

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND  
RELATED AGENCIES, FOR THE FISCAL YEAR ENDING SEPTEMBER 30,  
1998, AND FOR OTHER PURPOSES

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OCTOBER 22, 1997.—Ordered to be printed

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Mr. REGULA, from the committee on conference,  
submitted the following

### CONFERENCE REPORT

[To accompany H.R. 2107]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2107) “making appropriations for the Department of the Interior and Related Agencies, for the fiscal year ending September 30, 1998, and for other purposes,” having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 7, 13, 28, 30, 35, 40, 54, 61, 91, 95, 106, 131.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 10, 16, 18, 20, 25, 31, 33, 38, 39, 41, 44, 45, 46, 47, 48, 49, 52, 53, 56, 58, 59, 60, 62, 63, 64, 66, 71, 72, 73, 75, 76, 79, 85, 86, 92, 94, 100, 107, 112, 113, 116, 117, 119, 120, 122, 123, 125, 126, 127, 133, 135, 139, 140, 141, 145, 147, 148, 149, 154, 155, 159, 160, and 161; and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$583,270,000; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$583,270,000; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$120,000,000; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$11,200,000; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$594,842,000; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *, and of which not to exceed \$5,190,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973, as amended: Provided, That the proviso under this heading in Public Law 104-208 is amended by striking the words "Education and" and inserting in lieu thereof "Conservation", by striking the word "direct" and inserting in lieu thereof the word "full", and by inserting before the period ", to remain available until expended";* and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$45,006,000; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$4,228,000; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$62,632,000; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$11,700,000; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,233,664,000; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *\$44,259,000, of which \$4,500,000 is for grants to Heritage areas in accordance with section 606 of title VI, division I and titles I-VI and VIII-IX, division II of Public Law 104-333 and is;* and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$40,812,000; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment insert: \$4,200,000; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$214,901,000; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted in said amendment, insert: *: Provided, That \$500,000 for the Rutherford B. Hayes Home; \$600,000 for the Sotterly Plantation House; \$500,000 for the Darwin Martin House in Buffalo, New York; \$500,000 for the Penn Center, South Carolina; and \$1,000,000 for the Vietnam Veterans Museum in Chicago, Illinois shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That \$3,000,000 for the Hispanic Cultural Center, New Mexico, is subject to authorization: Provided further, That none of the funds provided in this Act may be used to relocate the Brooks River Lodge in Katmai National Park and Preserve from its current physical location;* and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$143,290,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$759,160,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$145,159,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$137,521,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$68,574,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$1,528,588,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$55,949,000*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$67,514,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$63,665,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$33,907,000; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

*SEC. 107. In fiscal year 1998 and thereafter, for those years in which the recreation fee demonstration program authorized in Public Law 104-134 is in effect, the fee collection support authority provided in 16 U.S.C. 4601-6(i)(1)(B) applies only to parks not included in the fee demonstration program, and that the amount retained under this authority to cover fee collection costs will not exceed those costs at the non-demonstration parks, or 15 percent of all fees collected at non-demonstration parks in a fiscal year whichever is less. Fee collection costs for parks included in the fee demonstration program will be covered by the fees retained at those parks.*

And the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended to read as follows:

*SEC. 118. Any funds made available in this Act or any other Act for tribal priority allocations (hereinafter in this section "TPA") in excess of the funds expended for TPA in fiscal year 1997 (adjusted for fixed costs, internal transfers pursuant to other law, and proposed increases to formula driven programs not included in tribes' TPA base) shall only be available for distribution—*

*(1) to each tribe to the extent necessary to provide that tribe the minimum level of funding recommended by the Joint-Tribal/BIA/DOI Task Force on Reorganization of the Bureau of Indian Affairs Report of 1994 (hereafter "the 1994 Report") not to exceed \$160,000 per tribe; and*

*(2) to the extent funds remain, such funds will be allocated according to the recommendations of a task force comprised of 2 designated Federal officials and 2 tribal representatives from each BIA area. These representatives shall be selected by the Secretary after considering a list of names of tribal leaders nominated and elected by the tribes in each area. The list of nominees shall be provided to the Secretary by October 31, 1997. If the tribes in an area fail to submit a list of nominees to the Secretary by October 31, 1997, the Secretary shall select representatives after consulting with the BIA. In determining the allocation of remaining funds, the Task Force shall consider the recommendations and principles contained in the 1994 Report. If the Task Force cannot agree on a distribution by January 31, 1998, the Secretary shall distribute the remaining funds based on the recommendations of a majority of Task Force*

*members no later than February 28, 1998. If a majority recommendation cannot be reached, the Secretary in exercising his discretion shall distribute the remaining funds considering the recommendations of the Task Force members.*

And the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

*SEC. 120. Notwithstanding any other provision of law, 90 days after enactment of this section there is hereby vested in the United States all right, title and interest in and to, and the right of immediate possession of, all patented mining claims and valid unpatented mining claims (including any unpatented claim whose validity is in dispute, so long as such validity is later established in accordance with applicable agency procedures) in the area known as the Kantishna Mining District within Denali National Park and Preserve, for which all current owners (or the bankruptcy trustee as provided hereafter) of each such claim (for unpatented claims, ownership as identified in recordations under the mining laws and regulations) consent to such vesting in writing to the Secretary of the Interior within said 90-day period: Provided, That in the case of a mining claim in the Kantishna Mining District that is involved in a bankruptcy proceeding, where the bankruptcy trustee is a holder of an interest in such mining claim, such consent may only be provided and will be deemed timely for purposes of this section if the trustee applies within said 90-day period to the bankruptcy court or any other appropriate court for authority to sell the entire mining claim and to consent to the vesting of title to such claim in the United States pursuant to this section, and that in such event title in the entire mining claim shall vest in the United States 10 days after entry of an unstayed, final order or judgment approving the trustee's application: Provided further, That the United States shall pay just compensation to the aforesaid owners of any valid claims to which title has vested in the United States pursuant to this section, determined as of the date of taking: Provided further, That payment shall be in the amount of a negotiated settlement of the value of such claim or the valuation of such claim awarded by judgment, and such payment, including any deposits in the registry of the court, shall be made solely from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, and shall include accrued interest on the amount of the agreed settlement value or the final judgment from the date of taking to the date of payment, calculated in accordance with section 258a, title 40, United States Code: Provided further, That the United States or a claim owner or bankruptcy trustee may initiate proceedings after said 90-day period, but no later than six years after the date of enactment of this section, seeking a determination of just compensation in the District Court for the District of Alaska pursuant to the Declaration of Taking Act, sections 258a-e of title 40, United States Code (except where inconsistent with this section), and joining all owners of the claim: Provided further, That when any such suit is instituted by the United States or the owner or*

*bankruptcy trustee, the United States shall deposit as soon as possible in the registry of the court the estimated just compensation, in accordance with the procedures generally described in section 258a of title 40, United States Code, not otherwise inconsistent with this section: Provided further, That in establishing any estimate for deposit in the court registry (other than an estimate based on an agency approved appraisal made prior to the date of enactment of this Act) the Secretary of the Interior shall permit the claim owner to present information to the Secretary on the value of the claim, including potential mineral value, and the Secretary shall consider such information and permit the claim owner to have a reasonable and sufficient opportunity to comment on such estimate: Provided further, That the estimated just compensation deposited in the court registry shall be paid forthwith to the aforesaid owners upon application to the court: Provided further, That any payment from the court registry to the aforesaid owners shall be deducted from any negotiated settlement or award by judgment: Provided further, That the United States may not request the court to withhold any payment from the court registry for environmental remediation with respect to such claim: Provided further, That the Secretary shall not allow any unauthorized use of claims acquired pursuant to this section after the date title vests in the United States pursuant to this section, and the Secretary shall permit the orderly termination of all operations on the lands and the removal of equipment, facilities, and personal property by claim owners or bankruptcy trustee (as appropriate).*

And the Senate agree to the same. ]

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

Before the period at the end of the amendment, insert: *and by inserting at the end of the section the following new sentence: "If such litigation is commenced, at the court trial, any party may introduce any relevant evidence bearing on the interpretation of the 1976 agreement."*

And the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

*SEC. 122. (a) KODIAK LAND VALUATION.—Notwithstanding the Refuge Revenue Sharing Act (16 U.S.C. 715s) or any regulations implementing such Act, the fair market value for the initial computation of the payment to Kodiak Island Borough pursuant to such Act shall be based on the purchase price of the parcels acquired from Akhiok-Kaguyak, Incorporated, Koniag, Incorporated, and the Old Harbor Native Corporation for addition to the Kodiak National Wildlife Refuge.*

*(b) The fair market value of the parcels described in subsection (a) shall be reappraised by the Alaska Region of the United States*

*Fish and Wildlife Service under the Refuge Revenue Sharing Act (16 U.S.C. 715s). Any such reappraisals shall be made in accordance with such Act and any other applicable law and regulation, and shall be effective for any payments made in fiscal year 1999.*

*(c) The fair market value computation required under subsection (a) shall be effective as of the date of the acquisition of the parcels described in such subsection.*

And the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 123. ASSESSMENT OF FEES.—*

*(a) COMMISSION FUNDING.—Section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717 (a)) is amended—*

*(1) in paragraph (1), by striking “class II gaming activity” and inserting “gaming operation that conducts a class II or class III gaming activity”; and*

*(2) in paragraph (2)—*

*(A) in subparagraph (A)(i), by striking “no less than 0.5 percent nor” and inserting “no”; and*

*(B) in subparagraph (B), by striking “\$1,500,000” and inserting “\$8,000,000”.*

*(C) nothing in subsection (a) of this section shall apply to self-regulated tribes such as the Mississippi Band of Choctaw.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—Section 19 of the Indian Gaming Regulatory Act (25 U.S.C. 2718) is amended—*

*(1) in subsection (a), by striking “such sums as may be necessary” and inserting “for fiscal year 1998, and for each fiscal year thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 18(a) for the fiscal year immediately preceding the fiscal year involved,”; and*

*(2) by striking subsection (b) and inserting the following:*

*“(b) Notwithstanding section 18, there are authorized to be appropriated to fund the operation of the Commission, \$2,000,000 for fiscal year 1998, and \$2,000,000 for each fiscal year thereafter. The amounts authorized to be appropriated in the preceding sentence shall be in addition to the amounts authorized to be appropriated under subsection (a).”.*

And the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 127. For the sole purpose of accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove, the National Park Service shall initiate a competitive process by which the National Park Service shall allow one-entry per day for a passenger ferry into Bartlett Cove from Juneau. Provided, That any passenger ferry allowed entry pursuant to this Act shall be subject to speed, distance from coast lines, and other limitations imposed necessary to protect park resources: Pro-*



*vided further, That nothing in this Act shall be construed as constituting approval for entry into the waters of Glacier Bay National Park and Preserve beyond the immediate Bartlett Cove area as defined by a line extending northeastward from Pt. Carolus to the west to the southernmost point of Lester Island, absent required permits.*

And the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 131. No funds provided in this or any other Act may be expended for the promulgation of a proposed or final rule to amend or replace the National Indian Gaming Commission's definition regulations located at 25 CFR 502.7 and 502.8.

And the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 132. Notwithstanding any other provision of law, hereafter the United States Fish and Wildlife Service may disburse to local entities impact funding pursuant to Refuge Revenue Sharing that is associated with Federal real property transferred to the United States Geological Survey from the United States Fish and Wildlife Service.

And the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 134. CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN CLARK COUNTY, NEVADA.—

(a) FINDINGS.—Congress finds that—

(1) *certain landowners who own property adjacent to land managed by the Bureau of Land Management in the North Decatur Boulevard area of Las Vegas, Nevada, bordering on North Las Vegas, have been adversely affected by certain erroneous private land surveys that the landowners believed were accurate;*

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

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

(4) *errors in the private surveys were discovered in connection with a dependent resurvey and section subdivision conducted by the Bureau of Land Management in 1990, which es-*

*tablished accurate boundaries between certain federally owned properties and private properties; and*

*(5) the Secretary has authority to sell, and it is appropriate that the Secretary should sell, based on an appraisal of the fair market value as of December 1, 1982, the properties described in section 2(b) to the adversely affected landowners.*

*(b) CONVEYANCE OF PROPERTIES.—*

*(1) PURCHASE OFFERS.—*

*(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the city of Las Vegas, Nevada, on behalf of the owners of real property located adjacent to the properties described in paragraph (2), may submit to the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the “Secretary”), a written offer to purchase the properties.*

*(B) INFORMATION TO ACCOMPANY OFFER.—An offer under subparagraph (A) shall be accompanied by—*

*(i) a description of each property offered to be purchased;*

*(ii) information relating to the claims of ownership of the property based on an erroneous land survey; and*

*(iii) such other information as the Secretary may require.*

*(2) DESCRIPTION OF PROPERTIES.—The properties described in this paragraph, containing 37.36 acres, more or less, are—*

*(A) Government lots 22, 23, 26, and 27 in sec. 18, T. 19 S., R. 61 E., Mount Diablo Meridian;*

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

*(C) Those lands encroached upon in Government lot 1 in sec. 24, T. 19 S., R. 60 E., Mount Diablo Meridian, containing approximately 8 acres.*

*(3) CONVEYANCE.—*

*(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the Secretary shall convey subject to valid existing rights to the city of Las Vegas, Nevada, all right, title, and interest of the United States in and to the properties offered to be purchased under paragraph (1) on payment by the city of the fair market value of the properties, based on an appraisal of the fair market value as of December 1, 1982, approved by the Secretary.*

*(B) CONDITION.—Properties shall be conveyed under subparagraph (A) subject to the condition that the city convey the properties to the landowners who were adversely affected by reliance on erroneous surveys as described in subsection (a).*

And the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 135. (a) Notwithstanding any other provision of law, the Secretary of the Interior is directed to accept full title to approxi-*

mately 84 acres of land located in Prince Georges County, Maryland, adjacent to Oxon Cove Park, and bordered generally by the Potomac River, Interstate 295 and the Woodrow Wilson Bridge, and in exchange therefor shall convey to the Corrections Corporation of America all of the interest of the United States in approximately 42 acres of land located in Oxon Cove Park in the District of Columbia, and bordered generally by Oxon Cove, Interstate 295 and the District of Columbia Impound Lot.

(b) The Secretary shall not acquire any lands under this section if the Secretary determines that the lands or any portion thereof have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(c) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this section after their transfer to any party, but nothing in this section shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party: Provided, that the Corrections Corporation of America shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601) and the Resource Conservation Recovery Act (42 U.S.C. 9601, et seq.).

(d) The properties so exchanged shall be equal in fair market value or if they are not approximately equal, the Corrections Corporation of America shall equalize the values by the payment of cash to the Secretary and any such payments shall be deposited to credit of "Miscellaneous Trust Funds, National Park Service" and shall be available without further appropriation until expended for the acquisition of land within the National Park System. No equalization shall be required if the value of the property received by the Secretary is more than that transferred by the Secretary.

(e) Costs of conducting necessary land surveys, preparing the legal descriptions of the lands to be conveyed, appraisals, deeds, other necessary documents, and administrative costs shall be borne by the Corporation. The required appraisals shall be conducted in accordance with 43 C.F.R. § 2201.3-1, § 2201.3-3 and § 2201.3-4.

(f) Following any exchange authorized by this provision, the boundaries of the Park System of the Nation's Capital are hereby amended to reflect the property added to and deleted from that System.

And the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 136. *The National Park Service shall, within 30 days of enactment of this Act, begin negotiations with the University of Alaska Fairbanks, School of Mineral Engineering, to determine the compensation that shall be paid by the National Park Service, within funds appropriated to the National Park Service in this Act, or*

*within unobligated balances of funds appropriated in prior Appropriations Acts, to the University of Alaska Fairbanks, School of Mineral Engineering, for facilities, equipment, and interests owned by the University that were destroyed by the Federal Government at the Stampede Mine Site within the boundaries of Denali National Park and Preserve: Provided, That if the National Park Service and the University of Alaska Fairbanks, School of Mineral Engineering, fail to reach a negotiated settlement within 90 days of commencing negotiations, then the National Park Service shall submit a formal request to the Director of the Office of Hearings and Appeals, Department of the Interior, for the purpose of entering into third-party mediation to be conducted in accordance with the Department of the Interior's final policy applicable to alternative dispute resolution: Provided further, That any payment made by the National Park Service to the University of Alaska Fairbanks, School of Mineral Engineering, shall fully satisfy the claims of the University of Alaska Fairbanks, School of Mineral Engineering; and that the University of Alaska Fairbanks, School of Mineral Engineering, shall convey to the Secretary of the Interior all property rights in such facilities, equipment and interests: Provided further, That the Secretary of the Army shall provide, at no cost, two six by six vehicles, in excellent operating condition, or equivalent equipment to the University of Alaska Fairbanks, School of Mineral Engineering, and shall construct a bridge across the Bull River to the Golden Zone Mine Site to allow ingress and egress for the activities conducted by the School of Mineral Engineering.*

And the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$187,944,000; and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$161,237,000; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,348,377,000; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: after the words "design costs" in said amendment insert: *: Provided further, That any such project must be approved by the House and Senate Committees on Appropriations in compliance*

*with the reprogramming procedures contained in House Report 105-163; and the Senate agree to the same.*

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$584,707,000; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: \$166,045,000; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$52,976,000; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$2,250,000; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$750,000; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*No funds appropriated under this or any other Act for the purpose of operations conducted at the Forest Service Region 10 headquarters, including those funds identified for centralized field costs for employees of this office, shall be obligated or expended in excess of \$17,500,000 from the total funds appropriated for Region 10, without 60 days prior notice to Congress. Funds appropriated by this Act to implement the Revised Tongass National Forest Land Management Plan, shall be spent and obligated at the Forest Supervisor and Ranger District levels, with the exception of specific management and oversight expenses, provided such expenses are included in the funding ceiling of \$17,500,000.*

And the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$362,403,000; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$611,723,000; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$155,095,000; and the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103 and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$124,845,000; and the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$30,250,000; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

*STRATEGIC PETROLEUM RESERVE*

*(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et. seq.), \$207,500,000, to remain available until expended, of which \$207,500,000 shall be repaid from the "SPR Operating Fund" from amounts made available from the sale of oil from the Reserve: Provided, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell in fiscal year 1998 \$207,500,000 worth of oil from the Strategic Petroleum Reserve: Provided further, That the proceeds from the sale shall be deposited into the "SPR Operating Fund", and shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations of the Strategic Petroleum Reserve.*

And the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,841,074,000; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$361,375,000; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: : *Provided further, That not to exceed \$168,702,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Indian Health Service prior to fiscal year 1998, as authorized by the Indian Self-Determination Act of 1975, as amended;* and the Senate agree to the same.

Amendment numbered 111:

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in the matter restored insert: \$257,538,000; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$4,250,000; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$333,408,000; and the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$6,192,000; and the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert: \$81,240,000 ; and the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$23,280,000; and the Senate agree to the same.

Amendment numbered 128:

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

*SEC. 316. SUBSISTENCE HUNTING AND FISHING IN ALASKA.—*

*(a) MORATORIUM ON FEDERAL MANAGEMENT.—None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act hereafter enacted may be used prior to December 1, 1998 to issue or implement final regulations, rules, or policies pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over the navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.*

*(b) AMENDMENTS TO ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—*

*(1) AMENDMENT OF ANILCA.—Except as otherwise expressly provided, whenever in this subsection an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).*

*(2) DEFINITIONS.—Section 102(2) (16 U.S.C. 3102(2)) is amended to read as follows:*

*“(2) The term ‘Federal land’ means lands the title to which is in the United States after December 2, 1980. ‘Federal land’ does not include lands the title to which is in the State, a Native Corporation, or other private ownership.”.*

*(3) FINDINGS.—Section 801 (16 U.S.C. 3111) is amended—*

*(A) by inserting “(a)” immediately before “The Congress finds and declares”; and*

*(B) by inserting at the end the following new subsection:*

*“(b) The Congress finds and declares further that—*

*“(1) subsequent to the enactment of this Act in 1980, the subsistence law of the State of Alaska (AS 16.05) accomplished the goals of Congress and requirements of this Act in providing subsistence use opportunities for rural residents of Alaska, both Native and non-Native;*

*“(2) the Alaska subsistence law was challenged in Alaska courts, and the rural preference requirement in the law was found in 1989 by the Alaska Supreme Court in *McDowell v. State of Alaska* (785 P.2d 1, 1989) to violate the Alaska Constitution;*

*“(3) since that time, repeated attempts to restore the validity of the State law through an amendment to the Alaska Con-*



stitution have failed, and the people of Alaska have not been given the opportunity to vote on such an amendment;

“(4) in accordance with Title VIII of this Act, the Secretary of the Interior is required to manage fish and wildlife for subsistence uses on all public lands in Alaska because of the failure of State law to provide a rural preference;

“(5) the Ninth Circuit Court of Appeals determined in 1995 in *State of Alaska v. Babbitt* (73 F.3d 698) that the subsistence priority required on public lands under section 804 of this Act applies to navigable waters in which the United States has reserved water rights as identified by the Secretary of the Interior;

“(6) management of fish and wildlife resources by State governments has proven successful in all 50 States, including Alaska, and the State of Alaska should have the opportunity to continue to manage such resources on all lands, including public lands, in Alaska in accordance with this Act, as amended; and

“(7) it is necessary to amend portions of this Act to restore the original intent of Congress to protect and provide for the continued opportunity for subsistence uses on public lands for Native and non-Native rural residents through the management of the State of Alaska.”.

(4) TITLE VIII DEFINITIONS.—Section 803 (16 U.S.C. 3113) is amended—

(A) by striking “and” at the end of paragraph (1);

(B) by striking the period and inserting a semicolon at the end of paragraph (2); and

(C) by inserting at the end the following new paragraphs:

“(3) ‘customary and traditional uses’ means the non-commercial, long-term, and consistent taking of, use of, or reliance upon fish and wildlife in a specific area and the patterns and practices of taking or use of that fish and wildlife that have been established over a reasonable period of time, taking into consideration the availability of the fish and wildlife;

“(4) ‘customary trade’ means, except for money sales of furs and furbearers, the limited noncommercial exchange for money of fish and wildlife or their parts in minimal quantities; and

“(5) ‘rural Alaska resident’ means a resident of a rural community or area. A ‘rural community or area’ means a community or area substantially dependent on fish and wildlife for nutritional and other subsistence uses.”.

(5) PREFERENCE FOR SUBSISTENCE USES.—Section 804 (16 U.S.C. 3114) is amended—

(A) by inserting “(a)” immediately before the first sentence; and

(B) by inserting at the end the following new subsection:

“(b) The priority granted by this section is for a reasonable opportunity to take fish and wildlife. For the purposes of this subsection, the term ‘reasonable opportunity’ means an opportunity, consistent with customary and traditional uses (as defined in section 803(3)), to participate in a subsistence hunt or fishery with a

*reasonable expectation of success, and does not mean a guarantee that fish and wildlife will be taken.”.*

*(6) LOCAL AND REGIONAL PARTICIPATION.—Section 805 (16 U.S.C. 3115) is amended—*

*(A) in subsection (a) by striking “one year after the date of enactment of this Act,”; and*

*(B) by amending subsection (d) to read as follows:*

*“(d)(1) Upon certification by the Secretary that the State has enacted and implemented laws of general applicability which are consistent with, and which provide for the definition, preference, and participation specified in sections 803, 804, and 805, the Secretary shall not implement subsections (a), (b), and (c) of this section, and the State may immediately assume management for the taking of fish and wildlife on the public lands for subsistence uses pursuant to this title. Upon assumption of such management by the State, the Secretary shall not implement subsections (a), (b), and (c) of this section unless a court of competent jurisdiction determines that such laws have been repealed, modified, or implemented in a way that is inconsistent with, or does not provide for, the definition, preference, and participation specified in sections 803, 804, and 805, or that the State has failed to cure any such inconsistency after such determination. The State laws shall otherwise supercede such sections insofar as such sections govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. The Secretary may bring a judicial action to enforce this subsection.*

*“(2)(A) Laws establishing a system of local advisory committees and regional advisory councils consistent with section 805 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based, to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall set forth the factual basis and the reasons for its decision.*

*“(B) The members of each regional advisory council established under this subsection shall be appointed by the Governor of Alaska. Each council shall have ten members, four of whom shall be selected from nominees who reside in the region submitted by tribal councils in the region, and six of whom shall be selected from nominees submitted by local governments and local advisory committees. Three of these six shall be subsistence users who reside in the subsistence resource region and three shall be sport or commercial users who may be residents of any subsistence resource region. Regional council members shall have staggered terms of three years in length,*

with no limit on the number of terms a member may serve. A quorum shall be a majority of the members of the council.”

(7) *JUDICIAL ENFORCEMENT.*—Section 807 (16 U.S.C. 3117) is amended by inserting the following as subsection (b):

“(b) State agency actions may be declared invalid by the court only if they are arbitrary, capricious, or an abuse of discretion, or otherwise not in accordance with law. When reviewing any action within the specialized knowledge of a State agency, the court shall give the decision of the State agency the same deference it would give the same decision of a comparable Federal agency.”

(8) *REGULATIONS.*—Section 814 (16 U.S.C. 3124) is amended—

(A) by inserting “, and the State at any time the State has complied with section 805(d)” after “Secretary”; and

(B) by adding at the end the following new sentence: “During any time that the State has complied with section 805 (d), the Secretary shall not make or enforce regulations implementing sections 805(a), (b), or (c).”

(9) *LIMITATIONS, SAVINGS CLAUSES.*—Section 815 (16 U.S.C. 3125) is amended—

(A) by striking “or” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and “or”; and

(C) by inserting at the end the following new paragraph:

“(5) prohibiting the Secretary or the State from entering into co-management agreements with Native organizations or other local or regional entities when either is managing fish and wildlife on public lands in Alaska for subsistence uses.”

(c) *SAVINGS CLAUSE.*—No provision of this section, amendment made by this section, or exercise of authority pursuant to this section may be construed to validate, invalidate, or in any way affect—

(1) any assertion that a Native organization (including a federally recognized tribe, traditional Native council, or Native council organized pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.), as amended) has or does not have governmental authority over lands (including management of, or regulation of the taking of, fish and wildlife) or persons within the boundaries of the State of Alaska;

(2) any assertion that Indian country, as defined in section 1151 of title 18, United States Code, exists or does not exist within the boundaries of the State of Alaska;

(3) any assertion that the Alaska National Interest Lands Conservation Act, as amended, (16 U.S.C. 3101 et seq.) is or is not Indian law; or

(4) the authority of the Secretary of the Interior under section 1314(c) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3202(c)).

(d) *EFFECTIVE DATE.*—Unless and until laws are adopted in the State of Alaska which provide for the definition, preference, and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), the amendments made by subsection (b) of this section shall be effective only for the purposes of determining whether the State’s laws

*provide for such definition, preference, and participation. The Secretary shall certify before December 1, 1998 if such laws have been adopted in the State of Alaska. Subsection (b) shall be repealed on such date if such laws have not been adopted.*

And the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

*SEC. 317. Section 909(b)(2) of Division II, Title IX of P.L. 104-333 is hereby amended to delete the sentence which reads "For technical assistance pursuant to section 908, not more than \$50,000 annually."*

And the Senate agree to the same.

