

105TH CONGRESS
1ST SESSION

H. R. 2107

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 1997

Ordered to be printed with the amendments of the Senate numbered

AN ACT

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

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

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

5 TITLE I—DEPARTMENT OF THE INTERIOR

6 BUREAU OF LAND MANAGEMENT

7 MANAGEMENT OF LANDS AND RESOURCES

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

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

21 WILDLAND FIRE MANAGEMENT

22 For necessary expenses for fire use and management,
 23 fire preparedness, suppression operations, and emergency
 24 rehabilitation by the Department of the Interior,
 25 ~~(4)\$280,103,000~~ \$282,728,000, to remain available until
 26 expended, of which not to exceed ~~(5)\$5,025,000~~

1 \$6,950,000 shall be for the renovation or construction of
2 fire facilities: *Provided*, That such funds are also available
3 for repayment of advances to other appropriation accounts
4 from which funds were previously transferred for such
5 purposes: *Provided further*, That persons hired pursuant
6 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
7 ing without cost from funds available from this appropria-
8 tion.

9 CENTRAL HAZARDOUS MATERIALS FUND

10 For necessary expenses of the Department of the In-
11 terior and any of its component offices and bureaus for
12 the remedial action, including associated activities, of haz-
13 ardous waste substances, pollutants, or contaminants pur-
14 suant to the Comprehensive Environmental Response,
15 Compensation and Liability Act, as amended (42 U.S.C.
16 9601 et seq.), ~~(6)\$12,000,000~~ \$14,900,000, to remain
17 available until expended: *Provided*, That notwithstanding
18 31 U.S.C. 3302, sums recovered from or paid by a party
19 in advance of or as reimbursement for remedial action or
20 response activities conducted by the Department pursuant
21 to section 107 or 113(f) of such Act, shall be credited to
22 this account to be available until expended without further
23 appropriation: *Provided further*, That such sums recovered
24 from or paid by any party are not limited to monetary
25 payments and may include stocks, bonds or other personal
26 or real property, which may be retained, liquidated, or oth-

1 erwise disposed of by the Secretary and which shall be
2 credited to this account.

3 CONSTRUCTION

4 For construction of buildings, recreation facilities,
5 roads, trails, and appurtenant facilities, ~~(7)\$3,254,000~~
6 \$3,154,000, to remain available until expended.

7 PAYMENTS IN LIEU OF TAXES

8 For expenses necessary to implement the Act of Octo-
9 ber 20, 1976, as amended, (31 U.S.C. 6901–6907),
10 ~~(8)\$113,500,000~~ \$124,000,000, of which not to exceed
11 \$400,000 shall be available for administrative expenses:
12 *Provided*, That no payment shall be made to otherwise eli-
13 gible units of local government if the computed amount
14 of the payment is less than \$100.

15 LAND ACQUISITION

16 For expenses necessary to carry out sections 205,
17 206, and 318(d) of Public Law 94–579, including admin-
18 istrative expenses and acquisition of lands or waters, or
19 interests therein, ~~(9)\$12,000,000~~ \$8,600,000, to be de-
20 rived from the Land and Water Conservation Fund, to
21 remain available until expended.

22 OREGON AND CALIFORNIA GRANT LANDS

23 For expenses necessary for management, protection,
24 and development of resources and for construction, oper-
25 ation, and maintenance of access roads, reforestation, and
26 other improvements on the revested Oregon and California

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

14 **(10)** *FOREST ECOSYSTEMS HEALTH AND RECOVERY*

15 *(REVOLVING FUND, SPECIAL ACCOUNT)*

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

RANGE IMPROVEMENTS

1
2 For rehabilitation, protection, and acquisition of
3 lands and interests therein, and improvement of Federal
4 rangelands pursuant to section 401 of the Federal Land
5 Policy and Management Act of 1976 (43 U.S.C. 1701),
6 notwithstanding any other Act, sums equal to 50 per cen-
7 tum of all moneys received during the prior fiscal year
8 under sections 3 and 15 of the Taylor Grazing Act (43
9 U.S.C. 315 et seq.) and the amount designated for range
10 improvements from grazing fees and mineral leasing re-
11 ceipts from Bankhead-Jones lands transferred to the De-
12 partment of the Interior pursuant to law, but not less than
13 \$9,113,000, to remain available until expended: *Provided*,
14 That not to exceed \$600,000 shall be available for admin-
15 istrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

16
17 For administrative expenses and other costs related
18 to processing application documents and other authoriza-
19 tions for use and disposal of public lands and resources,
20 for costs of providing copies of official public land docu-
21 ments, for monitoring construction, operation, and termi-
22 nation of facilities in conjunction with use authorizations,
23 and for rehabilitation of damaged property, such amounts
24 as may be collected under Public Law 94-579, as amend-
25 ed, and Public Law 93-153, to remain available until ex-
26 pended: *Provided*, That notwithstanding any provision to

1 the contrary of section 305(a) of Public Law 94–579 (43
2 U.S.C. 1735(a)), any moneys that have been or will be
3 received pursuant to that section, whether as a result of
4 forfeiture, compromise, or settlement, if not appropriate
5 for refund pursuant to section 305(c) of that Act (43
6 U.S.C. 1735(c)), shall be available and may be expended
7 under the authority of this Act by the Secretary to im-
8 prove, protect, or rehabilitate any public lands adminis-
9 tered through the Bureau of Land Management which
10 have been damaged by the action of a resource developer,
11 purchaser, permittee, or any unauthorized person, without
12 regard to whether all moneys collected from each such ac-
13 tion are used on the exact lands damaged which led to
14 the action: *Provided further*, That any such moneys that
15 are in excess of amounts needed to repair damage to the
16 exact land for which funds were collected may be used to
17 repair other damaged public lands.

18 MISCELLANEOUS TRUST FUNDS

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

1 ADMINISTRATIVE PROVISIONS

2 Appropriations for the Bureau of Land Management
3 shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to
4 which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information
5 or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate,
6 not to exceed \$10,000: *Provided*, That notwithstanding 44
7 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with
8 jointly-produced publications for which the cooperators
9 share the cost of printing either in cash or in services,
10 and the Bureau determines the cooperator is capable of
11 meeting accepted quality standards.

12 UNITED STATES FISH AND WILDLIFE SERVICE

13 RESOURCE MANAGEMENT

14 For expenses necessary for scientific and economic
15 studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance

1 of other authorized functions related to such resources; for
2 the general administration of the United States Fish and
3 Wildlife Service; for maintenance of the herd of long-
4 horned cattle on the Wichita Mountains Wildlife Refuge;
5 and not less than \$1,000,000 for high priority projects
6 within the scope of the approved budget which shall be
7 carried out by the Youth Conservation Corps as author-
8 ized by the Act of August 13, 1970, as amended,
9 ~~(11)~~~~\$591,042,000~~ \$585,064,000, to remain available until
10 September 30, 1999, of which \$11,612,000 shall remain
11 available until expended for operation and maintenance of
12 fishery mitigation facilities constructed by the Corps of
13 Engineers under the Lower Snake River Compensation
14 Plan, authorized by the Water Resources Development Act
15 of 1976, to compensate for loss of fishery resources from
16 water development projects on the Lower Snake River,
17 and of which not less than \$2,000,000 shall be provided
18 to local governments in southern California for planning
19 associated with the Natural Communities Conservation
20 Planning (NCCP) program and shall remain available
21 until expended~~(12)~~,~~—and of which not to exceed~~
22 ~~\$5,190,000 shall be used for implementing subsections~~
23 ~~(a), (b), (c), and (e) of section 4 of the Endangered Spe-~~
24 ~~cies Act of 1973, as amended: Provided, That the proviso~~
25 *under this heading in Public Law 104–208 is amended by*

1 *striking the words “Education and” and inserting in lieu*
 2 *thereof “Conservation”, by striking the word “direct” and*
 3 *inserting in lieu thereof the word “full”, and by inserting*
 4 *before the period “, to remain available until ex-*
 5 *pended”***(13)**: *Provided further, That the Bureau of Rec-*
 6 *lamation transfers to the Fish and Wildlife Service for the*
 7 *Recovery Implementation Program for Endangered Fish*
 8 *Species in the Upper Colorado River Basin shall be exempt*
 9 *from any Fish and Wildlife Service overhead charge.*

10

CONSTRUCTION

11 For construction and acquisition of buildings and
 12 other facilities required in the conservation, management,
 13 investigation, protection, and utilization of fishery and
 14 wildlife resources, and the acquisition of lands and inter-
 15 ests therein; **(14)**~~\$40,256,000~~ \$42,053,000, to remain
 16 available until expended.

17

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

18 To conduct natural resource damage assessment ac-
 19 tivities by the Department of the Interior necessary to
 20 carry out the provisions of the Comprehensive Environ-
 21 mental Response, Compensation, and Liability Act, as
 22 amended (42 U.S.C. 9601, et seq.), Federal Water Pollu-
 23 tion Control Act, as amended (33 U.S.C. 1251, et seq.),
 24 the Oil Pollution Act of 1990 (Public Law 101–380), and
 25 Public Law 101–337; **(15)**~~\$4,128,000~~ \$4,328,000, to re-
 26 main available until expended: *Provided*, That under this

1 heading in Public Law 104–134, strike “in fiscal year
 2 1996 and thereafter” in the proviso and insert “heretofore
 3 and hereafter”, and before the phrase, “or properties shall
 4 be utilized” in such proviso, insert “, to remain available
 5 until expended,” **(16)**: *Provided further, That the first pro-
 6 viso under this heading in Public Law 103–138 is amended
 7 by inserting after “account” the following: “, including
 8 transfers to Federal trustees and payments to non-Federal
 9 trustees,”.*

10 LAND ACQUISITION

11 For expenses necessary to carry out the Land and
 12 Water Conservation Fund Act of 1965, as amended (16
 13 U.S.C. 460l–4–11), including administrative expenses,
 14 and for acquisition of land or waters, or interest therein,
 15 in accordance with statutory authority applicable to the
 16 United States Fish and Wildlife Service,
 17 **(17)**~~\$53,000,000~~ \$57,292,000, to remain available until
 18 expended.

19 COOPERATIVE ENDANGERED SPECIES CONSERVATION

20 FUND

21 For expenses necessary to carry out the provisions
 22 of the Endangered Species Act of 1973 (16 U.S.C. 1531–
 23 1543), as amended, \$14,000,000, for grants to States, to
 24 be derived from the Cooperative Endangered Species Con-
 25 servation Fund, and to remain available until expended.

1 NATIONAL WILDLIFE REFUGE FUND

2 For expenses necessary to implement the Act of Octo-
3 ber 17, 1978 (16 U.S.C. 715s), ~~(18)~~~~\$10,000,000~~
4 *\$10,779,000*.

5 REWARDS AND OPERATIONS

6 For expenses necessary to carry out the provisions
7 of the African Elephant Conservation Act (16 U.S.C.
8 4201–4203, 4211–4213, 4221–4225, 4241–4245, and
9 1538), \$1,000,000, to remain available until expended.

10 NORTH AMERICAN WETLANDS CONSERVATION FUND

11 For expenses necessary to carry out the provisions
12 of the North American Wetlands Conservation Act, Public
13 Law 101–233, as amended, ~~(19)~~~~\$10,500,000~~
14 *\$13,000,000*, to remain available until expended.

15 RHINOCEROS AND TIGER CONSERVATION FUND

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

20 WILDLIFE CONSERVATION AND APPRECIATION FUND

21 For deposit to the Wildlife Conservation and Appre-
22 ciation Fund, \$800,000, to remain available until ex-
23 pended.

24 ADMINISTRATIVE PROVISIONS

25 Appropriations and funds available to the United
26 States Fish and Wildlife Service shall be available for pur-

1 chase of not to exceed 108 passenger motor vehicles, of
2 which 92 are for replacement only (including 57 for police-
3 type use); not to exceed \$400,000 for payment, at the dis-
4 cretion of the Secretary, for information, rewards, or evi-
5 dence concerning violations of laws administered by the
6 Service, and miscellaneous and emergency expenses of en-
7 forcement activities, authorized or approved by the Sec-
8 retary and to be accounted for solely on his certificate;
9 repair of damage to public roads within and adjacent to
10 reservation areas caused by operations of the Service; op-
11 tions for the purchase of land at not to exceed \$1 for each
12 option; facilities incident to such public recreational uses
13 on conservation areas as are consistent with their primary
14 purpose; and the maintenance and improvement of aquar-
15 ia, buildings, and other facilities under the jurisdiction of
16 the Service and to which the United States has title, and
17 which are utilized pursuant to law in connection with man-
18 agement and investigation of fish and wildlife resources:
19 *Provided*, That notwithstanding 44 U.S.C. 501, the Serv-
20 ice may, under cooperative cost sharing and partnership
21 arrangements authorized by law, procure printing services
22 from cooperators in connection with jointly-produced pub-
23 lications for which the cooperators share at least one-half
24 the cost of printing either in cash or services and the Serv-
25 ice determines the cooperator is capable of meeting accept-

1 ed quality standards: *Provided further*, That the Service
2 may accept donated aircraft as replacements for existing
3 aircraft: *Provided further*, That notwithstanding any other
4 provision of law, the Secretary of the Interior may not
5 spend any of the funds appropriated in this Act for the
6 purchase of lands or interests in lands to be used in the
7 establishment of any new unit of the National Wildlife
8 Refuge System unless the purchase is approved in advance
9 by the House and Senate Committees on Appropriations
10 in compliance with the reprogramming procedures con-
11 tained in the report accompanying this bill: *Provided fur-*
12 *ther*, That the Secretary may sell land and interests in
13 land, other than surface water rights, acquired in con-
14 formance with subsections 206(a) and 207(c) of Public
15 Law 101–816, the receipts of which shall be deposited to
16 the Lahontan Valley and Pyramid Lake Fish and Wildlife
17 Fund and used exclusively for the purposes of such sub-
18 sections, without regard to the limitation on the distribu-
19 tion of benefits in subsection 206(f)(2) of such law.

