 (b) **DEFINITION.**—As used in this section, the term
6 “appropriation bill” means any general or special appro-
7 priation bill, and any bill or joint resolution making sup-
8 plemental, deficiency, or continuing appropriations
9 through the end of a fiscal year.

10 *TITLE V—PRIORITY LAND ACQUISITIONS AND*
11 *EXCHANGES*

12 *For priority land acquisitions and land exchange*
13 *agreements to be conducted by the Bureau of Land Manage-*
14 *ment, the U.S. Fish and Wildlife Service, the National Park*
15 *Service and the U.S. Forest Service, \$700,000,000, to be de-*
16 *rived from the Land and Water Conservation Fund, to re-*
17 *main available until September 30, 2001, of which not to*
18 *exceed \$65,000,000 may be available for the acquisition of*
19 *identified lands and interests in lands to carry out the*
20 *Agreement of August 12, 1996, to acquire interests to pro-*
21 *tect and preserve Yellowstone National Park, of which not*
22 *to exceed \$250,000,000 may be available for the acquisition*
23 *of identified lands and interest in lands, at the purchase*
24 *price specified, in the September 28, 1996, Headwaters For-*
25 *est Agreement, and of which \$100,000,000 shall be available*
26 *for financial assistance to States pursuant to section 6 of*

1 *the Land and Water Conservation Fund Act of 1965, as*
2 *amended (16 U.S.C. 460l-4-11): Provided, That the Sec-*
3 *retary of the Interior, after consultation with the Secretary*
4 *of Agriculture and with the House Committee on Appro-*
5 *priations and the Senate Committee on Appropriations,*
6 *shall submit to the Committees a list of Federal acquisitions*
7 *and exchanges proposed to be conducted with the funds pro-*
8 *vided under this heading: Provided further, That none of*
9 *the funds appropriated under this heading shall be avail-*
10 *able until the House Committee on Appropriations and the*
11 *Senate Committee on Appropriations approve, in writing,*
12 *a project list to be submitted by the Secretary: Provided*
13 *further, That none of the funds appropriated under this*
14 *heading shall be available for the acquisition of lands and*
15 *interests in lands to carry out the Agreement of August 12,*
16 *1996, to acquire interests to protect and preserve Yellow-*
17 *stone National Park, or for the acquisition of lands and*
18 *interest in lands identified in the September 28, 1996,*
19 *Headwaters Forest Agreement until enactment of legislation*
20 *specifically authorizing such expenditure: Provided further,*
21 *That any funds made available for the purpose of acquisi-*
22 *tion of the Elwha and Glines dams shall be used solely for*
23 *acquisition, and shall not be expended until the full pur-*
24 *chase amount has been appropriated by the Congress: Pro-*
25 *vided further, That of the funds provided herein, \$8,500,000*

1 *is available for acquisition of the Sterling Forest: Provided*
2 *further, That the National Park Service may use not to ex-*
3 *ceed \$2,500,000 annually of the amounts provided herein*
4 *for the state assistance program to administer the state as-*
5 *sistance program.*

6 *TITLE VI—FOREST RESOURCES CONSERVATION*
7 *AND SHORTAGE RELIEF*

8 *SECTION 1. SHORT TITLE.—This Act may be cited as*
9 *the “Forest Resources Conservation and Shortage Relief Act*
10 *of 1997”.*

11 *SEC. 2. (a) USE OF UNPROCESSED TIMBER—LIMITA-*
12 *TION ON SUBSTITUTION OF UNPROCESSED FEDERAL TIM-*
13 *BER FOR UNPROCESSED TIMBER FROM PRIVATE LAND.—*
14 *Section 490 of the Forest Resources Conservation and*
15 *Shortage Relief Act of 1990 (16 U.S.C. 620b) is amended—*

16 *(1) in subsection (a)—*

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

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

20 *“(3) APPLICABILITY.—In the case of the pur-*
21 *chase by a person of unprocessed timber originating*
22 *from Federal lands west of the 119th meridian in the*
23 *State of Washington, this paragraph shall apply only*
24 *if—*

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

3 “(B) the person has the exclusive right to
4 harvest timber from the private lands described
5 in paragraph (1) during a period of more than
6 7 years, and may exercise that right at any time
7 of the person’s choosing.”;

8 (2) in subsection (c)—

9 (A) in the subsection heading, by striking
10 “APPROVAL OF”;

11 (B) in paragraph (2)—

12 (i) in the paragraph heading, by in-
13 scribing “FOR SOURCING AREAS FOR PROC-
14 ESSING FACILITIES LOCATED OUTSIDE THE
15 NORTHWESTERN PRIVATE TIMBER OPEN
16 MARKET AREA”; after “APPLICATION”; and

17 (ii) in subparagraph (A), by inserting
18 “(except private land located in the north-
19 western private timber open market area)”
20 after “lands”;