Amendment numbered 130:

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

*SEC. 318. No part of any appropriation contained in this Act shall be expended or obligated to fund the activities of the western director and special assistant to the Secretary within the Office of the Secretary of Agriculture that exceeds the funding provided for these activities from this Act during fiscal year 1997.*

And the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

Before the final period in the matter restored insert: ; and amend section 315(c)(1), subsection (C) as follows: after the words "the Fish and Wildlife Service", insert "and the National Park Service"; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

*SEC. 323. (a) Prior to the completion of any decision document or the making of any decision related to the final Environmental Impact Statements (hereinafter "final EISs") associated with the Interior Columbia Basin Ecosystem Project (hereinafter the "Project"), the Secretary of Agriculture and the Secretary of the Interior shall prepare and submit to the Committees on Appropriations of the Senate and the House of Representatives a report that shall include:*

*(1) a detailed description of any and all land and resource management planning and policy or project decisions to be made, by type and by the level of official responsible, and the*

*procedures for such decisions to be undertaken, by the Forest Service, Bureau of Land Management, and Fish and Wildlife Service pursuant to the National Forest Management Act, Federal Land Policy and Management Act, Endangered Species Act, National Environmental Policy Act and any other applicable law in order to authorize and implement actions affecting the environment on Federal lands within the jurisdiction of either Secretary in the Project area that are consistent with the final EISs;*

*(2) a detailed estimation of the time and cost (for all participating federal agencies) to accomplish each decision described in paragraph (1), from the date of initiation of preparations for, to the date of publication or announcement of, the decision, including a detailed statement of the source of funds for each such decision and any reprogramming in fiscal year 1998;*

*(3) estimated production of goods and services from each unit of the Federal lands for the first 5 years during the course of the decision making described in paragraph (1) beginning with the date of publication of the applicable final EIS; and*

*(4) if the requirements described in paragraphs (1) through (3) cannot be accomplished within the appropriations provided in this Act, adjusted only for inflation, in subsequent fiscal years and without any reprogramming of such appropriations, provide a detailed description of the decision making process that will be used to establish priorities in accordance with such appropriations.*

*(b) Using all research information available from the area encompassed by the Project, the Secretaries, to the extent practicable, shall analyze the economic and social conditions, and culture and customs, of the communities at the sub-basin level within the Project area and the impacts the alternatives in the draft EISs will have on those communities. This analysis shall be published on a schedule that will allow a reasonable period of time for public comment thereon prior to the close of the comment periods on the draft EISs. The analysis, together with the response of the Secretaries to the public comment, shall be incorporated in the final EISs and, subject to subsection (a), subsequent decisions related thereto.*

*(c) Nothing in this section shall be construed as altering or affecting in any manner any provision of applicable land or resource management plans, PACFISH, INFISH, Eastside screens, and other policies adopted by the Forest Service or Bureau of Land Management prior to the date of enactment of this Act to protect wildlife, watershed, riparian, and other resources of the Federal lands.*

And the Senate agree to the same.

Amendment numbered 136:

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended to read as follows:

*SEC. 326. (a) Notwithstanding any other provision of law, after September 30, 1997 the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.), with any Alaska Native village*

or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) *Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to August 27, 1997, or to prohibit the renewal of any such agreement.*

(c) *The General Accounting Office shall conduct a study of the impact of contracting and compacting by the Indian Health Service under Public Law 93-638 with Alaska Native villages and Alaska Native village corporations for the provision of health care services by Alaska Native regional corporation health care entities. The General Accounting Office shall submit the results of that study to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives by June 1, 1998.*

(d) *Section 1004 of the Coast Guard Authorization Act of 1996 (Public Law 104-324, 110 Stat. 3956) is amended—*

*(1) in subsection (a) by striking “for use as a health or social services facility” and insert in lieu thereof “for sale or use other than for a facility for the provision of health programs funded by the Indian Health Service (not including any such programs operated by Ketchikan Indian Corporation prior to 1993)”; and*

*(2) by striking subsection (c).*

And the Senate agree to the same.

Amendment numbered 137:

That the House recede from its disagreement to the amendment of the Senate numbered 137 , and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

*SEC. 327. None of the funds made available by this Act may be used to require any person to vacate real property where a term is expiring under a use and occupancy reservation in Sleeping Bear Dunes National Lakeshore until such time as the National Park Service (NPS) indicates to the appropriate Congressional Committees and the holders of these reservations that it has sufficient funds to remove the residence on that property within 90 days of that residence being vacated. The NPS will provide at least 90 days notice to the holders of expired reservations to allow them time to leave the residence. The NPS will charge fair market value rental rates while any occupancy continues beyond an expired reservation. Reservation holders who stay beyond the expiration date will also be required to pay for appraisals to determine current fair market value rental rates, any rehabilitation needed to ensure suitability for occupancy, appropriate insurance, and all continuing utility costs.*

And the Senate agree to the same.

Amendment numbered 138:

That the House recede from its disagreement to the amendment of the Senate numbered 138 , and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

*SEC. 328. (a) None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior, the Forest Service or the Smithsonian Institution may be used to submit nominations for the designation of Biosphere Reserves pursuant to the Man and Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization.*

*(b) The provisions of this section shall be repealed upon enactment of subsequent legislation specifically authorizing U.S. participation in the Man and Biosphere program.*

And the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 333. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997, or having been court-ordered to revise, are exempt from this section and may utilize funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.*

And the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 333. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the five year program under the Forest and Rangeland Renewable Resources Planning Act.*

And the Senate agree to the same.

Amendment numbered 144:

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: After "fiscal year 1998", delete "and each year thereafter"; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: After the word "may", delete the word "hereafter", and insert in lieu thereof: ", until September 30, 2000,."; and the Senate agree to the same.

Amendment numbered 150:

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended to read as follows:

*SEC. 340. (a) The Secretary of Agriculture is authorized and directed to negotiate with Skamania County for the exchange of lands or interests in lands constituting the Wind River Nursery Site within the Gifford Pinchot National Forest, Washington.*

*(b) In return for the Nursery Site properties, Skamania County is authorized and directed to negotiate with the Forest Service the conveyance of approximately 120 acres of high biodiversity, special management lands located near Table Mountain within the Columbia River Gorge National Scenic Area, title to which must be acceptable to the Secretary of Agriculture.*

*(c) Before this exchange can occur, it must be of equal value and the Secretary and the Skamania County Board of Commissioners must agree on the exact parcels of land to be included in the exchange. An agreement signed by the Secretary of Agriculture and the Skamania County Board of Commissioners describing the properties involved and a certification that the exchange is of equal value must be completed no later than September 30, 1999.*

*(d) During this two year negotiating period, the Wind River Nursery property shall not be conveyed to another party. The Forest Service shall maintain the site in a tenantable condition.*

*(e) Except as provided herein, the exchange shall be for equal value in accordance with land exchange authorities applicable to the National Forest System.*

*(f) The Secretary is directed to equalize values by not only cash and exchange of lands, easements, reservations, and other interests in lands, but also by full value credit for such services as Skamania County provides to the Gifford Pinchot and Columbia River Gorge National Scenic Area and as the Secretary and Skamania County deem appropriate. The Secretary may accept services in lieu of cash when the Secretary can discern cash value for the services and when the Secretary determines such services would provide direct benefits to lands and resources and users of such lands and resources under the jurisdiction of the Secretary.*

*(g) Any cash equalization which Skamania County elects to make may be made up to 50 percent of the fair market value of the Federal property, and such cash equalization may be made in installments over a period not to exceed 25 years. Payments received as partial consideration shall be deposited into the fund in the Treasury established under the Act of December 4, 1967, commonly known as the Sisk Act, and shall be available for expenditure as provided in the Act except that the Secretary may not use those funds to purchase lands within Skamania County.*

*(h) In defining the Federal estate to be conveyed, the Secretary may require such additional terms and conditions as deemed necessary in connection with assuring equal value and public interest considerations in this exchange including, but not limited to, continued research use of the Wind River Experimental Forest and protection of natural, cultural, and historic resources, existing adminis-*



trative sites, and a scenic corridor for the Pacific Crest National Scenic Trail.

(i) *This authorization is predicated on Skamania County's Board of Commissioners commitment to give foremost consideration to preservation of the overall integrity of the site and conservation of the educational and research potential of the Site, including providing for access to and assurance of the continued administration and operation of forestry research on the adjacent Thornton Munger Research Natural Area.*

(j) *The Secretary is further directed to cooperate with Skamania County to address applicable Federal and State environmental laws.*

(k) *Notwithstanding the processes involved with the National Environmental Policy Act and the State Environmental Policy Act, should the Secretary of Agriculture and the Skamania County Board of Commissioners fail to reach an agreement on an equal value exchange defined under the terms of this legislation by September 30, 1999, the Wind River Nursery Site shall remain under Forest Service ownership and be maintained by the Forest Service in a tenable condition.*

And the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 341. The National Wildlife Refuge in Jasper and Marion Counties, Iowa, authorized in Public Law 101-302 shall be referred to in any law, regulation, documents or record of the United States in which such project is referred to, as the Neal Smith National Wildlife Refuge.*

And the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

After "July 1997" in said amendment insert: "*and issuing a Record of Decision*"; and the Senate agree to the same.

Amendment numbered 153:

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 343. The Secretary of Agriculture shall hereafter phase in, over a 3 year period in equal annual installments, that portion of the fee increase for a recreation residence special use permit holder which is more than 100 percent of the previous year's fee, provided that no recreation residence fee may be increased any sooner than one year from the time the permittee has been notified by the Forest Service of the results of an appraisal which has been conducted for the purpose of establishing such fees: Provided, That no increases*

*in recreation residence fees on the Sawtooth National Forest will be implemented prior to January 1, 1999.*

And the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

At the end of the amendment insert:

*(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.*

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

*(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;*

*(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1); and*

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

*(e) Section 6(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b)) is amended to read as follows:*

*“(b) APPOINTMENT AND COMPOSITION OF COUNCIL.—(1) The Council shall be composed of members as follows:*

*“(A) The Chairperson of the National Endowment for the Arts, who shall be the chairperson of the Council.*

*“(B) Members of Congress appointed for a 2 year term beginning on January 1 of each odd-numbered year as follows:*

*“(i) 2 Members of the House of Representatives appointed by Speaker of the House of Representatives.*

*“(ii) 1 Member of the House of Representatives appointed by the Minority Leader of the House of Representatives.*

*“(iii) 2 Senators appointed by the Majority Leader of the Senate.*

*“(iv) 1 Senator appointed by the Minority Leader of the Senate.*

*Members of the Council appointed under this subparagraph shall serve ex-officio and shall be nonvoting members of the Council.*

*“(C) 14 members appointed by the President, by and with the advice and consent of the Senate, who shall be selected—*

*“(i) from among private citizens of the United States who—*

*“(I) are widely recognized for their broad knowledge of, or expertise in, or for their profound interest in, the arts; and*

*“(II) have established records of distinguished service, or achieved eminence, in the arts;*

*“(ii) so as to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and*

*“(iii) so as collectively to provide an appropriate distribution of membership among major art fields and interested citizens groups.*

*In making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the arts and shall make such appointments so as to represent equitably all geographical areas in the United States.*

*“(2) TRANSITION TO THE NEW COUNCIL COMPOSITION.—*

*“(A) Notwithstanding paragraph (b)(1)(B), members first appointed pursuant to such paragraph shall be appointed not later than December 31, 1997. Notwithstanding such paragraph, such members shall be appointed to serve until December 31, 1998.*

*“(B) Members of the Council serving on the effective date of this subsection may continue to serve on the Council until their current terms expire and new Members shall not be appointed under subsection (b)(1)(C) until the number of Presidentially appointed members is less than 14.”*

*(f) Section 6(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(c)) is amended—*

*(1) by inserting “appointed under subsection (b)(1)(C)” after “member” each place it appears, and*

*(2) in the second sentence by inserting “appointed under subsection (b)(1)(C)” after “members”.*

*And the Senate agree to the same.*

*Amendment numbered 157:*

*That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment, as follows:*

*Retain the matter proposed by said amendment, amended to read as follows:*

*SEC. 347. No timber sale in Region 10 shall be advertised which, when using domestic Alaska western red cedar selling values and manufacturing costs, fails to provide at least 60 percent of normal profit and risk of the appraised timber, except at the written request by a prospective bidder. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 1998, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan which provides greater than 60 percent of normal profit and risk at the time of the sale advertisement, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at domestic rates. Should Region 10 sell, in fiscal year 1998, less than the annual average portion of the*

*decadal allowable sale quantity called for in the current Tongass Land Management Plan meeting the 60 percent of the normal profit and risk standard at the time of advertisement, the volume of western red cedar available to domestic processors at domestic rates in the contiguous 48 states shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported and sold at export rates at the election of the timber sale holder. All Alaska yellow cedar may be sold at export rates at the election of the timber sale holder.*

And the Senate agree to the same.

Amendment numbered 158:

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 348. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.*

And the Senate agree to the same.

Amendment numbered 162:

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment, as follows:

In lieu of the matter stricken by said amendment insert:

**TITLE IV—ENVIRONMENTAL IMPROVEMENT AND RESTORATION FUND**

*(a) One half of the amounts awarded by the Supreme Court to the United States in the case of United States of America v. State of Alaska (117 S.Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the "Environmental Improvement and Restoration Fund" (referred to in this section as the "Fund").*

*(b) INVESTMENTS.—*

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

*(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—*

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

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

*(3) SALE OF OBLIGATIONS.—Any obligations acquired by the Fund may be sold by the Secretary of the Treasury at the market price.*

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

(c) *TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.*—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in the subsequent appropriations Acts, as follows:

(1) 80 percent of such amounts shall be made available to be equally divided among the Directors of the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the Chief of the Forest Service for high priority deferred maintenance and modernization of facilities that directly enhance the experience of visitors, including natural, cultural, recreational, and historic resources protection projects in National Parks, National Wildlife Refuges, and the public lands respectively as provided in subsection (d) and for payment to the State of Louisiana and its lessees for oil and gas drainage in the West Delta field. The Secretary shall submit with the annual budget submission to Congress a list of high priority maintenance and modernization projects for Congressional consideration.

(2) 20 percent of such amounts shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in the North Pacific in accordance with subsection (e).

(d) *PROJECTS.*—A project referred to in paragraph (c)(1) shall be consistent with the laws governing the National Park System, the National Wildlife Refuge System, the public lands and Forest Service lands and management plan for such unit.

(e) *MARINE RESEARCH ACTIVITIES.*—(1) Funds available under subsection (C)(2) shall be used by the Secretary of Commerce according to this subsection to provide grants to Federal, State, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (referred to in this subsection as the “Board”). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees—

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

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

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

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

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

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of the Alaska SeaLife Center;

(K) five members nominated by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests;

(L) three members nominated by the Governor of Washington and appointed by the Secretary of Commerce; and

(M) one member nominated by the Governor of Oregon and appointed by the Secretary of Commerce.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. Three nominations shall be submitted for each member to be appointed under subparagraphs (K), (L), and (M). Board members appointed under subparagraphs (K), (L), and (M) shall serve for three year terms, and may be reappointed.

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

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with the priorities established by the Board. The Secretary shall provide the Board such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

(f) SUNSET.—If amounts are not assumed by the concurrent budget resolution and appropriated from the Fund by December 15, 1998, the Fund shall terminate and the amounts in the Fund including the accrued interest shall be applied to reduce the Federal deficit.

And the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

**TITLE V—PRIORITY LAND ACQUISITIONS, LAND EXCHANGES, AND MAINTENANCE**

*For priority land acquisitions, land exchange agreements, other activities consistent with the Land and Water Conservation Fund Act of 1965, as amended, and critical maintenance to be conducted by the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service and the Forest Service, \$699,000,000, to be derived from the Land and Water Conservation Fund notwithstanding any other provision of law, to remain available until September 30, 2001, of which \$167,000,000 is available to the Secretary of Agriculture and \$532,000,000 is available to the Secretary of the Interior: Provided, That of the funds made available to the Secretary of Agriculture, not to exceed \$65,000,000 may be used to acquire interests to protect and preserve Yellowstone National Park, pursuant to the terms and conditions set forth in sections 502 and 504 of this title, and \$12,000,000 may be used for the rehabilitation and maintenance of the Beartooth Highway pursuant to section 502 of this title: Provided further, That of the funds made available to the Secretary of the Interior, not to exceed \$250,000,000 may be used to acquire interests to protect and preserve the Headwaters Forest, pursuant to the terms and conditions set forth in sections 501 and 504 of this title, and \$10,000,000 may be used for a direct payment to Humboldt County, California pursuant to section 501 of this title: Provided further, That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service and the Forest Service, shall, in fiscal year 1998 and each of the succeeding three fiscal years, jointly submit to Congress a report listing the lands and interests in land that the Secretaries propose to acquire or exchange and the maintenance requirements they propose to address using funds provided under this heading for purposes other than the purposes of sections 501 and 502 of this title: Provided further, That none of the funds appropriated under this heading for purposes other than the purposes of sections 501 and 502 of this title shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations approve, in writing, a list of projects to be undertaken with such funds: Provided further, That monies provided in this title, when combined with monies provided by other titles in this Act, shall, for the purposes of section 205(a) of H. Con. Res. 84 (105th Congress), be considered to provide \$700,000,000 in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority land exchanges.*

**SEC. 501. HEADWATERS FOREST AND ELK RIVER PROPERTY ACQUISITION.—**

*(a) AUTHORIZATION.—Subject to the terms and conditions of this section, up to \$250,000,000 from the Land and Water Conservation Fund is authorized to be appropriated to acquire lands referenced in the Agreement of September 28, 1996, which consist of*

approximately 4,500 acres commonly referred to as the "Headwaters Forest", approximately 1,125 acres referred to as the "Elk Head Forest", and approximately 9,600 acres referred to as the "Elk River Property", which are located in Humboldt County, California. This section is the sole authorization for the acquisition of such property, which is the subject of the Agreement dated September 28, 1996 between the United States of America (hereinafter "United States"), the State of California, MAXXAM, Inc., and the Pacific Lumber Company. Of the entire Elk River Property, the United States and the State of California are to retain approximately 1,845 acres and transfer the remaining approximately 7,755 acres of Elk River Property to the Pacific Lumber Company. The property to be acquired and retained by the United States and the State of California is that property that is the subject of the Agreement of September 28, 1996 as generally depicted on maps labeled as sheets 1 through 7 of Township 3 and 4 North, Ranges 1 East and 1 West, of the Humboldt Meridian, California, titled "Dependent Resurvey and Tract Survey", as approved by Lance J. Bishop, Chief Cadastral Surveyor—California, on August 29, 1997. Such maps shall be on file in the Office of the Chief Cadastral Surveyor, Bureau of Land Management, Sacramento, California. The Secretary of the Interior is authorized to make such typographical and other corrections to this description as are mutually agreed upon by the parties to the Agreement of September 28, 1996. The land retained by the United States and the State of California (approximately 7,470 acres) shall hereafter be the "Headwaters Forest". Any funds appropriated by the Federal government to acquire lands or interests in lands that enlarge the Headwaters Forest by more than five acres per each acquisition shall be subject to specific authorization enacted subsequent to this Act, except that such funds may be used pursuant to existing authorities to acquire such lands up to five acres per each acquisition or interests in lands that may be necessary for roadways to provide access to the Headwaters Forest.

(b) **EFFECTIVE PERIOD OF AUTHORIZATION.**—The authorization in subsection (a) expires March 1, 1999 and shall become effective only—

(1) when the State of California provides a \$130,000,000 contribution for the transaction;

(2) when the State of California approves a Sustained Yield Plan covering Pacific Lumber Company timber property;

(3) when the Pacific Lumber Company dismisses the following legal actions as evidenced by instruments in form and substance satisfactory to each of the parties to such legal actions: *Pacific Lumber Co. v. United States*, No. 96-257L (Fed. Cls.) and *Salmon Creek Corp. v. California Board of Forestry*, No. 96-CS-1057 (Cal. Super. Ct.);

(4) when the incidental take permit under Section 10(a) of the Endangered Species Act (based upon a multi-species Habitat Conservation Plan covering Pacific Lumber Company timber property, including applicable portions of the Elk River Property) is issued by the United States Fish and Wildlife Service and the National Marine Fisheries Service;

(5) after an appraisal of all lands and interests therein to be acquired by the United States has been undertaken, such ap-



praisal has been reviewed for a period not to exceed 30 days by the Comptroller General of the United States, and such appraisal has been provided to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House and Senate;

(6) after the Secretary of the Interior issues an opinion of value to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House and Senate for the land and property to be acquired by the Federal government. Such opinion of value shall also include the total value of all compensation (including tax benefits) proposed to be provided for the acquisition;

(7) after an environmental impact statement for the proposed Habitat Conservation Plan has been prepared and completed in accordance with the applicable provisions of the National Environmental Policy Act of 1969; and

(8) when adequate provision has been made for public access to the property.

(c) Notwithstanding any other provision of law, the amount paid by the United States to acquire identified lands and interests in lands referred to in section 501(a) may differ from the value contained in the appraisal required by section 501(b)(5) if the Secretary of the Interior certifies, in writing, to Congress that such action is in the best interest of the United States.

(d) HABITAT CONSERVATION PLAN.

(1) APPLICABLE STANDARDS.—Within 60 days after the enactment of this section, the Secretary of the Interior and the Secretary of Commerce shall report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives on the scientific and legal standards and criteria for threatened, endangered, and candidate species under the Endangered Species Act and any other species used to develop the habitat conservation plan (hereinafter “HCP”) and the section 10(a) incidental take permit for the Pacific Lumber Company land.

(2) REPORT.—If the Pacific Lumber Company submits an application for an incidental take permit under section 10(a) of the Endangered Species Act for the transaction authorized by subsection (a), and the permit is not issued, then the U.S. Fish and Wildlife Service and the National Marine Fisheries Service shall set forth the substantive rationale or rationales for why the measures proposed by the applicant for such permit did not meet the issuance criteria for the species at issue. Such report shall be submitted to the Congress within 60 days of the decision not to issue such permit or by May 1, 1999, whichever is earlier.

(3) HCP STANDARDS.—If a section 10(a) permit for the Pacific Lumber Company HCP is issued, it shall be deemed to be unique to the circumstances associated with the acquisition authorized by this section and shall not establish a higher or lesser standard for any other multi-species HCPs than would otherwise be established under existing law.

(e) *PAYMENT TO HUMBOLDT COUNTY.*—Within 30 days of the acquisition of the Headwaters Forest, the Secretary of the Interior shall provide a \$10,000,000 direct payment to Humboldt County, California.

(f) *PAYMENT IN LIEU OF TAXES.*—The Federal portion of the Headwaters Forest acquired pursuant to this section shall be entitlement land under section 6905 of title 31 of the United States Code.

(g) *OUT-YEAR BUDGET LIMITATIONS.*—The following funding limitations and parameters shall apply to the Headwaters Forest acquired under subsection (a)—

(1) At least fifty percent of the total funds for management of such lands above the annual level of \$100,000 shall (with the exception of law enforcement activities and emergency activities) be from non-federal sources.

(2) Subject to appropriations, the authorized annual federal funding for management of such land is \$300,000 (with the exception of law enforcement activities and emergency activities).

(3) The Secretary of the Interior or the Headwaters Forest Management Trust referenced in subsection (h) is authorized to accept and use donations of funds and personal property from the State of California, private individuals, and other non-governmental entities for the purpose of management of the Headwaters Forest.

(h) *HEADWATERS FOREST MANAGEMENT TRUST.*—The Secretary of the Interior is authorized, with the written concurrence of the Governor of the State of California, to establish a Headwaters Forest Management Trust (“Trust”) for the management of the Headwaters Forest as follows:

(1) *MANAGEMENT AUTHORITY.*—The Secretary of the Interior is authorized to vest management authority and responsibility in the Trust composed of a board of five trustees each appointed for terms of three years. Two trustees shall be appointed by the Governor of the State of California. Three trustees shall be appointed by the President of the United States. The first set of trustees shall be appointed within 60 days of exercising the authority under this subsection and the terms of the trustees shall begin on such day. The Secretary of the Interior, the Secretary of Resources of the State of California, and the Chairman of the Humboldt County Board of Supervisors shall be non-voting, *ex officio* members of the board of trustees. The Secretary is authorized to make grants to the Trust for the management of the Headwaters Forest from amounts authorized and appropriated.

(2) *OPERATIONS.*—The Trust shall have the power to develop and implement the management plan for the Headwaters Forest.