20 NATIONAL PARK SERVICE

21 OPERATION OF THE NATIONAL PARK SYSTEM

22 For expenses necessary for the management, oper-
23 ation, and maintenance of areas and facilities adminis-
24 tered by the National Park Service (including special road
25 maintenance service to trucking permittees on a reimburs-

1 able basis), and for the general administration of the Na-
 2 tional Park Service, including not to exceed
 3 ~~(20)\$2,500,000~~ \$1,593,000 for the Volunteers-in-Parks
 4 program, and not less than \$1,000,000 for high priority
 5 projects within the scope of the approved budget which
 6 shall be carried out by the Youth Conservation Corps as
 7 authorized by 16 U.S.C. 1706, ~~(21)\$1,232,325,000~~
 8 \$1,250,429,000, of which \$12,800,000 for research, plan-
 9 ning and interagency coordination in support of land ac-
 10 quisition for Everglades restoration shall remain available
 11 until expended, and of which not to exceed \$72,000,000,
 12 to remain available until expended, is to be derived from
 13 the special fee account established pursuant to title V, sec-
 14 tion 5201 of Public Law 100-203.

15 NATIONAL RECREATION AND PRESERVATION

16 For expenses necessary to carry out recreation pro-
 17 grams, natural programs, cultural programs, heritage
 18 partnership programs, environmental compliance and re-
 19 view, international park affairs, statutory or contractual
 20 aid for other activities, and grant administration, not oth-
 21 erwise provided for, ~~(22)\$43,934,000,~~ of which
 22 ~~\$4,500,000~~ is for grants to Heritage areas in accordance
 23 with titles I-VI and VIII-IX, division II of Public Law
 24 ~~104-333~~ and is \$45,284,000 to remain available until Sep-
 25 tember 30, 1999.

1 HISTORIC PRESERVATION FUND

2 For expenses necessary in carrying out the Historic
 3 Preservation Act of 1966, as amended (16 U.S.C. 470),
 4 and the Omnibus Parks and Public Lands Management
 5 Act of 1996 (Public Law 104–333), ~~(23)~~\$40,412,000
 6 \$39,812,000, to be derived from the Historic Preservation
 7 Fund, to remain available until September 30, 1999~~(24)~~,
 8 *of which \$3,200,000 pursuant to section 507 of Public Law*
 9 *104–333 shall remain available until expended.*

10 CONSTRUCTION

11 For construction, improvements, repair or replace-
 12 ment of physical facilities~~(25)~~, *including the modifica-*
 13 *tions authorized by section 104 of the Everglades National*
 14 *Park Protection and Expansion Act of 1989,*
 15 ~~(26)~~\$148,391,000 \$173,444,000 to remain available until
 16 expended~~(27)~~: ~~Provided, That \$500,000 for the Ruther-~~
 17 ~~ford B. Hayes Home and \$600,000 for the Sotterly Plan-~~
 18 ~~tation House shall be derived from the Historic Preserva-~~
 19 ~~tion Fund pursuant to 16 U.S.C. 470A: Provided, That~~
 20 *\$500,000 for the Darwin Martin House in Buffalo, New*
 21 *York and \$500,000 for the Penn Center, South Carolina,*
 22 *shall be derived from the Historic Preservation Fund pursu-*
 23 *ant to 16 U.S.C. 470a: Provided further, That \$3,000,000*
 24 *for the Hispanic Cultural Center, New Mexico, is subject*
 25 *to authorization: Provided further, That \$5,000,000 for the*
 26 *Oklahoma City Bombing Memorial is subject to authoriza-*

1 *tion: Provided further, That none of the funds provided in*
 2 *this Act may be used to relocate the Brooks River Lodge*
 3 *in Katmai National Park and Preserve from its current*
 4 *physical location*

5 **(28)**(REPROGRAMMING)

6 *Of unobligated amounts previously made available for*
 7 *the Jefferson National Expansion Memorial, \$838,000 shall*
 8 *be made available for the U-505 National Historic Land-*
 9 *mark.*

10 LAND AND WATER CONSERVATION FUND

11 (RESCISSION)

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

14 LAND ACQUISITION AND STATE ASSISTANCE

15 For expenses necessary to carry out the Land and
 16 Water Conservation Fund Act of 1965, as amended (16
 17 U.S.C. 4601-4-11), including administrative expenses,
 18 and for acquisition of lands or waters, or interest therein,
 19 in accordance with statutory authority applicable to the
 20 National Park Service, **(29)**~~\$129,000,000~~ \$126,690,000,
 21 to be derived from the Land and Water Conservation
 22 Fund, to remain available until expended**(30)**,~~of which~~
 23 ~~\$1,000,000 is to administer the State assistance program:~~
 24 *Provided, That any funds made available for the purpose*
 25 *of acquisition of the Elwha and Glines dams shall be used*
 26 *solely for acquisition, and shall not be expended until the*

1 full purchase amount has been appropriated by the
2 Congress ~~(31):~~ *Provided further, That of the funds pro-*
3 *vided herein, \$8,500,000 is available for acquisition of the*
4 *Sterling Forest: Provided further, That from the funds*
5 *made available for land acquisition at Everglades National*
6 *Park and Big Cypress National Preserve, the Secretary*
7 *may provide for Federal assistance to the State of Florida*
8 *for the acquisition of lands or waters, or interests therein,*
9 *within the Everglades watershed (consisting of lands and*
10 *waters within the boundaries of the South Florida Water*
11 *Management District, Florida Bay and the Florida Keys)*
12 *under terms and conditions deemed necessary by the Sec-*
13 *retary, to improve and restore the hydrological function of*
14 *the Everglades watershed: Provided further, That the Sec-*
15 *retary may provide such funds to the State of Florida for*
16 *acquisitions within Stormwater Treatment Area 1-E, in-*
17 *cluding reimbursement for lands or waters, or interests*
18 *therein, within Stormwater Treatment Area 1-E acquired*
19 *by the State of Florida prior to the enactment of this Act:*
20 *Provided further, That funds provided under this head to*
21 *the State of Florida shall be subject to an agreement that*
22 *such lands will be managed in perpetuity for the restoration*
23 *of the Everglades.*

24 ADMINISTRATIVE PROVISIONS

25 Appropriations for the National Park Service shall be
26 available for the purchase of not to exceed 396 passenger

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

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

23 The National Park Service may distribute to operat-
24 ing units based on the safety record of each unit the costs
25 of programs designed to improve workplace and employee

1 safety, and to encourage employees receiving workers'
2 compensation benefits pursuant to chapter 81 of title 5,
3 United States Code, to return to appropriate positions for
4 which they are medically able.

5 UNITED STATES GEOLOGICAL SURVEY
6 SURVEYS, INVESTIGATIONS, AND RESEARCH

7 For expenses necessary for the United States Geo-
8 logical Survey to perform surveys, investigations, and re-
9 search covering topography, geology, hydrology, and the
10 mineral and water resources of the United States, its Ter-
11 ritories and possessions, and other areas as authorized by
12 43 U.S.C. 31, 1332, and 1340; classify lands as to their
13 mineral and water resources; give engineering supervision
14 to power permittees and Federal Energy Regulatory Com-
15 mission licensees; administer the minerals exploration pro-
16 gram (30 U.S.C. 641); and publish and disseminate data
17 relative to the foregoing activities; and to conduct inquiries
18 into the economic conditions affecting mining and mate-
19 rials processing industries (30 U.S.C. 3, 21a, and 1603;
20 50 U.S.C. 98g(1)) and related purposes as authorized by
21 law and to publish and disseminate data;
22 ~~(32)~~~~\$755,795,000~~ \$758,160,000 of which \$66,231,000
23 shall be available only for cooperation with States or mu-
24 nicipalities for water resources investigations; and of
25 which \$16,400,000 shall remain available until expended

1 for conducting inquiries into the economic conditions af-
 2 fecting mining and materials processing industries**(33)**;
 3 *and of which \$2,000,000 shall remain available until ex-*
 4 *pended for development of a mineral and geologic database;*
 5 and of which **(34)**~~\$147,794,000~~ \$147,159,000 shall be
 6 available until September 30, 1999 for the biological re-
 7 search activity and the operation of the Cooperative Re-
 8 search Units: *Provided*, That none of these funds provided
 9 for the biological research activity shall be used to conduct
 10 new surveys on private property, unless specifically au-
 11 thorized in writing by the property owner: *Provided fur-*
 12 *ther*, That no part of this appropriation shall be used to
 13 pay more than one-half the cost of topographic mapping
 14 or water resources data collection and investigations car-
 15 ried on in cooperation with States and municipalities**(35)**:
 16 *Provided further*, That hereafter the United States Geologi-
 17 cal Survey may disperse to local entities *Payment in Lieu*
 18 *of Taxes impact funding appropriated to the Fish and*
 19 *Wildlife Service pursuant to the Refuge Revenue Sharing*
 20 *Act that is associated with Federal real property being*
 21 *transferred to the United States Geological Survey from the*
 22 *United States Fish and Wildlife Service.*

23

ADMINISTRATIVE PROVISIONS

24

The amount appropriated for the United States Geo-
 25 logical Survey shall be available for the purchase of not
 26 to exceed 53 passenger motor vehicles, of which 48 are

1 for replacement only; reimbursement to the General Serv-
2 ices Administration for security guard services; contract-
3 ing for the furnishing of topographic maps and for the
4 making of geophysical or other specialized surveys when
5 it is administratively determined that such procedures are
6 in the public interest; construction and maintenance of
7 necessary buildings and appurtenant facilities; acquisition
8 of lands for gauging stations and observation wells; ex-
9 penses of the United States National Committee on Geol-
10 ogy; and payment of compensation and expenses of per-
11 sons on the rolls of the Survey duly appointed to represent
12 the United States in the negotiation and administration
13 of interstate compacts: *Provided*, That activities funded by
14 appropriations herein made may be accomplished through
15 the use of contracts, grants, or cooperative agreements as
16 defined in 31 U.S.C. 6302, et seq.: *Provided further*, That
17 the USGS may contract directly with individuals or indi-
18 rectly with institutions or nonprofit organizations, without
19 regard to section 41 U.S.C. 5, for the temporary or inter-
20 mittent services of science students or recent graduates,
21 who shall be considered employees for the purposes of
22 chapter 81 of title 5, United States Code, relating to com-
23 pensation for work injuries, and chapter 171 of title 28,
24 United States Code, relating to tort claims, but shall not

1 be considered to be Federal employees for any other pur-
 2 poses.

3 MINERALS MANAGEMENT SERVICE

4 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

5 For expenses necessary for minerals leasing and envi-
 6 ronmental studies, regulation of industry operations, and
 7 collection of royalties, as authorized by law; for enforcing
 8 laws and regulations applicable to oil, gas, and other min-
 9 erals leases, permits, licenses and operating contracts; and
 10 for matching grants or cooperative agreements; including
 11 the purchase of not to exceed eight passenger motor vehi-
 12 cles for replacement only; ~~(36)\$139,621,000~~
 13 ~~\$135,722,000~~, of which not less than ~~(37)\$70,874,000~~
 14 ~~\$66,175,000~~ shall be available for royalty management ac-
 15 tivities; and an amount not to exceed \$65,000,000
 16 ~~(38)for activities within the Outer Continental Shelf~~
 17 ~~(OCS) Lands Program~~, to be credited to this appropria-
 18 tion and to remain available until expended, from addi-
 19 tions to receipts resulting from increases to rates in effect
 20 on August 5, 1993, from rate increases to fee collections
 21 for OCS administrative activities performed by the Min-
 22 erals Management Service over and above the rates in ef-
 23 fect on September 30, 1993, and from additional fees for
 24 OCS administrative activities established after September
 25 30, 1993: *Provided*, That ~~(39)\$1,500,000~~ \$3,000,000 for

1 computer acquisitions shall remain available until Septem-
2 ber 30, 1999: *Provided further*, That funds appropriated
3 under this Act shall be available for the payment of inter-
4 est in accordance with 30 U.S.C. 1721(b) and (d): *Pro-*
5 *vided further*, That not to exceed \$3,000 shall be available
6 for reasonable expenses related to promoting volunteer
7 beach and marine cleanup activities: *Provided further*,
8 That notwithstanding any other provision of law, \$15,000
9 under this head shall be available for refunds of overpay-
10 ments in connection with certain Indian leases in which
11 the Director of the Minerals Management Service con-
12 curred with the claimed refund due, to pay amounts owed
13 to Indian allottees or Tribes, or to correct prior unrecover-
14 able erroneous payments.