21 (C) in paragraph (3)—

22 (i) in the paragraph heading, by in-
23 scribing “FOR SOURCING AREAS FOR PROC-
24 ESSING FACILITIES LOCATED OUTSIDE OF
25 THE NORTHWESTERN PRIVATE TIMBER

1 *OPEN MARKET AREA.—(A) IN GENERAL*”;
2 *after “APPROVAL”; and*

3 *(ii) by striking the last sentence of*
4 *paragraph (3) and adding at the end the*
5 *following:*

6 *“(B) FOR TIMBER MANUFACTURING FACILI-*
7 *TIES LOCATED IN IDAHO.—Except as provided in*
8 *subparagraph (D), in making a determination*
9 *referred to in subparagraph (A), the Secretary*
10 *concerned shall consider the private timber ex-*
11 *port and the private and Federal timber*
12 *sourcing patterns for the applicant’s timber*
13 *manufacturing facilities, as well as the private*
14 *and Federal timber sourcing patterns for the*
15 *timber manufacturing facilities of other persons*
16 *in the same local vicinity of the applicant, and*
17 *the relative similarity of such private and Fed-*
18 *eral timber sourcing patterns.*

19 *“(C) FOR TIMBER MANUFACTURING FACILI-*
20 *TIES LOCATED IN STATES OTHER THAN IDAHO.—*
21 *Except as provided in subparagraph (D), in*
22 *making the determination referred to in sub-*
23 *paragraph (A), the Secretary concerned shall*
24 *consider the private timber export and the Fed-*
25 *eral timber sourcing patterns for the applicant’s*

1 *timber manufacturing facilities, as well as the*
2 *Federal timber sourcing patterns for the timber*
3 *manufacturing facilities of other persons in the*
4 *same local vicinity of the applicant, and the rel-*
5 *ative similarity of such Federal timber sourcing*
6 *patterns. Private timber sourcing patterns shall*
7 *not be a factor in such determinations in States*
8 *other than Idaho.*

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

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

14 “(ii) *condition approval of the appli-*
15 *cation on the inclusion of any such land in*
16 *the applicant’s sourcing area, such land*
17 *being includable in the sourcing area only*
18 *to the extent requested by the applicant.”;*

19 (D) *in paragraph (4), in the paragraph*
20 *heading, by inserting “for sourcing areas for*
21 *processing facilities located outside the north-*
22 *western private timber open market area”;* after
23 *“application”;*

24 (E) *in paragraph (5), in the paragraph*
25 *heading, by inserting “for sourcing areas for*

1 *processing facilities located outside the north-*
2 *western private timber open market area”*; after
3 *“Determinations”*; and

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

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

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

10 *“(i) a sourcing area boundary shall be*
11 *a circle around the processing facility of the*
12 *sourcing area applicant or holder;*

13 *“(ii) the radius of the circle—*

14 *“(I) shall be the furthest distance*
15 *that the sourcing area applicant or*
16 *holder proposes to haul Federal timber*
17 *for processing at the processing facil-*
18 *ity; and*

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

21 *“(iii) a sourcing area shall become ef-*
22 *fective on written notice to the Regional*
23 *Forester for Region 6 of the Forest Service*
24 *of the location of the boundary of the*
25 *sourcing area;*

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

3 “(v) a sourcing area holder—

4 “(I) may adjust the radius of the
5 sourcing area not more frequently than
6 once every 24 months; and

7 “(II) shall provide written notice
8 to the Regional Forester for Region 6
9 of the adjusted boundary of its
10 sourcing area before using the adjusted
11 sourcing area; and

12 “(vi) a sourcing area holder that relin-
13 quishes a sourcing area may not reestablish
14 a sourcing area for that processing facility
15 before the date that is 24 months after the
16 date on which the sourcing area was relin-
17 quished.

18 “(B) *TRANSITION.*—With respect to a por-
19 tion of a sourcing area established before the date
20 of enactment of this paragraph that contains
21 Federal timber under contract before that date
22 and is outside the boundary of a new sourcing
23 area established under subparagraph (A)—

24 “(i) that portion shall continue to be a
25 sourcing area only until unprocessed Fed-

1 *eral timber from the portion is no longer in*
2 *the possession of the sourcing area holder;*
3 *and*

4 *“(i) unprocessed timber from private*
5 *land in that portion shall be exportable im-*
6 *mediately after unprocessed timber from*
7 *Federal land in the portion is no longer in*
8 *the possession of the sourcing area holder.*

9 *“(7) RELINQUISHMENT AND TERMINATION OF*
10 *SOURCING AREAS.—*

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

13 *“(B) EFFECTIVE DATE.—A relinquishment*
14 *of a sourcing area shall be effective as of the date*
15 *on which written notice is provided by the*
16 *sourcing area holder to the Regional Forester*
17 *with jurisdiction over the sourcing area where*
18 *the processing facility of the holder is located.*

19 *“(C) EXPORTABILITY.—*

20 *“(i) IN GENERAL.—On relinquishment*
21 *or termination of a sourcing area, unproc-*
22 *essed timber from private land within the*
23 *former boundary of the relinquished or ter-*
24 *minated sourcing area is exportable imme-*
25 *diately after unprocessed timber from Fed-*

1 eral land from within that area is no longer
2 in the possession of the former sourcing area
3 holder.