(i) *MANAGEMENT PLAN.*—

(1) *IN GENERAL.*—A concise management plan for the Headwaters Forest shall be developed and periodically amended as necessary by the Secretary of the Interior in consultation with the State of California (and in the case that the authority provided in subsection (h) is exercised, the trustees shall develop and periodically amend the management plan), and shall meet the following requirements:

(A) *Management goals for the plan shall be to conserve and study the land, fish, wildlife, and forests occurring on such land while providing public recreation opportunities and other management needs.*

(B) *Before a management structure and management plan are adopted for such land, the Secretary of the Interior or the board of trustees, as the case may be, shall submit a proposal for the structure and plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The proposed management plan shall not become effective until the passage of 90 days after its submission to the Committees.*

(C) *The Secretary of the Interior or the board of trustees, as the case may be, shall report annually to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the House and Senate Committees on Appropriations concerning the management of lands acquired under the authority of this section and activities undertaken on such lands.*

(2) *PLAN.—The management plan shall guide general management of the Headwaters Forest. Such plan shall address the following management issues—*

(A) *scientific research on forests, fish, wildlife, and other such activities that will be fostered and permitted on the Headwaters Forest;*

(B) *providing recreation opportunities on the Headwaters Forest;*

(C) *access to the Headwaters Forest;*

(D) *construction of minimal necessary facilities within the Headwaters Forest so as to maintain the ecological integrity of the Headwaters Forest;*

(E) *other management needs; and*

(F) *an annual budget for the management of the Headwaters Forest, which shall include a projected revenue schedule (such as fees for research and recreation) and projected expenses.*

(3) *COMPLIANCE.—The National Environmental Policy Act shall apply to the development and implementation of the management plan.*

(j) *COOPERATIVE MANAGEMENT.—*

(1) *The Secretary of the Interior may enter into agreements with the State of California for the cooperative management of any of the following: Headwaters Forest, Redwood National Park, and proximate state lands. The purpose of such agreements is to acquire from and provide to the State of California goods and services to be used by the Secretary and the State of California in cooperative management of lands if the Secretary determines that appropriations for that purpose are available and an agreement is in the best interests of the United States; and*

(2) *an assignment arranged by the Secretary under section 3372 of title 5, United States Code, of a Federal or state em-*

*ployee for work in any Federal or State of California lands, or an extension of such assignment, may be for any period of time determined by the Secretary or the State of California, as appropriate, to be mutually beneficial.*

**SEC. 502. PROTECTION AND PRESERVATION OF YELLOWSTONE NATIONAL PARK—ACQUISITION OF CROWN BUTTE MINING INTERESTS.—**

(a) **AUTHORIZATION.**—*Subject to the terms and conditions of this section, up to \$65,000,000 from the Land and Water Conservation Fund is authorized to be appropriated to acquire identified lands and interests in lands referred to in the Agreement of August 12, 1996 to protect and preserve Yellowstone National Park.*

(b) **CONDITIONS OF ACQUISITION AUTHORITY.**—*The Secretary of Agriculture may not acquire the District Property until:*

(1) *the parties to the Agreement have entered into and lodged with the United States District Court for the District of Montana a consent decree as required under the Agreement that requires, among other things, Crown Butte to perform response or restoration actions (or both) or pay for such actions in accordance with the Agreement;*

(2) *an appraisal of the District Property has been undertaken, such appraisal has been reviewed for a period not to exceed 30 days by the Comptroller General of the United States, and such appraisal has been provided to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the House and Senate Committees on Appropriations;*

(3) *after the Secretary of Agriculture issues an opinion of value to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the House and Senate Committees on Appropriations for the land and property to be acquired by the Federal government; and*

(4) *the applicable requirements of the National Environmental Policy Act have been met.*

(c) *Notwithstanding any other provision of law, the amount paid by the United States to acquire identified lands and interests in lands referred to in the Agreement of August 12, 1996 to protect and preserve Yellowstone National Park may exceed the value contained in the appraisal required by section 502(b)(2) if the Secretary of Agriculture certifies, in writing, to Congress that such action is in the best interest of the United States.*

(d) **DEPOSIT IN ACCOUNT.**—*Immediately upon receipt of payments from the United States, Crown Butte shall deposit \$22,500,000 in an interest bearing account in a private, federally chartered financial institution that, in accordance with the Agreement, shall be—*

(1) *acceptable to the Secretary of Agriculture; and*

(2) *available to carry out response and restoration actions.*

*The balance of amounts remaining in such account after completion of response and restoration actions shall be available to the Secretary of Agriculture for use in the New World Mining District for any environmentally beneficial purpose otherwise authorized by law.*

(e) *MAINTENANCE AND REHABILITATION OF BEARTOOTH HIGHWAY.*—

(1) *MAINTENANCE.*—*The Secretary of Agriculture shall, consistent with the funds provided herein, be responsible for—*

(A) *snow removal on the Beartooth Highway from milepost 0 in Yellowstone National Park, into and through Wyoming, to milepost 43.1 on the border between Wyoming and Montana; and*

(B) *pavement preservation, in conformance with a pavement preservation plan, on the Beartooth Highway from milepost 8.4 to milepost 24.5.*

(2) *REHABILITATION.*—*The Secretary of Agriculture shall be responsible for conducting rehabilitation and minor widening of the portion of the Beartooth Highway in Wyoming that runs from milepost 24.5 to milepost 43.1.*

(3) *AUTHORIZATION OF APPROPRIATIONS.*—*There is authorized to be appropriated to the Secretary of Agriculture—*

(A) *for snow removal and pavement preservation under paragraph (1), \$2,000,000; and*

(B) *for rehabilitation under paragraph (2), \$10,000,000.*

(4) *AVAILABILITY OF FUNDS.*—*Within 30 days of the acquisition of lands and interests in lands pursuant to this section, the funds authorized in subsection (e)(3) and appropriated herein for that purpose shall be made available to the Secretary of Agriculture.*

(f) *RESPONSE AND RESTORATION PLAN.*—*The Administrator of the Environmental Protection Agency and the Secretary of Agriculture shall approve or prepare a plan for response and restoration activities to be undertaken pursuant to the Agreement and a quarterly accounting of expenditures made pursuant to such plan. The plan and accountings shall be transmitted to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations.*

(g) *MAP.*—*The Secretary of Agriculture shall provide to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations, a map depicting the acreage to be acquired pursuant to this section.*

(h) *DEFINITIONS.*—*In this section:*

(1) *AGREEMENT.*—*The term “Agreement” means the agreement in principle, concerning the District Property, entered into on August 12, 1996 by Crown Butte Mines, Inc., Crown Butte Resources Ltd., Greater Yellowstone Coalition, Northwest Wyoming Resource Council, Sierra Club, Gallatin Wildlife Association, Wyoming Wildlife Federation, Montana Wildlife Federation, Wyoming Outdoor Council, Beartooth Alliance, and the United States of America, with such other changes mutually agreed to by the parties;*

(2) *BEARTOOTH HIGHWAY.*—*The term “Beartooth Highway” means the portion of United States Route 212 that runs from the northeast entrance of Yellowstone National Park near Silver*

*Gate, Montana, into and through Wyoming to Red Lodge, Montana.*

(3) *CROWN BUTTE.*—*The term “Crown Butte” means Crown Butte Mines, Inc. and Crown Butte Resources Ltd., acting jointly.*

(4) *DISTRICT PROPERTY.*—*The term “District Property” means the portion of the real property interests specifically described as District Property in appendix B of the Agreement.*

(5) *NEW WORLD MINING DISTRICT.*—*The term “New World Mining District” means the New World Mining District as specifically described in appendix A of the Agreement.*

*SEC. 503. CONVEYANCE TO STATE OF MONTANA.*

(a) *CONVEYANCE REQUIREMENT.*—*Not later than January 1, 2001, but not prior to 180 days after the enactment of this Act, the Secretary of the Interior shall convey to the State of Montana, without consideration, all right, title, and interest of the United States in and to—*

(1) *\$10,000,000 in federal mineral rights in the State of Montana agreed to by the Secretary of the Interior and the Governor of Montana through negotiations in accordance with paragraph (b); or*

(2) *all federal mineral rights in the tracts in Montana depicted as Otter Creek number 1, 2, and 3 on the map entitled “Ashland Map”.*

(b) *NEGOTIATIONS.*—*The Secretary of the Interior shall promptly enter into negotiations with the Governor of Montana for purposes of paragraph (a)(1) to determine and agree to mineral rights owned by the United States having a fair market value of \$10,000,000.*

(c) *FEDERAL LAW NOT APPLICABLE TO CONVEYANCE.*—*Any conveyance under paragraph (a) shall not be subject to the Mineral Leasing Act (30 U.S.C. 181 et seq.).*

(d) *AVAILABILITY OF MAP.*—*The Secretary of the Interior shall keep the map referred to in paragraph (a)(2) on file and available for public inspection in appropriate offices of the Department of the Interior located in the District of Columbia and Billings, Montana, until January 1, 2001.*

(e) *CONVEYANCE DEPENDENT UPON ACQUISITION.*—*No conveyance pursuant to paragraph (a) shall take place unless the acquisition authorized in section 502(a) is executed.*

*SEC. 504. The acquisitions authorized by sections 501 and 502 of this title may not occur prior to the earlier of: (1) 180 days after enactment of this Act or (2) enactment of separate authorizing legislation that modifies section 501, 502, or 503 of this title. Within 120 days of enactment, the Secretary of the Interior and the Secretary of Agriculture, respectively, shall submit to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations, reports detailing the status of efforts to meet the conditions set forth in this title imposed on the acquisition of the interests to protect and preserve the Headwaters Forest and the acquisition of interests to protect and preserve Yellowstone National Park. For every day beyond 120 days after the enactment of this Act that the appraisals required in subsections 501(b)(5) and 502(b)(2)*

are not provided to the Committee on Resources of the House, the Committee on Energy and Natural Resources of the Senate and the House and Senate Committees on Appropriations in accordance with such subsections, the 180 day period referenced in this section shall be extended by one day.

*SEC. 505. The Land and Water Conservation Fund Act of 1965 (P.L. 88-578; 78 Stat. 897) (16 U.S.C. 4601-4—4601-11) is amended by moving section 13 (as added by section 1021(b) of the Omnibus Parks and Public Lands Management Act of 1996; 110 Stat. 4210) so as to appear in title I of that Act following section 12.*

And the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended to read as follows:

#### **TITLE VI—FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF**

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

*SEC. 602. (a) USE OF UNPROCESSED TIMBER—LIMITATION ON SUBSTITUTION OF UNPROCESSED FEDERAL TIMBER FOR UNPROCESSED TIMBER FROM PRIVATE LAND.—Section 490 of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620b) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (1), by inserting “paragraph (3) and” after “provided in”; and*

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

*“(3) APPLICABILITY.—In the case of the purchase by a person of unprocessed timber originating from Federal lands west of the 119th meridian in the State of Washington, paragraph 1 shall apply only if—*

*“(A) the private lands referred to in paragraph (1) are owned by the person; or*

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

*(2) in subsection (c)—*

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

*(B) in paragraph (2)—*

*(i) in the paragraph heading, by inserting “FOR SOURCING AREAS FOR PROCESSING FACILITIES LOCATED OUTSIDE THE NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA”; after “APPLICATION”; and*

*(ii) in subparagraph (A), by inserting “(except private land located in the northwestern private timber open market area)” after “lands”;*

*(C) in paragraph (3)—*

(i) in the paragraph heading, by inserting “FOR SOURCING AREAS FOR PROCESSING FACILITIES LOCATED OUTSIDE OF THE NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA.—(A) IN GENERAL”; after “APPROVAL”; and

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

“(B) FOR TIMBER MANUFACTURING FACILITIES LOCATED IN IDAHO.—Except as provided in subparagraph (D), in making a determination referred to in subparagraph (A), the Secretary concerned shall consider the private timber export and the private and Federal timber sourcing patterns for the applicant’s timber manufacturing facilities, as well as the private and Federal timber sourcing patterns for the timber manufacturing facilities of other persons in the same local vicinity of the applicant, and the relative similarity of such private and Federal timber sourcing patterns.

“(C) FOR TIMBER MANUFACTURING FACILITIES LOCATED IN STATES OTHER THAN IDAHO.—Except as provided in subparagraph (D), in making the determination referred to in subparagraph (A), the Secretary concerned shall consider the private timber export and the Federal timber sourcing patterns for the applicant’s timber manufacturing facilities, as well as the Federal timber sourcing patterns for the timber manufacturing facilities of other persons in the same local vicinity of the applicant, and the relative similarity of such Federal timber sourcing patterns. Private timber sourcing patterns shall not be a factor in such determinations in States other than Idaho.

“(D) AREA NOT INCLUDED.—In deciding whether to approve or disapprove an application, the Secretary shall not—

“(i) consider land located in the northwestern private timber open market area; or

“(ii) condition approval of the application on the inclusion of any such land in the applicant’s sourcing area, such land being includable in the sourcing area only to the extent requested by the applicant.”;

(D) in paragraph (4), in the paragraph heading, by inserting “FOR SOURCING AREAS FOR PROCESSING FACILITIES LOCATED OUTSIDE THE NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA”; after “APPLICATION”;

(E) in paragraph (5), in the paragraph heading, by inserting “FOR SOURCING AREAS FOR PROCESSING FACILITIES LOCATED OUTSIDE THE NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA”; after “DETERMINATIONS”; and

(F) by adding at the end the following:

“(6) SOURCING AREAS FOR PROCESSING FACILITIES LOCATED IN THE NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA—  
“(A) ESTABLISHMENT.—In the northwestern private timber open market area—



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

“(ii) the radius of the circle—

“(I) shall be the furthest distance that the sourcing area applicant or holder proposes to haul Federal timber for processing at the processing facility; and

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

“(iii) a sourcing area shall become effective on written notice to the Regional Forester for Region 6 of the Forest Service of the location of the boundary of the sourcing area;

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

“(v) a sourcing area holder—

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

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

“(vi) a sourcing area holder that relinquishes a sourcing area may not reestablish a sourcing area for that processing facility before the date that is 24 months after the date on which the sourcing area was relinquished.

“(B) *TRANSITION.*—With respect to a portion of a sourcing area established before the date of enactment of this paragraph that contains Federal timber under contract before that date and is outside the boundary of a new sourcing area established under subparagraph (A)—

“(i) that portion shall continue to be a sourcing area only until unprocessed Federal timber from the portion is no longer in the possession of the sourcing area holder; and

“(ii) unprocessed timber from private land in that portion shall be exportable immediately after unprocessed timber from Federal land in the portion is no longer in the possession of the sourcing area holder.

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

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

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

“(C) *EXPORTABILITY.*—

“(i) *IN GENERAL.*—On relinquishment or termination of a sourcing area, unprocessed timber from pri-

vate land within the former boundary of the relinquished or terminated sourcing area is exportable immediately after unprocessed timber from Federal land from within that area is no longer in the possession of the former sourcing area holder.

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

(3) by adding at the end the following:

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

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

(1) by striking “the following” and all that follows through “(A) The Secretary” and inserting “the Secretary”;

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

(3) by striking subparagraph (B).

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

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

“(C) *MITIGATION OF PENALTIES.*—

“(i) *IN GENERAL.*—The Secretary concerned—

“(I) in determining the applicability of any penalty imposed under this paragraph, shall take into account all relevant mitigating factors, including mistake, inadvertence, and error; and

“(II) based on any mitigating factor, may, with respect to any penalty imposed under this paragraph—

“(aa) reduce the penalty;

“(bb) not impose the penalty; or

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

“(ii) *CONTRACTUAL REMEDIES.*—In the case of a minor violation of this title (including a regulation), the Secretary concerned shall, to the maximum extent practicable, permit a contracting officer to redress the violation in accordance with the applicable timber sale

contract rather than assess a penalty under this paragraph.”; and

(2) in subsection (d)(1)—

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

“(A) *IN GENERAL.*—Subject to subparagraph (B), the head”; and

(B) by adding at the end the following:

“(B) *PREREQUISITES FOR DEBARMENT.*—

“(i) *IN GENERAL.*—No person may be debarred from bidding for or entering into a contract for the purchase of unprocessed timber from Federal lands under subparagraph (A) unless the head of the appropriate Federal department or agency first finds, on the record and after an opportunity for a hearing, that debarment is warranted.

“(ii) *WITHHOLDING OF AWARDS DURING DEBARMENT PROCEEDINGS.*—The head of an appropriate Federal department or agency may withhold an award under this title of a contract for the purchase of unprocessed timber from Federal lands during a debarment proceeding.”.

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

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

(2) by inserting after paragraph (2) the following:

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

“(4) *NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA.*—The term ‘northwestern private timber open market area’ means the State of Washington.”;

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

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

(B) by inserting “primary” before “purpose”; and

(C) by striking the period at the end and inserting: “, or to the extent that a small quantity of such logs are processed, into other products at domestic processing facilities.”; and

(4) by adding at the end the following:

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

“(A) in the case of a violation by the original purchaser of unprocessed timber, an act or omission with respect to a single timber sale; and

“(B) in the case of a violation of a subsequent purchaser of the timber, an act or omission with respect to an operation at a particular processing facility or log yard.”.

SEC. 605. REGULATIONS.—Section 495(a) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620f(a)) is amended—

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

“(1) AGRICULTURE AND INTERIOR.—The Secretaries”;

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

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

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

“(3) DEADLINE.—

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

“(B) The regulations and guidelines issued under this title that were in effect prior to September 8, 1995 shall remain in effect until new regulations and guidelines are issued under subparagraph (A).

“(4) PAINTING AND BRANDING.—

“(A) IN GENERAL.—The Secretary concerned shall issue regulations that impose reasonable painting, branding, or other forms of marking or tracking requirements on unprocessed timber if—

“(i) the benefits of the requirements outweigh the cost of complying with the requirements; and

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

“(I) would be exported in violation of this title;

or

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

“(B) MINIMUM SIZE. The Secretary concerned shall not impose painting, branding, or other forms of marking or tracking requirements on—

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

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

“(C) WAIVERS.—

“(i) IN GENERAL.—The Secretary concerned may waive log painting and branding requirements—

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

“(II) with respect to unprocessed timber originating from private lands located within an approved sourcing area for a person who certifies

*that the timber will be processed at a specific domestic processing facility to the extent that the processing does occur; or*

*“(III) as part of a log yard agreement that is consistent with the purposes of the export and substitution restrictions imposed under this title.*

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

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

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

*“(D) FACTORS.—In making a determination under this paragraph, the Secretary concerned shall consider—*

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

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

*“(iii) the history of the person involved with respect to compliance with log painting and branding requirements; and*

*“(iv) any other factor that is relevant to determining the likelihood of the unprocessed timber being exported or used in substitution.*

*“(5) REPORTING.—*

*“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary concerned shall issue regulations that impose reasonable documentation and reporting requirements if the benefits of the requirements outweigh the cost of complying with the requirements.*

*“(B) WAIVERS.—*

*“(i) IN GENERAL.—The Secretary concerned may waive documentation and reporting requirements for a person if—*

*“(I) an audit of the records of the facility of the person reveals substantial compliance with all notice, reporting, painting, and branding requirements during the preceding year; or*

*“(II) the person transferring the unprocessed timber and the person processing the unprocessed timber enter into an advance agreement with the Secretary concerned regarding the disposition of the unprocessed timber by domestic processing.*

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

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

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

And the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended to read as follows:

*TITLE VII—MICCOSUKEE SETTLEMENT*

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

*SEC. 702. CONGRESSIONAL FINDINGS.—Congress finds that:*

*(1) There is pending before the United States District Court for the Southern District of Florida a lawsuit by the Miccosukee Tribe that involves the taking of certain tribal lands in connection with the construction of highway Interstate 75 by the Florida Department of Transportation.*

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

*(3) The Florida Department of Transportation, with the concurrence of the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida, and the Miccosukee Tribe have executed an agreement for the purpose of resolving the dispute and settling the lawsuit.*

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

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

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

*(7) The lands referred to in paragraph (6) as received by the United States will be held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands in compensation for the consideration given by the Tribe in the Settlement Agreement.*

*(8) Congress shares with the parties to the Settlement Agreement a desire to resolve the dispute and settle the lawsuit.*

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

*(1) BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENTS TRUST FUND.—The term “Board of Trustees of the Internal Improvements Trust Fund” means the agency of the State of Florida holding legal title to and responsible for trust administration of certain lands of the State of Florida, consisting of the Governor, Attorney General, Commissioner of Agriculture, Commissioner of Education, Controller, Secretary of State, and Treasurer of the State of Florida, who are Trustees of the Board.*

(2) *FLORIDA DEPARTMENT OF TRANSPORTATION.*—The term “Florida Department of Transportation” means the executive branch department and agency of the State of Florida that—

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

(B) has the authority to execute the Settlement Agreement pursuant to section 334.044, Florida Statutes.

(3) *LAWSUIT.*—The term “lawsuit” means the action in the United States District Court for the Southern District of Florida, entitled *Miccosukee Tribe of Indians of Florida v. State of Florida and Florida Department of Transportation, et al.*, docket No. 6285–Civ–Paine.

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

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

(B) identified pursuant to the Settlement Agreement for transfer to the Florida Department of Transportation.

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

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

(7) *SETTLEMENT AGREEMENT; AGREEMENT.*—The terms “Settlement Agreement” and “Agreement” mean the assemblage of documents entitled “Settlement Agreement” (with incorporated exhibits) that—

(A) addresses the lawsuit; and

(B)(i) was signed on August 28, 1996, by Ben G. Watts (Secretary of the Florida Department of Transportation) and Billy Cypress (Chairman of the Miccosukee Tribe); and

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

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

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

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

*SEC. 704. RATIFICATION.*—The United States approves, ratifies, and confirms the Settlement Agreement.

*SEC. 705. AUTHORITY OF SECRETARY.*—As Trustee for the Miccosukee Tribe, the Secretary shall—

(1)(A) aid and assist in the fulfillment of the Settlement Agreement at all times and in a reasonable manner; and

(B) to accomplish the fulfillment of the Settlement Agreement in accordance with subparagraph (A), cooperate with and assist the Miccosukee Tribe;

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

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

(B) ensure that an individual other than the Secretary who is a representative of the Bureau of Indian Affairs also signs the Settlement Agreement;

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

(A) transfer ownership of the Miccosukee land to the Florida Department of Transportation in accordance with the Settlement Agreement, including in the transfer solely and exclusively that Miccosukee land identified in the Settlement Agreement for transfer to the Florida Department of Transportation; and

(B) in conjunction with the land transfer referred to in subparagraph (A), transfer no land other than the land referred to in that subparagraph to the Florida Department of Transportation; and

(4) upon finding that all necessary conditions precedent to the transfer of Florida lands from the State of Florida to the United States have been or will be met so that the Agreement has been or will be fulfilled but for the execution of that land transfer and related land transfers, receive and accept in trust for the use and benefit of the Miccosukee Tribe ownership of all land identified in the Settlement Agreement for transfer to the United States.

SEC. 706. MICCOSUKEE INDIAN RESERVATION LANDS.—The lands transferred and held in trust for the Miccosukee Tribe under section 705(4) shall be Miccosukee Indian Reservation lands.

SEC. 707. MISCELLANEOUS.—(a) RULE OF CONSTRUCTION.—Nothing in this Act or the Settlement Agreement shall—

(1) affect the eligibility of the Miccosukee Tribe or its members to receive any services or benefits under any program of the Federal Government; or

(2) diminish the trust responsibility of the United States to the Miccosukee Tribe and its members.

(b) NO REDUCTIONS IN PAYMENTS.—No payment made pursuant to this Act or the Settlement Agreement shall result in any reduction or denial of any benefits or services under any program of the Federal Government to the Miccosukee Tribe or its members, with respect to which the Tribe or the members of the Tribe are entitled or eligible because of the status of—

(1) the Miccosukee Tribe as a federally recognized Indian tribe; or



(2) any member of the Miccosukee Tribe as a member of the Tribe.

(c) TAXATION.—

(1) IN GENERAL.—

(A) MONIES.—None of the monies paid to the Miccosukee Tribe under this Act or the Settlement Agreement shall be taxable under Federal or State law.

(B) LANDS.—None of the lands conveyed to the Miccosukee Tribe under this Act or the Settlement Agreement shall be taxable under Federal or State law.

(2) PAYMENTS AND CONVEYANCES NOT TAXABLE EVENTS.—No payment or conveyance referred to in paragraph (1) shall be considered to be a taxable event.

And the Senate agree to the same.

RALPH REGULA,  
JOSEPH M. MCDADE,  
JIM KOLBE,  
JOE SKEEN,  
CHARLES H. TAYLOR,  
GEORGE R. NETHERCUTT, Jr.,  
DAN MILLER,  
ZACH WAMP,  
BOB LIVINGSTON,  
SIDNEY R. YATES,  
JOHN P. MURTHA,  
NORM DICKS,  
DAVID E. SKAGGS,  
JAMES P. MORAN,  
DAVID OBEY,

*Managers on the Part of the House.*

SLADE GORTON,  
TED STEVENS,  
THAD COCHRAN,  
PETE V. DOMENICI,  
CONRAD BURNS,  
ROBERT F. BENNETT,  
JUDD GREGG,  
BEN NIGHTHORSE CAMPBELL,  
ROBERT BYRD,  
PATRICK LEAHY,  
DALE BUMPERS,  
ERNEST HOLLINGS,  
HARRY REID,  
BYRON DORGAN,  
BARBARA BOXER,

*Managers on the Part of the Senate.*



## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2107), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2107 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 105-163 or Senate Report 105-56 which are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

### TITLE I—DEPARTMENT OF THE INTERIOR

#### BUREAU OF LAND MANAGEMENT

##### MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates \$583,270,000 for management of lands and resources instead of \$581,591,000 as proposed by the House and \$578,851,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of \$100,000 for the Alaska Gold Rush Centennial task force, \$500,000 for the joint Department of Defense land cover mapping project in Alaska, \$200,000 for threatened and endangered species for the Virgin River Basin recovery plan, \$500,000 for recreation resources management, \$2,100,000 for the National Petroleum Reserve—Alaska, \$700,000 for the Alaska resources library and information services, \$2,334,000 for Alaska conveyance and \$1,000,000 for ALMRS. Decreases to the amount proposed by the House include \$1,000,000 for prescribed fire, \$2,774,000 for wild horse and burro management, \$250,000 for wildlife management, \$500,000 for a recreation fees scoring adjustment, \$231,000 for wilderness management, and \$1,000,000 for law enforcement. The managers concur with the Senate's proposed distribution of funds in the Mining Law Administration category.

Within the increased funds provided for recreation resource management, \$200,000 is provided for the Lewis and Clark Trail, \$100,000 is provided for the Iditarod National Historic Trail, \$100,000 is provided for the De Anza, California, Mormon Pioneer,

Nez Perce, Oregon, and Pony Express National Historic Trails, and the Pacific Crest and Continental Divide National Scenic Trails, and \$100,000 is provided as a general increase.

The managers have reduced the Bureau's oil and gas management program by a net \$450,000, consistent with the Administration's requested program decrease. This decrease is made up of a \$50,000 increase for Grand Staircase activities and a \$500,000 decrease related to efficiencies in lease processing in Alaska, Arizona, and Idaho. In agreeing to the requested budget reduction, the managers direct the Bureau not to delay the processing of any lease application in these States in 1998. The managers expect the Bureau to request funding sufficient to meet the Bureau's responsibilities for oil and gas management activities on Federal lands in each of these States as warranted.

After reviewing the Department's soda ash royalty study, the managers are concerned that the Department was unresponsive to the question relating to the appropriate method of setting Federal royalty rates when the only comparable rates are the product of a monopoly. The managers will watch carefully how the Department deals with these issues in the future.

The managers support efforts of the land management agencies to consolidate activities and facilities at the field level as a means of achieving savings and providing improved services to the public. The managers support the joint BLM-Forest Service trading post pilot program, which allows the Secretaries of the Interior and Agriculture to make reciprocal delegations of authorities, duties and responsibilities to promote customer service and efficiency, with the understanding that nothing will change the applicability of any public law or regulation to lands administered by the BLM or the Forest Service.

The managers seek additional information on BLM's activities dealing with the acquisition of water rights. By November 30, 1998, the Bureau shall provide a report detailing its short and long-term plans for acquiring non-reserved water rights and any actions dealing with Federal reserved rights.

The managers encourage the Bureau to cooperate fully with the Umpqua River Basin land exchange project group as authorized in section 1028 of Public Law 104-333.

Amendment No. 2: Earmarks \$27,650,000 for mining law administration program operations as proposed by the Senate instead of \$27,300,000 as proposed by the House.

Amendment No. 3: Restates the final appropriation amount for management of lands and resources as \$583,270,000.

#### WILDLAND FIRE MANAGEMENT

Amendment No. 4: Appropriates \$280,103,000 for wildland fire management as proposed by the House instead of \$282,728,000 as proposed by the Senate.

Within the funds provided for preparedness, \$700,000 is to fund the startup and first year of operating costs for a type I hotshot crew in Alaska to be managed by the Alaska Fire Service as an intertribal, interagency hotshot crew; and \$1,925,000 is provided for redevelopment of the obsolete interagency fire operations center in Billings, MT.

Amendment No. 5: Earmarks \$6,950,000 for renovation or construction of fire facilities as proposed by the Senate instead of \$5,025,000 as proposed by the House.

CENTRAL HAZARDOUS MATERIALS FUND

Amendment No. 6: Appropriates \$12,000,000 for the central hazardous materials fund as proposed by the House instead of \$14,900,000 as proposed by the Senate.

CONSTRUCTION

Amendment No. 7: Appropriates \$3,254,000 for construction as proposed by the House instead of \$3,154,000 as proposed by the Senate.

PAYMENTS IN LIEU OF TAXES

Amendment No. 8: Appropriates \$120,000,000 for payments in lieu of taxes instead of \$113,500,000 as proposed by the House and \$124,000,000 as proposed by the Senate.