15 OIL SPILL RESEARCH

16 For necessary expenses to carry out title I, section
17 1016, title IV, sections 4202 and 4303, title VII, and title
18 VIII, section 8201 of the Oil Pollution Act of 1990,
19 \$6,118,000, which shall be derived from the Oil Spill Li-
20 ability Trust Fund, to remain available until expended.

21 OFFICE OF SURFACE MINING RECLAMATION AND

22 ENFORCEMENT

23 REGULATION AND TECHNOLOGY

24 For necessary expenses to carry out the provisions
25 of the Surface Mining Control and Reclamation Act of
26 1977, Public Law 95–87, as amended, including the pur-

1 chase of not to exceed 10 passenger motor vehicles, for
2 replacement only; ~~(40)\$94,937,000~~ \$97,437,000, and not-
3 withstanding 31 U.S.C. 3302, an additional amount shall
4 be credited to this account, to remain available until ex-
5 pended, from performance bond forfeitures in fiscal year
6 1998: *Provided*, That the Secretary of the Interior, pursu-
7 ant to regulations, may utilize directly or through grants
8 to States, moneys collected in fiscal year 1998 for civil
9 penalties assessed under section 518 of the Surface Min-
10 ing Control and Reclamation Act of 1977 (30 U.S.C.
11 1268), to reclaim lands adversely affected by coal mining
12 practices after August 3, 1977, to remain available until
13 expended: *Provided further*, That appropriations for the
14 Office of Surface Mining Reclamation and Enforcement
15 may provide for the travel and per diem expenses of State
16 and tribal personnel attending Office of Surface Mining
17 Reclamation and Enforcement sponsored training.

18 ABANDONED MINE RECLAMATION FUND

19 For necessary expenses to carry out title IV of the
20 Surface Mining Control and Reclamation Act of 1977,
21 Public Law 95–87, as amended, including the purchase
22 of not more than 10 passenger motor vehicles for replace-
23 ment only, ~~(41)\$179,624,000~~ \$177,624,000, to be derived
24 from receipts of the Abandoned Mine Reclamation Fund
25 and to remain available until expended; of which up to
26 \$5,000,000 shall be for supplemental grants to States for

1 the reclamation of abandoned sites with acid mine rock
2 drainage from coal mines through the Appalachian Clean
3 Streams Initiative: *Provided*, That grants to minimum
4 program States will be \$1,500,000 per State in fiscal year
5 1998: *Provided further*, That of the funds herein provided
6 up to \$18,000,000 may be used for the emergency pro-
7 gram authorized by section 410 of Public Law 95–87, as
8 amended, of which no more than 25 per centum shall be
9 used for emergency reclamation projects in any one State
10 and funds for federally-administered emergency reclama-
11 tion projects under this proviso shall not exceed
12 \$11,000,000: *Provided further*, That prior year unobli-
13 gated funds appropriated for the emergency reclamation
14 program shall not be subject to the 25 per centum limita-
15 tion per State and may be used without fiscal year limita-
16 tion for emergency projects: *Provided further*, That pursu-
17 ant to Public Law 97–365, the Department of the Interior
18 is authorized to use up to 20 per centum from the recovery
19 of the delinquent debt owed to the United States Govern-
20 ment to pay for contracts to collect these debts: *Provided*
21 *further*, That funds made available to States under title
22 IV of Public Law 95–87 may be used, at their discretion,
23 for any required non-Federal share of the cost of projects
24 funded by the Federal Government for the purpose of en-
25 vironmental restoration related to treatment or abatement

1 of acid mine drainage from abandoned mines: *Provided*
2 *further*, That such projects must be consistent with the
3 purposes and priorities of the Surface Mining Control and
4 Reclamation Act: *Provided further*, That the State of
5 Maryland may set aside the greater of \$1,000,000 or 10
6 percent of the total of the grants made available to the
7 State under title IV of the Surface Mining Control and
8 Reclamation Act of 1977, as amended (30 U.S.C. 1231
9 et seq.), if the amount set aside is deposited in an acid
10 mine drainage abatement and treatment fund established
11 under a State law, pursuant to which law the amount (to-
12 gether with all interest earned on the amount) is expended
13 by the State to undertake acid mine drainage abatement
14 and treatment projects, except that before any amounts
15 greater than 10 percent of its title IV grants are deposited
16 in an acid mine drainage abatement and treatment fund,
17 the State of Maryland must first complete all Surface
18 Mining Control and Reclamation Act priority one projects.

19 BUREAU OF INDIAN AFFAIRS

20 OPERATION OF INDIAN PROGRAMS

21 For operation of Indian programs by direct expendi-
22 ture, contracts, cooperative agreements, compacts, and
23 grants including expenses necessary to provide education
24 and welfare services for Indians, either directly or in co-
25 operation with States and other organizations, including

1 payment of care, tuition, assistance, and other expenses
2 of Indians in boarding homes, or institutions, or schools;
3 grants and other assistance to needy Indians; maintenance
4 of law and order; management, development, improve-
5 ment, and protection of resources and appurtenant facili-
6 ties under the jurisdiction of the Bureau, including pay-
7 ment of irrigation assessments and charges; acquisition of
8 water rights; advances for Indian industrial and business
9 enterprises; operation of Indian arts and crafts shops and
10 museums; development of Indian arts and crafts, as au-
11 thorized by law; for the general administration of the Bu-
12 reau, including such expenses in field offices; maintaining
13 of Indian reservation roads as defined in 23 U.S.C. 101;
14 and construction, repair, and improvement of Indian hous-
15 ing, ~~(42) \$1,526,815,000~~ \$1,529,024,000, to remain avail-
16 able until September 30, 1999 except as otherwise pro-
17 vided herein, of which not to exceed \$93,825,000 shall be
18 for welfare assistance payments and not to exceed
19 \$105,829,000 shall be for payments to tribes and tribal
20 organizations for contract support costs associated with
21 ongoing contracts or grants or compacts entered into with
22 the Bureau prior to fiscal year 1998, as authorized by the
23 Indian Self-Determination Act of 1975, as amended, and
24 up to \$5,000,000 shall be for the Indian Self-Determina-
25 tion Fund, which shall be available for the transitional

1 cost of initial or expanded tribal contracts, grants, com-
2 pacts, or cooperative agreements with the Bureau under
3 such Act; and of which not to exceed \$374,290,000 for
4 school operations costs of Bureau-funded schools and
5 other education programs shall become available on July
6 1, 1998, and shall remain available until September 30,
7 1999; and of which not to exceed ~~(43)~~\$59,775,000
8 \$59,479,000 shall remain available until expended for
9 housing improvement, road maintenance, attorney fees,
10 litigation support, self-governance grants, the Indian Self-
11 Determination Fund, land records improvements and the
12 Navajo-Hopi Settlement Program: *Provided*, That tribes
13 and tribal contractors may use their tribal priority alloca-
14 tions for unmet indirect costs of ongoing contracts, grants
15 or compact agreements and for unmet welfare assistance
16 costs: *Provided further*, That funds made available to
17 tribes and tribal organizations through contracts, compact
18 agreements, or grants obligated during fiscal years 1998
19 and 1999, as authorized by the Indian Self-Determination
20 Act of 1975, or grants authorized by the Indian Education
21 Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall
22 remain available until expended by the contractor or
23 grantee: *Provided further*, That to provide funding uni-
24 formity within a Self-Governance Compact, any funds pro-
25 vided in this Act with availability for more than two years

1 may be reprogrammed to two year availability but shall
2 remain available within the Compact until expended: *Pro-*
3 *vided further*, That notwithstanding any other provision of
4 law, Indian tribal governments may, by appropriate
5 changes in eligibility criteria or by other means, change
6 eligibility for general assistance or change the amount of
7 general assistance payments for individuals within the
8 service area of such tribe who are otherwise deemed eligi-
9 ble for general assistance payments so long as such
10 changes are applied in a consistent manner to individuals
11 similarly situated: *Provided further*, That any savings real-
12 ized by such changes shall be available for use in meeting
13 other priorities of the tribes: *Provided further*, That any
14 net increase in costs to the Federal Government which re-
15 sult solely from tribally increased payment levels for gen-
16 eral assistance shall be met exclusively from funds avail-
17 able to the tribe from within its tribal priority allocation:
18 *Provided further*, That any forestry funds allocated to a
19 tribe which remain unobligated as of September 30, 1998,
20 may be transferred during fiscal year 1999 to an Indian
21 forest land assistance account established for the benefit
22 of such tribe within the tribe's trust fund account: *Pro-*
23 *vided further*, That any such unobligated balances not so
24 transferred shall expire on September 30, 1999: *Provided*
25 *further*, That notwithstanding any other provision of law,

1 no funds available to the Bureau, other than the amounts
2 provided herein for assistance to public schools under 25
3 U.S.C. 452 et seq., shall be available to support the oper-
4 ation of any elementary or secondary school in the State
5 of Alaska in fiscal year 1998: *Provided further*, That funds
6 made available in this or any other Act for expenditure
7 through September 30, 1999 for schools funded by the
8 Bureau shall be available only to the schools in the Bureau
9 school system as of September 1, 1996: *Provided further*,
10 That no funds available to the Bureau shall be used to
11 support expanded grades for any school or dormitory be-
12 yond the grade structure in place or approved by the Sec-
13 retary of the Interior at each school in the Bureau school
14 system as of October 1, 1995: *Provided further*, That be-
15 ginning in fiscal year 1998 and thereafter and notwith-
16 standing 25 U.S.C. 2012(h)(1)(B), when the rates of basic
17 compensation for teachers and counselors at Bureau-oper-
18 ated schools are established at the rates of basic com-
19 pensation applicable to comparable positions in overseas
20 schools under the Defense Department Overseas Teachers
21 Pay and Personnel Practices Act, such rates shall become
22 effective with the start of the next academic year following
23 the issuance of the Department of Defense salary schedule
24 and shall not be effected retroactively: *Provided further*,
25 That the Cibecue Community School may use prior year

1 school operations funds for the construction of a new high
 2 school facility which is in compliance with 25 U.S.C.
 3 2005(a) provided that any additional construction costs
 4 for replacement of such facilities begun with prior year
 5 funds shall be completed exclusively with non-Federal
 6 funds**(44)**: *Provided further, That tribes may use tribal*
 7 *priority allocations funds for the replacement and repair*
 8 *of school facilities which are in compliance with 25 U.S.C.*
 9 *2005(a), so long as such replacement or repair is approved*
 10 *by the Secretary and completed with non-Federal tribal*
 11 *and/or tribal priority allocations funds.*

12 CONSTRUCTION

13 For construction, major repair, and improvement of
 14 irrigation and power systems, buildings, utilities, and
 15 other facilities, including architectural and engineering
 16 services by contract; acquisition of lands, and interests in
 17 lands; and preparation of lands for farming, and for con-
 18 struction of the Navajo Indian Irrigation Project pursuant
 19 to Public Law 87-483, **(45)**~~\$110,751,000~~ \$125,051,000,
 20 to remain available until expended: *Provided, That such*
 21 *amounts as may be available for the construction of the*
 22 *Navajo Indian Irrigation Project may be transferred to the*
 23 *Bureau of Reclamation: Provided further, That not to ex-*
 24 *ceed 6 per centum of contract authority available to the*
 25 *Bureau of Indian Affairs from the Federal Highway Trust*
 26 *Fund may be used to cover the road program management*

1 costs of the Bureau: *Provided further*, That any funds pro-
2 vided for the Safety of Dams program pursuant to 25
3 U.S.C. 13 shall be made available on a non-reimbursable
4 basis: *Provided further*, That for fiscal year 1998, in im-
5 plementing new construction or facilities improvement and
6 repair project grants in excess of \$100,000 that are pro-
7 vided to tribally controlled grant schools under Public Law
8 100–297, as amended, the Secretary of the Interior shall
9 use the Administrative and Audit Requirements and Cost
10 Principles for Assistance Programs contained in 43 CFR
11 part 12 as the regulatory requirements: *Provided further*,
12 That such grants shall not be subject to section 12.61 of
13 43 CFR; the Secretary and the grantee shall negotiate and
14 determine a schedule of payments for the work to be per-
15 formed: *Provided further*, That in considering applications,
16 the Secretary shall consider whether the Indian tribe or
17 tribal organization would be deficient in assuring that the
18 construction projects conform to applicable building stand-
19 ards and codes and Federal, tribal, or State health and
20 safety standards as required by 25 U.S.C. 2005(a), with
21 respect to organizational and financial management capa-
22 bilities: *Provided further*, That if the Secretary declines an
23 application, the Secretary shall follow the requirements
24 contained in 25 U.S.C. 2505(f): *Provided further*, That
25 any disputes between the Secretary and any grantee con-

1 cerning a grant shall be subject to the disputes provision
2 in 25 U.S.C. 2508(e).