4 “(ii) NO RESTRICTION.—The
5 exportability of unprocessed timber from
6 private land located outside of a sourcing
7 area shall not be restricted or in any way
8 affected by relinquishment or termination of
9 a sourcing area.”; and

10 (3) by adding at the end the following:

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

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

23 (1) by striking “the following” and all that fol-
24 lows through “(A) The Secretary” and inserting “the
25 Secretary”;

1 (2) by striking “during the period beginning on
2 June 1, 1993, and ending on December 31, 1995” and
3 inserting “as of the date of enactment of the Forest
4 Resources Conservation and Shortage Relief Act of
5 1997”; and

6 (3) by striking subparagraph (B).

7 SEC. 3. MONITORING AND ENFORCEMENT.—Section
8 492 of the Forest Resources Conservation and Shortage Re-
9 lief Act of 1990 (16 U.S.C. 620d) is amended—

10 (1) in subsection (c)(2), by adding at the end the
11 following:

12 “(C) MITIGATION OF PENALTIES.—

13 “(i) IN GENERAL.—The Secretary con-
14 cerned—

15 “(I) in determining the applica-
16 bility of any penalty imposed under
17 this paragraph, shall take into account
18 all relevant mitigating factors, includ-
19 ing mistake, inadvertence, and error;
20 and

21 “(II) based on any mitigating
22 factor, may, with respect to any pen-
23 alty imposed under this paragraph—

24 “(aa) reduce the penalty;

1 “(bb) not impose the penalty;

2 or

3 “(cc) on condition of there
4 being no further violation under
5 this paragraph for a prescribed
6 period, suspend imposition of the
7 penalty.

8 “(ii) *CONTRACTUAL REMEDIES.*—In
9 the case of a minor violation of this title
10 (including a regulation), the Secretary con-
11 cerned shall, to the maximum extent prac-
12 ticable, permit a contracting officer to re-
13 dress the violation in accordance with the
14 applicable timber sale contract rather than
15 assess a penalty under this paragraph.”;
16 and

17 (2) in subsection (d)(1)—

18 (A) by striking “The head” and inserting
19 the following:

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

22 (B) by adding at the end the following:

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

24 “(i) *IN GENERAL.*—No person may be
25 debarred from bidding for or entering into

1 *a contract for the purchase of unprocessed*
2 *timber from Federal lands under subpara-*
3 *graph (A) unless the head of the appro-*
4 *priate Federal department or agency first*
5 *finds, on the record and after an oppor-*
6 *tunity for a hearing, that debarment is*
7 *warranted.*

8 “(ii) *WITHHOLDING OF AWARDS DUR-*
9 *ING DEBARMENT PROCEEDINGS.—The head*
10 *of an appropriate Federal department or*
11 *agency may withhold an award under this*
12 *title of a contract for the purchase of un-*
13 *processed timber from Federal lands during*
14 *a debarment proceeding.”.*

15 *SEC. 4. DEFINITIONS.—Section 493 of the Forest Re-*
16 *sources Conservation and Shortage Relief Act of 1990 (16*
17 *U.S.C. 620e) is amended—*

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

20 *(2) by inserting after paragraph (2) the follow-*
21 *ing:*

22 “(3) *MINOR VIOLATION.—The term ‘minor viola-*
23 *tion’ means a violation, other than an intentional*
24 *violation, involving a single contract, purchase order,*
25 *processing facility, or log yard involving a quantity*

1 of logs that is less than 25 logs and has a total value
2 (at the time of the violation) of less than \$10,000.

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

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

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

12 (B) by inserting “primary” before “pur-
13 pose”; and

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

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

19 “(11) VIOLATION.—The term ‘violation’ means a
20 violation of this Act (including a regulation issued to
21 implement this Act) with regard to a course of action,
22 including—

23 “(A) in the case of a violation by the origi-
24 nal purchaser of unprocessed timber, an act or

1 *omission with respect to a single timber sale;*
2 *and*

3 “(B) *in the case of a violation by a subse-*
4 *quent purchaser of the timber, an act or omis-*
5 *sion with respect to an operation at a particular*
6 *processing facility or log yard.”.*

7 *SEC. 5. REGULATIONS.—Section 495(a) of the Forest*
8 *Resources Conservation and Shortage Relief Act of 1990 (16*
9 *U.S.C. 620f(a)) is amended—*