LAND ACQUISITION

Amendment No. 9: Appropriates \$11,200,000 for land acquisition instead of \$12,000,000 as proposed by the House and \$8,600,000 as proposed by the Senate. The managers agree to the following distribution of funds:

<i>Project</i>	<i>Amount</i>
Arizona Wilderness, AZ .....	\$700,000
Blanca Wildlife Habitat, CO .....	550,000
Bodie Bowl, CA .....	1,000,000
Lake Fork of the Gunnison, CO .....	900,000
Otay Mountains, CA .....	1,000,000
Santa Rosa Mountains, CA .....	1,000,000
West Eugene Wetlands, OR .....	300,000
Western Riverside County, CA .....	1,000,000
Washington County Desert Tortoise, UT .....	1,000,000
Emergencies/hardships/inholdings .....	750,000
Acquisition management .....	3,000,000
Total .....	11,200,000

FOREST ECOSYSTEMS HEALTH AND RECOVERY

(REVOLVING FUND, SPECIAL ACCOUNT)

Amendment No. 10: Inserts language proposed by the Senate expanding BLM's flexibility to complete forest ecosystem health projects. The House had no similar provision.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 11: Appropriates \$594,842,000 for resource management instead of \$591,042,000 as proposed by the House and \$585,064,000 as proposed by the Senate. Increases to the amount proposed by the House include \$800,000 in candidate conservation, of which \$400,000 is for the Alabama sturgeon and \$400,000 is for the Preble's Meadow Jumping Mouse; \$300,000 in consultation as a general increase; \$300,000 in recovery for a wolf reintroduction

study on the Olympic Peninsula; \$1,000,000 in habitat conservation of which \$50,000 is for the Middle Rio Grande/Bosque program, \$50,000 is for Platte River studies, \$100,000 is to establish a Cedar City ecological services office, \$750,000 is for Washington salmon enhancement and \$50,000 is for the Vermont partners program; \$1,000,000 for Salton Sea recovery planning and for bioremediation efforts in the New River in cooperation with the U.S. Geological Survey, contingent on matching funds from the State of California; \$250,000 in migratory bird management for the North American waterfowl management plan; \$500,000 in hatchery operations and maintenance for endangered species recovery, including operation of the Mora hatchery in New Mexico; \$750,000 in fish and wildlife management of which \$100,000 is for Yukon River escapement monitoring and research, \$300,000 is for Atlantic salmon conservation, \$50,000 is for the regional park processing center and \$300,000 is for whirling disease research; \$200,000 in international affairs for the Caddo Lake Institute scholars program; and \$1,000,000 for the National Conservation Training Center. Decreases to the House proposed level include \$300,000 in consultation for the Olympic Peninsula wolf recovery program (funded under the recovery program); \$500,000 in habitat conservation, of which \$250,000 is for assistance to private landowners and \$250,000 is for the coastal program in Texas; \$1,000,000 in refuge operations and maintenance; and \$500,000 in fish and wildlife management for habitat restoration.

The managers agree to the following:

1. Within the consultation program, \$560,000 should be used for the Iron County habitat conservation plan, contingent on matching non-Federal funding.
2. The increase for law enforcement should be used, in part, to improve the Service's ability to prevent illegal bear poaching and the smuggling of bear viscera, but is not limited to that activity.
3. The Chicago Wetlands Office should be funded at the same level as in fiscal year 1997.
4. In allocating resources for refuge operations and maintenance, the Service should seek to balance competing refuge uses consistent with the National Wildlife Refuge Systems Improvement Act of 1997.
5. There is no earmark within available funds for the Washington State regional fisheries enhancement group initiative. The \$750,000 in the habitat conservation program for Washington salmon enhancement efforts addresses that initiative. These funds should be transferred, in the form of a block grant, to the Washington Department of Fish and Wildlife to support the volunteer efforts of the Regional Fisheries Enhancement Group program.
6. Within habitat conservation, \$23,839,000 is for project planning.
7. With respect to the double-crested cormorant depredation order, the managers understand that the comment period on the proposed rule has closed and the Service anticipates issuing the final rule in 45–60 days. The managers make no assumptions about the content of that rule.

8. The House takes no position on the issue of overgrazing of bighorn sheep on the confederated Salish and Kootenai reservations.

9. With respect to tribal management takeover of the Moise Bison Range, the Service should continue to work with the Salish and Kootenai tribes on appropriate functions for compacting by the tribes.

10. With respect to hunting season extensions and the impact on waterfowl, the Service should examine existing data and consult with the States and with the International Association of Fish and Wildlife Agencies to determine what changes should be made to the existing methodology. The Service should report the results of this effort to the Committees, including a discussion of the pros and cons of alternatives to the current procedures.

11. In preparing its report on agriculture depredations caused by dusky Canada geese, the Service should consider other areas, in addition to the Pacific Northwest, where this is known to be a problem.

12. Of the funds provided for whirling disease research, \$700,000 should be used for work with the National Partnership on the Management of Wild and Native Cold Water Fisheries. The Service is encouraged to use other funds available for fish health to continue and expand the National Wild Fish Health Survey.

13. With respect to the Pacific Northwest forest plan, unallocated program increases provided by the conference agreement should be applied to forest plan activities in proportion to the increases for forest plan activities included in the budget request for that program.

14. The Salton Sea recovery plan should be developed by the Service in coordination with the State of California, the U.S. Geological Survey, the Bureau of Reclamation and the Environmental Protection Agency. The plan should be submitted to the Committees and should address the appropriate division of responsibilities and funding among all involved agencies.

15. Future increases in the Service's budget for the Salton Sea should be considered in the context of the Service's National priorities. The Service should continue to work with the State of California to ensure that the State remains an active participant in the conduct and funding of recovery efforts.

16. The managers encourage the U.S. Fish and Wildlife Service to include the Arid Lands Ecology Reserve in the Earth Stewards Program, and to provide the necessary resources to support the efforts of the Department of Energy and other public and private sector organizations in order to accelerate the formation of the Partnership for Arid Lands Stewardship (PALS).

The managers are aware of recently identified, near-term needs in the Atchafalaya Basin region of Louisiana, including personnel needs for the Southeast Louisiana refuge system and wildlife management shortfalls in and around the Atchafalaya Basin and at the Mandalay NWR, LA. To the extent practicable, the Service should address these needs within the increase provided for refuge operations and maintenance in fiscal year 1998. The managers expect the Service, in consultation with State and local entities, including landowners, to study habitat protection needs in the

entire Atchafalaya Basin region and to report to the Committees on the results of those consultations prior to submission of the fiscal year 1999 budget.

The managers understand that the translocation of a portion of the Adak caribou herd onto privately owned islands in Alaska may provide long term relief for subsistence users in the Alaska Peninsula region. Since the filing of the Senate report, it has come to the managers' attention that at least two such islands have historically sustained indigenous caribou herds and therefore a suitable habitat study is not necessary. The managers encourage the Service to enter into discussions with subsistence users of the Alaska Peninsula region to explore a potential partnership arrangement to establish new caribou herds on Deere and Unga Islands to provide meat sources for Native people.

Amendment No. 12: Restores language proposed by the House and stricken by the Senate which earmarks an amount not to exceed \$5,190,000 for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973, as amended, and inserts language proposed by the Senate making a technical correction to the existing statutory fee authority for the National Conservation Training Center. The House had no similar provision on the National Conservation Training Center.

As requested by the Department of the Interior the managers reluctantly have agreed to limit statutorily the funds for the endangered species listing program. The managers continue to believe that a long term solution to the problems in the ESA program should be dealt with through the reauthorization process, and regret that another year has passed without substantial progress by the Administration.

Amendment No. 13: Deletes language proposed by the Senate prohibiting overhead charges by the Service on funds transferred from the Bureau of Reclamation for the Upper Colorado River recovery program. The House had no similar provision.

The managers expect the Service to keep any necessary administrative charges to an absolute minimum, and to provide a report to the Committees that justifies any overhead charges on funds transferred to the Upper Colorado River recovery program.

#### CONSTRUCTION

Amendment No. 14: Appropriates \$45,006,000 for construction instead of \$40,256,000 as proposed by the House and \$42,053,000 as proposed by the Senate. The managers agree to the following distribution of funds:

<i>Project</i>	<i>Amount</i>
Audubon Institute, LA .....	\$2,000,000
Baker Island NWR, HI (assessment/site investigation) .....	250,000
Blackwater NWR, MD (administrative building) .....	335,000
Bozeman FTC, MT (laboratory building planning and design) .....	606,000
Crab Orchard NWR, IL (rehabilitate sewage treatment facilities) ...	1,659,000
Craig Brook NFH, ME (station rehabilitation/final phase) .....	3,500,000
Creston NFH, MT (Jessup Mill Pond Dam) .....	1,500,000
Great Swamp NWR, NJ (disposal assessment/site investigation) .....	250,000
Horicon NWR, WI (replace boardwalk) .....	425,000
John Hay Estate, NH (rehabilitation) .....	1,000,000
Keauhou Bird Conservation Center, HI (complete construction) .....	1,000,000
Kodiak NWR, AK (Camp Island renovations) .....	150,000



<i>Project</i>	<i>Amount</i>
Merced NWR, CA (water distribution) .....	2,548,000
National Elk Refuge, WY (irrigation system) .....	400,000
Orangeburg NFH, SC (rehabilitate drainage canal) .....	833,000
Patuxent NWR, MD (Cash Lake Dam) .....	2,515,000
Region 2 (hazardous materials/solid waste cleanup) .....	445,000
Santa Ana NWR, TX (road rehabilitation) .....	1,208,000
Shiawassee NWR, MI (bridge rehabilitation) .....	520,000
Southeast LA refuges, LA (health & safety) .....	500,000
Southwest FTC, NM (Mora hatchery) .....	2,000,000
St. Marks NWR, FL (replace 6 bridges) .....	469,000
St. Vincent NWR, FL (Outlet Creek bridge) .....	186,000
Steigerwald NWR, WA (trail construction and access) .....	840,000
Tennessee NWR, TN (road) .....	2,500,000
Tennessee NWR, TN (2 bridges) .....	139,000
Togiak NWR, AK (residence) .....	335,000
Turnbull NWR, WA (building) .....	843,000
Upper Miss. NW&FR, IL (headquarters construction) .....	510,000
WB Jones Partnership, NC (headquarters design and construction) .....	1,900,000
Wichita Mountains WR, OK (road rehabilitation) .....	1,840,000
Wichita Mountains WR, OK (Grama Lake & Comanche Dams) .....	4,800,000
Woodbridge NWR, VA (rehabilitation) .....	100,000
Bridge safety inspection .....	495,000
Dam safety inspection .....	495,000
Construction management .....	5,910,000
Total .....	45,006,000

The managers agree to the following:

1. \$850,000 in unobligated balances from completed projects should be used for the design, manufacture and installation of educational displays and furnishings for the Environmental Education Center at the Silvio O. Conte NWR, MA. The Service should notify the Committees of the proposed offsets before proceeding with the reprogramming of funds.

2. Funding provided herein represents the completion of the Federal commitment for the Audubon Institute, LA and the Walter B. Jones Partnership for the Sounds, NC projects.

3. No funds are provided for Bear River NWR, UT with the understanding that there is currently a large unobligated balance of funds provided in previous fiscal years that will enable dike work to continue in fiscal year 1998.

4. The Committees will consider a reprogramming of funds for planning and design of the National Black Footed Ferret Conservation Center once the Service has determined a site for the Center.

5. Prior to proceeding with the Togiak NWR, AK housing project, the Service should certify that there is insufficient rental housing in the Dillingham area that meets Service requirements and is suitable for refuge personnel.

#### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

Amendment No. 15: Appropriates \$4,228,000 for the natural resource damage assessment fund instead of \$4,128,000 as proposed by the House and \$4,328,000 as proposed by the Senate.

The managers agree that changes to the management structure for the natural resource damage assessment program in fiscal year 1998 should be made consistent with the level of funding provided. The Committees will consider any more ambitious restructuring in the context of Service-wide priorities in the fiscal year 1999 budget.

Amendment No. 16: Amends fiscal year 1994 appropriations language to permit transfers of funds to Federal trustees and payments to non-Federal trustees to carry out the provisions of negotiated legal settlements or other legal actions for restoration activities, and to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, as proposed by the Senate. The House had no similar provision.

#### LAND ACQUISITION

Amendment No. 17: Appropriates \$62,632,000 for land acquisition instead of \$53,000,000 as proposed by the House and \$57,292,000 as proposed by the Senate. The managers agree to the following distribution of funds:

<i>Project</i>	<i>Amount</i>
Archie Carr NWR, FL .....	\$2,000,000
Attwater Prairie Chicken NWR, TX .....	1,000,000
Back Bay NWR, VA .....	2,000,000
Balcones Canyonlands NWR, TX .....	700,000
Big Muddy NFWR, MO .....	1,000,000
Bon Secour NWR (Izard tract), AL .....	3,000,000
Canaan Valley NWR, WV .....	3,000,000
Cape May NWR, NJ .....	3,000,000
Clarks River NWR, KY .....	2,000,000
Crocodile Lake NWR, FL .....	400,000
Cypress Creek NWR, IL .....	750,000
Don Edwards NWR (Bair Island), CA .....	2,000,000
Edwin B. Forsythe NWR (including the Zell tract), NJ .....	2,000,000
Great Swamp NWR, NJ .....	750,000
Julia B. Hansen NWR, WA .....	300,000
Kodiak NWR, AK .....	600,000
Lower Rio Grande Valley NWR, TX .....	900,000
Mashpee NWR (including the Bufflehead Bay tract), MA .....	332,000
Minnesota Valley NWR (Kelly tract), MN .....	2,300,000
Nisqually NWR (Black River unit), WA .....	1,500,000
Ohio River Islands NWR, PA-WV-OH-KY .....	500,000
Ottawa NWR, OH .....	1,000,000
Patoka River NWR, IN .....	500,000
Petit Manan NWR, ME .....	1,000,000
Rachel Carson NWR, ME .....	1,100,000
Rappahannock River Valley NWR, VA .....	2,000,000
Rhode Island complex, RI .....	500,000
San Diego NWR, CA .....	3,000,000
Silvio O. Conte NWR (including Pondicherry), CT-MA-NH-VT .....	1,000,000
Southeast Louisiana refuges, LA .....	2,500,000
Stewart B. McKinney NWR, (Great Meadows Salt Marsh), CT .....	1,100,000
Stillwater NWR, NV .....	1,000,000
Waccamaw NWR, SC .....	2,000,000
Wallkill River NWR (including Papakeeting Creek), NJ .....	1,000,000
Wertheim NWR (including Southaven), NY .....	2,290,000
Western Montana project, MT .....	1,000,000
Acquisition management .....	8,860,000
Emergency/hardships .....	1,000,000
Exchanges .....	1,000,000
Inholdings .....	750,000
Total .....	62,632,000

The managers note that the Service is preparing a draft environmental assessment on the feasibility of establishing a National wildlife refuge in the Kankakee area of Indiana and Illinois. That draft should be completed and distributed for comment later this fall and final NEPA documentation will not be completed until next year. The managers understand that any land acquisition for such

a refuge will not proceed without Congressional approval through the appropriations process.

Within 90 days, the Fish and Wildlife Service shall report to the Appropriations Committees if there is a willing seller of the Bolsa Chica Mesa in Huntington Beach, CA, the cost of an appraisal of the mesa, the estimated cost of acquisition, and opportunities for public-private partnerships.

The managers understand that the estimated total cost of the Bair Island acquisition at Don Edwards NWR in California is \$15,000,000. The managers are aware that the Peninsula Open Space Trust has committed to raising \$5,000,000 towards this total purchase price and the managers encourage the State to give a contribution of up to \$2,500,000.

The managers have not provided funds for acquisition of the Shadmoor property at Amagansett NWR due to the large disparity between the appraised value and the current sale price, and the lack of matching funds. The managers remain interested in the Shadmoor acquisition, however, and will consider allocating funds appropriated in this or subsequent appropriations bills should these issues be satisfactorily resolved.

#### NATIONAL WILDLIFE REFUGE FUND

Amendment No. 18: Appropriates \$10,779,000 for the National wildlife refuge funds as proposed by the Senate instead of \$10,000,000 as proposed by the House.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 19: Appropriates \$11,700,000 for the North American wetlands conservation fund instead of \$10,500,000 as proposed by the House and \$13,000,000 as proposed by the Senate. The managers expect that \$500,000 of the funds provided will be used for the small grant program initiated in fiscal year 1996, and that the amount used for management and administration will be consistent with the authorized level.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 20: Appropriates \$1,593,000 for the Volunteers-in-Parks program as proposed by the Senate instead of \$2,500,000 as proposed by the House.

Amendment No. 21: Appropriates \$1,233,664,000 instead of \$1,232,325,000 as proposed by the House and \$1,250,429,000 as proposed by the Senate. The conference agreement provides \$221,112,000 for resource stewardship, which includes an increase to the amount proposed by the House of \$100,000 for the Northwest ecosystem office and decreases to the House proposed level of \$300,000 for air quality, \$500,000 for abandoned mines, \$3,000 for desert mining, and \$596,000 for special need parks.

The amount provided for special need parks includes an increase of \$920,000 over the amount provided by the House for Gettysburg NMP and a decrease of \$1,516,000 which is shifted to other activities consistent with the Senate distribution. The managers intend that the entire \$580,000 provided for desert mining be spent

at the Mojave National Preserve to hire mineral examiners to begin to clear the existing backlog.

The conference agreement provides \$291,080,000 for visitor services. The decrease below the House amount is \$769,000 for special need parks.

The conference agreement provides \$383,588,000 for maintenance. Increases to the House amount include \$2,028,000 for special need parks and \$250,000 for ongoing structure stabilization at Dry Tortugas NP. The managers expect this program to be included in the base in future budget submissions. The managers are concerned that these funds be used directly for ongoing masonry work at the park, and not be used to hire additional supervisory personnel.

The conference agreement provides \$240,341,000 for park support. Increases to the House amount include \$257,000 for special need parks, \$300,000 for wild and scenic rivers, \$422,000 for social science programs and \$350,000 for the National trails system. Within the increase provided for National trails, \$50,000 is for the Lewis and Clark Trail office, \$200,000 is provided for technical assistance to the Lewis and Clark Trail, \$50,000 is for the California and Pony Express Trails and \$50,000 is for the North Country Trail. The managers continue to support the \$600,000 earmark for the NPS challenge cost share program for the National trails system.

The conference agreement provides \$97,543,000 for external administrative costs. This amount includes an increase above the House level of \$700,000 for IDEAS and a decrease of \$900,000 for FTS 2000.

The managers find the recent reports of excessive construction costs incurred by the National Park Service, and specifically the Denver Service Center, totally unacceptable.

The managers continue to be concerned about the condition of employee housing in the National parks and have provided over \$150 million since 1989 to address the problem. However, there have been several General Accounting Office reports in recent years and a March 1996 Inspector General report that raise serious concerns about the high cost of housing that the Service has built in recent years, particularly at Grand Canyon and Yosemite National Parks. The managers do not believe that constructing houses at three times the cost of comparable privately built homes can be justified under any circumstances.

The lack of oversight and accountability, not only in the design and construction of NPS facilities, but also in tempering the mix of desired features sought at the park level, is of great concern. The managers are particularly concerned about the decision making processes leading to the construction of the housing, the lack of effective constraints on the scope and cost of housing as well as other projects, and the role of the Denver Service Center (DSC) in design and oversight. There currently are no incentives at the Denver Service Center or at the individual park level to reduce these costs and save money. The managers are concerned that the current structure of the construction program lacks sufficient justification and explanation of the basis for overhead costs for DSC charged to NPS construction projects. The Park Service should give serious

consideration to base funding for the Center as opposed to funding Center operations from individual construction projects. The managers are also concerned that current methods used to monitor construction projects report only on cost-overruns, and that any cost efficiencies or savings are rarely reported to the Committees on Appropriations.

The managers have previously raised concerns about the Park Service's management of its employee housing program. The managers appreciate the need for federally provided employee housing where it is critical to the mission of the specific park. However, in 1993, it became apparent that housing was being provided in parks where it was not mission critical. Yet four years later, there appears to have been little change. In fact, the housing inventory has increased. While the managers realize that the Park Service is presently implementing the 1996 Omnibus Parks Act which requires a park-by-park assessment, the managers understand that it will take five years to complete, nine years from the time the programs were first identified. This timeframe is not acceptable.

The Secretary is directed to appoint a review committee, a majority of whose members shall come from outside the National Park Service, to review the construction practices of the Service, with primary emphasis on the role of the Denver Service Center. The report of the review committee, together with recommendations of the Secretary, shall be submitted to the Committees no later than April 15, 1998.

In addition, the managers direct the National Park Service to take the following actions:

1. Working with independent consultants familiar with design and construction business operations, the National Park Service is to develop design and construction guidelines for all buildings and structures in the Service including employee dwellings, visitor use structures, and administrative and maintenance support facilities. The guidelines should consider comparable facilities in use by the private sector, other Federal land management agencies, and State and local governments. The consultants should identify methods and procedures for the Denver Service Center to reduce design costs, and should consider different ways of procuring contract services and supervising construction, including increased responsibility for supervision and oversight by the park unit and not Denver employees. Internal control procedures must be put in place to ensure that the design guidelines are met once they are adopted by the Service. The guidelines and procedures are to be in place and a full report made to the House and Senate Committees on Appropriations by April 1, 1998.

2. All future line-item construction requests for new and significantly rehabilitated structures shall conform to these guidelines. Should the Park Service want to vary from these guidelines, the individual projects shall be submitted to the House and Senate Appropriations Committees for approval.

3. The Park Service also should propose a two-year action plan for reducing its housing inventory. This plan should be provided to the Committees by April 1, 1998, and should include specific inventory reductions based on an amount agreed to by the agency and the Committees. In addition, the managers want to know how the

agency intends to hold its managers accountable for achieving these inventory reduction commitments.

4. The managers expect that no request for funds for constructing additional employee housing will be considered until these directives are fully implemented.

The managers have included a general provision in Title III regarding the appointment and compensation of officers of the Presidio Trust.

The Presidio Trust is authorized to exercise loan guarantee authority in accordance with the provisions set forth in Public Law 104-333. Pursuant to Public Law 104-333, funds appropriated to the National Park Service for operations at the Presidio in San Francisco are to be transferred to the Presidio Trust. The managers do not object to the use of a portion of the funds transferred to provide the necessary loan subsidy for the authorized loan guarantee program.

The managers are concerned that the environmental cleanup proposed by the Department of the Army for the Presidio will not meet the ecological, health and safety criteria appropriate for a National park. As the only base closure to revert to National park use, the managers emphasize the importance of meeting the cleanup levels set by the National Park Service.

In addition to this concern, the managers also express their strong interest in ensuring the timely remediation of the Presidio because of the requirements placed on the Presidio Trust to achieve self sufficiency by a time certain. Without a thorough and timely cleanup of the Presidio, the Trust will experience difficulty in securing the leases necessary to generate revenues to ensure its success.

Substantial philanthropic pledges have been made toward restoration of the Crissy Field area of the Presidio. Any delay in the remediation of this site could jeopardize private funds for the project.

The managers are concerned that the Army's current plans for environmental remediation at the Presidio will present a serious impediment for high public use of the Presidio and protection of its ecological values, and for the Presidio Trust to achieve self sufficiency.

The managers are concerned about the unsafe conditions at the intersection of Virginia State Routes 29 and 234 in the Manassas National Battlefield Park, Prince William County, Virginia, and encourage the National Park Service, consistent with applicable laws pertaining to the management of the park, to cooperate with the Virginia Department of Transportation and Federal Highway Administration officials as safety improvements to the intersection are considered.

#### NATIONAL RECREATION AND PRESERVATION

Amendment No. 22: Appropriates \$44,259,000 for National recreation and preservation instead of \$43,934,000 as proposed by the House and \$45,284,000 as proposed by the Senate and expands the authority for grants to heritage areas to include sec. 606 of title VI, division I of Public Law 104-333.

The conference agreement provides \$8,984,000 for natural programs. This is the same level as proposed by the House. The managers have included \$250,000 to continue the Lake Champlain program and \$150,000 for ongoing support to the Connecticut River Conservation partnership.

The managers included an additional \$200,000 in the river and trails technical assistance program's budget for fiscal year 1997 specifically for the Chesapeake Bay program office in Maryland. These funds were to be used to help local communities and local heritage park partnerships implement their heritage watershed protection plans. Although the managers expect \$200,000 to be used for this purpose in each of fiscal years 1997 and 1998, there has been concern over the extremely slow obligation of these funds to the local communities in fiscal year 1997. The managers expect the Park Service to consider this project a high priority and ensure that the funds for both fiscal years 1997 and 1998 are provided to the local communities in an expeditious manner. A report on the status of these funds is to be provided to the House and Senate Appropriations Committees no later than April 15, 1998.

The conference agreement provides \$18,899,000 for cultural programs, the same level as the House. This amount includes an increase of \$200,000 above the House level for the Native American graves protection program and a reduction of \$200,000 below the House level for National Register programs.

The conference agreement provides \$6,797,000 for Statutory or Contractual Aid. Changes to the House level include increases of \$100,000 for the Aleutian World War II National Historic Area, \$325,000 for the Delaware and Lehigh Navigation Canal, \$65,000 for the Lower Mississippi Delta, \$285,000 for the Vancouver National Historic Reserve, and \$300,000 for the Wheeling National Heritage Area; and a decrease of \$750,000 for the Alaska Native Cultural Center.

With respect to heritage partnership programs, the managers concur with the approach specified by the House, with the understanding that the areas encompassed in the bill language that do not receive the maximum amount shall each receive no less than \$200,000.

#### HISTORIC PRESERVATION FUND

Amendment No. 23: Appropriates \$40,812,000 for the historic preservation fund rather than \$40,412,000 as proposed by the House and \$39,812,000 as proposed by the Senate. The increase above the House provides \$400,000 for grants to Indian tribes. Funds for the HBCU initiative are to be allocated as described in House Report 105-163.

Amendment No. 24: Modifies language proposed by the Senate providing that \$4,200,000 for restoration of historic buildings at historically black colleges and universities will remain available until expended. The House had no similar provision.

The managers are aware of efforts by the Villages of Westhampton Beach and Patchogue to rejuvenate their main street business community by refurbishing two historic theaters and turning them into performing arts centers. Toward this end, and to the extent allowed by law, the relevant Federal agencies should con-

sider, through the normal application and review process, any requests for assistance from the Villages as they proceed with their theater improvements.

#### CONSTRUCTION

Amendment No. 25: Includes language providing that modifications for Everglades National Park are authorized under the construction account as proposed by the Senate. The House had no similar provision.