3 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
4 MISCELLANEOUS PAYMENTS TO INDIANS

5 For miscellaneous payments to Indian tribes and in-
6 dividuals and for necessary administrative expenses,
7 ~~(46)\$41,352,000~~ \$43,352,000, to remain available until
8 expended; of which ~~(47)\$40,500,000~~ \$42,000,000 shall be
9 available for implementation of enacted Indian land and
10 water claim settlements pursuant to Public Laws 101-
11 618, 102-374, and 102-575, and for implementation of
12 other enacted water rights settlements, including not to
13 exceed \$8,000,000, which shall be for the Federal share
14 of the Catawba Indian Tribe of South Carolina Claims
15 Settlement, as authorized by section 5(a) of Public Law
16 103-116; and of which ~~(48)\$852,000~~ \$1,352,000 shall be
17 available pursuant to Public Laws 99-264~~(49)~~, 100-383,
18 103-402, and 100-580: *Provided*, That the Secretary is
19 directed to sell land and interests in land, other than sur-
20 face water rights, acquired in conformance with section
21 2 of the Truckee River Water Quality Settlement Agree-
22 ment, the receipts of which shall be deposited to the
23 Lahontan Valley and Pyramid Lake Fish and Wildlife
24 Fund, and be available for the purposes of section 2 of
25 such Agreement, without regard to the limitation on the

1 distribution of benefits in the second sentence of para-
2 graph 206(f)(2) of Public Law 101–618.

3 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

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

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

14 ADMINISTRATIVE PROVISIONS

15 Appropriations for the Bureau of Indian Affairs (ex-
16 cept the revolving fund for loans, the Indian loan guaran-
17 tee and insurance fund, the Technical Assistance of Indian
18 Enterprises account, the Indian Direct Loan Program ac-
19 count, and the Indian Guaranteed Loan Program account)
20 shall be available for expenses of exhibits, and purchase
21 of not to exceed 229 passenger motor vehicles, of which
22 not to exceed 187 shall be for replacement only.

23 Notwithstanding any other provision of law, no funds
24 available to the Bureau of Indian Affairs for central office
25 operations or pooled overhead general administration shall
26 be available for tribal contracts, grants, compacts, or coop-

1 erative agreements with the Bureau of Indian Affairs
 2 under the provisions of the Indian Self-Determination Act
 3 or the Tribal Self-Governance Act of 1994 (Public Law
 4 103–413).

5 DEPARTMENTAL OFFICES

6 INSULAR AFFAIRS

7 ASSISTANCE TO TERRITORIES

8 For expenses necessary for assistance to territories
 9 under the jurisdiction of the Department of the Interior,
 10 ~~(50)\$68,214,000~~ \$67,214,000, of which (1)
 11 ~~(51)\$64,365,000~~ \$63,365,000 shall be available until ex-
 12 pended for technical assistance, including maintenance as-
 13 sistance, disaster assistance, insular management controls,
 14 and brown tree snake control and research; grants to the
 15 judiciary in American Samoa for compensation and ex-
 16 penses, as authorized by law (48 U.S.C. 1661(c)); grants
 17 to the Government of American Samoa, in addition to cur-
 18 rent local revenues, for construction and support of gov-
 19 ernmental functions; grants to the Government of the Vir-
 20 gin Islands as authorized by law; grants to the Govern-
 21 ment of Guam, as authorized by law; and grants to the
 22 Government of the Northern Mariana Islands as author-
 23 ized by law (Public Law 94–241; 90 Stat. 272); and (2)
 24 \$3,849,000 shall be available for salaries and expenses of
 25 the Office of Insular Affairs: *Provided*, That all financial

1 transactions of the territorial and local governments here-
2 in provided for, including such transactions of all agencies
3 or instrumentalities established or utilized by such govern-
4 ments, may be audited by the General Accounting Office,
5 at its discretion, in accordance with chapter 35 of title
6 31, United States Code: *Provided further*, That Northern
7 Mariana Islands Covenant grant funding shall be provided
8 according to those terms of the Agreement of the Special
9 Representatives on Future United States Financial Assist-
10 ance for the Northern Mariana Islands approved by Public
11 Law 99–396, or any subsequent legislation related to
12 Commonwealth of the Northern Mariana Islands grant
13 funding: *Provided further*, That of the amounts provided
14 for technical assistance, sufficient funding shall be made
15 available for a grant to the Close Up Foundation: *Provided*
16 *further*, That the funds for the program of operations and
17 maintenance improvement are appropriated to institu-
18 tionalize routine operations and maintenance improvement
19 of capital infrastructure in American Samoa, Guam, the
20 Virgin Islands, the Commonwealth of the Northern Mari-
21 ana Islands, the Republic of Palau, the Republic of the
22 Marshall Islands, and the Federated States of Micronesia
23 through assessments of long-range operations mainte-
24 nance needs, improved capability of local operations and
25 maintenance institutions and agencies (including manage-

1 ment and vocational education training), and project-spe-
 2 cific maintenance (with territorial participation and cost
 3 sharing to be determined by the Secretary based on the
 4 individual territory's commitment to timely maintenance
 5 of its capital assets): *Provided further*, That any appro-
 6 priation for disaster assistance under this head in this Act
 7 or previous appropriations Acts may be used as non-Fed-
 8 eral matching funds for the purpose of hazard mitigation
 9 grants provided pursuant to section 404 of the Robert T.
 10 Stafford Disaster Relief and Emergency Assistance Act
 11 (42 U.S.C. 5170c).

12 COMPACT OF FREE ASSOCIATION

13 For economic assistance and necessary expenses for
 14 the Federated States of Micronesia and the Republic of
 15 the Marshall Islands as provided for in sections 122, 221,
 16 223, 232, and 233 of the Compact of Free Association,
 17 and for economic assistance and necessary expenses for
 18 the Republic of Palau as provided for in sections 122, 221,
 19 223, 232, and 233 of the Compact of Free Association,
 20 ~~(52)\$20,445,000~~ \$20,545,000, to remain available until
 21 expended, as authorized by Public Law 99–239 and Public
 22 Law 99–658.

23 DEPARTMENTAL MANAGEMENT

24 SALARIES AND EXPENSES

25 For necessary expenses for management of the De-
 26 partment of the Interior, \$58,286,000, of which not to ex-

1 ceed \$8,500 may be for official reception and representa-
 2 tion expenses, and of which up to \$1,200,000 shall be
 3 available for workers compensation payments and unem-
 4 ployment compensation payments associated with the or-
 5 derly closure of the United States Bureau of Mines.

6 OFFICE OF THE SOLICITOR

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of the Solicitor,
 9 \$35,443,000.

10 OFFICE OF INSPECTOR GENERAL

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of Inspector
 13 General, ~~(53)\$24,439,000~~ \$24,500,000.

14 NATIONAL INDIAN GAMING COMMISSION

15 SALARIES AND EXPENSES

16 ~~(54)For necessary expenses of the National Indian~~
 17 ~~Gaming Commission, pursuant to Public Law 100-497,~~
 18 ~~\$1,000,000.~~

19 *For necessary expenses of the National Indian Gaming*
 20 *Commission, pursuant to Public Law 100-497, \$1,000,000,*
 21 *to remain available until expended.*

22 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

23 FEDERAL TRUST PROGRAMS

24 For operation of trust programs for Indians by direct
 25 expenditure, contracts, cooperative agreements, compacts,

1 and grants, ~~(55)\$32,126,000~~ \$35,689,000, to remain
2 available until expended ~~(56)for trust funds management:~~
3 *Provided*, That funds for trust management improvements
4 may be transferred to the Bureau of Indian Affairs: *Pro-*
5 *vided further*, That funds made available to tribes and
6 tribal organizations through contracts or grants obligated
7 during fiscal year 1998, as authorized by the Indian Self-
8 Determination Act of 1975 (25 U.S.C. 450 et seq.), shall
9 remain available until expended by the contractor or
10 grantee: *Provided further*, That notwithstanding any other
11 provision of law, the statute of limitations shall not com-
12 mence to run on any claim, including any claim in litiga-
13 tion pending on the date of this Act, concerning losses to
14 or mismanagement of trust funds, until the affected tribe
15 or individual Indian has been furnished with an account-
16 ing of such funds from which the beneficiary can deter-
17 mine whether there has been a loss.

18 ADMINISTRATIVE PROVISIONS

19 There is hereby authorized for acquisition from avail-
20 able resources within the Working Capital Fund, 15 air-
21 craft, 10 of which shall be for replacement and which may
22 be obtained by donation, purchase or through available ex-
23 cess surplus property: *Provided*, That notwithstanding any
24 other provision of law, existing aircraft being replaced may
25 be sold, with proceeds derived or trade-in value used to

1 offset the purchase price for the replacement aircraft: *Pro-*
2 *vided further*, That no programs funded with appropriated
3 funds in the “Departmental Management”, “Office of the
4 Solicitor”, and “Office of Inspector General” may be aug-
5 mented through the Working Capital Fund or the Consoli-
6 dated Working Fund.

7 GENERAL PROVISIONS, DEPARTMENT OF THE
8 INTERIOR

9 SEC. 101. Appropriations made in this title shall be
10 available for expenditure or transfer (within each bureau
11 or office), with the approval of the Secretary, for the emer-
12 gency reconstruction, replacement, or repair of aircraft,
13 buildings, utilities, or other facilities or equipment dam-
14 aged or destroyed by fire, flood, storm, or other unavoid-
15 able causes: *Provided*, That no funds shall be made avail-
16 able under this authority until funds specifically made
17 available to the Department of the Interior for emer-
18 gencies shall have been exhausted: *Provided further*, That
19 all funds used pursuant to this section are hereby des-
20 ignated by Congress to be “emergency requirements” pur-
21 suant to section 251(b)(2)(D) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985, and must be re-
23 plenished by a supplemental appropriation which must be
24 requested as promptly as possible.

1 SEC. 102. The Secretary may authorize the expendi-
2 ture or transfer of any no year appropriation in this title,
3 in addition to the amounts included in the budget pro-
4 grams of the several agencies, for the suppression or emer-
5 gency prevention of forest or range fires on or threatening
6 lands under the jurisdiction of the Department of the Inte-
7 rior; for the emergency rehabilitation of burned-over lands
8 under its jurisdiction; for emergency actions related to po-
9 tential or actual earthquakes, floods, volcanoes, storms, or
10 other unavoidable causes; for contingency planning subse-
11 quent to actual oilspills; response and natural resource
12 damage assessment activities related to actual oilspills; for
13 the prevention, suppression, and control of actual or po-
14 tential grasshopper and Mormon cricket outbreaks on
15 lands under the jurisdiction of the Secretary, pursuant to
16 the authority in section 1773(b) of Public Law 99–198
17 (99 Stat. 1658); for emergency reclamation projects under
18 section 410 of Public Law 95–87; and shall transfer, from
19 any no year funds available to the Office of Surface Min-
20 ing Reclamation and Enforcement, such funds as may be
21 necessary to permit assumption of regulatory authority in
22 the event a primacy State is not carrying out the regu-
23 latory provisions of the Surface Mining Act: *Provided*,
24 That appropriations made in this title for fire suppression
25 purposes shall be available for the payment of obligations

1 incurred during the preceding fiscal year, and for reim-
2 bursement to other Federal agencies for destruction of ve-
3 hicles, aircraft, or other equipment in connection with
4 their use for fire suppression purposes, such reimburse-
5 ment to be credited to appropriations currently available
6 at the time of receipt thereof: *Provided further*, That for
7 emergency rehabilitation and wildfire suppression activi-
8 ties, no funds shall be made available under this authority
9 until funds appropriated to “Wildland Fire Management”
10 shall have been exhausted: *Provided further*, That all funds
11 used pursuant to this section are hereby designated by
12 Congress to be “emergency requirements” pursuant to
13 section 251(b)(2)(D) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985, and must be replen-
15 ished by a supplemental appropriation which must be re-
16 quested as promptly as possible: *Provided further*, That
17 such replenishment funds shall be used to reimburse, on
18 a pro rata basis, accounts from which emergency funds
19 were transferred.