10 (1) *by striking “The Secretaries” and inserting*
11 *the following:*

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

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

16 “(2) *COMMERCE.—The Secretary of Commerce”;*
17 *and*

18 (3) *by striking the last sentence and inserting*
19 *the following:*

20 “(3) *DEADLINE.—*

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

1 “(B) *INTERIM REGULATIONS AND GUIDE-*
2 *LINES.*—*The regulations and guidelines issued*
3 *under this title that were in effect on the date of*
4 *enactment of this paragraph shall remain in ef-*
5 *fect until new regulations and guidelines are is-*
6 *sued under subparagraph (A).*

7 “(4) *PAINTING AND BRANDING.*—

8 “(A) *IN GENERAL.*—*The Secretary con-*
9 *cerned shall issue regulations that impose rea-*
10 *sonable painting, branding, or other forms of*
11 *marking or tracking requirements on unproc-*
12 *essed timber if—*

13 “(i) *the benefits of the requirements*
14 *outweigh the cost of complying with the re-*
15 *quirements; and*

16 “(ii) *the Secretary determines that,*
17 *without the requirements, it is likely that*
18 *the unprocessed timber—*

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

21 “(II) *if the unprocessed timber*
22 *originated from Federal lands, would*
23 *be substituted for unprocessed timber*
24 *originating from private lands west of*

1 *the 100th Meridian in the contiguous*
2 *48 States in violation of this title.*

3 “(B) *MINIMUM SIZE.*—*The Secretary con-*
4 *cerned shall not impose painting, branding, or*
5 *other forms of marking or tracking requirements*
6 *on—*

7 “(i) *the face of a log that is less than*
8 *7 inches in diameter; or*

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

12 “(C) *WAIVERS.*—

13 “(i) *IN GENERAL.*—*The Secretary con-*
14 *cerned may waive log painting and brand-*
15 *ing requirements—*

16 “(I) *for a geographic area, if the*
17 *Secretary determines that the risk of*
18 *the unprocessed timber being exported*
19 *from the area or used in substitution is*
20 *low;*

21 “(II) *with respect to unprocessed*
22 *timber originating from private lands*
23 *located within an approved sourcing*
24 *area for a person who certifies that the*
25 *timber will be processed at a specific*

1 *domestic processing facility to the ex-*
2 *tent that the processing does occur; or*

3 *“(III) as part of a log yard agree-*
4 *ment that is consistent with the pur-*
5 *poses of the export and substitution re-*
6 *strictions imposed under this title.*

7 *“(ii) REVIEW AND TERMINATION OF*
8 *WAIVERS.—A waiver granted under clause*
9 *(i)—*

10 *“(I) shall, to the maximum extent*
11 *practicable, be reviewed once a year;*
12 *and*

13 *“(II) shall remain effective until*
14 *terminated by the Secretary.*

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

18 *“(i) the risk of unprocessed timber of*
19 *that species, grade, and size being exported*
20 *or used in substitution;*

21 *“(ii) the location of the unprocessed*
22 *timber and the effect of the location on its*
23 *being exported or used in substitution;*

1 “(iii) the history of the person involved
2 with respect to compliance with log paint-
3 ing and branding requirements; and

4 “(iv) any other factor that is relevant
5 to determining the likelihood of the unproc-
6 essed timber being exported or used in sub-
7 stitution.

8 “(5) REPORTING.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B), the Secretary concerned shall issue
11 regulations that impose reasonable documenta-
12 tion and reporting requirements if the benefits of
13 the requirements outweigh the cost of complying
14 with the requirements.

15 “(B) WAIVERS.—

16 “(i) IN GENERAL.—The Secretary con-
17 cerned may waive documentation and re-
18 porting requirements for a person if—

19 “(I) an audit of the records of the
20 facility of the person reveals substan-
21 tial compliance with all notice, report-
22 ing, painting, and branding require-
23 ments during the preceding year; or

24 “(II) the person transferring the
25 unprocessed timber and the person

1 *processing the unprocessed timber enter*
2 *into an advance agreement with the*
3 *Secretary concerned regarding the dis-*
4 *position of the unprocessed timber by*
5 *domestic processing.*

6 *“(ii) REVIEW AND TERMINATION OF*
7 *WAIVERS.—A waiver granted under clause*
8 *(i)—*

9 *“(I) shall, to the maximum extent*
10 *practicable, be reviewed once a year;*
11 *and*

12 *“(II) shall remain effective until*
13 *terminated by the Secretary.”.*

14 This Act may be cited as the “Department of the In-
15 terior and Related Agencies Appropriations Act, 1998”.

[COMMITTEE PRINT]

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[Report No. 105-56]

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.

JULY 16, 1997

Received; read twice and referred to the Committee on Appropriations

JULY 22, 1997

Reported with amendments