Amendment No. 26: Appropriates \$214,901,000 for construction instead of \$148,391,000 as proposed by the House and \$173,444,000 as proposed by the Senate. The managers agree to the following distribution of funds:

<i>Project</i>	<i>Amount</i>
Acadia NP (carriage roads) .....	\$1,200,000
Acadia NP (upgrade utilities) .....	2,000,000
Accokeek Foundation (facilities) .....	200,000
Alaska Native Heritage Center .....	2,200,000
Amistad NRA (sewer treatment) .....	750,000
Blackstone River Valley NHC (exhibits/signs) .....	500,000
Blue Ridge Parkway (administration bldg.) .....	1,500,000
Blue Ridge Parkway (dam repair) .....	1,100,000
Blue Ridge Parkway (EIS) .....	300,000
Blue Ridge Parkway (Fisher Peak) .....	5,235,000
Boston NHP (elevator) .....	1,600,000
Cape Hatteras NS (lighthouse) .....	2,000,000
Carisbad Caverns NP (water collection) .....	3,752,000
Cuyahoga Valley NRA (repair & rehabilitation) .....	4,500,000
Darwin Martin House (restoration) .....	500,000
Dayton Aviation NHP (Hoover Print Block restoration) .....	3,500,000
Delaware Water Gap NRA (dam repair) .....	900,000
Delaware Water Gap NRA (education facilities) .....	2,000,000
Delaware Water Gap NRA (trail development) .....	1,500,000
Denali NP&P (Riley Creek utilities rehabilitation) .....	4,150,000
El Malpais NM (multiagency center) .....	1,500,000
Everglades NP (water delivery) .....	11,900,000
Everglades NP (water line) .....	3,000,000
FDR Home NHS (water supply) .....	1,540,000
FDR Home NHS (Vanderbilt utilities) .....	1,300,000
Fort McHenry NM and Historic Shrine (wall rehabilitation) .....	1,200,000
Fort Necessity NB (Jumonville and Braddock access, parking) .....	955,000
Fort Necessity NB (Washington Tavern access, parking) .....	1,290,000
Fort Smith NHS (rehabilitation) .....	3,400,000
Fort Sumter NM (site development) .....	2,860,000
Gateway NRA (road protection) .....	4,800,000
Gauley NRA (facilities planning) .....	750,000
General Grant NM (restoration of grounds and facilities) .....	900,000
George Washington Memorial Parkway (trail repair) .....	300,000
Glacier Bay NP&P (wastewater treatment) .....	1,731,000
Grand Canyon NP (transportation) .....	2,900,000
Hispanic Cultural Center (arts center) .....	3,000,000
Hot Springs NP (stabilization, lead abatement) .....	500,000
Independence NHP (utilities, rehabilitation) .....	4,300,000
Isle Royale NP (vessel) .....	2,300,000
Jean Lafitte NHP&P (shoreline stabilization) .....	2,000,000
Katmai NP&P (rehabilitation) .....	200,000
Kenai Fjords NP (Seward interagency facility) .....	300,000
Lake Mead NRA (water system) .....	4,700,000
Lewis & Clark Trail (trail construction) .....	300,000
Manzanar NHS (fence repair) .....	310,000
Marsh-Billings NHP (rehabilitation carriage house) .....	2,400,000
Minute Man NPH (road/trail) .....	2,000,000
Mount Rainer NP (employee dorms) .....	2,452,000
Natchez Trace Parkway (road construction) .....	5,100,000



<i>Project</i>	<i>Amount</i>
National Capital Parks (Washington Monument) .....	1,000,000
National Capital Parks (Jefferson Monument) .....	4,500,000
New Bedford Whaling NHP (roof repair) .....	153,000
New River Gorge NR (access, trails) .....	2,525,000
Oklahoma City National Memorial (construction) .....	5,000,000
Penn Center (rehabilitation) .....	500,000
President's Park (HVAC) .....	11,500,000
Rock Creek Park tennis facilities (access improvements) .....	200,000
Rutherford B. Hayes Home (rehabilitation) .....	500,000
Sequoia NP (facilities) .....	3,000,000
Shiloh NMP (interpretative center) .....	1,000,000
Shiloh NMP (bank stabilization) .....	2,000,000
Sotterly Plantation (restoration) .....	600,000
Southwest Pennsylvania Heritage Comm. (rehabilitation) .....	2,000,000
Stones River NB (rehabilitation & trail) .....	650,000
Timpanogos Cave NM (joint facility) .....	510,000
Trail of Tears NHT, NC (museum exhibits) .....	600,000
Trail of Tears NHT, OK (museum exhibits) .....	600,000
Upper Delaware SRR (aqueduct) .....	420,000
Vancouver NHR (planning restoration) .....	2,223,000
Vicksburg NMP (rehabilitation) .....	1,695,000
Vietnam Veterans Museum, Chicago .....	1,000,000
Wind Cave NP (elevators) .....	1,400,000
Wrangell-St. Elias NP&P (headquarters and interpretive center) ....	400,000
Zion NP (transportation) .....	3,210,000
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Project total .....	156,761,000
Emergency unscheduled housing .....	15,000,000
Planning .....	17,500,000
General management plan .....	7,775,000
Equipment replacement .....	17,865,000
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Total .....	214,901,000

The managers have included \$2,200,000 to assist in the construction of the Alaska Native Heritage Center. This completes the Park Service commitment to construction of this project.

The managers have provided \$1,500,000 for the El Malpais multiagency administrative and information center in New Mexico. These funds are to be equally matched with non-Federal funds. This completes the Park Service construction commitment to this project. Funding for exhibits, furnishings and operations should be provided equally by all partners.

The managers have provided \$5,000,000, the total Federal commitment, for the proposed Oklahoma City National Memorial. The managers understand that a private trust will be responsible for the operations of this facility.

The managers have agreed to provide \$1,000,000 to initiate planning and design for the Corinth, MS, interpretive center at Shiloh National Military Park. The managers encourage the Park Service to keep the total cost of this project as low as possible and to work with the local community and other interested parties to generate a significant non-Federal cost share.

The managers have included \$510,000 for planning and design of a joint Park Service and Forest Service facility at Timpanogos Cave National Monument, Utah. The managers understand that the total construction cost for this administrative/information center is \$4,500,000. The managers expect future budget submissions to reflect a 50/50 cost share between the Park Service and the Forest Service.

Of the \$2,223,000 in construction funds made available for the Vancouver National Historic Reserve, \$150,000 is for developing a management plan for the Reserve, pursuant to Public Law 104-333, Section 502; \$200,000 is for reconstruction at historic Fort Vancouver; \$500,000 is for the removal of airplane hangars and cultural landscape restoration on National Park Service lands; and \$1,373,000 is for historic structure surveys, restoration planning, restoration construction, and historic exhibits in the Reserve. Use of funds for and expenses associated with the Jack Murdock Aviation Center should be consistent with the Cooperative Agreement between the City of Vancouver and the National Park Service (agreement number 1443-CA9000-96-01, executed December 4, 1995).

The managers have provided \$50,000 for a special resource study for the Charleston school district in Arkansas.

The managers direct the National Park Service to provide the necessary funding from its Federal Highway Lands Program funds to ensure completion of the U.S. Highway 27 Bypass around the Chickamauga-Chattanooga National Military Park no later than December 31, 1999.

The managers have provided \$300,000 for the Lewis and Clark Trail Visitor Center. These funds, subject to matching from non-Federal sources, complete the Federal commitment.

Amendment No. 27: Restores language proposed by the House and stricken by the Senate which provides that \$500,000 for the Rutherford B. Hayes Home, and \$600,000 for the Sotterley Plantation shall be derived from the Historic Preservation Fund; inserts language proposed by the Senate which provides similar authority for \$500,000 for the Darwin Martin House and \$500,000 for Penn Center; provides that funds for the Hispanic Cultural Center are subject to authorization; prohibits the use of funds to relocate the Brooks River Lodge in Katmai NP&P from its current location; and inserts language providing \$1,000,000 to be used for the Vietnam Veterans Museum in Chicago, Illinois.

The managers are providing \$300,000 to the National Park Service and \$100,000 to the Forest Service to begin the planning and design of a multi-agency facility in Seward, Alaska. The facility will include a convention center for the City of Seward, and office and visitor facility space for the two Federal agencies. The location of the convention center and agency operations in a common building will generate efficiencies and cost savings by providing a single facility that combines administrative and interpretative programs and that streamlines facility operations and maintenance. These funds are being provided with the understanding that the facility will be financed, constructed, owned and operated by the City of Seward. The managers intend that the Federal involvement in this project be limited to funding the planning and design, and that the Federal office and visitor facility space be procured via long-term leases with the City of Seward.

An amount of \$400,000 is provided for site preparation for a visitor center in Wrangell-St. Elias National Park and Preserve. The managers are pleased the initial cost estimate of up to \$19,000,000 has been scaled down to \$4,500,000 and the size of the facility reduced by two-thirds to reduce costs.

The managers note that the City of Galax, VA has donated approximately 1,100 acres of prime land to the National Park Service to be the location for the Fisher Peak Center on the Blue Ridge Parkway. The managers further acknowledge the commitment of a non-governmental, non-profit organization to take responsibility for the operation of all cultural aspects of the center's activities, including acquisition and maintenance of exhibits and payment of fees and expenses for performing artists. Following construction of the center, the Park Service's responsibility for the center will be limited to maintenance of the infrastructure, in accordance with the draft negotiations previously undertaken by the NPS and the non-profit organization. The managers believe the donation of land and the financial contribution represented by the operation of the cultural activities at Fisher Peak over the life of the facility should constitute a non-Federal share for the center of considerably more than 50 percent of the construction cost.

The managers direct the National Park Service to conduct a study, within available funds, on the feasibility of establishing the Androscoggin River Valley as a National heritage area.

The managers have provided \$3,000,000 for the Hispanic Cultural Center in Albuquerque, New Mexico, subject to authorization. The managers note that this facility will not be located in or near a unit of the National Park System and therefore encourage that future funding be provided from other Federal or non-Federal sources.

Amendment No. 28: Deletes Senate language directing the reprogramming of funds from the Jefferson National Expansion Memorial to the U-505 National Historic Landmark. The House had no similar provision.

#### LAND ACQUISITION

Amendment No. 29: Appropriates \$143,290,000 for land acquisition instead of \$129,000,000 as proposed by the House and \$126,690,000 as proposed by the Senate. The managers agree to the following distribution of funds:

<i>Project</i>	<i>Amount</i>
Appalachian Trail .....	\$4,200,000
Arkansas Post NM, AR .....	440,000
Aztec Ruins, NM, NM .....	600,000
Big Cypress NPr, FL .....	10,000,000
Chattahoochee River NRA, GA .....	3,000,000
Cuyahoga Valley NRA, OH .....	4,000,000
Denali NP&P, AK .....	2,000,000
Everglades NP, FL .....	66,000,000
Fredericksburg/Spotsylvania NMP, VA .....	3,500,000
Gauley NRA, WV .....	950,000
Golden Gate NRA, CA .....	1,550,000
Hagerman Fossil Beds NM, ID .....	800,000
Haleakala NP, HI .....	1,000,000
Indiana Dunes NL, IN .....	3,000,000
Minute Man NHP, MA .....	500,000
New River Gorge NR, WV .....	2,000,000
Olympic NP, WA .....	3,000,000
Palo Alto Battlefield NHS, TX .....	900,000
Petroglyph NM, NM .....	2,000,000
Saguaro NP, AZ .....	3,000,000
San Antonio Missions NHP, TX .....	1,500,000
Santa Monica Mountains NRA, CA .....	1,000,000

<i>Project</i>	<i>Amount</i>
Sterling Forest, NY .....	8,500,000
Stones River NB, TN .....	1,000,000
Voyageurs NP, MN .....	650,000
Wrangell-St. Elias NP&P, AK .....	4,200,000
acquisition management .....	8,500,000
emergency/hardships .....	3,000,000
inholdings/exchanges .....	1,500,000
State grant assistance .....	1,000,000
 Total .....	 143,290,000

Amendment No. 30: Earmarks \$1,000,000 for administering the State assistance program as proposed by the House. These funds are associated with close-out of prior year awards.

Amendment No. 31: Deletes House language providing an earmark for the Sterling Forest.

The amendment also includes language as proposed by the Senate providing the Secretary of the Interior authority to provide Federal land acquisition funds to the State of Florida for the protection of the Everglades and allows for acquisitions within Stormwater Treatment Area 1-E, including reimbursement. Funds are made available for STA 1-E because STA 1-E will be designed and operated to improve the quality of water flowing into the Loxahatchee NWR.

While the managers have agreed to the Senate bill language giving the Secretary of the Interior authority to provide Federal assistance to the State of Florida for land acquisition in the Everglades, the managers agree that completing the Federal acquisitions remains the priority for the use of Federal acquisition dollars. The managers also believe progress should continue on the east buffer.

The managers intend that any funds remaining available for land acquisition for, or development of, the East St. Louis portion of the Jefferson National Expansion Memorial may not be expended until private entities located within the East St. Louis portion of the Memorial have been removed or relocated (using non-Federal funds) for park development purposes. Further appropriations for this purpose are not likely until these local issues are resolved.

The managers have provided \$1,550,000 to purchase the Giacomini Ranch property within the Golden Gate National Recreation Area. These funds, along with the \$3,200,000 in State funds, complete this purchase.

The managers have provided funds to complete the purchase of the Gisler property in the Hagerman Fossil Beds National Monument. The purchase of this desirable property from a willing seller should be conducted with all due speed based on an offer to sell dated May 21, 1997.

The managers direct that the funds provided for Stones River National Battlefield may only be spent on acquisitions within the authorized park boundaries as of January 1, 1996.

UNITED STATES GEOLOGICAL SURVEY  
SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 32: Appropriates \$759,160,000 for surveys, investigations and research instead of \$755,795,000 as proposed by the House and \$758,160,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of \$3,000,000 for the global seismographic network, \$1,000,000 for volcano hazard studies for Hawaii and Alaska, \$2,000,000 for the Alaska minerals at risk project and \$500,000 for Great Lakes research; and decreases of \$500,000 for biological information management, \$135,000 for Caddo Lake (funded under the U.S. Fish and Wildlife Service), and \$2,500,000 for the pilot competitive grant research program.

The hypoxia zone in the Louisiana shelf of the Gulf of Mexico has grown to an area of about 7,000 square miles and because of its size and scope is having a significant negative impact on the fishing industry in the Gulf. The managers support the U.S. Geological Survey's research into the causes and effects of the problem. The managers urge the Survey to consider this a high priority in its fiscal year 1999 budget.

The managers expect the current policy with respect to awarding competitive grants to the Water Resources Research Institutes to be continued.

Increased funding for the cooperative research units is provided in order to fill some of the 20 position vacancies that now exist at established units. The managers have not provided any funding to establish new cooperative research units.

Amendment No. 33: Earmarks \$2,000,000 for an Alaska mineral and geologic data base as proposed by the Senate. The House had no such earmark.

Amendment No. 34: Earmarks \$145,159,000 for the biological research activity and the operation of the cooperative research units instead of \$147,794,000 as proposed by the House and \$147,159,000 as proposed by the Senate.

Amendment No. 35: Deletes language proposed by the Senate allowing the United States Geological Survey to make payments to local entities for real properties transferred from the Fish and Wildlife Service to the Survey. The House had no similar provision. Language is included under General Provisions, Department of the Interior, to allow the U.S. Fish and Wildlife Service to continue these payments.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

Amendment No. 36: Appropriates \$137,521,000 for royalty and offshore minerals management instead of \$139,621,000 as proposed by the House and \$135,722,000 as proposed by the Senate. Changes to the amount proposed by the House include an increase of \$1,200,000 in resource evaluation for the marine minerals resource center program and decreases of \$1,000,000 in the OCS lands regulatory program for a clearinghouse for offshore petroleum production information and \$2,300,000 in the royalty man-

agement program, of which \$1,000,000 is for valuations and operations and \$1,300,000 is for compliance.

The managers expect the MMS to report on how funds for the marine minerals resource center program will be used to support the MMS mission, and thereafter to keep the Committees advised of how these funds are being used.

The managers are aware that the MMS has received numerous expressions of concern about the proposed new regulations on oil valuation including concerns about the proposed changes in the long standing practice of valuation of hydrocarbon production at the lease where it is brought to the surface; the impact of transportation, administrative costs and other risks if valuation of hydrocarbon production is conducted away from the lease site; and the application of any new regulations retroactively. The managers expect the MMS to continue to consult with industry and the States and to report back to the Committees prior to finalizing this regulation. The managers also intend to explore the possibility of an independent evaluation by the General Accounting Office on this issue and on the issue of royalty in kind.

The managers understand that the MMS needs to acquire geological and geophysical information to obtain the information needed to ensure that fair prices are received on outer continental shelf tracts offered for leasing. This is a responsibility the MMS has to the taxpayers of this country. However, the MMS also has the responsibility of ensuring that company confidential information is protected from disclosure. In finalizing the proposed rule on geological and geophysical information, the MMS should ensure that both of these responsibilities are met and should continue to work with the industry toward that end.

Amendment No. 37: Earmarks \$68,574,000 for royalty management instead of \$70,874,000 as proposed by the House and \$66,175,000 as proposed by the Senate.

Amendment No. 38: Deletes language proposed by the House and stricken by the Senate which would have limited the use of receipts to activities within the outer continental shelf lands program.

Amendment No. 39: Earmarks \$3,000,000 to remain available for two fiscal years for computer acquisitions as proposed by the Senate instead of \$1,500,000 as proposed by the House.

#### OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

##### REGULATION AND TECHNOLOGY

Amendment No. 40: Appropriates \$95,437,000 for regulation and technology as proposed by the House instead of \$97,437,000 as proposed by the Senate. The agreement does not fund the acid mine drainage technology initiative proposed by the Senate.

##### ABANDONED MINE RECLAMATION FUND

Amendment No. 41: Appropriates \$177,624,000 for the abandoned mine reclamation fund as proposed by the Senate instead of \$179,624,000 as proposed by the House.

BUREAU OF INDIAN AFFAIRS  
OPERATION OF INDIAN PROGRAMS

Amendment No. 42: Appropriates \$1,528,588,000 for the operation of Indian programs instead of \$1,526,815,000 as proposed by the House and \$1,529,024,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of \$1,500,000 for the tribally controlled community colleges, \$1,000,000 under non-recurring programs for tribes in South Dakota that intend to run their own welfare programs, and \$500,000 for the United Tribes Technical College; and decreases of \$427,000 for the Gila River Farms project and \$800,000 for trust records management.

The managers have agreed upon a new distribution for tribal priority allocation funding for fiscal year 1998. This distribution is as follows: (1) requested fixed cost increases, internal transfers, and proposed increases to formula driven programs not included in the tribes' TPA base; (2) all tribes are provided a minimum funding level of \$160,000; and (3) any remaining funds will be distributed based on recommendations of a task force to be established by the Secretary of the Interior. Other than this agreed upon distribution there are no other earmarks for TPA. A more detailed explanation is provided under General Provisions, Department of the Interior, Amendment No. 65.

Within other recurring programs \$600,000 is provided for the Bering Sea Fishermen's Association.

Amendment No. 43: Earmarks \$55,949,000 to remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian self-determination fund, land records improvements and the Navajo-Hopi settlement program instead of \$59,775,000 as proposed by the House and \$59,479,000 as proposed by the Senate.

Amendment No. 44: Inserts language proposed by the Senate allowing tribes to use tribal priority allocation funds for replacement and repair of school facilities, provided that such replacement and repair is approved by the Secretary of the Interior and is completed with non-Federal and/or TPA funds. The House had no similar provision.

The managers have included bill language to allow tribes to use TPA funds for replacement and repair of school facilities. This language requires that tribes comply with applicable building codes, obtain the approval of the Secretary of the Interior for proposed projects, and complete projects with TPA and/or non-Federal funds. The Secretary's approval would be based on the determination that the proposed projects comply with the Bureau's education space guidelines; the Bureau would have the two-year lead time it requires to plan adequately for operation and maintenance costs; and tribes would have adequate funding to complete the project.

CONSTRUCTION

Amendment No. 45: Appropriates \$125,051,000 for construction as proposed by the Senate instead of \$110,751,000 as proposed by the House. Changes to the amount proposed by the House include increases of \$1,800,000 for the Pyramid Lake school,

\$1,600,000 for the Sac and Fox school, \$1,800,000 for the WaHeLut school, and \$9,100,000 for the Ute Mountain Ute detention center.

The managers are aware of assistance that has been provided in prior years to the Marty Indian school in South Dakota. To the extent that there are additional high-priority requirements identified for the facilities which service the elementary grades at this location, the Bureau should give consideration to these needs through the emergency or minor repair programs within the educational facility improvement and repair program.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS  
PAYMENTS TO INDIANS

Amendment No. 46: Appropriates \$43,352,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the Senate instead of \$41,352,000 as proposed by the House. Changes to the amount proposed by the House include increases of \$1,500,000 for the Pyramid Lake settlement and \$500,000 for church restoration on the Aleutian and Pribilof Islands.

Amendment No. 47: Earmarks \$42,000,000 for implementation of settlements as proposed by the Senate instead of \$40,500,000 as proposed by the House.

Amendment No. 48: Earmarks \$1,352,000 for various settlements as proposed by the Senate instead of \$852,000 as proposed by the House.

Amendment No. 49: Inserts references to Public Laws 101-383 and 103-402 as proposed by the Senate consistent with the funding earmark in Amendment No. 48.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

Amendment No. 50: Appropriates \$67,514,000 for assistance to territories instead of \$68,214,000 as proposed by the House and \$67,214,000 as proposed by the Senate. The decrease to the amount proposed by the House is \$700,000 for technical assistance within the territorial assistance activity.

Amendment No. 51: Earmarks \$63,665,000 for technical assistance instead of \$64,365,000 as proposed by the House and \$63,365,000 as proposed by the Senate.

COMPACT OF FREE ASSOCIATION

Amendment No. 52: Appropriates \$20,545,000 for the compact of free association as proposed by the Senate instead of \$20,445,000 as proposed by the House. The conference agreement includes \$100,000 above the level proposed by the House for Enewetak support.

DEPARTMENTAL MANAGEMENT

The managers agree not to require the Alaska North Slope land exchange assessment mandated in the Senate report.



## OFFICE OF INSPECTOR GENERAL

## SALARIES AND EXPENSES

Amendment No. 53: Appropriates \$24,500,000 for the Office of the Inspector General as proposed by the Senate instead of \$24,439,000 as proposed by the House.

## NATIONAL INDIAN GAMING COMMISSION

## SALARIES AND EXPENSES

Amendment No. 54: Appropriates \$1,000,000 with one-year availability for salaries and expenses of the National Indian Gaming Commission as proposed by the House instead of \$1,000,000 to remain available until expended as proposed by the Senate.

## OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

## FEDERAL TRUST PROGRAMS

Amendment No. 55: Appropriates \$33,907,000 for Federal trust programs in the Office of Special Trustee for American Indians instead of \$32,126,000 as proposed by the House and \$35,689,000 as proposed by the Senate. There is a general increase of \$1,781,000 above the House level.

Within the funds provided for the office of the special trustee \$2,197,000 is provided for settlement and litigation support. The managers understand that the demands placed on the office of the special trustee to support activities related to settlement efforts and ongoing tribal and IIM litigation are significant. These activities are critical to ensuring that the Federal government appropriately addresses its past management of Indian trust accounts. The managers expect to be kept apprised of settlement and litigation activities through semiannual reports to the Committees.

Amendment No. 56: Strikes the redundant phrase "for trust fund management" in the description of programs to be funded under the Office of Special Trustee for American Indians as proposed by the Senate.

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 57: Deletes language proposed by the House and stricken by the Senate restricting the use of funds for finalizing a rule or regulation pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 and inserts language providing that Park Service units participating in the recreation fee demonstration program cover the cost of collecting fees within the funds retained at each unit. The managers note that 80% of all fees collected under the demonstration project are retained by the collecting unit.

Section 107 of the House bill prohibited any agency of the Federal government from implementing any final rules or regulations regarding the recognition, management, or validity of rights of way established pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932). The language of section 107 is identical to section 108 of the Department of the Interior and Related Agencies Appropria-

tions Act, 1997 (Public Law 104-208, 110 Stat. 3009-200). The Senate bill or fiscal year 1998 did not contain any provision similar to section 107 because the Senate maintained that section 108 of the fiscal year 1997 Interior appropriations law was intended as, and is, permanent law. The Comptroller General recently reviewed section 108 of the fiscal year 1997 Interior appropriations law and determined that it is permanent law (Opinion B-277719, August 20, 1997). The Comptroller General's opinion is printed on page E1681 of the Congressional Record of September 8, 1997.

The managers agree with the Comptroller General that existing law prohibits any final rules or regulations regarding the recognition, management, or validity of rights of way established pursuant to section 2477 of the Revised Statutes from taking effect until such time as any such rules or regulations are expressly authorized by an Act of Congress. Further, the managers note that noting in the deletion of section 107 or in any provision of the conference report shall be constructed as contradicting or diminishing the permanence of section 108 of the fiscal year 1997 Interior appropriations law or as a subsequent Act of Congress expressly authorizing any final rules or regulations regarding section 2477 of the Revised Statutes to take effect.

Amendment No. 58: Makes a technical correction to House language continuing the moratorium on offshore oil and gas leasing in the North Aleutian Basin as proposed by the Senate.

Amendment No. 59: Modifies House language regarding the ability of Indian tribes, tribal organizations, or tribal consortia to invest advance payments or to allow such payments to be invested in certain mutual funds and securities or to be deposited in certain protected accounts as proposed by the Senate.

The intent of the investment restrictions contained in Section 112 is to limit the types of permissible investments for all funds appropriated and obligated under the Indian Self-Determination and Education Assistance Act and the Tribally Controlled Schools Act. This is to ensure that these funds are available to support the public functions for which these funds were appropriated. The managers believe that these goals will be achieved by barring risky investments such as those in speculative securities, in unsecured financing arrangements, or in uncollateralized or uninsured bank accounts. The managers strongly believe that should losses occur, such amounts must be repaid by the tribes.

Amendment No. 60: Inserts language proposed by the House and modified by the Senate concerning severance pay and other benefits by Bureau of Land Management employees in the helium operations program to include certain training benefits and to clarify annual leave restoration provisions as proposed by the Senate.

Amendment No. 61: Restores language inserted by the House and stricken by the Senate stipulating that the establishment of a new regional office in the United States Fish and Wildlife Service requires the advance approval of the House and Senate Committees on Appropriations.

The managers are sympathetic to the Service's argument that the large workload on the west coast is putting a strain on the regional office in Portland, Oregon. The managers believe that the Service's proposal to create a new regional office at a cost of \$10

million and more than 120 FTEs may not be the best use of additional resources and staffing. In this conference agreement the managers have been very sensitive to the Service's need to address its large maintenance and operational backlogs in the field. The managers do not want to see a large new bureaucracy drain both funding and staffing increases which are so essential to making on-the-ground improvements as the National refuge system approaches its 100th birthday in the year 2003. The managers note that the Vice President's National Performance Review goals are targeted toward reducing the size of the Federal bureaucracy and empowering employees to take responsibility for their work assignments without a multi-layered review bureaucracy. Therefore, the managers encourage both the Service and the Administration to examine a variety of cost-effective alternatives, including non-traditional alternatives, to deal with the Service's west coast workload problem, such as placing additional personnel in the field. The House and Senate Committees on Appropriations will continue to work with the Service to identify the most appropriate way to address this problem. The managers believe the solution should be part of an overall approach to addressing the operational, maintenance and staffing needs of the Service.

Amendment No. 62: Inserts language conveying the Bowden National Fish Hatchery to the State of West Virginia as proposed by the Senate. The House had no similar provision. This provision is consistent with the hatchery transfer proposal included in the fiscal year 1996 Appropriations Act.

Amendment No. 63: Amends section 115 of Public Law 103-332 to allow agencies in addition to the Department of the Interior to fund cooperative research agreements incrementally with funds provided by other Federal agencies as proposed by the Senate. The House had no similar provision.

Amendment No. 64: Amends Public Law 100-446 as proposed by the Senate to change the annual amount that can be expended for Kili and Ejit at Bikini Atoll and to provide for inflation adjustments. The House had no similar provision.

Amendment No. 65: Modifies language proposed by the Senate directing the BIA to reallocate tribal priority allocation (TPA) funds. The House had no similar provision.

The managers agree that the current pro rata distribution of TPA, based on historical methods dating to the 1930s, has resulted in great disparity in the funds of the non-formula funded TPA programs, which are referred to as "base" funds. Currently, 309 of the 526 Federally recognized tribes do not receive a base of even \$160,000, the minimum level of TPA funding per tribe recommended by the Joint Tribal/BIA/DOI Advisory Task Force on Reorganization of the BIA in its 1994 report. The managers agree that the BIA shall raise the base funding of all tribes not receiving the minimum recommended TPA funding to \$160,000 in fiscal year 1998.

The managers understand that the tribes have obligations related to the use of the TPA funds. The managers have provided tribes with full fiscal year 1997 TPA funding, adjusted for all fixed costs and internal transfers, and have provided funding for the pro-

posed increases to the formula driven programs not included in tribes' base.