20 SEC. 103. Appropriations made in this title shall be
21 available for operation of warehouses, garages, shops, and
22 similar facilities, wherever consolidation of activities will
23 contribute to efficiency or economy, and said appropria-
24 tions shall be reimbursed for services rendered to any
25 other activity in the same manner as authorized by sec-

1 tions 1535 and 1536 of title 31, United States Code: *Pro-*
2 *vided*, That reimbursements for costs and supplies, mate-
3 rials, equipment, and for services rendered may be cred-
4 ited to the appropriation current at the time such reim-
5 bursements are received.

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

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

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

1 ~~(57)~~SEC. 107. No final rule or regulation of any
2 agency of the Federal Government pertaining to the rec-
3 ognition, management, or validity of a right-of-way pursu-
4 ant to Revised Statute 2477 (~~43~~ U.S.C. 932) shall take
5 effect unless expressly authorized by an Act of Congress
6 subsequent to the date of enactment of this Act.

7 SEC. 108. No funds provided in this title may be ex-
8 pended by the Department of the Interior for the conduct
9 of offshore leasing and related activities placed under re-
10 striction in the President's moratorium statement of June
11 26, 1990, in the areas of Northern, Central, and Southern
12 California; the North Atlantic; Washington and Oregon;
13 and the Eastern Gulf of Mexico south of 26 degrees north
14 latitude and east of 86 degrees west longitude.

15 SEC. 109. No funds provided in this title may be ex-
16 pended by the Department of the Interior for the conduct
17 of ~~(58)~~leasing, or the approval or permitting of any drill-
18 ing or other exploration activity, *offshore oil and natural*
19 *gas preleasing, leasing, and related activities* on lands with-
20 in the North Aleutian Basin planning area.

21 SEC. 110. No funds provided in this title may be ex-
22 pended by the Department of the Interior to conduct off-
23 shore oil and natural gas preleasing, leasing and related
24 activities in the Eastern Gulf of Mexico planning area for
25 any lands located outside Sale 181, as identified in the

1 final Outer Continental Shelf 5-Year Oil and Gas Leasing
2 Program, 1997–2002.

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

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

15 ~~(a) invested by the Indian tribe, tribal organiza-~~
16 ~~tion, or consortium only in obligations of the United~~
17 ~~States or in obligations or securities that are guar-~~
18 ~~anteed or insured by the United States, or~~

19 ~~(b) deposited only into accounts that are in-~~
20 ~~sured by an agency or instrumentality of the United~~
21 ~~States.~~

22 *SEC. 112. Advance payments made under this title to*
23 *Indian tribes, tribal organizations, and tribal consortia*
24 *pursuant to the Indian Self-Determination and Education*
25 *Assistance Act (25 U.S.C. 450, et seq.) or the Tribally Con-*

1 *trolled Schools Act of 1988 (25 U.S.C. 2501, et seq.) may*
 2 *be invested by the Indian tribe, tribal organization, or con-*
 3 *sortium before such funds are expended for the purposes of*
 4 *the grant, compact, or annual funding agreement so long*
 5 *as such funds are—*

6 *(a) invested by the Indian tribe, tribal organiza-*
 7 *tion, or consortium only in obligations of the United*
 8 *States, or in obligations or securities that are guaran-*
 9 *teed or insured by the United States, or mutual (or*
 10 *other) funds registered with the Securities and Ex-*
 11 *change Commission and which only invest in obliga-*
 12 *tions of the United States or securities that are guar-*
 13 *anteed or insured by the United States, or*

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

18 ~~(60)SEC. 113. (a) Employees of Helium Operations,~~
 19 ~~Bureau of Land Management, entitled to severance pay~~
 20 ~~under 5 U.S.C. 5595, may apply for, and the Secretary~~
 21 ~~of the Interior may pay the total amount of the severance~~
 22 ~~pay to the employee in a lump sum. Employees paid sever-~~
 23 ~~ance pay in a lump sum and subsequently reemployed by~~
 24 ~~the Federal government shall be subject to the repayment~~

1 provisions of 5 U.S.C. 5595(i)(2) and (3), except that any
2 repayment shall be made to the Helium Fund.

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

9 (c) Benefits under this section shall be available to
10 Helium Operations employees who are or will be involun-
11 tarily separated before October 1, 2002 because of the ces-
12 sation of helium production and sales and other related
13 activities.

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

23 (b) Helium Operations employees who elect to continue
24 health benefits after separation shall be liable for not more
25 than the required employee contribution under 5 U.S.C.

1 8905a(d)(1)(A). *The Helium Fund shall pay for 18 months*
2 *the remaining portion of required contributions.*

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

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

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

10 **(61)SEC. 114.** ~~None of the funds in this or previous~~
11 ~~appropriations Acts may be used to establish a new re-~~
12 ~~gional office in the United States Fish and Wildlife Serv-~~
13 ~~ice without the advance approval of the House and Senate~~
14 ~~Committees on Appropriations.~~

15 **(62)SEC. 115.** (a) *CONVEYANCE REQUIREMENT.*—
16 *Within 90 days after the date of enactment of this Act, the*
17 *Secretary of the Interior shall convey to the State of West*
18 *Virginia without reimbursement, all right, title, and inter-*
19 *est of the United States in and to the property described*
20 *in subsection (b), for sole use by the Wildlife Resources Sec-*
21 *tion of the West Virginia Division of Natural Resources,*
22 *as part of the State of West Virginia fish culture program.*

23 (b) *PROPERTY DESCRIBED.*—*The property referred to*
24 *in subsection (a) is the property known as the Bowden Na-*
25 *tional Fish Hatchery, located on old United States route*

1 33, Randolph County, West Virginia, consisting of 44 acres
2 (more or less), and all improvements and related personal
3 property under the control of the Secretary that is located
4 on that property, including buildings, structures, equip-
5 ment, and all easements, leases, and water rights relating
6 to that property.

7 (c) *USE AND REVERSIONARY INTEREST.*—The prop-
8 erty conveyed to the State of West Virginia pursuant to this
9 section shall be used and operated solely by the Wildlife Re-
10 sources Section of the West Virginia Division of Natural
11 Resources for the purposes of fishery resources management
12 and fisheries related activities, and if it is used for any
13 other purposes or by any other party other than the use
14 authorized under subsection (a), all right, title, and interest
15 in and to all property conveyed under this section shall re-
16 vert to the United States. The State of West Virginia shall
17 ensure that the property reverting to the United States is
18 in substantially the same or better condition as at the time
19 of transfer.

20 **(63)**SEC. 116. Section 115 of Public Law 103–332 is
21 amended by inserting after the word “title” the following:
22 “or provided from other Federal agencies through reimburs-
23 able or other agreements pursuant to the Economy Act”.

24 **(64)**SEC. 117. The third proviso under the heading
25 “Compact of Free Association” of Public Law 100–446 is

1 amended by striking “\$2,000,000” and inserting
2 “\$2,500,000” and by adding at the end of the proviso the
3 following: “and commencing on October 1, 1998 and every
4 year thereafter, this dollar amount shall be changed to re-
5 flect any fluctuation occurring during the previous twelve
6 (12) months in the Consumer Price Index, as determined
7 by the Secretary of Labor”.

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

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

21 (2) to the extent funds remain, such funds will
22 be allocated according to the recommendations of a
23 task force comprised of 2 representatives from each
24 BIA area. These representatives shall be selected by
25 the Secretary with the participation of the tribes fol-

1 *lowing procedures similar to those used in establish-*
2 *ing the Joint/Tribal/BIA/DOI Task Force on Reorga-*
3 *nization of the Bureau of Indian Affairs. In deter-*
4 *mining the allocation of remaining funds, the task*
5 *force shall consider the recommendations and prin-*
6 *ciples contained in the 1994 Report. If the task force*
7 *cannot agree on a distribution by January 31, 1998,*
8 *the Secretary shall distribute the remaining funds*
9 *based on the recommendations of a majority of Task*
10 *Force members no later than February 28, 1998.*

11 **(66)**SEC. 119. *Section 116 of the Omnibus Appro-*
12 *priations Act for Fiscal Year 1997 (Public Law 104–208;*
13 *110 Stat. 3009–201) is amended—*

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

17 *(2) by striking “(February 20, 1929, 45 Stat.*
18 *1252)” each place it appears and inserting in lieu*
19 *thereof “(July 16, 1894, 28 Stat. 110 and February*
20 *20, 1929, 45 Stat. 1252)”;* and

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

24 **(67)**SEC. 120. *KANTISHNA MINING CLAIMS.—Not-*
25 *withstanding any other provision of law, on October 1,*

1 1998, there is hereby vested in the United States all right,
2 title, and interest in and to, and the right of immediate
3 possession of, all patented mining claims and valid
4 unpatented mining claims (including any unpatented
5 claim whose validity is in dispute, so long as such validity
6 is later established in a settlement or judgement pursuant
7 to this section) in the Kantishna Mining District within
8 Denali National Park and Preserve whose owners consent
9 in writing to this action within said 120 day period: Pro-
10 vided, That in the event a bankruptcy trustee is an owner
11 in interest in a mining claim in the Kantishna Mining
12 District, that consent will be deemed timely for purposes
13 of this section if the trustee applies within said 120 day
14 period to the bankruptcy court for authority to sell the min-
15 ing claim and to consent to the taking of such claim, and
16 that in such event title shall vest in the United States 10
17 days after entry of an unstayed order or judgement approv-
18 ing the trustee's application: Provided further, That the
19 United States shall pay just compensation to the owners
20 of any property taken pursuant to this section, determined
21 as of the date of taking: Provided further, That payment
22 shall be in the amount of a negotiated settlement of the
23 value of such property or the valuation of such property
24 awarded by judgment and shall be made solely from the
25 permanent judgment appropriation established pursuant to

1 *section 1304 of title 31, United States Code, and shall in-*
2 *clude accrued interest on the amount of the agreed settle-*
3 *ment value or the final judgment from the date of taking*
4 *to the date of payment, calculated in accordance with sec-*
5 *tion 258e-1 of title 40, United States Code, except that in-*
6 *terest shall not be allowed on such amounts as shall have*
7 *been paid into the court registry: Provided further, That*
8 *the United States or the property owner may initiate pro-*
9 *ceedings at any time after said 120 day period seeking a*
10 *determination of just compensation in the District Court*
11 *for the District of Alaska pursuant to sections 1358 and*
12 *1403 of title 28, United States Code: Provided further, That*
13 *the United States shall deposit in the registry of the court*
14 *the estimated just compensation, or at least seventy-five per-*
15 *cent thereof, in accordance with the procedures generally de-*
16 *scribed in section 258a of title 40, United States Code not*
17 *otherwise inconsistent with this section: Provided further,*
18 *That in establishing any estimate (other than an estimate*
19 *based on an agency-certified appraisal made prior to the*
20 *date of enactment of this Act) the Secretary of the Interior*
21 *shall permit the property owner to present evidence of the*
22 *value of the property, including potential mineral value,*
23 *and shall consider such evidence and permit the property*
24 *owner to have a reasonable and sufficient opportunity to*
25 *comment on such estimate: Provided further, That the esti-*

1 mated just compensation or part thereof deposited in the
2 court registry shall be paid to the property owner upon re-
3 quest: Provided further, That any payment from the court
4 registry to the property owner shall be deducted from any
5 negotiated settlement or award by judgement: Provided fur-
6 ther, That the United States may not request the court to
7 withhold any payment from the court registry or pursue
8 any claim for environmental remediation with respect to
9 such property until 30 days after a negotiated settlement
10 or award by judgement with respect to such property has
11 been reached and payment has been made: Provided further,
12 That the Secretary shall not allow any unauthorized use
13 of property acquired pursuant to this section after the date
14 of taking, and the Secretary shall permit the orderly termi-
15 nation of all operation on the lands and the removal of
16 equipment, facilities, and personal property.

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

21 **(69)**SEC. 122. (a) *KODIAK LAND VALUATION*.—Not-
22 withstanding the Refuge Revenue Sharing Act (16 U.S.C.
23 715s) or any regulations implementing such Act, the fair
24 market value for the initial computation of the payment
25 to Kodiak Island Borough pursuant to such Act shall be

1 based on the purchase price of the parcels acquired from
2 Akhiok-Kaguyak, Incorporated, Koniag, Incorporated, and
3 the Old Harbor Native Corporation for addition to the Ko-
4 diak National Wildlife Refuge.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (e) *COMPENSATION.—*

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

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

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

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

14 (h) *SUPPORT.*—

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

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

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

25 (j) *STUDY.*—

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

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

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

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

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

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

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

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

4 **(71)**SEC. 124. (a) *PRIORITY OF BONDS.*—Section 3
5 *of Public Law 94–392 (90 Stat. 1193, 1195) is amended—*

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

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

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

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

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

25 **(72)**SEC. 125. (a) *In this section—*

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

5 (2) *the term “Secretary” means the Secretary of*
6 *the Interior.*

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

11 (2) *The lands of the Huron Cemetery shall be used*
12 *only—*

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

15 (B) *as a burial ground.*

16 (3) *The description of the lands of the Huron Cemetery*
17 *is as follows:*

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

23 *“Commencing on the Northwest corner of*
24 *the Northwest Quarter of the Northwest Quarter*
25 *of said Section 10;*

1 *“Thence South 28 poles to the ‘true point of*
2 *beginning’;*

3 *“Thence South 71 degrees East 10 poles and*
4 *18 links;*

5 *“Thence South 18 degrees and 30 minutes*
6 *West 28 poles;*

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

8 *“Thence North 19 degrees 15 minutes East*
9 *31 poles and 15 feet to the ‘true point of begin-*
10 *ning’, containing 2 acres or more.”.*

11 **(73)***SEC. 126. ARKANSAS POST NATIONAL MEMO-*
12 *RIAL. (a) The boundaries of the Arkansas Post National Me-*
13 *morial are revised to include the approximately 360 acres*
14 *of land generally depicted on the map entitled “Arkansas*
15 *Post National Memorial, Osotouy Unit, Arkansas County,*
16 *Arkansas” and dated June 1993. Such map shall be on file*
17 *and available for public inspection in appropriate offices*
18 *of the National Park Service of the Department of the Inte-*
19 *rior.*

20 *(b) The Secretary of the Interior is authorized to ac-*
21 *quire the lands and interests therein described in subsection*
22 *(a) by donation, purchase with donated or appropriated*
23 *funds, or exchange: Provided, That such lands or interests*
24 *therein may only be acquired with the consent of the owner*
25 *thereof.*

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

19 **(75)***SEC. 128. Title I of Public Law 96–514 (94 Stat.*
20 *2957) is amended under the heading “Exploration of Na-*
21 *tional Petroleum Reserve in Alaska” by striking “(8) each*
22 *lease shall be issued” through the end of the first paragraph*
23 *and inserting in lieu thereof the following: “(8) each lease*
24 *shall be issued for an initial period of ten years, and shall*
25 *be extended for so long thereafter as oil or gas is produced*

1 *from the lease in paying quantities, or as drilling or re-*
2 *working operations, as approved by the Secretary, are con-*
3 *ducted thereon; (9) for purposes of conservation of the natu-*
4 *ral resources of any oil or gas pool, field, or like area, or*
5 *any part thereof, lessees thereof and their representatives are*
6 *authorized to unite with each other, or jointly or separately*
7 *with others, in collectively adopting and operating under*
8 *a unit agreement for such pool, field, or like area, or any*
9 *part thereof (whether or not any other part of said oil or*
10 *gas pool, field, or like area is already subject to any cooper-*
11 *ative or unit plan of development or operation), whenever*
12 *determined by the Secretary to be necessary or advisable*
13 *in the public interest. Drilling, production, and well re-*
14 *working operations performed in accordance with a unit*
15 *agreement shall be deemed to be performed for the benefit*
16 *of all leases that are subject in whole or in part to such*
17 *unit agreement. When separate tracts cannot be independ-*
18 *ently developed and operated in conformity with an estab-*
19 *lished well spacing or development program, any lease, or*
20 *a portion thereof, may be pooled with other lands, whether*
21 *or not owned by the United States, under a*
22 *communitization or drilling agreement providing for an*
23 *apportionment of production or royalties among the sepa-*
24 *rate tracts of land comprising the drilling or spacing unit*
25 *when determined by the Secretary of the Interior to be in*

1 *the public interest, and operations or production pursuant*
2 *to such an agreement shall be deemed to be operations or*
3 *production as to each such lease committed thereto; (10) to*
4 *encourage the greatest ultimate recovery of oil or gas or in*
5 *the interest of conservation the Secretary is authorized to*
6 *waive, suspend, or reduce the rental, or minimum royalty,*
7 *or reduce the royalty on an entire leasehold, including on*
8 *any lease operated pursuant to a unit agreement, whenever*
9 *in his judgment the leases cannot be successfully operated*
10 *under the terms provided therein. The Secretary is author-*
11 *ized to direct or assent to the suspension of operations and*
12 *production on any lease or unit. In the event the Secretary,*
13 *in the interest of conservation, shall direct or assent to the*
14 *suspension of operations and production on any lease or*
15 *unit, any payment of acreage rental or minimum royalty*
16 *prescribed by such lease or unit likewise shall be suspended*
17 *during the period of suspension of operations and produc-*
18 *tion, and the term of such lease shall be extended by adding*
19 *any such suspension period thereto; and (11) all receipts*
20 *from sales, rentals, bonuses, and royalties on leases issued*
21 *pursuant to this section shall be paid into the Treasury of*
22 *the United States: Provided, That 50 percentum thereof*
23 *shall be paid by the Secretary of the Treasury semiannu-*
24 *ally, as soon thereafter as practicable after March 30 and*
25 *September 30 each year, to the State of Alaska for—(A)*

1 *planning, (B) construction, maintenance, and operation of*
 2 *essential public facilities, and (C) other necessary provi-*
 3 *sions of public service: Provided further, That in the alloca-*
 4 *tion of such funds, the State shall give priority to use by*
 5 *subdivisions of the State most directly or severely impacted*
 6 *by development of oil and gas leased under this Act.”.*

7 **(76)**SEC. 129. LIMITATIONS ON CERTAIN INDIAN
 8 GAMING OPERATIONS. (a) DEFINITIONS.—For purposes of
 9 this section, the following definitions shall apply:

10 (1) CLASS III GAMING.—The term “class III
 11 gaming” has the meaning provided that term in sec-
 12 tion 4(8) of the Indian Gaming Regulatory Act (25
 13 U.S.C. 2703(8)).

14 (2) INDIAN TRIBE.—The term “Indian tribe” has
 15 the meaning provided that term in section 4(e) of the
 16 Indian Self-Determination and Education Assistance
 17 Act (25 U.S.C. 450(e)).

18 (3) SECRETARY.—The term “Secretary” means
 19 the Secretary of the Department of the Interior.

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

24 (b) CLASS III GAMING COMPACTS.—

25 (1) IN GENERAL.—

1 (A) *PROHIBITION.*—During fiscal year
2 1998, the Secretary may not expend any funds
3 made available under this Act to review or ap-
4 prove any initial Tribal-State compact for class
5 III gaming entered into on or after the date of
6 enactment of this Act. This provision shall not
7 apply to any Tribal-State compact which has
8 been approved by a State in accordance with
9 State law and the Indian Gaming Regulatory
10 Act.

11 (B) *RULE OF CONSTRUCTION.*—Nothing in
12 this paragraph may be construed to prohibit the
13 review or approval by the Secretary of a renewal
14 or revision of, or amendment to a Tribal-State
15 compact that is not covered under subparagraph
16 (A).

17 (2) *TRIBAL-STATE COMPACTS.*—During fiscal
18 year 1998, notwithstanding any other provision of
19 law, no Tribal-State compact for class III gaming
20 shall be considered to have been approved by the Sec-
21 retary by reason of the failure of the Secretary to ap-
22 prove or disapprove that compact. This provision
23 shall not apply to any Tribal-State compact which
24 has been approved by a State in accordance with
25 State law and the Indian Gaming Regulatory Act.

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

7 ~~(77)~~*SEC. 131. No funds provided in this or any other*
8 *Act may be expended to develop a rulemaking process rel-*
9 *evant to amending the National Indian Gaming Commis-*
10 *sion's definition regulations located at 25 CFR 502.7 and*
11 *502.8.*

12 ~~(78)~~*SEC. 132. YOUTH ENVIRONMENTAL SERVICE*
13 *PROGRAM.—Not later than 180 days after the date of enact-*
14 *ment of this Act, the Secretary of Interior, in consultation*
15 *with the Attorney General, shall—*

16 (1) *submit to Congress a report identifying at*
17 *least 20 sites on Federal land that are potentially*
18 *suitable and promising for activities of the Youth En-*
19 *vironmental Service program to be administered in*
20 *accordance with the Memorandum of Understanding*
21 *signed by the Secretary of the Interior and the Attor-*
22 *ney General in February 1994; and*

23 (2) *provide a copy of the report to the appro-*
24 *priate State and local law enforcement agencies in the*

1 *States and localities in which the 20 prospective sites*
 2 *are located.*

3 **(79)**SEC. 133. CONVEYANCE OF LAND TO LANDER
 4 COUNTY, NEVADA. (a) CONVEYANCE.—*Not later than the*
 5 *date that is 120 days after the date of enactment of this*
 6 *Act, the Secretary of the Interior, acting through the Direc-*
 7 *tor of the Bureau of Land Management, shall convey to*
 8 *Lander County, Nevada, without consideration, all right,*
 9 *title, and interest of the United States, subject to all valid*
 10 *existing rights and to the rights of way described in sub-*
 11 *section (b), in the property described as T. 32 N., R. 45*
 12 *E., sec. 18, lots 3, 4, 11, 12, 16, 17, 18, 19, 20 and 21,*
 13 *Mount Diablo Meridian.*

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

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

17 (2) *the 33-foot wide right-of-way for access to the*
 18 *Indian cemetery included under Public Law 90-71*
 19 *(81 Stat. 173); and*

20 (3) *the following rights-of-way granted by the*
 21 *Secretary of the Interior:*

22 *NEV-010937 (powerline).*

23 *NEV-066891 (powerline).*

24 *NEV-35345 (powerline).*

25 *N-7636 (powerline).*

1 N-56088 (powerline).

2 N-57541 (fiber optic cable).

3 N-55974 (powerline).

4 (c) *REQUIREMENT.*—*The property described in this*
5 *section shall be used for public purposes and should the*
6 *property be sold or used for other than public purposes, the*
7 *property shall revert to the United States.*

8 **(80)***SEC. 134. CONVEYANCE OF CERTAIN BUREAU OF*
9 *LAND MANAGEMENT LANDS IN CLARK COUNTY, NEVADA.*

10 (a) *FINDINGS.*—*Congress finds that—*

11 (1) *certain landowners who own property adja-*
12 *cent to land managed by the Bureau of Land Man-*
13 *agement in the North Decatur Boulevard area of Las*
14 *Vegas, Nevada, bordering on North Las Vegas, have*
15 *been adversely affected by certain erroneous private*
16 *land surveys that the landowners believed were accu-*
17 *rate;*

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

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

1 (4) *errors in the private surveys were discovered*
2 *in connection with a dependent resurvey and section*
3 *subdivision conducted by the Bureau of Land Man-*
4 *agement in 1990, which established accurate bound-*
5 *aries between certain federally owned properties and*
6 *private properties; and*

7 (5) *the Secretary has authority to sell, and it is*
8 *appropriate that the Secretary should sell, at fair*
9 *market value, the properties described in section 2(b)*
10 *to the adversely affected landowners.*

11 *(b) CONVEYANCE OF PROPERTIES.—*

12 (1) *PURCHASE OFFERS.—*

13 (A) *IN GENERAL.—Not later than 1 year*
14 *after the date of enactment of this Act, the city*
15 *of Las Vegas, Nevada, on behalf of the owners of*
16 *real property located adjacent to the properties*
17 *described in paragraph (2), may submit to the*
18 *Secretary of the Interior, acting through the Di-*
19 *rector of the Bureau of Land Management (re-*
20 *ferred to in this Act as the “Secretary”), a writ-*
21 *ten offer to purchase the properties.*

22 (B) *INFORMATION TO ACCOMPANY OFFER.—*

23 *An offer under subparagraph (A) shall be accom-*
24 *panied by—*

1 (i) a description of each property of-
2 ferred to be purchased;

3 (ii) information relating to the claim
4 of ownership of the property based on an er-
5 roneous land survey; and

6 (iii) such other information as the Sec-
7 retary may require.

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

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

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

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

19 (3) *CONVEYANCE.*—

20 (A) *IN GENERAL.*—Subject to the condition
21 stated in subparagraph (B), the Secretary shall
22 convey to the city of Las Vegas, Nevada, all
23 right, title, and interest of the United States in
24 and to the properties offered to be purchased
25 under paragraph (1) on payment by the city of

1 *the fair market value of the properties, based on*
2 *an appraisal of the fair market value as of De-*
3 *cember 1, 1982, approved by the Secretary.*

4 *(B) CONDITION.—Properties shall be con-*
5 *veyed under subparagraph (A) subject to the con-*
6 *dition that the city convey the properties to the*
7 *landowners who were adversely affected by reli-*
8 *ance on erroneous surveys as described in sub-*
9 *section (a).*

10 **(81)SEC. 135. DISPOSITION OF CERTAIN OIL LEASE**
11 *REVENUE. (a) DEPOSIT IN FUND.—One half of the amounts*
12 *awarded by the Supreme Court to the United States in the*
13 *case of United States of America v. State of Alaska (117*
14 *S. Ct. 1888) shall be deposited in a fund in the Treasury*
15 *of the United States to be known as the “national Parks*
16 *and Environmental Improvement Fund” (referred to in*
17 *this section as the “Fund”).*

18 *(b) INVESTMENTS.—*

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

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

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

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

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

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

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

14 (1) 40 percent of such amounts shall be available
15 for National Park capital projects in the National
16 Park System that comply with the criteria stated in
17 subsection (d); and

18 (2) 40 percent of such amounts shall be available
19 for the State-side matching grant under section 6 of
20 the Land and Water Conservation Fund Act of 1965
21 (16 U.S.C. 460l–8); and

22 (3) 20 percent of such amounts shall be made
23 available to the Secretary of Commerce for the pur-
24 pose of carrying out marine research activities in ac-
25 cordance with subsection (e).