To the extent that TPA funds remain available for allocation after distribution as directed above, the managers agree that the funds should not be allocated under the current method used by the BIA. The managers direct the Secretary to convene a task force of Federal officials and tribal representatives by October 31, 1997, to determine the allocation of any remaining TPA funds, based on the recommendations and principles contained in the 1994 report. If the task force cannot agree on a distribution consistent with the 1994 report by January 31, 1998, the Secretary shall distribute the funds by February 28, 1998, based on the recommendations of a majority of task force members, or, if no majority recommendation can be reached, considering the recommendations of the task force members. The managers urge the task force and the Secretary, in the event that the Secretary has to distribute the funds without a distribution recommendation supported by a majority of task force members, to consider the inequities in current TPA allocation and the disparate economic situations of the tribes.

Amendment No. 66: Amends Section 116 of Public Law 104-208 as proposed by the Senate to correct citations in the fiscal year 1997 appropriations Act relating to the transfer of a Federal facility in Salt Lake City, Utah, to the University of Utah. The House had no similar provision.

Amendment No. 67: Amends language relating to Kantishna Mining claims acquisition which was set out in the Senate bill. In 1903, gold miners first staked claims in the area known as the Kantishna Mining District. Mining operations continued, and periodically enjoyed a number of boom years, right up through the 1970's. In 1980, the area became part of the National Park System. In 1985, the Park Service was enjoined from approving claim owners' operation plans until an Environmental Impact Statement (EIS) was completed. The preferred alternative in the EIS was for the National Park Service to acquire the claims. Under these circumstances, and subsequent delays and uncertainties, a large majority of claim owners believed that mining operation plans would not be approved. This section is intended to provide both the claim owners and the National Park Service with an expeditious mechanism to resolve these claims. While incorporating the procedures and jurisprudence under the Declaration of Takings Act, this section includes an additional procedure provided under this section for the owner's ability to bring suit.

The managers recognize that there has been significant dispute as to whether there have been takings of mining claims. This section offers consenting owners the opportunity at least to obtain compensation as of 90 days from the day of enactment of this Act, while leaving the takings matter to the parties or the court system to resolve.

The National Park Service is encouraged to use, to the greatest extent feasible, and within reasonable health and safety guidelines and in consultation with the Alaska State Historic Preservation Officer, any equipment or structures not removed by owners that are of an historic nature as part of future exhibits on mining within Denali National Park and Preserve. In addition, the managers en-

courage the National Park Service to allow appropriate visitor use of the trails and roads created by the miners. Congress does not authorize the National Park Service to use this section to force unwilling sellers off their patented or unpatented land.

The managers have provided funding in the NPS land acquisition account, in part, to pay for administrative work such as validity determinations and appraisals, as well as the review of information received from claim owners pursuant to this section. Such money may also fund the acquisition of claims through Declarations of Takings account.

Amendment No. 68: Modifies language proposed by the Senate which amends Section 1034 of Public Law 104-333 to extend the period for filing by Alaska Native Corporations regarding the land conveyance dispute in Lake Clark National Park and Preserve, AK. The modification permits the introduction of any relevant evidence. The House had no similar provision.

Amendment No. 69: Modifies language proposed by the Senate relating to the computation of the refuge revenue sharing payment to the Kodiak Island Borough. The modification requires the Fish and Wildlife Service to conduct another assessment of the property and to base refuge revenue sharing payments, beginning with the payment to be made in fiscal year 1999, on the new assessment. The House had no similar provision.

Amendment No. 70: Deletes language proposed by the Senate authorizing a National Park Service heritage study of the Androscoggin River Valley, and inserts language authorizing increased assessment fees for the National Indian Gaming Commission, excluding self regulated tribes such as the Mississippi Band of Choctaw. The House had no similar provision.

Amendment No. 71: Amends Section 3 of Public Law 94-392 as proposed by the Senate regarding the ability of the government of the Virgin Islands to issue bonds. The House had no similar provision.

Amendment No. 72: Directs the Secretary of the Interior to take action to ensure that the lands comprising the Huron Cemetery of Kansas City, Kansas, are used only for religious and cultural uses compatible with the use of the lands as a cemetery as proposed by the Senate. The House had no similar provision.

Amendment No. 73: Revises the boundaries of the Arkansas Post National Memorial as proposed by the Senate to include an additional 360 acres and authorizes the Secretary of the Interior to acquire these acres. The House had no similar provision.

Amendment No. 74: Modifies language proposed by the Senate regarding Glacier Bay access to provide for open competition and to limit additional passenger ferry transportation into Bartlett Cove from Juneau to one entry per day. The House had no similar provision.

Amendment No. 75: Amends Title I of Public Law 96-514 under the heading "Exploration of National Petroleum Reserve in Alaska" as proposed by the Senate regarding lease operations and royalty terms. The House had no similar provision.

Amendment No. 76: Inserts language proposed by the Senate prohibiting the Secretary of the Interior from approving any class III tribal-State gaming compacts without the prior approval of a

State. It is also the sense of the Senate that the Justice Department should enforce the provisions of the Indian Gaming Regulatory Act. The House had no similar provisions.

The managers agree that this section prohibits the Secretary of the Interior during fiscal year 1998 from adoption specific procedures to authorize and govern Indian gaming activities in any particular State in the absence of a tribal-State compact approved by a State in accordance with State law.

Amendment No. 77: Inserts language which modifies a Senate provision relating to definition regulations of the National Indian Gaming Commission. The modification is intended to make clear that the Commission can gather information relating to the Advanced Notice of Proposed Rulemaking, but not issue draft or final rules. The House had no similar provision.

The managers note that this provision will have no effect on the classification of bingo games, including bingo involving electronic blowers. Such games currently are considered class II and will remain class II under this provision.

Amendment No. 78: Deletes language inserted by the Senate concerning the Youth Environmental Service program and inserts a provision providing for the U.S. Fish and Wildlife Service to continue to make payments to local entities for real Federal properties transferred to the U.S. Geological Survey. The Senate bill addressed the payment provision under the U.S. Geological Survey. The House had no similar provisions. The managers expect the Department to provide the report requested in the Senate amendment dealing with the Youth Environmental Service program not later than 120 days after enactment of this Act.

Amendment No. 79: Includes language proposed by the Senate concerning the conveyance of certain lands managed by the Bureau of Land Management to Lander County, Nevada. The House had no similar provision.

Amendment No. 80: Modifies language proposed by the Senate requiring the sale of certain BLM lands to landowners in Clark County, NV. The House had no similar provision.

Amendment No. 81: Deletes language proposed by the Senate establishing a National Parks and Environmental Improvement Fund and inserts language providing for a National Park Service land exchange of property in the District of Columbia for property in Prince Georges County, MD, for Oxon Cove Park. The managers have addressed the establishment of an environmental restoration fund in Title IV, Amendment No. 162. With respect to the Oxon Cove land exchange, the managers understand that the National Park Service is not liable for the hazardous wastes or other substances placed on the lands.

Amendment No. 82: Modifies language proposed by the Senate regarding the Stampede Mine Site in Denali NP&P, AK. The House had no similar provision.

## TITLE II—RELATED AGENCIES

## DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

## FOREST AND RANGELAND RESEARCH

Amendment No. 83: Appropriates \$187,944,000 for forest and rangeland research instead of \$187,644,000 as proposed by the House and \$188,644,000 as proposed by the Senate. Changes from the amounts proposed by the House include a total of \$700,000 for the Rocky Mountain station forest health project, an additional \$450,000 for the Institute of Pacific Islands Forestry, HI, an increase of \$500,000 for the fine hardwoods tree improvement project in association with Purdue University, IN, and \$1,500,000 as additional funding for research at the Pacific Northwest station. The agreement retains the Senate positions that no additional funding is provided as a grant for the Northern Arizona School of Forestry forest health project and that \$3,000,000 is provided to accelerate forest inventory and analysis focused on States with partnerships.

The managers have included an increase of \$300,000 for the Rocky Mountain Research Station for monitoring and research to support the Southwest region wildland ecosystem restoration projects, as developed by a joint region-station project team, that also will include appropriate expertise from other organizations. The managers, recognizing the current controversies surrounding the management of the forests in the Southwest, wish to ensure full participation by all parties in the Southwest ecosystem restoration research effort. The Forest Service shall place a representative of the New Mexico Department of Agriculture and a representative from the range task force at New Mexico State University on any advisory committee or team established for this research project. The Forest Service is directed to submit a draft proposal at the earliest possible date to the House and Senate Committees on Appropriations fully outlining its research plans and more complete details on this proposal, including the duration and multi-year cost estimate.

## STATE AND PRIVATE FORESTRY

Amendment No. 84: Appropriates \$161,237,000 for State and private forestry instead of \$157,922,000 as proposed by the House and \$162,668,000 as proposed by the Senate. Changes from the House position include the addition of \$500,000 for the Alaska Spruce Bark Beetle task force in the cooperative lands forest health management activity and a reduction of \$1,850,000 for cooperative lands fire management. Other changes from the levels proposed by the House include an increase of \$2,000,000 for stewardship incentives and \$2,000,000 for the forest legacy program, Mountains to Sound Greenway project in Washington State. The Chesapeake Bay program is funded at the fiscal year 1997 level from the forest stewardship activity. The managers encourage the Forest Service to use the stewardship incentives program to enhance sustained commodity production from private lands and aid the nation's supply of forest products and services by using the full range of forest

practices authorized for this program. Economic action programs are provided \$11,465,000, an increase of \$465,000 above the House level. The funds to restore the forestry products conservation and recycling program to the fiscal year 1997 level are provided to maintain the technical assistance for the Princeton Hardwoods Center at the fiscal year 1997 level of \$200,000. The economic action program funds should be distributed as follows:

Rural development .....	\$5,000,000
Wood in transportation .....	1,200,000
Economic recovery .....	3,850,000
Forestry products conservation and recycling .....	1,200,000
Columbia River Gorge county payments .....	215,000

Amendment No. 85: Retains language proposed by the Senate to provide \$800,000 in the Pacific Northwest Assistance activity for the World Forestry Center in Oregon to be used to aid the Umpqua River Basin land exchange project as authorized in section 1028 of Public Law 104-333. The House had no similar provision. The managers encourage the project directors to increase funding from private sources so this study can be finished in fiscal year 1998. The managers expect that no further Federal funds will be necessary and that a report detailing the use of these funds and previous Federal funds and the results of the studies will be provided to the House and Senate Committees on Appropriations no later than January 15, 1999. The managers encourage the involved Federal agencies to cooperate fully with the Umpqua River Basin land exchange project to facilitate the goals of the authorized study.

Amendment No. 86: Retains language proposed by the Senate exempting the Alaska Spruce Bark Beetle task force from requirements of the Federal Advisory Committee Act. The House had no similar provision.

#### INTERNATIONAL FORESTRY

The conference agreement allows the Forest Service to use up to \$3,500,000 to support international forestry activities as authorized. These funds may be taken from other appropriations available to the Forest Service. The House and Senate Committees on Appropriations should be informed of the funding mix used. Of this amount, \$230,000 is for the international forestry activities of the Institute of Pacific Islands Forestry, an increase of \$100,000 over the fiscal year 1997 funding for this activity.

#### NATIONAL FOREST SYSTEM

Amendment No. 87: Appropriates \$1,348,377,000 for the National forest system instead of \$1,364,480,000 as proposed by the House and \$1,337,045,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of \$1,000,000 for inventory and monitoring, \$500,000 for anadromous fish habitat management and \$2,034,000 for grazing management, and decreases of \$1,370,000 for inland fish habitat management, \$1,000,000 for timber sales management, \$1,000,000 for soil, water and air operations, \$500,000 for watershed improvements, \$767,000 for minerals and geology management, \$1,000,000 for real estate management and \$14,000,000 for general administration.



The conference agreement includes language in Title III encouraging the Forest Service to release forest planning regulations that have been under development since 1990. Other Title III language governs the Interior Columbia River Basin environmental impact statements but the managers have not set a date certain for public comment periods. The conference agreement directs that the Forest Service not begin any new large scale ecoregional assessments, such as the Interior Columbia Basin study, without the advance approval of the House and Senate Committees on Appropriations. Funding associated with such initiatives should be clearly displayed in the budget explanatory notes. The managers agree that the Forest Service should provide advance notice to the House and Senate Committees on Appropriations if small scale, multi-forest assessments are planned that are not reflected in the annual budget justification.

The managers agree to earmarks proposed by the Senate including \$300,000 for the great western trail feasibility study in the Intermountain region and \$100,000 for Alaska gold rush centennial exhibits and living history presentations, and an increase of \$1,000,000 for trail maintenance in the Pacific Northwest region. The managers expect the challenge cost share funding levels for all activities to follow the budget request, with the addition of \$500,000 in both the rangeland and forestland vegetation management activities. The managers agree that a total of \$4,000,000 should be used for exotic and noxious plant management, and that the Pacific Northwest region is encouraged to fund the Okanogan and the Colville National Forest activities targeted at the eradication of noxious weeds. The managers note that it appears that Forest Service staff in the Pacific Northwest region has attempted to penalize ranchers in perpetuity for alleged grazing violations. The managers expect that any penalties imposed will reflect the severity of the violation and should not be permanent, and that appropriate agency review of the alleged violations should be undertaken to determine if the penalty is still necessary.

The managers are concerned that commitments made in the President's Pacific Northwest Forest Plan be fulfilled. Accordingly, the managers expect the Forest Service to make available for sale in fiscal year 1998 the timber volume specified in alternative 9 of the Record of Decision of the Final Environmental Impact Statement, as revised. This volume should be no less than 763 million board feet, which includes no more than 10 percent of the volume in the form of products which the Final Environmental Impact Statement defines as "other wood".

The conference agreement earmarks at least \$1,000,000 from the land ownership activity to assist resource input to the relicensing of hydropower projects on national forest lands and to update assessments of hydropower project fair market values. The managers agree with the House language directing the Forest Service to use funds generated as a result of 16 U.S.C. 501 promptly for priority road, trail, and bridge maintenance projects to reduce the significant backlog. The report requested by the House on facility, road and bridge maintenance, repair and replacement needs should indicate clearly how this significant source of funds will be used to improve the transportation infrastructure on national forest system

lands. The managers reiterate support for cooperative law enforcement agreements and have included funds for this purpose. The managers are aware of a proposed designation of a high intensity drug trafficking area in the Daniel Boone National Forest, KY. Such a designation would provide for enhanced enforcement which would address marijuana production in the Forest. The managers urge the Forest Service to ensure that appropriate law enforcement personnel are provided to support this initiative once approved.

The managers urge the Forest Service to work cooperatively with Lafayette County, Mississippi, officials in making improvements to county road 244 within the Holly Springs National Forest.

The managers have agreed to revised instructions, provided in the Forest Service administrative provisions, regarding potential Alaska regional office relocations and other Alaska office closures and alterations proposed by the Senate.

Amendment No. 88: Modifies language proposed by the Senate governing the use of national forest system funds for the construction of facilities costing no more than \$250,000 to require the advance approval of the House and Senate Committees on Appropriations following established reprogramming procedures. The House had no similar provision.

#### WILDLAND FIRE MANAGEMENT

Amendment No. 89: Appropriates \$584,707,000 for wildland fire management instead of \$591,715,000 as proposed by the House and \$582,715,000 as proposed by the Senate. The managers agree that \$4,000,000 should be used from the fire operations activity for the new fire science and management program to work closely with the similar program at the Department of the Interior.

#### RECONSTRUCTION AND CONSTRUCTION

Amendment No. 90: Appropriates \$166,045,000 for reconstruction and construction instead of \$154,522,000 as proposed by the House and \$155,669,000 as proposed by the Senate. Increases above the House allowance for recreation roads include \$1,000,000 for the Hamma Hamma road in Washington and \$800,000 for the Trappers Loop Connector road in Utah.

The managers agree to the following distribution of funds:

<i>Project</i>	<i>Amount</i>
Facilities construction:	
Research:	
Inst. Pacific Islands Forestry (HI) .....	\$360,000
Request projects .....	2,377,000
Subtotal: Research .....	<u>2,737,000</u>
Fire, Admin., other:	
Boulder Ranger District (CO) .....	1,000,000
Grey Towers Nat. Historic Site (PA) .....	2,300,000
Oakridge RD station reconstruction (OR) .....	4,000,000
Wayne NF supervisor's office (OH) .....	500,000
Seward RD interagency center (AK) .....	100,000
Request projects .....	8,196,000
Subtotal: FAO .....	<u>16,096,000</u>
Recreation:	
Badin Lake campground (NC) .....	1,000,000

<i>Project</i>	<i>Amount</i>
Barton Flats group campground rehab (CA) .....	640,000
Chilowee campground rehab (TN) .....	500,000
Choctaw RD visitor contact center (OK) .....	445,000
Cradle of Forestry (NC) .....	1,700,000
Franklin County Dam (MS) .....	1,000,000
Klahowya campground water system (WA) .....	50,000
Lake Isabella rehabilitation projects .....	250,000
Lee Canyon, Tahoe Meadows (NV) .....	427,000
Midewin National Tallgrass Prairie (IL) .....	1,600,000
Nantahala NF rehabilitation projects (NC) .....	400,000
Oklahoma equestrian projects .....	205,000
Olympic NF campgrounds (WA) .....	150,000
Pikes Peak Summit House (CO) .....	1,000,000
Sawtooth NRA Harriman trail structure (ID) .....	100,000
Spruce Knob repairs (WV) .....	80,000
Upper Ocoee corridor (TN) .....	200,000
Waldo Lake rehabilitation (OR) .....	550,000
Winter Olympic Games 2002 (UT) .....	1,214,000
Request projects .....	20,312,000
Subtotal: Recreation .....	<u>31,823,000</u>
Total facilities construction .....	<u>50,656,000</u>
Trails Construction:	
Continental Divide Trail (CO) .....	750,000
Palmetto Trail (SC) .....	125,000
Sawtooth NRA Harriman Trail (ID) .....	300,000
Steigerwald Lake (WA) .....	150,000
Taft Tunnel (ID) .....	750,000
Tonopah N/S trailhead (NV) .....	20,000
Request projects .....	25,200,000
Total Trails Construction .....	<u>27,295,000</u>
Road Construction:	
Road type:	
Timber Roads .....	47,400,000
Recreation Roads .....	27,400,000
General Purpose Roads .....	13,294,000
Total Road Construction .....	<u>88,094,000</u>
Total all construction .....	<u>166,045,000</u>

The managers understand that the Forest Service and the National Park Service have agreed to build and jointly occupy a multi-agency facility for administration, operations, and visitor contact in Utah at Timpanogos Cave National Monument and Unita National Forest, Pleasant Grove ranger district. The managers support these cooperative efforts so long as they result in greater efficiency and better public service. The managers have provided funds elsewhere to the National Park Service for planning and design of this project. The managers expect the Forest Service to include an equal share of total construction costs in its fiscal year 1999 budget submission. The managers have included a total of \$100,000 in the fire, administrative and other facilities activity for planning assistance to the new interagency facility in Seward, AK. More detailed instructions for the Seward/Kenai Fjords NP facility are provided under the National Park Service construction account in this statement.

Amendment No. 91: Deletes language proposed by the Senate earmarking \$800,000 for the Trappers Loop Connector Road in the

Wasatch-Cache National Forest. The House had no similar provision. Funding for the Trappers Loop Connector Road is included in the Forest Service reconstruction and construction account.

Amendment No. 92: Deletes language proposed by the House and stricken by the Senate providing that not to exceed \$25,000,000 remain available until expended for the construction of forest roads by timber purchasers. The managers support the instructions regarding timber purchaser road credits proposed by the Senate.

LAND ACQUISITION

Amendment No. 93: Appropriates \$52,976,000 for land acquisition instead of \$45,000,000 as proposed by the House and \$49,176,000 as proposed by the Senate. The managers agree to the following distribution of funds:

<i>Project</i>	<i>Amount</i>
Appalachian Trail .....	\$3,000,000
Arapaho (Wedge), CO .....	350,000
California wilderness .....	1,500,000
Chattooga watershed, GA-NC-SC .....	1,000,000
Cleveland (Rutherford Ranch), CA .....	1,000,000
Columbia River Gorge, WA .....	8,000,000
Daniel Boone & Red Bird, KY .....	1,000,000
Gallatin (Yellowstone), MT .....	1,500,000
Green Mt. (Taconic Crest and Vermont Rivers), VT .....	2,000,000
Hossier, IN .....	500,000
Jefferson (Guest River Gorge), VA .....	300,000
Lake Tahoe, NV-CA .....	900,000
Los Padres (Big Sur), CA .....	1,000,000
Michigan Lakes & Streams .....	250,000
Missouri Ozark Mt. Streams .....	500,000
Mt. Baker (Skagit), WA .....	700,000
Nantahala (Thompson River), NC .....	1,200,000
New Mexico Forests .....	750,000
Ouachita (Cossatot River), AR .....	500,000
Ozark (Richland Creek), AR .....	326,000
Pacific NW Streams .....	2,500,000
San Bernardino, CA .....	2,000,000
Sawtooth, ID .....	1,800,000
Sumter (Lake Jocassee), SC .....	3,250,000
Uinta (Bonneville shoreline trail), UT .....	500,000
White Mt. (Lake Tarleton), NH .....	2,650,000
White River (Warren Lakes), CO .....	700,000
Wisconsin Wild Waterways .....	2,000,000
Acquisition management .....	7,500,000
Cash equalization .....	1,800,000
Wilderness protection .....	500,000
Emergency acquisitions .....	1,500,000
Total .....	52,976,000

COOPERATIVE, WORK, FOREST SERVICE

Amendment No. 94: Appropriates no funding for cooperative work, Forest Service as proposed by the Senate instead of \$128,000,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 95: Deletes language proposed by the Senate exempting Alaska relocations and closures from the requirement to obtain consent from the House and Senate Committees on Appropriations. The House had no similar provision.

Amendment No. 96: Earmarks \$2,250,000 for Federal financial assistance to the National Forest Foundation instead of \$2,000,000 as proposed by the House and \$2,500,000 as proposed by the Senate.

Amendment No. 97: Earmarks a maximum of \$750,000 for administrative expenses of the National Forest Foundation instead of \$500,000 as proposed by the House and \$1,000,000 as proposed by the Senate. The managers understand the initial delays during the establishment of the Foundation and encourage the Foundation to work strenuously to fulfill its authorized purpose and to reduce its future dependence on Federal funds for administrative support.

Amendment No. 98: Modifies language proposed by the Senate regarding reorganization and funding of the Forest Service regional office in Alaska. The House had no similar provision.

The managers note that the Tongass National Forest Land Management Plan reduces the timber allowable sale quantity. It is presumed that the Forest Service will tailor its workforce and organization appropriately. The managers are very concerned about the appearance that expenditures for regional office operations and centralized field costs have risen significantly as a proportion of annual appropriated funds since 1993. The managers recognize that the reduced timber volume offered under this plan will create economic hardships for local communities and that imbalanced distribution of remaining Federal jobs and spending in the region may compound those hardships. Accordingly, the managers expect the regional forester to conduct a regional work load study and to develop a workforce plan that ensures high levels of customer service throughout the region, preserves the regional headquarters in Alaska, evaluates the need to consolidate and/or relocate offices, including relocating the regional office to Ketchikan, makes limited use of centralized support activities from other regions or agencies, and provides for implementation by January 1, 2000. Further, the managers expect the workforce plan to reflect the full participation of affected Southeast Alaska communities and to include a community by community assessment of economic impacts and the rationale used by the regional forester to distribute Federal jobs under the workforce plan. The managers expect that the workforce plan will emphasize retention of experienced personnel for accomplishment of Southeast Alaska's multiple-use resource management mission, will make maximum use of local hiring authority, and will be submitted to House and Senate committees with jurisdiction by March 1, 1998, for review and further guidance, if warranted. Any expenditures at the regional office in excess of \$17,500,000 from the funds provided to the region shall be preceded by a 60-day notification to the House and Senate Committees on Appropriations.

#### DEPARTMENT OF ENERGY

##### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 99: Appropriates \$362,403,000 for fossil energy research and development instead of \$313,153,000 as proposed by the House and \$363,969,000 as proposed by the Senate. Increases to the amount proposed by the House include \$650,000 in coal research to complete the hospital waste project at the veterans

hospital in Lebanon, PA; \$48,650,000 in natural gas research, of which \$45,000,000 is for advanced turbine systems (rather than consolidating all turbine research in the energy conservation account as proposed by the House), \$1,000,000 in the gas to liquids program is for alternative cost shared technology needed to foster the commercialization of ceramic membrane processes, \$650,000 is for technology development, and \$2,000,000 is for fuel cell systems; \$350,000 in oil technology, of which \$250,000 is for the northern mid-continent digital atlas and \$100,000 is for environmental compliance; and \$800,000 for cooperative research and development. Decreases to the House proposed level include \$1,000,000 for laboratory/industry partnerships and \$200,000 for the risk assessment and groundwater protection data base, both in the oil technology program.

The managers agree to the following:

1. The \$3,000,000 included above the budget request relating to the new PM 2.5 air quality regulations is for data monitoring and development of cost effective control technologies or source production science.

2. The amount provided for fuel cell research assumes that at least an additional \$6,000,000 will be made available from the fiscal year 1998 National Security appropriation (Army) for molten carbonate fuel cells; the Department should work with the Defense Department/Army to ensure those funds are transferred appropriately.

3. No assumption is made with respect to downselecting from 3 to 2 contractors in the fuel cell program; the Department of Energy should base its decision on available funding and the merits of the 3 existing projects and report to the Committees on that decision.

4. Project funds for the cooperative research and development program should be distributed equally between the participating sites.

5. No additional funds have been provided for the Gypsy field project in oil technology because the Committees have been assured by the Department that sufficient funds are available for the project through fiscal year 1998.

The managers are aware of the Department's request for proposals relating to new fuel cell research. While not directing the fossil energy program to cancel the RFP, the managers are concerned about the potential outyear costs of new initiatives and expect the Department to proceed cautiously in that regard. The managers understand that the RFP is for studies only and that these studies relate to the strategic plan recently developed by the Federal Energy Technology Center.

#### ALTERNATIVE FUELS PRODUCTION

#### (INCLUDING TRANSFER OF FUNDS)

The managers are aware of a proposed pipeline from the Great Plains Gasification Plant in North Dakota to an oil field in Saskatchewan, to provide CO<sub>2</sub> for enhanced recovery of oil. The managers believe that such a pipeline should have a positive effect on the long term stability of the plant and should provide further as-

sistance of payments to be made to the Department from the Great Plains operation over the next 7 years. Therefore, the managers do not object to modifying the existing trust agreement with Dakota Gasification Company (DGC) to: (1) provide DGC a loan up to a maximum of \$12.5 million subject to confirmation that the balance of funding for the CO<sub>2</sub> project has been committed; (2) provide such a loan at an interest rate equal to the average rate of other loans for the project acquired by DGC; and (3) secure such loan for the benefit of the Federal Government on terms and conditions equivalent to those agreed to by the other lenders.

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

Amendment No. 100: Appropriates \$107,000,000 for the Naval petroleum and oil shale reserves as proposed by the Senate instead of \$115,000,000 as proposed by the House. The decrease below the amount proposed by the House is for operations at the Elk Hills Reserve.

The managers agree that unexpended balances and other available assets and resources may be used for the purpose of privatizing the Rocky Mountain Oilfield Test Center. The Center should be fully privatized no later than fiscal year 2001.

The managers do not object to the recent reprogramming request to realign funds to complete the Elk Hills sale and equity terminations at the Elk Hills Reserve. The managers have agreed to this reprogramming with the understanding that this realignment of funds is needed to ensure that the taxpayer receives the best possible price for the reserve when a sale is consummated.

The managers make no assumption with respect to the sale price of the Elk Hills Reserve. The managers expect the Department to ensure that it receives fair value for the taxpayer in consummating the sale.

#### ENERGY CONSERVATION

Amendment No. 101: Appropriates \$611,723,000 for energy conservation instead of \$644,766,000 as proposed by the House and \$629,357,000 as proposed by the Senate. Increases to the amount proposed by the House include \$4,235,000 for building technology, of which \$1,535,000 is for the home energy rating system, \$100,000 is for advanced desiccant technology, \$500,000 is for Energy Star, \$100,000 is for highly reflective surfaces, \$750,000 is for codes and standards, \$1,000,000 is for the weatherization assistance program, and \$250,000 is for State energy program grants; \$2,797,000 for the industry sector, of which \$300,000 is for forest and paper products, \$333,000 is for steel, \$674,000 is for aluminum, \$990,000 is for metal casting, \$200,000 is for motor challenge, and \$300,000 is for management; and \$11,875,000 for transportation of which \$350,000 is for clean cities, \$575,000 is for infrastructures, systems, and safety, \$100,000 is for EPACT replacement fuels, \$350,000 is for vehicle field test and evaluation, \$500,000 is for systems optimization, \$500,000 is for electric vehicles, \$2,500,000 is for hybrid propulsion, \$1,000,000 is for high power energy storage, \$4,000,000 is for fuel cell research and development, and \$2,000,000 is for light weight materials. Decreases to the amount proposed by the House include \$2,500,000 in building technology of

which \$200,000 is for industrialized housing, \$100,000 is for hi-cool heat pump, \$800,000 is for VHF light sources, \$400,000 is for volume purchases, \$300,000 is for roofs, walls, and foundations, \$100,000 is for electrochromic research, and \$600,000 is for State and local grants management; \$46,600,000 for industry sector programs of which \$1,000,000 is for chemicals, \$45,000,000 is for utility turbine programs (funded in the fossil energy account), \$400,000 is for the national industrial competitiveness through energy, environment, and economics (NICE<sup>3</sup>) program, and \$200,000 is for inventions and innovations; \$2,800,000 for transportation which is for high efficiency engine research and development; and \$50,000 in policy and management for information and communications.

The managers agree to the following:

1. Of the funds provided for the home energy rating system, at least \$250,000 should be set aside for new States. The Department should report to the Committees as soon as possible on plans to phase out the existing 7 pilot States and the procedures under which new States will be considered for participation in the program.

2. The Energy Star program should be carefully examined in the context of reorganizing and streamlining the buildings program. Marketing efforts should be left to the private sector to fund.

3. In the transportation program, the Department should consider using the gas utilization expertise at the University of Oklahoma to the extent that it fits within program priorities and enhances program goals.

4. No funds are provided to initiate a pre-college student vehicle competition program.

5. No funds should be redirected from program funding provided by the Congress unless specifically identified in the budget request or in the Committee reports. Any funding realignments are subject to the reprogramming guidelines contained in the front of House Report 105-163 and Senate Report 105-56.

The managers recognize the economic and environmental benefits that could be realized from successful development of an energy efficient and environmentally benign coke making process. Such a technology could help achieve the environmental goals of this Nation, enhance the international competitiveness of the U.S. steel industry and contribute to improved energy efficiency in the steel industry. Because of the significant potential environmental and energy efficiency benefits, the managers encourage the Department to pursue the development of such a technology, either in the energy conservation program or the fossil energy research and development program, with at least a 50 percent cost share from industry.

Amendment No. 102: Earmarks \$155,095,000 for energy conservation grant programs instead of \$153,845,000 as proposed by the House and \$160,100,000 as proposed by the Senate.

Amendment No. 103: Earmarks \$124,845,000 for weatherization assistance grants instead of \$123,845,000 as proposed by the House and \$129,000,000 as proposed by the Senate.

Amendment No. 104: Earmarks \$30,250,000 for State energy conservation grants instead of \$30,000,000 as proposed by the House and \$31,100,000 as proposed by the Senate.



STRATEGIC PETROLEUM RESERVE  
(INCLUDING TRANSFER OF FUNDS)

Amendment No. 105: Appropriates \$207,500,000 for operation of the strategic petroleum reserve as proposed by the Senate instead of \$209,000,000 as proposed by the House and stipulates that these funds are to be repaid from the sale of SPR oil as proposed by the House rather than potential repayment using excess receipts from the sale of the Elk Hills Naval Petroleum Reserves as proposed by the Senate.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 106: Appropriates \$66,800,000 for the Energy Information Administration as proposed by the House instead of \$62,800,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Amendment No. 107: Makes a technical correction as proposed by the Senate to correct the public law citation for the Energy Policy Act of 1992.

The managers note that the Department of Energy, especially in the energy conservation program activity, has been lax in following the reprogramming guidelines prescribed by the Committees. The managers expect the Department to adhere strictly to those guidelines in fiscal year 1998 and thereafter. Quarterly reporting of accounting data is no longer sufficient.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 108: Appropriates \$1,841,074,000 for Indian health services instead of \$1,829,008,000 as proposed by the House and \$1,958,235,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of \$5,036,000 for fixed costs in the hospital and clinic programs and a \$3,000,000 program increase for the diabetes program; \$480,000 for fixed costs in dental health, \$245,000 for fixed costs in the mental health program, \$105,000 for fixed costs in the alcohol and substance abuse program, \$27,000 for fixed costs and a \$2,000,000 program increase in contract care, \$204,000 for fixed costs in public health nursing, \$77,000 for fixed costs in health education, \$1,000 for fixed costs for community health representatives, \$11,000 for fixed costs for urban health, \$27,000 for fixed costs and a \$400,000 program increase in Indian health professions for the Indians in psychology program, \$462,000 for fixed costs in direct operations, and \$9,000 for fixed costs for self governance. A decrease of \$18,000 below the proposed House level is applied to contract support costs related to a transfer of funds to the facilities account.

Within the \$400,000 increase for the Indians in psychology program, \$200,000 is earmarked for the University of Montana.

Amendment No. 109: Earmarks \$361,375,000 to remain available for two fiscal years for contract medical care instead of

\$359,348,000 as proposed by the House and \$362,375,000 as proposed by the Senate.

Amendment No. 110: Deletes the Senate earmark for the Office of Navajo Uranium Workers and inserts language placing a cap of \$168,702,000 on contract support costs in the Indian Health Service, services account. The House had no similar provision.

#### INDIAN HEALTH FACILITIES

Amendment No. 111: Appropriates \$257,538,000 for Indian health facilities instead of \$257,310,000 as proposed by the House and \$168,501,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of \$100,000 for the Montezuma Creek health clinic in Utah, \$40,000 for fixed costs for sanitation facilities and \$588,000 for fixed costs for facilities and environmental health support; and a decrease of \$500,000 for modular dental units. Bill language related to the environmental health and facilities support activities included in the House bill but stricken in the Senate bill is retained.

The managers understand that additional funds may be necessary to complete design for three health facility projects that are in the preconstruction phase, and encourage IHS, HHS and OMB to include funding in the fiscal year 1999 budget submission to complete design for the Winnebago Hospital, NE, and the outpatient facilities at Parker, AZ, and Pinon, AZ.

In the fiscal year 1994 Interior Appropriations conference report, the managers agreed that the \$465,000 unobligated balance remaining from the Phoenix area regional youth treatment center project was to be used for planning and construction of a satellite facility at an alternate site in Nevada. The managers are concerned about delays in reaching agreement on the issues associated with further progress on this project, and urge the IHS to work with the Washoe Tribe. The managers are aware of the Washoe Tribe's proposal to locate this facility in Gardnerville, Nevada, which has been determined as the alternate site for the treatment center, and encourage IHS to reach closure with the tribe so that services can be provided as soon as possible.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Amendment No. 112: Strikes House language and inserts Senate language on the disposition of funds for transferred functions which tribal contractors no longer wish to retain.

#### OTHER RELATED AGENCIES

##### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

##### SALARIES AND EXPENSES

Amendment No. 113: Appropriates \$15,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of \$18,345,000 as proposed by the House.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

Amendment No. 114: Appropriates \$4,250,000 for payment to the Institute of American Indian and Alaska Native Culture and Arts Development instead of \$3,000,000 as proposed by the House and \$5,500,000 as proposed by the Senate.

The managers agree that fiscal year 1999 will be the last year Federal funding will be provided.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 115: Appropriates \$333,408,000 for salaries and expenses of the Smithsonian Institution instead of \$334,557,000 as proposed by the House and \$333,708,000 as proposed by the Senate. The difference from the amount proposed by the House consists of decreases of \$138,000 for museums and research institutes and \$1,011,000 for facilities services, which includes a reduction of \$300,000 for utilities.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 116: Appropriates \$32,000,000 for repair and restoration of buildings as proposed by the Senate instead of \$50,000,000 as proposed by the House.

CONSTRUCTION

Amendment No. 117: Appropriates \$33,000,000 for construction as proposed by the Senate. The House proposed no funding. This amount includes \$4,000,000 to complete funding for planning and design of the Dulles extension of the National Air and Space Museum and \$29,000,000 to begin the first phase of construction for the National Museum of the American Indian Mall Museum.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 118: Appropriates \$6,192,000 for repair, restoration and renovation of buildings instead of \$6,442,000 as proposed by the House and \$5,942,000 as proposed by the Senate. The reduction from the House level is to be taken from the increase provided for backlog maintenance needs.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 119: Appropriates \$5,840,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars as proposed by the Senate instead of \$1,000,000 as proposed by the House. The managers agree to the following distribution of funds:

Fellowships .....	\$920,000
Scholar support .....	634,000
Public service .....	1,516,000

Administration .....	1,247,000
Smithsonian fee .....	139,000
Conf./Outreach .....	909,000
Space .....	475,000

The managers remain concerned about the serious deficiencies in the Center's management and organization as outlined in the National Academy of Public Administration (NAPA) review. That review outlined 27 specific recommendations for corrective action. The managers will continue to monitor carefully the Center's progress in addressing the critical recommendations, including establishing a clearly defined mission, improving the process for selecting fellows and involving them in relevant debates on public policy issues, and improving the connection between the Center's fellows and the public programs. To that end the Inspector General also has been asked to oversee the Center's implementation of the NAPA recommendations and report to the Committees.

While the managers are encouraged that there have been changes in the management of the Center, and an Interim Director has been named to oversee the day-to-day operations of the Center, they also strongly encourage the Center's Board to take a more active role in guiding the Center. The managers also strongly encourage the search committee to expedite the search for a new Director. The Center should keep the goal of bridging the gap between the worlds of scholarship and public policy in the forefront of its mission and increase the interaction between the fellows, the programs and the public policy makers.

In allocating funds provided to the Center, the managers have sought to help implement one of the NAPA recommendations by deciding a greater portion of appropriated funds to public service programs.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Amendment No. 120: Inserts a heading for the National Endowment for the Arts as proposed by the Senate. The NEA was not included in House bill.

GRANTS AND ADMINISTRATION

Amendment No. 121: Appropriates \$81,240,000 for grants and administration of the National Endowment for the Arts instead of \$83,300,000 as proposed by the Senate and no funding as proposed by the house. The managers support the Senate position which states that the disagreements surrounding funding for the arts should be addressed through the authorizing process during this Congress. However, the managers have agreed to provide funding for fiscal year 1998 with several additional reforms. The managers agree to increase the State grants plus the State set-aside to 40% of total grants, including matching grants, consistent with authorizing legislation under consideration by the Senate. Legislative language is also included in Title III limiting total grant funding awarded in any single State to 15 percent of the annual allocation

of all grants. Grants which are determined to have a national impact or are awarded to groups that four several States are excluded from this calculation, and the NEA should award such grants through the establishment of a new grant category. The managers have also included language providing a priority to activities that encourage public knowledge, education, understanding and appreciation of the arts and have agreed that the Endowment should stress service to underserved populations. The conference agreement also reduces the size of the National Council of the Arts, but adds 6 Members of Congress to the Council.

The managers have agreed to \$31,822,000 for program grants instead of \$37,435,000 as proposed by the Senate. The conference agreement provides \$25,486,000 for State grants instead of \$22,250,000 as proposed by the Senate and \$6,952,000 for the State set-aside instead of \$6,069,000 as proposed by the Senate. The managers also encourage the NEA to consider carefully the merits of various non-professional grant applicants when making awards and to not award grants only to professionals. The managers have agreed to a reduction of \$566,000 for administration compared to the level proposed by the Senate and agree that further administrative streamlining may be warranted in future years. The NEA should develop a proposed structuring of the administrative budget of the agency that more accurately reflects the Endowment's various functions and activities, such as executive direction, costs for grant review by NEA, panel review and Council costs, outreach, computers, policy and planning and other elements funded from administrative dollars. Other NEA issues are discussed under Amendments No. 139, 140 and 156.

#### MATCHING GRANTS

Amendment No. 122: Appropriates \$16,760,000 for NEA matching grants as proposed by the Senate instead of zero as proposed by the House.

#### NATIONAL ENDOWMENT FOR THE HUMANITIES

##### GRANTS AND ADMINISTRATION

Amendment No. 123: Appropriates \$96,800,000 for grants and administration of the National Endowment for the Humanities as proposed by the Senate instead of \$96,100,000 as proposed by the House. The agreement includes \$700,000 above the House level as proposed by the Senate for fixed cost increases.

#### INSTITUTE OF MUSEUM AND LIBRARY SERVICES

##### OFFICE OF MUSEUM SERVICES

##### GRANTS AND ADMINISTRATION

Amendment No. 124: Appropriates \$23,280,000 for grants and administration of the Office of Museum Services instead of \$23,390,000 as proposed by the House and \$22,290,000 as proposed by the Senate. Program funds are provided to support the following activities: \$16,060,000 for operations; \$3,130,000 for conservation; \$2,200,000 for services to the profession; and \$1,890,000 for admin-

istrative costs. From services to the profession, the managers provide \$1,000,000 for National Leadership Projects that are collaborative museum/library endeavors.

#### COMMISSION OF FINE ARTS

##### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

Amendment No. 125: Appropriates \$7,000,000 for National capital arts and cultural affairs grants as proposed by the Senate instead of \$6,000,000 as proposed by the House.

##### ADVISORY COUNCIL ON HISTORIC PRESERVATION

###### SALARIES AND EXPENSES

Amendment No. 126: Appropriates \$2,745,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by the Senate instead of \$2,700,000 as proposed by the House.

##### NATIONAL CAPITAL PLANNING COMMISSION

###### SALARIES AND EXPENSES

Amendment No. 127: Appropriates \$5,740,000 for salaries and expenses of the National Capital Planning Commission (NCPC) as proposed by the Senate instead of \$5,700,000 as proposed by the House. The managers agree that the Commission should participate in the operation of the Washington Geographic Information System project. However, the managers do not intend for the NCPC to become the primary operator of this system nor should funds appropriated under this Act be used to promote that purpose. If funds are available from other sources, the NCPC is encouraged to apply its special planning expertise to the project and collaborate in the operation of such a system.

#### TITLE III—GENERAL PROVISIONS

Amendment No. 128: Modifies language proposed by the House and stricken by the Senate continuing the moratorium on the use of funds for preparing, promulgating, implementing or enforcing interim or final rules or regulations dealing with the management of subsistence fishing in Alaska waters. The modification continues the moratorium through December 1, 1998, and amends the Alaska National Interest Lands Conservation Act.

The language contains four subsections. Subsection (a) prohibits the Federal government from asserting jurisdiction, management or control prior to December 1, 1998, over the navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act or Alaska Statehood Act.

Subsection (b) amends the Alaska National Interest Lands Conservation Act (ANILCA) in a number of ways. Subsection (2) clarifies that the term "Federal land" in ANILCA does not include lands owned by the State of Alaska, or Native Corporations or other private owners. Neither subsection (2) nor any other provision of this section overturns, or shall be construed to overturn the

decision of the Ninth Court of Appeals in *State of Alaska v. Babbitt* (73 F.3d 698) (commonly known as the Katie John case).

Subsection (c) contains a savings clause specifying that neither this section nor amendments made by this section in any way affect assertions of Native governmental authority over lands or persons, the existence or nonexistence of Indian country, whether or not ANILCA is Indian Law, or the Secretary of the Interior's authority under section 1314(c) of ANILCA.

Subsection (d) specifies that amendments made by subsection (b) shall only be effective for the purposes of determining whether the State of Alaska's laws provide for the definition, preference, and participation required in sections 803, 804, and 805 of ANILCA, including as amended by this section, unless and until laws are adopted in the State of Alaska which provide these things. Subsection (d) specifies that the amendments made to ANILCA by subsection (b) will be repealed on December 1, 1998, unless such laws are adopted in Alaska by December 1, 1998.

Amendment No. 129: Deletes language proposed by the House and stricken by the Senate regarding the export of timber from the western United States and inserts language making a technical correction to the Hudson River Valley National Heritage Area legislation.

Amendment No. 130: Modifies language proposed by the House and modified by the Senate regarding funding for the office of western director and special assistant to the Secretary of Agriculture to provide that funding from this Act for the office is allowed up to the amount provided from this appropriation in fiscal year 1997.

Amendment No. 131: Retains language proposed by the House limiting competition on watershed restoration contracts for the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest in fiscal year 1998. The Senate proposed making the provision permanent.

Amendment No. 132: Modifies language proposed by the House and stricken by the Senate which permits all fees collected through the recreation fee demonstration program to be used by the collecting agency. The modification adds language stipulating that the National Park Service should pay administrative costs for collecting fees from the funds that are retained by each collecting unit.

Amendment No. 133: Modifies House language as proposed by the Senate limiting the use of recreation fees to construct visitor centers or other permanent structures, to permit such construction if the total estimated cost does not exceed \$500,000.

Amendment No. 134: Modifies language proposed by the House and stricken by the Senate on the Interior Columbia River Basin. The modified language instructs the Secretaries of Agriculture and the Interior concerning the Interior Columbia River Basin draft environmental impact statements (DEIS). The managers remain extremely concerned about the huge cost and time involved in this project, but the managers want to see the project come to a conclusion. The managers also are concerned that additional social and economic analyses are required and that the Administration has not been forthcoming regarding the potential impacts that the implementation of the projects may eventually have on this large area of the West. The bill language provides that the Secretaries will re-

port to the Congress on the estimated impacts of the proposed project. As a result of the revised bill language concerning additional analysis to be conducted for the projects, the managers expect that additional time will be required for public comment on the DEIS but the managers do not specify a time for the comment period. However, the managers expect the agencies to address fully the implementation of these projects in their fiscal year 1999 budget justifications and convey to the Congress a sense of the scope, impact and cost for implementation.

Amendment No. 135: Deletes language proposed by the House and inserts alternative language proposed by the Senate that establishes a framework for Alaska native governance of the Alaska Native Medical Center.

Amendment No. 136: Inserts language which modifies a Senate provision precluding Alaska native villages from entering into a compact or contract which would withdraw funds out of the Alaska native regional health care corporations, changes a date in the provision, and amends the Coast Guard Authorization Act of 1996 to reflect a change in the use of property transferred to a native village. The House had no similar provision.

The managers have changed the effective date in this section to permit an existing contract with the Indian Health Service to be executed. The managers also have added a subsection making changes in a land conveyance to the Ketchikan Indian Corporation to reflect agreed to changes regarding the use of the property.

Amendment No. 137: Amends language inserted by the House and stricken by the Senate regarding the eviction of certain people from property in Sleeping Bear Dunes National Lakeshore. The revision allows the National Park Service to pursue such evictions provided that 90 days notice is given and provided that funds are available for the removal of the structures to be vacated. Fair market value rates will be charged while any occupancy continues beyond an expired reservation.

Amendment No. 138: Amends language included by the House and stricken by the Senate to prohibit agencies funded in this bill from expending funds for the nomination of sites under the Man and Biosphere Program until legislation specifically authorizing this program is enacted. With regard to both the World Heritage and Man and Biosphere programs, the managers agree that designation of U.S. sites under these programs cedes absolutely no authority to the United Nations or other international organizations, and should not be construed as imposing any new land use restrictions on lands included in either program. The managers further agree that agencies involved in both of these programs should redouble efforts to involve the public fully in deliberations over possible designations.

Amendment No. 139: Includes language proposed by the Senate restricting grant making to individuals, sub-granting, and seasonal support by the National Endowment for the Arts. The House had no similar provision.

Amendment No. 140: Inserts language proposed by the Senate authorizing the National Endowment for the Arts and the National Endowment for the Humanities to raise funds and deposit them in special interest bearing accounts for future use. The House had no



similar provision. The managers believe that it is appropriate to provide the agencies with this ability, particularly in light of recent program reductions and discussions within Congress to establish a supplemental endowment fund. The managers intend that this new authority be used to augment the Federal contribution to the endowments. The managers also recognize that there is a potential for traditional arts and humanities fundraising efforts to be affected by NEA and NEH's use of this authority. Thus, the endowments should seek to tap new sources of support for the arts and humanities and not pursue a shift of private giving from the non-Federal to the Federal arts and humanities communities.

Amendment No. 141: Inserts language proposed by the Senate providing for reciprocal delegations of authorities between the Secretaries of the Interior and Agriculture for the management of public lands and forests. The House had no similar provision.

Amendment No. 142: Modifies language proposed by the Senate concerning a limitation of funding for any activities associated with national forest land management planning. The modification allows those plans currently in the revision process or under court order to proceed. The House had no similar provision.

The managers agree that the forest planning regulations which the Forest Service has written, but not implemented, are long overdue. The managers are concerned that the Secretary's decision to appoint a panel of scientists to study further the land management planning process will result in continued and unacceptable delay, and therefore the managers strongly urge the Secretary to issue new rules in at least an interim form while the panel conducts its review. The managers agree that a final rule should be published promptly and that the forest planning revision process should proceed in an orderly and efficient manner so that forest plans reflect current social, economic and resource conditions. Consequently, the managers have provided bill language which requires that no funding for new forest plan revisions be provided until a new rule is published. The new planning rule may be either interim or final. National forests which published a Notice of Intent to Revise their plan by October 1, 1997, or are court ordered, are exempt from this restriction. The managers agree that national forests may continue to amend existing forest plans following established procedures.

Amendment No. 143: Modifies language proposed by the Senate that prevents funding from being used to complete or issue the five year program under the Forest and Rangeland Renewable Resources Planning Act (RPA review). The House had no similar provision.

The managers are concerned about the duplication between the requirements for developing a strategic plan under the Government Performance Results Act (GPRA) and the RPA review. The managers encourage the Forest Service to work diligently to make the GPRA process successful, and to more efficiently use resources which otherwise may have been spent on the duplicative RPA review.

Amendment No. 144: Modifies language proposed by the Senate concerning cooperative agreements for watershed restoration and enhancement by limiting the application of the provision to fiscal year 1998 rather than making the provision permanent as pro-

posed by the Senate. The House had no similar provision. The managers encourage the Forest Service to use this authority carefully for new projects so that they do not displace higher priority work on national forest system lands.

Amendment No. 145: Amends the Franklin Delano Roosevelt commission statute (69 Stat. 694) as proposed by the Senate to provide for the termination of the commission and for the use of unexpended funds for maintenance, repair, interpretation, and education. The House had no similar provision.

Amendment No. 146: Modifies language inserted by the Senate concerning priority land exchanges within the White Salmon Wild and Scenic River boundaries and within the Columbia River Gorge National Scenic Area by limiting the Secretary's authority to facilitate the transfers to September 30, 2000. The Senate proposed permanent authority. The House had no similar provision.

Amendment No. 147: Adjusts the boundaries of the Wenatchee National Forest in Chelan County, Washington, as proposed by the Senate. The House had no similar provision.

Amendment No. 148: Inserts language proposed by the Senate restricting the use of funds by the Department of Energy for the Center of Excellence for Sustainable Development without the approval of the House and Senate Committees on Appropriations. The House had no similar provision.

The managers are concerned that the Department of Energy established the Center of Excellence for Sustainable Development without justification and approval through the budget process. The information provided in response to Committee questions on the center has been slow in coming and less than candid. The Committees will review the merits of this program in the context of fiscal year 1999 budget priorities. In the meantime the managers expect the Department to use the funds and staffing devoted to this effort to work on the programs approved in the fiscal year 1998 budget. The Department should report to the Committees by October 30, 1997, on how it intends to comply with this direction. The managers caution the Department that incomplete and inaccurate information in this regard is unacceptable. The managers further expect the Department to disclose fully any other instances in which programs have been started without approval through the budget process. The fiscal year 1999 budget request must clearly identify each program to be funded in the appropriate activity. Initiatives by the Assistant Secretary should be clearly identified and justified in the policy and management account.

Amendment No. 149: Limits the use of funds to amend or replace Bureau of Land Management regulations on surface mining as proposed by the Senate. The House had no similar provision.

Amendment No. 150: Modifies language inserted by the Senate conveying the Wind River Nursery site to Skamania County, Washington, in exchange for approximately 120 acres of county land. The House had no similar provision. The new language authorizes the Secretary of Agriculture to negotiate with Skamania County for the exchange of the Wind River Nursery site for county owned lands in the Columbia River Gorge National Scenic Area. During a two-year period ending September 30, 1999, the nursery is not to be conveyed to another party and is to be maintained in a

tenantable condition by the Forest Service. The exchange is to be for equal value, however, the Secretary may accept services from the County in lieu of cash as the Secretary deems appropriate and the County may make cash payments in installments not to exceed a period of 25 years. The managers expect that future agreements should protect natural, cultural and historic values, the existing administrative sites, and a scenic corridor for the Pacific Crest National Scenic Trail as well as the continued research on the Wind River Experimental Forest and the T.T. Munger Research Natural Area. If the Secretary and the County fail to reach an agreement on an equal value exchange as defined in the section, the nursery site shall remain under Forest Service ownership and be maintained by the Forest Service in a tenantable condition.

Amendment No. 151: Deletes language inserted by the Senate exempting residents in communities which receive lower-than-authorized PILT payments from paying user fees under the recreation fee demonstration program for the White Mountain National Forest in New Hampshire and inserts language renaming Walnut Creek NWR, IA as the Neal Smith National Wildlife Refuge.

Amendment No. 152: Modifies language proposed by the Senate restricting the use of funds for introduction of grizzly bears in the Selway-Bitterroot area of Idaho and Montana and for certain consultations under section 7(b)(2) of the Endangered Species Act. The House had no similar provision. The modification to the Senate language allows the Fish and Wildlife Service to publish a Record of Decision on the Environmental Impact Statement.

The managers understand that the Fish and Wildlife Service will not introduce any grizzly bears into the Selway-Bitterroot area in fiscal year 1998 and expect the Service to continue and intensify its public outreach and consultation efforts in the area.

Amendment No. 153: Modifies language proposed by the Senate concerning increases in fees charged by the Forest Service for recreation residence special use permit holders. The modification provides that fee increases which are in excess of 100% of the previous year's fees should be phased in over a three-year period in equal annual installments. The House had no similar provision.

Amendment No. 154: States the Sense of the Senate that Civil War battlefields should be preserved and should be given special priority in land acquisition. The House had no similar provision.

Amendment No. 155: States the Sense of the Senate that hearings should be conducted and legislation brought forward during this Congress addressing the issues of Federal and private sector funding for the arts and any needed modifications to the current funding mechanism. The House had no similar provision.

Amendment No. 156: Amends language proposed by the Senate to include additional reforms to the National Endowment for the Arts. The section provides, as proposed by the Senate, that the Endowment should give priority in making grants and awards to underserved populations. The House had no similar provision. In addition, the conference agreement has added a provision that gives priority to grants which encourage public knowledge, education, understanding and appreciation of the arts. The amendment also limits funding for any one State to no more than 15% of the total grants available during the fiscal year. Grants with a national im-

pact, or which are applicable to several States, are exempted from the calculation.