1 (d) *CAPITAL PROJECTS.*—

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

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

11 (A) *the laws governing the National Park*
12 *System;*

13 (B) *any law governing the unit of the Na-*
14 *tional Park System in which the project is un-*
15 *dertaken; and*

16 (C) *the general management plan for the*
17 *unit.*

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

23 (e) *MARINE RESEARCH ACTIVITIES.*—(1) *Funds avail-*
24 *able under subsection (c)(3) shall be used by the Secretary*
25 *of Commerce according to this subsection to provide grants*

1 *to Federal, State, private or foreign organizations or indi-*
2 *viduals to conduct research activities on or relating to the*
3 *fisheries or marine ecosystems in the north Pacific Ocean,*
4 *Bering Sea, and Arctic Ocean (including any lesser related*
5 *bodies of water).*

6 (2) *Research priorities and grant requests shall be re-*
7 *viewed and recommended for Secretarial approval by a*
8 *board to be known as the North Pacific Research Board (re-*
9 *ferred to in this subsection as the “Board”). The Board shall*
10 *seek to avoid duplicating other research activities, and shall*
11 *place a priority on cooperative research efforts designed to*
12 *address pressing fishery management or marine ecosystem*
13 *information needs.*

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

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

18 (B) *the Secretary of State;*

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

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

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

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

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

1 (H) the Chairman of the Arctic Research Com-
2 mission;

3 (I) the Director of the Oil Spill Recovery Insti-
4 tute;

5 (J) the Director of the Alaska SeaLife Center;

6 (K) five members nominated by the Governor of
7 Alaska and appointed by the Secretary of Commerce,
8 one of whom shall represent fishing interests, one of
9 whom shall represent Alaska Natives, one of whom
10 shall represent environmental interests, one of whom
11 shall represent academia, and one of whom shall rep-
12 resent oil and gas interests;

13 (L) three members nominated by the Governor of
14 Washington and appointed by the Secretary of Com-
15 merce; and

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

18 The members of the Board shall be individuals knowledge-
19 able by education, training, or experience regarding fish-
20 eries or marine ecosystems in the north Pacific Ocean, Ber-
21 ing Sea, or Arctic Ocean. Three nominations shall be sub-
22 mitted for each member to be appointed under subpara-
23 graphs (K), (L), and (M). Board members appointed under
24 subparagraphs (K), (L), and (M) shall serve for three year
25 terms, and may be reappointed.

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

8 (B) *Grant recommendations and other decisions of the*
9 *Board shall be by majority vote, with each member having*
10 *one vote. The Board shall establish written criteria for the*
11 *submission of grant requests through a competitive process*
12 *and for deciding upon the award of grants. Grants shall*
13 *be recommended by the Board on the basis of merit in ac-*
14 *cordance with the priorities established by the Board. The*
15 *Secretary shall provide the Board such administrative and*
16 *technical support as is necessary for the effective function-*
17 *ing of the Board. The Board shall be considered an advisory*
18 *panel established under section 302(g) of the Magnuson-Ste-*
19 *vens Fishery Conservation and Management Act (16 U.S.C.*
20 *1801 et seq.) for the purposes of section 302(i)(1) of such*
21 *Act, and the other procedural matters applicable to advi-*
22 *sory panels under section 302(i) of such Act shall apply*
23 *to the Board to the extent practicable. Members of the Board*
24 *may be reimbursed for actual expenses incurred in perform-*
25 *ance of their duties for the Board. Not more than 5 percent*

1 *of the funds provided to the Secretary of Commerce under*
2 *paragraph (1) may be used to provide support for the Board*
3 *and administer grants under this subsection.*

4 **(82)***SEC. 136. Notwithstanding any other provision*
5 *of law, in payment for facilities, equipment, and interests*
6 *destroyed by the Federal Government at the Stampede Mine*
7 *Site within the boundaries of Denali National Park—(1)*
8 *the Secretary of the Interior, within existing funds des-*
9 *ignated by this Act for expenditure for Departmental Man-*
10 *agement, shall by September 15, 1998—(A) provide funds,*
11 *subject to an appraisal in accordance with standard ap-*
12 *praisal methods, not to exceed \$500,000 to the University*
13 *of Alaska Fairbanks, School of Mineral Engineering; and*
14 *(B) shall remove mining equipment at the Stampede Mine*
15 *Site identified by the School of Mineral Engineering to a*
16 *site specified by the School of Mineral Engineering; and*
17 *(2) the Secretary of the Army shall provide, at no cost, two*
18 *six by six vehicles, in excellent operating condition, or*
19 *equivalent equipment to the University of Alaska Fair-*
20 *banks, School of Mineral Engineering and shall construct*
21 *a bridge across the Bull River to the Golden Zone Mine*
22 *Site to allow ingress and egress for the activities conducted*
23 *by the School of Mineral Engineering. Upon transfer of the*
24 *funds, mining equipment, and the completion of all work*
25 *designated by this section, the University of Alaska Fair-*

1 *banks, School of Mineral Engineering shall convey all re-*
 2 *maining rights and interests in the Stampede Mine Site*
 3 *to the Secretary of the Interior.*

4 TITLE II—RELATED AGENCIES

5 DEPARTMENT OF AGRICULTURE

6 FOREST SERVICE

7 FOREST AND RANGELAND RESEARCH

8 For necessary expenses of forest and rangeland re-
 9 search as authorized by law, ~~(83)\$187,644,000~~
 10 ~~\$188,644,000~~, to remain available until expended.

11 STATE AND PRIVATE FORESTRY

12 For necessary expenses of cooperating with and pro-
 13 viding technical and financial assistance to States, Terri-
 14 tories, possessions, and others, and for forest health man-
 15 agement, cooperative forestry, and education and land
 16 conservation activities, ~~(84)\$157,922,000~~ \$162,668,000,
 17 to remain available until expended, as authorized by
 18 law~~(85)~~: *Provided, That of funds available under this*
 19 *heading for Pacific Northwest Assistance in this or prior*
 20 *appropriations Acts, \$800,000 shall be provided to the*
 21 *World Forestry Center for purposes of continuing scientific*
 22 *research and other authorized efforts regarding the land ex-*
 23 *change efforts in the Umpqua River Basin region*~~(86)~~:
 24 *Provided further, That activities conducted pursuant to*
 25 *funds provided herein for the Alaska Spruce Bark Beetle*

1 *task force shall be exempt from the requirements of the Fed-*
 2 *eral Advisory Committee Act.*

3 NATIONAL FOREST SYSTEM

4 For necessary expenses of the Forest Service, not
 5 otherwise provided for, for management, protection, im-
 6 provement, and utilization of the National Forest System,
 7 for forest planning, inventory, and monitoring, and for ad-
 8 ministrative expenses associated with the management of
 9 funds provided under the heads "Forest and Rangeland
 10 Research," "State and Private Forestry," "National For-
 11 est System," "Wildland Fire Management," "Reconstruc-
 12 tion and Construction," and "Land Acquisition,"
 13 ~~(87)\$1,364,480,000~~ \$1,346,215,000, to remain available
 14 until expended, which shall include 50 per centum of all
 15 monies received during prior fiscal years as fees collected
 16 under the Land and Water Conservation Fund Act of
 17 1965, as amended, in accordance with section 4 of the Act
 18 (16 U.S.C. 460l-6a(i)): *Provided*, That up to \$10,000,000
 19 of the funds provided herein for road maintenance shall
 20 be available for the planned obliteration of roads which
 21 are no longer needed (88): *Provided further*, That funds
 22 may be used to construct or reconstruct facilities of the For-
 23 est Service: *Provided further*, That no more than \$250,000
 24 shall be used on any single project, exclusive of planning
 25 and design costs: *Provided further*, That the Forest Service

1 *shall report annually to Congress the amount obligated for*
 2 *each project, and the total dollars obligated during the year.*

3 WILDLAND FIRE MANAGEMENT

4 For necessary expenses for forest fire presuppression
 5 activities on National Forest System lands, for emergency
 6 fire suppression on or adjacent to such lands or other
 7 lands under fire protection agreement, and for emergency
 8 rehabilitation of burned over National Forest System
 9 lands, ~~(89)\$591,715,000~~ \$582,715,000 to remain avail-
 10 able until expended: *Provided*, That such funds are avail-
 11 able for repayment of advances from other appropriations
 12 accounts previously transferred for such purposes.

13 RECONSTRUCTION AND CONSTRUCTION

14 For necessary expenses of the Forest Service, not
 15 otherwise provided for, ~~(90)\$160,122,000 (reduced by~~
 16 ~~\$5,600,000)~~ \$160,269,000, to remain available until ex-
 17 pended for construction, reconstruction and acquisition of
 18 buildings and other facilities, and for construction, recon-
 19 struction and repair of forest roads and trails by the For-
 20 est Service as authorized by 16 U.S.C. 532–538 and 23
 21 U.S.C. 101 and 205~~(91)~~, *of which \$800,000 shall be avail-*
 22 *able for the design and engineering of the Trappers Loop*
 23 *Connector Road in the Wasatch-Cache National For-*
 24 *est.* ~~(92):—Provided~~, That not to exceed \$50,000,000, (re-
 25 duced to \$25,000,000), to remain available until ex-

1 pended, may be obligated for the construction of forest
 2 roads by timber purchasers.

3 LAND ACQUISITION

4 For expenses necessary to carry out the provisions
 5 of the Land and Water Conservation Fund Act of 1965,
 6 as amended (16 U.S.C. 4601-4-11), including administra-
 7 tive expenses, and for acquisition of land or waters, or in-
 8 terest therein, in accordance with statutory authority ap-
 9 plicable to the Forest Service, ~~(93)\$45,000,000~~
 10 \$49,176,000, to be derived from the Land and Water Con-
 11 servation Fund, to remain available until expended.

12 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
 13 ACTS

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

20 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

1 RANGE BETTERMENT FUND

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

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

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

17 MIDWIN NATIONAL TALLGRASS PRAIRIE RESTORATION
18 FUND

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

1 (94) ~~COOPERATIVE WORK, FOREST SERVICE~~

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

7 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

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

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

4 None of the funds made available under this Act shall
5 be obligated or expended to change the boundaries of any
6 region, to abolish any region, to move or close any regional
7 office for research, State and private forestry, or National
8 Forest System administration of the Forest Service, De-
9 partment of Agriculture ~~(95)~~*other than the relocation of*
10 *the regional office for Region 10 to Ketchikan and other*
11 *office relocations and closures in Alaska as specified in the*
12 *Committee report accompanying this bill*, without the con-
13 sent of the House and Senate Committees on Appropria-
14 tions.

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

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

1 resource activities outside the United States and its terri-
2 tories and possessions, including technical assistance, edu-
3 cation and training, and cooperation with United States
4 and international organizations.

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

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

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

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

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

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

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

22 None of the funds available in this Act shall be used
23 for timber sale preparation using clearcutting in hardwood
24 stands in excess of 25 percent of the fiscal year 1989 har-
25 vested volume in the Wayne National Forest, Ohio: *Pro-*

1 *vided*, That this limitation shall not apply to hardwood
2 stands damaged by natural disaster: *Provided further*,
3 That landscape architects shall be used to maintain a vis-
4 ually pleasing forest.