Finally, the conference agreement revises the current size and composition of the National Council of the Arts. The reform reduces the total of Presidential appointments to the Council from 26 to 14 and adds 2 Representatives appointed by the Speaker of the House, 1 Representative appointed by the Minority Leader of the House, 2 Senators appointed by the Majority Leader of the Senate and 1 Senator appointed by the Minority Leader of the Senate. To allow a smooth transition to this new Council, existing members are allowed to serve out their terms. Congressionally appointed members are to serve in an ex officio capacity for two-year terms beginning in odd numbered years; however, initial appointments shall be made by December 31, 1997, with terms expiring December 31, 1998. The managers agree that Congressional members of the Council shall be non-voting on matters involving application review and grant selection, but may provide advice and counsel on broader issues of policy and procedure. As Presidentially appointed members' terms expire, new members may not be appointed by the President until the Council membership falls below 14. The managers intend that the newly comprised Council work diligently with the Chairperson of the NEA to foster public service that is more sensitive to the needs and desires of the nation.

Amendment No. 157: Modifies language proposed by the Senate directing the Forest Service to develop export policy and procedures on the use of Alaskan western red cedar and domestic processing. The House had no similar provision. The managers are very concerned that Alaska western red cedar is being exported despite significant domestic processing demand within the contiguous United States. The new language specifies conditions under which Alaska western red cedar will be made available for domestic processors in the contiguous United States at domestic rates. The managers are hopeful that these changes will allow greater use of western red cedar from Alaska in the contiguous 48 States. The managers have also included language which specifies that Forest Service timber sale accomplishments in Alaska will be based on volume sold and that all Alaska yellow cedar may be sold at export rates at the election of the timber sale holder. The managers direct the Forest Service to implement this policy no later than January 1, 1999.

Amendment No. 158: Deletes Senate language providing that \$4,000,000 from previously appropriated emergency funds be used for reconstructing the Oakridge Ranger Station in Oregon, contingent upon a Presidential declaration and Congressional designation of an emergency, and inserts language restricting the use of funds for redevelopment of Pennsylvania Avenue. Funding for reconstructing the Oakridge Ranger Station has been included in the Forest Service reconstruction and construction account.

The amendment inserts language prohibiting the expenditure of any funds related to the redevelopment of Pennsylvania Avenue, including planning, without prior approval from the Committees. The managers believe that this project should not be initiated in fiscal year 1998 without the concurrence of Congress. The managers understand that this project will cost some \$40,000,000 and

are not inclined to provide additional resources at this time even for planning. The managers also are concerned that funds previously expended for planning on this project which were to be reimbursed by other Federal agencies have never been repaid. Given the significant backlog in critical repair and maintenance needs that the National Park Service has identified, this project should not commence until it has been carefully considered against other National Park Service priorities.

Amendment No. 159: Limits the use of funds as proposed by the Senate to implement guidelines or adjust plans for National Forests in Arizona and New Mexico. The House had no similar provision.

Amendment No. 160: Amends section 6901(2)(A)(i) of title 31, United States Code as proposed by the Senate to include populations of cities within unorganized boroughs of Alaska for the purposes of PILT. The House had no similar provision.

Amendment No. 161: Amends section 103(c)(7) of Public Law 104-333 as proposed by the Senate to provide for the appointment and compensation of officers of the Presidio Trust. The House had no similar provision.

#### TITLE IV

Amendment No. 162: Deletes language proposed by the House and stricken by the Senate which would have established a deficit reduction lock-box ledger in the Congressional Budget Office and inserts language establishing an environmental restoration fund.

The managers have agreed to establish an environmental restoration fund with the interest accrued to such fund to be used, subject to appropriation, to address deferred maintenance needs of the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service and the Forest Service; to provide for payments to the State of Louisiana and its lessees for oil and gas drainage in the West Delta field; and to carry out marine research activities in the North Pacific. The fund is a modification of the National Parks and Environmental Improvement Fund proposed by the Senate in Amendment No. 81. The land acquisition element in the original proposal has been removed.

#### TITLE V—PRIORITY LAND ACQUISITIONS, LAND EXCHANGES, AND MAINTENANCE

Amendment No. 163: Modifies language proposed by the Senate that provides funding for priority land acquisitions and exchanges. The House had no similar provision. The modifications to the Senate language provide for a total fund of \$699,000,000 and make a portion of these moneys available for critical maintenance needs.

The managers have provided funds for high priority land acquisitions and exchanges as requested by the Administration despite serious reservations about two particular acquisitions—the Headwaters Forest in California and the Crown Butte/New World Mine in Montana (near Yellowstone National Park). Because of the many uncertainties surrounding these acquisitions, the managers

have agreed to bill language outlining the specific requirements that must be met before the acquisitions can be consummated.

The managers agree that legislation authorizing the Headwaters Forest acquisition should require a current appraisal, require a completed Environmental Impact Statement on the habitat conservation plan, cap the Federal commitment at the negotiated \$250,000,000, address the issue of public access and require that the State of California's \$130,000,000 cost share be available before release of the Federal funds. The managers, at the request of the Administration, have agreed that the Secretary of the Interior may issue an opinion of value for the acquisition. The Secretary's opinion of value may serve as the basis for the acquisition price but any difference between the appraised value and the Secretary's opinion of value should be explained in writing to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations.

Funding for the New World Mine acquisition is capped at \$65,000,000 and the managers believe this acquisition also should have a current appraisal. The Secretary of Agriculture may issue an opinion of value for the acquisition. The Secretary's opinion of value may serve as the basis for the acquisition price but any difference between the appraised value and the Secretary's valuation should be explained in writing to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations.

Both the Headwaters Forest appraisal and the Crown Butte/New World Mine appraisal should conform to the Department of Justice "Uniform Appraisal Standards for Federal Land Acquisitions" and other applicable laws and regulations governing Federal land acquisitions. The Comptroller General must review both appraisals, including an examination of the methodology and data used in conducting the appraisals. The Comptroller General should submit the results of each of those reviews to the appropriate Secretary and to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources, and the House and Senate Committees on Appropriations.

With respect to the remainder of the \$699,000,000, the managers have agreed to make these funds available with the understanding that they will be used over the next four fiscal years for high priority land acquisitions and exchanges, to address the critical repair and restoration needs of the four land management agencies, and for other purposes consistent with the Land and Water Conservation Fund statute. The managers agree to allocate the remaining \$384,000,000 as follows: \$10,000,000 for a payment to Humboldt County, California as part of the Headwaters Forest land acquisition; \$12,000,000 for repair and maintenance of the Beartooth Highway as part of the Crown Butte/New World Mine land acquisition; and \$272,000,000 to the Department of the Interior and \$90,000,000 to the Forest Service for other priority land acquisitions and critical maintenance needs.

The Secretaries of Agriculture and the Interior should submit requests for the use of the remaining land acquisition and mainte-

nance funds to the Committees for approval following reprogramming procedures. The managers encourage the Secretaries to emphasize the critical maintenance backlogs that they have identified on the public lands, which total more than \$2 billion for the Forest Service and approximately \$7 billion for the land management agencies in the Department of the Interior. Requests for additions to the public lands base should be evaluated carefully, and priority should be given to those acquisitions which complete a unit, consolidate lands for more efficient management, or address critical resource needs.

The funds provided for a payment to Humboldt County and the funds provided for repair and maintenance of the Beartooth Highway are included because of the unusual circumstances associated with the Federal acquisition of the Headwaters Forest and the Crown Butte mining interests. The managers do not intend Land and Water Conservation Fund moneys to be used for these purposes in the future nor to imply that Federal land acquisitions entitle local or State governments to mitigation payments either from the Land and Water Conservation Fund or from other sources.

*Major Land Acquisitions—Authorization for Headwaters Forest and Crown Butte Properties.* Sections 501 through 504 authorize two land acquisitions requested by the Administration, to be funded from the Land and Water Conservation Fund—the Crown Butte acquisition in Montana and the Headwaters Forest acquisition in California. The managers have provided, in section 504, a 180-day review period during which the authorizing committees will examine the issues associated with these transactions and recommend any appropriate changes to the relevant statutory language contained herein. The managers believe that it is appropriate that a more measured and thorough review of these complex and costly acquisitions be undertaken by the legislative committees of jurisdiction during the 180 day review period. The managers have agreed to allow amendments that are reported from the authorizing committees within the 180 days to be incorporated into the anticipated fiscal year 1998 supplemental appropriations bill. That bill is expected to be available as early as February 1998. After the 180 day review, if no modifications have been enacted, the funds appropriated by this Act are authorized to be spent, consistent with the requirements set forth in this title.

The managers are concerned that the government not pay more than fair value for the Crown Butte and Headwaters Forest properties. The managers expect that at least 30 days prior to executing each of these transactions, the Secretary of Agriculture, with respect to the Crown Butte acquisition, and the Secretary of the Interior, with respect to the Headwaters Forest acquisition, shall issue an opinion of value to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources, and the Committees on Appropriations of the House and Senate for the land and property to be acquired by the Federal government in each transaction. The respective Secretary is expected to assume responsibility for the basis and accuracy of the opinion.

*Headwaters Forest.* Subsection (a) of section 501 contains the authority for up to \$250 million to be spent for acquisition of the

Headwaters Forest and a clause ensuring that any substantial expansion of the forest be specifically authorized.

Subsection (b) makes the authorization effective until March 1, 1999, consistent with the anticipated timetable for completion of the Headwaters Forest Agreement. This leaves some latitude for unforeseen delays while providing a date certain for the transactions authorized. This subsection also makes the authorization contingent on the following conditions: (1) the State of California must provide its share of the cost, (2) the State must approve the Pacific Lumber Company's sustained-yield plan, (3) the Pacific Lumber Company must withdraw two lawsuits, (4) an incidental take permit is issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, (5) there must be an appraisal, (6) to the extent the purchase price is different than the appraised value, the difference must be explained in writing to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations, (7) there must be a completed environmental impact statement on the habitat conservation plan and full compliance with the National Environmental Policy Act, and (8) there must be adequate provision for public access. The authorizing committees can examine the status of each condition during the 180 day review period specified in section 504.

Subsection (c) permits the Headwaters Forest to be acquired for a value which differs from the appraisal if the Secretary of the Interior certifies in writing to Congress that such action is in the best interest of the United States.

Subsection (d) contains provisions to facilitate issuance of a Habitat Conservation Plan (HCP) based on sound science by requiring the Secretary of the Interior and the Secretary of Commerce to report to Congress on the scientific and legal standards and criteria that will be used for developing the HCP and the incidental take permit. The Endangered Species Act and its implementing regulations outline the HCP standard for listed species that are to be covered by an incidental take permit. The governing standards for unlisted species (candidate and non-candidate) that are to be covered by an incidental take permit are identical to the standards for listed species. An HCP provides assurances to a land owner for all species, both listed and unlisted, that are covered by an incidental take permit. The subsection also recognizes the uniqueness of the Headwaters Forest HCP. Should the HCP and incidental take permit not be approved, the agencies must report to the House and Senate committees on why the proposals were not sufficient to meet the applicable standards, and the statutory citations therefor, indicated by the Secretary under subsection (d)(1). This subsection does not change or waive any public review through normal National Environmental Policy Act and Endangered Species Act processes.

Subsection (e) directs a payment of \$10,000,000 to Humboldt County within 30 days of acquisition of the Headwaters Forest. While the use of the funds by the county has no limitation, the payment is to offset economic impacts to the county government from the acquisition and to compensate the county for enhanced



public safety costs associated with the controversy surrounding the Headwaters Forest.

Subsection (f) ensures that the Federal portion of the Headwaters Forest is considered Federal land for purposes of payments in lieu of taxes.

Subsection (g) limits the amount of Federal funds (above the first \$100,000) that can be used each year for managing the Headwaters Forest to fifty percent of the total cost of management. This will ensure that there will be cost-sharing with other entities such as the State of California, charitable trusts and conservation groups. Language authorizing acceptance of donations is included to facilitate such cost-sharing. It is anticipated that the State of California will assume its proportional share of land management costs, but substantial funds should come from charitable foundations and groups that have favored acquisition of the Headwaters Forest. The Administration has consistently maintained that Federal funding needed for management of the Headwaters Forest will be minimal and that the State of California will participate in funding out-year activities associated with the acquired land. No detailed dollar figures were provided by the Administration for activities related to management of the forest. The authorized level of funding for the Federal portion of the Headwaters Forest has been set at \$300,000, with an exception for law enforcement and emergencies. During the 180 day review period, the Administration should submit its financial plan for the Headwaters Forest to the authorizing and appropriations committees so that the committees can evaluate whether the authorized level of funding is appropriate.

Subsection (h) provides to the Secretary of the Interior, with concurrence of the Governor of California, authority to manage the Headwaters Forest in a trust. Because the property will be acquired jointly by the State of California and the United States, a trust arrangement allowing for management participation by both parties through a board of trustees may be a useful way to structure the relationship. This matter can be considered further during the 180 day review period and regularly thereafter.

Subsection (i) requires a concise management plan for the Headwaters Forest by the Secretary of the Interior or the Headwaters Trust once the Forest is acquired. The goals of the management plan, as stated by the Administration, should be to conserve and study the land, and the fish, wildlife and forests occurring on such land, while providing recreation opportunities, scientific study, and other management needs. Bill language is included to make clear that the National Environmental Policy Act (NEPA) applies to development and implementation of the management plan, notwithstanding the option to perform some of these functions through a trust. The Administration has stated that NEPA analyses are being developed for the proposed Headwaters Forest Habitat Conservation Plan. The managers believe that the New World Mine acquisition also must comply with NEPA requirements. The managers expect the relevant documents to be completed prior to consummation of each of these land acquisitions.

Subsection (j) provides the Secretary of the Interior with the flexibility to develop cooperative arrangements with the State of

California for land management, allowing sharing of goods, services, and personnel when it is mutually beneficial and in the best interest of the United States.

Consistent with the final rule designating critical habitat for the marbled murrelet, the managers understand that when the HCPs are completed and incidental take permits for marbled murrelets issued, critical habitat will be lifted from the private landowners whose land is covered by the incidental take permit.

*Crown Butte Properties.* Section 502 authorizes the acquisition of land and interests in land that were to be used for development of a mine in Montana, north of Yellowstone National Park. The acquisition is to be made subject to the following conditions: (1) a consent decree has been lodged in the litigation regarding the cleanup of historical contamination in the New World Mining District; (2) an appraisal of the Crown Butte mining interests has been completed and, to the extent the purchase price is different than the appraised value, the difference must be explained in writing to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations; and (3) the requirements of the National Environmental Policy Act have been fulfilled.

The managers have also incorporated a provision from the August 12, 1996 Agreement so that Crown Butte will place \$22,500,000 in an account to perform cleanup activities.

This section also authorizes a one-time appropriation of \$10,000,000 to make critical repairs to the Beartooth Highway, which serves Yellowstone National Park, and a one-time appropriation of \$2,000,000 for snow removal and maintenance of the road by the Department of Agriculture. These funds will become available within 30 days of the acquisition of the Crown Butte properties.

The managers expect the Secretary of Agriculture to work with other Federal officials and with the appropriate officials in the States of Montana and Wyoming on a long term solution for repair and maintenance of the Beartooth Highway, including the potential use of Federal highway funding. The managers intend that the \$12,000,000 provided in this conference agreement be used on an interim basis, pending a long term resolution. The managers do not object to the Department of Agriculture entering into cooperative arrangements with the Department of the Interior, or with other entities, to make the most effective use of the funds provided for repair and maintenance of the Beartooth Highway.

The managers expect the Administration to provide, to the Committees and to the legislative committees of jurisdiction, a letter with appropriate documentation verifying that Crown Butte Mines, Inc. has obtained agreement from private property owners whose interests are necessary to fulfill the Agreement. This letter must be provided no later than 30 days prior to the United States payment to Crown Butte Mines, Inc.

Section 503 provides for the transfer of \$10 million in Federal mineral assets to the State of Montana at such time as the Crown Butte/New World Mine acquisition is consummated. The negotiated acquisition of the New World Mine preempted the usual NEPA and State permitting processes, which would have provided a forum in

which the significant impact of the acquisition on State revenues could have been considered.

The managers expect the Secretary of the Interior, in consultation with the Governor of Montana, to study potential mineral resource development in Montana. This study should facilitate discussions between the State of Montana and the Federal government regarding future coal and other mineral development in Montana. The study should identify coal and other mineral assets that may be appropriate for transfer to the State of Montana. The study also should review opportunities for developing super compliance coal which meets the standards of Phase II of the Clean Air Act; focus, in particular, on development opportunities in the Ashland, Birney, Decker area of Montana; and examine the issue and impact of the checker board ownership pattern in Montana on coal development. The managers note that no new Federal coal reserves, other than reserves near existing mines, have been made available in Montana since 1969.

Section 504 provides a 180 day period during which neither the Headwaters Forest land acquisition nor the Crown Butte land acquisition may occur unless separate authorizing legislation is enacted. Within 120 days of enactment, the Secretaries of Agriculture and the Interior must individually report to the Committee on Resources of the House of Representatives and the Senate Committee on Energy and Natural Resources on the status of their efforts to meet the conditions set forth in this title involving the acquisition of interests to protect and preserve the Headwaters Forest and to protect and preserve Yellowstone National Park. For each day beyond 120 days after enactment of this Act that the appraisals required in subsections 501(b)(5) and 502(b)(2) are not provided to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations, the 180 day period is extended by one day.

Section 505 makes a technical correction to the Land and Water Conservation Fund statute to move a provision from title II to title I.

#### TITLE VI—FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF

Amendment No. 164: Modifies language provided by the Senate under Title VI to make technical corrections to the Forest Resources Conservation and Shortage Relief Act of 1990 (FRCSRA) which provide for correct format, and changes Section 605(3)(3)(B) of the Act to require the use of regulations in effect prior to September 8, 1995, during the interim period in which the Forest Service prepares new regulations to implement the Act. An additional technical correction is made to Section 602(A)(3) to clarify which paragraph is referred to by the language. The House had no similar provision.

The managers have included language in Title VI which amends the Act by: (1) making the Washington State log export ban a complete and permanent ban on log exports from the State's public lands; (2) making it clear that FRCSRA does not restrict the domestic movement and processing of private timber, except in the

State of Idaho; (3) protecting the ability of private tree farmers in Washington State to freely market their private timber; (4) marking some timber processing facilities located in western Washington State more competitive for timber harvested from private and Federal lands; (5) providing the Secretaries concerned with discretion to impose reasonable timber marking, branding, and reporting requirements and to waive such requirements when appropriate; and (6) clarifying other enforcement and due process provisions in FRCSRA.

The managers note that on September 8, 1995, the U.S. Department of Agriculture issued and made effective immediately the final rule to implement FRCSRA. Because of the unintended consequences and adverse impact this rule would have on the western forest products industry, particularly in Washington State—where Federal timber harvests have fallen from 1.5 billion board feet prior to enactment of FRCSRA to less than 100 million board feet in 1996, the final rule was suspended, resulting in the maintenance of the Washington State log export ban at 100%. Title VI clarifies and preserves the optimization of domestic processing of timber in western states and avoids the imposition of restrictions on the domestic transportation and processing of timber harvested on western private property. The managers provide the following explanation of each section:

*Section 2(a). Use of Unprocessed Timber—Limitation on Substitution of Unprocessed Federal Timber for Unprocessed Timber from Private Land*

Section 490(a)(3) provides that the substitution prohibitions do not limit the acquisition of timber originating on Federal land west of the 119th meridian in Washington State by a buyer-broker (i.e., a company that only exports timber originating from private lands owned by a third party, and over which the company has no long term exclusive harvest rights). A buyer-broker may acquire timber originating on Federal land west of the 119th meridian in Washington State either directly from a Federal agency or indirectly from a third party. A buyer-broker does not need a sourcing area in order to acquire timber harvested from Federal land west of the 119th meridian in Washington State. The 119th meridian in Washington State is a limitation only on the area from which a buyer-broker may acquire timber harvested from Federal land. There is no geographic limitation on the area from which a buyer-broker may acquire private timber, whether for purposes of domestic processing or export. Moreover, a buyer-broker may domestically process any private timber.

The sourcing area provisions in Section 490(c) of FRCSRA enable persons to freely market timber harvested from private lands in some areas and domestically process timber harvested from Federal lands in other areas. Section 490(c) of FRCSRA is modified to differentiate between sourcing areas for processing facilities located within Washington State and sourcing areas for processing facilities located outside of the State.

Section 490(c)(3)(d) provides holders of sourcing areas for facilities located outside of Washington State with the option of excluding any or all Washington lands from their sourcing areas. This

provision makes Washington timberlands irrelevant to sourcing area determinations for processing facilities located outside of Washington. The language provides that the Secretary may not condition approval of a sourcing area for a processing facility located outside of Washington on the inclusion or exclusion of any Washington lands. The decision to include or exclude Washington lands in such a sourcing area is at the discretion of the sourcing area applicant or holder.

Except for Idaho, FRCSRA's sourcing area provisions in section 490(c)(3) are modified to make it clear that FRCSRA does not restrict the domestic transporting or domestic processing of timber harvested on private property. Sourcing area boundaries for processing facilities in States other than Idaho and Washington are to be determined on private timber export and Federal timber sourcing patterns. Sourcing area boundaries for processing facilities located in Idaho are to be determined by Federal and private timber sourcing patterns, which could lead to restrictions on the domestic processing of some private timber at processing facilities with sourcing areas in Idaho.

Section 490(c)(6) provides for the establishment of sourcing areas in the State of Washington. The boundaries of such a sourcing area will be a circle, the radius of which will be the furthest distance the sourcing area applicant or holder proposes to haul timber harvested from Federal land to its processing facility. Sourcing area boundaries for processing facilities located in Washington State are solely determined by the sourcing area applicant or holder.

Section 490(c)(7) provides that a sourcing area is relinquished when the sourcing area holder provides written notice to the appropriate regional forester of the U.S. Forest Service, and that timber harvested from private land in a sourcing area is exportable after that sourcing area is relinquished and timber from Federal land in that sourcing area is no longer in the sourcing area holder's possession. Whether a sourcing area holder's Federal timber contract is still open is irrelevant to whether private timber from a relinquished sourcing area is exportable. This provision also makes it clear that relinquishing a sourcing area does not affect the exportability to timber harvested from private land located outside of the sourcing area.

A new subsection is added to FRCSRA at 490(d) to make it clear that nothing in this section restricts or authorizes restrictions on the domestic transportation or processing of timber harvested from private lands, with one exception. Because sourcing areas for processing facilities located in Idaho will be determined by both Federal and private timber movements, the Secretary may develop rules that prohibit an Idaho sourcing area holder from processing private timber that originates outside of its sourcing area. There are no restrictions on the domestic movement or processing of private timber for processing facilities located in States other than Idaho.

*Section 2(b). Restriction on exports of unprocessed timber from State and public land*

Section 491(b)(2) is amended by striking the requirement that the Secretary reduce the Washington State log export ban to 400 million board feet. That requirement is replaced with a permanent ban on the export of all logs harvested from lands owned by the State of Washington.

*Section 3. Monitoring and enforcement*

Section 492(c)(2)(C) has been added to clarify that the Secretary concerned must consider the seriousness of the offense in determining whether to impose a penalty for a particular violation of FRCSRA or its regulations. Where the Secretary determines there has been a minor infraction of FRCSRA or its regulations, the Secretary should delegate the matter to the contracting officer who need not impose a penalty.

Section 492(d)(1) has been modified to ensure that a person receives due process prior to the imposition of debarment for a violation of FRCSRA or its regulations.

*Section 4. Definitions*

Section 493(3) defines “minor infraction” to provide flexibility for inadvertent and minor non-compliance of the provisions in FRCSRA and its regulations.

Section 493(4) defines “northwestern private timber open market area” as the State of Washington. That phrase is used throughout this title where new provisions are added to protect investments in processing facilities and private timberlands located in Washington State.

Section 493(9)(B)(ix) defines “unprocessed timber” to allow exporters of private logs to acquire and domestically process incidental volumes of grade 3 and grade 4 saw logs from Federal lands into chips. This provision also allows exporters of private logs to domestically process small volumes of such logs into other products.

Section 493(11) defines “violation” to make it clearer that a person should not be penalized \$50,000 or more per log handled in violation of FRCSRA or its regulations, but rather that “violation” refers to transgressions under a contract or purchase order.

*Section 5. Regulations and review*

Section 495 has been expanded to specify that reasonable painting and branding and reporting requirements should be imposed only where the benefits outweigh the burdens of complying with such requirements. Because of the minimal risk of small logs being exported and the substantial burdens of complying with painting and branding requirements, this provision prevents requiring painting or branding on the face of any log that is less than seven inches in diameter. Likewise, this provision restricts the imposition of painting and branding requirements on timber harvested from private land where the transfer of such timber is to a person who is eligible to purchase timber from Federal land or if both parties certify that the logs will be processed at the delivery site.

The Secretary is also authorized to waive painting and branding requirements if it is determined that the risk of export or substitution is low in the region. The Secretary may also waive painting and branding requirements for unprocessed timber originating from private lands within an approved sourcing area.

The Secretary may also waive painting and branding requirements for timber harvested from Federal land if there has been no exporting in the area for an extended period, and a person certifies that any unprocessed timber to which the waiver applies that goes outside of that area will be branded.

Title VI provides for the issuance of new FRCSRA regulations no later than June 1, 1998, and provides further that the regulations under this title that are currently in effect (the regulations that were in effect prior to September 8, 1995) shall remain in effect until new regulations are issued.

#### TITLE VII—MICCOSUKEE SETTLEMENT

Amendment No. 165: Makes technical corrections to language proposed by the Senate dealing with the transfer of lands for the Miccosukee Tribe of Florida. The House had no similar provision.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

New budget (obligational) authority, fiscal year 1997 .....	\$13,514,435,000
Budget estimates of new (obligational) authority, fiscal year 1998	13,799,946,000
House bill, fiscal year 1998 .....	12,952,829,000
Senate bill, fiscal year 1998 .....	13,756,350,000
Conference agreement, fiscal year 1998 .....	13,789,438,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997 .....	+275,003,000
Budget estimates of new (obligational) authority, fiscal year	
1998 .....	- 10,508,000
House bill, fiscal year 1998 .....	+836,609,000
Senate bill, fiscal year 1998 .....	+33,088,000

RALPH REGULA,  
JOSEPH M. MCDADE,  
JIM KOLBE,  
JOE SKEEN,  
CHARLES H. TAYLOR,  
GEORGE R. NETHERCUTT, Jr.,  
DAN MILLER,  
ZACH WAMP,  
BOB LIVINGSTON,  
SIDNEY R. YATES,  
JOHN P. MURTHA,  
NORM DICKS,  
DAVID E. SKAGGS,  
JAMES P. MORAN,  
DAVID OBEY,  
*Managers on the Part of the House.*  
SLADE GORTON,

TED STEVENS,  
THAD COCHRAN,  
PETE V. DOMENICI,  
CONRAD BURNS,  
ROBERT F. BENNETT,  
JUDD GREGG,  
BEN NIGHORSE CAMPBELL,  
ROBERT BYRD,  
PATRICK LEAHY,  
DALE BUMPERS,  
ERNEST HOLLINGS,  
HARRY REID,  
BYRON DORGAN,  
BARBARA BOXER,  
*Managers on the Part of the Senate.*