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

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

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

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

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

3 Pursuant to sections 405(b) and 410(b) of Public
4 Law 101–593, of the funds available to the Forest Service,
5 up to ~~(96)\$2,000,000~~ \$2,500,000 may be advanced in a
6 lump sum as Federal financial assistance to the National
7 Forest Foundation, without regard to when the Founda-
8 tion incurs expenses, for administrative expenses or
9 projects on or benefitting National Forest System lands
10 or related to Forest Service programs: *Provided*, That of
11 the Federal funds made available to the Foundation, no
12 more than ~~(97)\$500,000~~ \$1,000,000 shall be available for
13 administrative expenses: *Provided further*, That the Foun-
14 dation shall obtain, by the end of the period of Federal
15 financial assistance, private contributions to match on at
16 least one-for-one basis funds made available by the Forest
17 Service: *Provided further*, That the Foundation may trans-
18 fer Federal funds to a recipient of Federal financial assist-
19 ance for a project at the same rate that the recipient has
20 obtained the non-Federal matching funds: *Provided fur-*
21 *ther*, That hereafter, the National Forest Foundation may
22 hold Federal funds made available but not immediately
23 disbursed and may use any interest or other investment
24 income earned (before, on, or after the date of enactment
25 of this Act) on Federal funds to carry out the purposes

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

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

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

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

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

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

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

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

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

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

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

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

14 **(98)***Funds appropriated by this Act for Region 10 of*
15 *the Forest Service to implement the Revised Tongass Na-*
16 *tional Forest Land Management Plan, shall be spent and*
17 *obligated at the Forest Supervisor and Ranger District lev-*
18 *els. No funds appropriated under this or any other Act for*
19 *the purpose of operations conducted at the Region 10 head-*
20 *quarters, including funding of centralized field costs for*
21 *funding of persons employed at the Regional Office, shall*
22 *be obligated or expended in excess of \$17,500,000 from the*
23 *total funds appropriated for Region 10.*

1 DEPARTMENT OF ENERGY

2 CLEAN COAL TECHNOLOGY

3 (RESCISSION)

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

10 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

11 For necessary expenses in carrying out fossil energy
12 research and development activities, under the authority
13 of the Department of Energy Organization Act (Public
14 Law 95–91), including the acquisition of interest, includ-
15 ing defeasible and equitable interests in any real property
16 or any facility or for plant or facility acquisition or expan-
17 sion, and for conducting inquiries, technological investiga-
18 tions and research concerning the extraction, processing,
19 use, and disposal of mineral substances without objection-
20 able social and environmental costs (30 U.S.C. 3, 1602,
21 and 1603), performed under the minerals and materials
22 science programs at the Albany Research Center in Or-
23 egon, ~~(99)\$313,153,000~~ \$363,969,000, to remain avail-
24 able until expended: *Provided*, That no part of the sum
25 herein made available shall be used for the field testing
26 of nuclear explosives in the recovery of oil and gas.

1 ALTERNATIVE FUELS PRODUCTION
2 (INCLUDING TRANSFER OF FUNDS)

3 Monies received as investment income on the prin-
4 cipal amount in the Great Plains Project Trust at the
5 Norwest Bank of North Dakota, in such sums as are
6 earned as of October 1, 1997, shall be deposited in this
7 account and immediately transferred to the General Fund
8 of the Treasury. Monies received as revenue sharing from
9 operation of the Great Plains Gasification Plant shall be
10 immediately transferred to the General Fund of the Treas-
11 ury.

12 NAVAL PETROLEUM AND OIL SHALE RESERVES

13 For necessary expenses in carrying out naval petro-
14 leum and oil shale reserve activities, ~~(100)~~~~\$115,000,000~~
15 *\$107,000,000*, and such sums as are necessary to operate
16 Naval Petroleum Reserve Numbered 1 between May 16,
17 1998 and September 30, 1998, to remain available until
18 expended: *Provided*, That notwithstanding any other pro-
19 vision of law, revenues received from use and operation
20 of Naval Petroleum Reserve Numbered 1 in excess of
21 \$163,000,000 shall be used to offset the costs of operating
22 Naval Petroleum Reserve Numbered 1 between May 16,
23 1998 and September 30, 1998: *Provided further*, That rev-
24 enues retained pursuant to the first proviso under this
25 head in Public Law 102-381 (106 Stat. 1404) shall be
26 immediately transferred to the General Fund of the Treas-

1 ury: *Provided further*, That the requirements of 10 U.S.C.
 2 7430(b)(2)(B) shall not apply to fiscal year 1998.

3 ENERGY CONSERVATION

4 For necessary expenses in carrying out energy con-
 5 servation activities, ~~(101)\$644,766,000~~ \$627,357,000, to
 6 remain available until expended, including, notwithstand-
 7 ing any other provision of law, the excess amount for fiscal
 8 year 1998 determined under the provisions of section
 9 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Pro-*
 10 *vided*, That ~~(102)\$153,845,000~~ \$160,100,000 shall be for
 11 use in energy conservation programs as defined in section
 12 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall
 13 not be available until excess amounts are determined
 14 under the provisions of section 3003(d) of Public Law 99-
 15 509 (15 U.S.C. 4502): *Provided further*, That notwith-
 16 standing section 3003(d)(2) of Public Law 99-509 such
 17 sums shall be allocated to the eligible programs as follows:
 18 ~~(103)\$123,845,000~~ \$129,000,000 for weatherization as-
 19 sistance grants and ~~(104)\$30,000,000~~ \$31,100,000 for
 20 State energy conservation grants.

21 ECONOMIC REGULATION

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

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

3 For necessary expenses for Strategic Petroleum Re-
 4 serve facility development and operations and program
 5 management activities pursuant to the Energy Policy and
 6 Conservation Act of 1975, as amended (42 U.S.C. 6201
 7 et seq.); ~~\$209,000,000~~ ~~\$207,500,000~~, to remain available
 8 until expended, of which ~~\$209,000,000~~ ~~\$207,500,000~~ shall
 9 be repaid from the “SPR Operating Fund” from amounts
 10 made available from the sale of oil from the Reserve: *Pro-*
 11 *vided*, That notwithstanding section 161 of the Energy
 12 Policy and Conservation Act, the Secretary shall draw
 13 down and sell in fiscal year 1998 ~~\$209,000,000~~
 14 ~~\$207,500,000~~ worth of oil from the Strategic Petroleum
 15 Reserve: *Provided further*, That the proceeds from the sale
 16 shall be deposited into the “SPR Operating Fund”, and
 17 shall, upon receipt, be transferred to the Strategic Petro-
 18 leum Reserve account for operations of the Strategic Pe-
 19 troleum Reserve.

20 **STRATEGIC PETROLEUM RESERVE**
 21 **(INCLUDING TRANSFER OF FUNDS)**

22 *For necessary expenses for Strategic Petroleum Reserve*
 23 *facility development and operations and program manage-*
 24 *ment activities pursuant to the Energy Policy and Con-*
 25 *servaion Act of 1975, as amended (42 U.S.C. 6201 et seq.),*
 26 *\$207,500,000, to remain available until expended, of which*

1 \$207,500,000 shall be repaid from the “SPR Operating
2 Fund” from amounts made available from the sales under
3 this heading: Provided, That, consistent with Public law
4 104–106, proceeds in excess of \$2,000,000,000 from the sale
5 of the Naval Petroleum Reserve Numbered 1 shall be depos-
6 ited into the “SPR Operating Fund”, and are hereby ap-
7 propriated, to remain available until expended, for repay-
8 ments under this heading and for operations of, or acquisi-
9 tion, transportation, and injection of petroleum products
10 into, the Strategic Petroleum Reserve: Provided further,
11 That if the Secretary of Energy finds that the proceeds from
12 the sale of the Naval Petroleum Reserve Numbered 1 will
13 not be at least \$2,207,500,000 in fiscal year 1998, the Sec-
14 retary, notwithstanding section 161 of the Energy Policy
15 and Conservation Act of 1975, shall draw down and sell
16 oil from the Strategic Petroleum Reserve in fiscal year
17 1998, and deposit the proceeds into the “SPR Operating
18 Fund”, in amounts sufficient to make deposits into the fund
19 total \$207,500,000 in that fiscal year: Provided further,
20 That the amount of \$2,000,000,000 in the first proviso and
21 the amount of \$2,207,500,000 in the second proviso shall
22 be adjusted by the Director of the Office of Management and
23 Budget to amounts not to exceed \$2,415,000,000 and
24 \$2,622,500,000, respectively, only to the extent that an ad-
25 justment is necessary to avoid a sequestration, or any in-

1 *crease in a sequestration due to this section, under the pro-*
 2 *cedures prescribed in the Budget Enforcement Act of 1990,*
 3 *as amended: Provided further, That the Secretary of En-*
 4 *ergy, notwithstanding section 161 of the Energy Policy and*
 5 *Conservation Act of 1975, shall draw down and sell oil from*
 6 *the Strategic Petroleum Reserve in fiscal year 1998 suffi-*
 7 *cient to deposit \$15,000,000 into the General Fund of the*
 8 *Treasury of the United States, and shall transfer such*
 9 *amount to the General Fund: Provided further, That pro-*
 10 *ceeds deposited into the “SPR Operating Fund” under this*
 11 *heading shall, upon receipt, be transferred to the Strategic*
 12 *Petroleum Reserve account for operations and activities of*
 13 *the Strategic Petroleum Reserve and to satisfy the require-*
 14 *ments specified under this heading.*

15 SPR PETROLEUM ACCOUNT

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

22 ENERGY INFORMATION ADMINISTRATION

23 For necessary expenses in carrying out the activities
 24 of the Energy Information Administration,
 25 ~~(106)\$66,800,000~~ \$62,800,000, to remain available until
 26 expended.

1 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

2 Appropriations under this Act for the current fiscal
3 year shall be available for hire of passenger motor vehicles;
4 hire, maintenance, and operation of aircraft; purchase, re-
5 pair, and cleaning of uniforms; and reimbursement to the
6 General Services Administration for security guard serv-
7 ices.

8 From appropriations under this Act, transfers of
9 sums may be made to other agencies of the Government
10 for the performance of work for which the appropriation
11 is made.

12 None of the funds made available to the Department
13 of Energy under this Act shall be used to implement or
14 finance authorized price support or loan guarantee pro-
15 grams unless specific provision is made for such programs
16 in an appropriations Act.

17 The Secretary is authorized to accept lands, build-
18 ings, equipment, and other contributions from public and
19 private sources and to prosecute projects in cooperation
20 with other agencies, Federal, State, private or foreign:
21 *Provided*, That revenues and other moneys received by or
22 for the account of the Department of Energy or otherwise
23 generated by sale of products in connection with projects
24 of the Department appropriated under this Act may be
25 retained by the Secretary of Energy, to be available until

1 expended, and used only for plant construction, operation,
2 costs, and payments to cost-sharing entities as provided
3 in appropriate cost-sharing contracts or agreements: *Pro-*
4 *vided further*, That the remainder of revenues after the
5 making of such payments shall be covered into the Treas-
6 ury as miscellaneous receipts: *Provided further*, That any
7 contract, agreement, or provision thereof entered into by
8 the Secretary pursuant to this authority shall not be exe-
9 cuted prior to the expiration of 30 calendar days (not in-
10 cluding any day in which either House of Congress is not
11 in session because of adjournment of more than three cal-
12 endar days to a day certain) from the receipt by the
13 Speaker of the House of Representatives and the Presi-
14 dent of the Senate of a full comprehensive report on such
15 project, including the facts and circumstances relied upon
16 in support of the proposed project.

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

21 In addition to other authorities set forth in this Act,
22 the Secretary may accept fees and contributions from pub-
23 lic and private sources, to be deposited in a contributed
24 funds account, and prosecute projects using such fees and

1 contributions in cooperation with other Federal, State or
2 private agencies or concerns.

3 The Secretary is authorized to accept funds from
4 other Federal agencies in return for assisting agencies in
5 achieving energy efficiency in Federal facilities and oper-
6 ations by the use of privately financed, energy saving per-
7 formance contracts and other private financing mecha-
8 nisms. The funds may be provided after agencies begin
9 to realize energy cost savings; may be retained by the Sec-
10 retary until expended; and may be used only for the pur-
11 pose of assisting Federal agencies in achieving greater ef-
12 ficiency, water conservation, and use of renewable energy
13 by means of privately financed mechanisms, including en-
14 ergy savings performance contracts. Any such privately fi-
15 nanced contracts shall meet the provisions of the Energy
16 Policy Act of 1992, Public Law ~~(107)102-496~~ 102-486
17 (42 U.S.C. 8287).

18 DEPARTMENT OF HEALTH AND HUMAN

19 SERVICES

20 INDIAN HEALTH SERVICE

21 INDIAN HEALTH SERVICES

22 For expenses necessary to carry out the Act of Au-
23 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
24 tion Act, the Indian Health Care Improvement Act, and
25 titles II and III of the Public Health Service Act with re-

1 spect to the Indian Health Service, ~~(108)~~\$1,829,008,000
2 \$1,958,235,000, together with payments received during
3 the fiscal year pursuant to 42 U.S.C. 238(b) for services
4 furnished by the Indian Health Service: *Provided*, That
5 funds made available to tribes and tribal organizations
6 through contracts, grant agreements, or any other agree-
7 ments or compacts authorized by the Indian Self-Deter-
8 mination and Education Assistance Act of 1975 (25
9 U.S.C. 450), shall be deemed to be obligated at the time
10 of the grant or contract award and thereafter shall remain
11 available to the tribe or tribal organization without fiscal
12 year limitation: *Provided further*, That \$12,000,000 shall
13 remain available until expended, for the Indian Cata-
14 strophic Health Emergency Fund: *Provided further*, That
15 ~~(109)~~~~\$359,348,000~~ \$362,375,000 for contract medical
16 care shall remain available for obligation until September
17 30, 1999: *Provided further*, That of the funds provided,
18 not less than \$11,889,000 shall be used to carry out the
19 loan repayment program under section 108 of the Indian
20 Health Care Improvement Act: *Provided further*, That
21 funds provided in this Act may be used for one-year con-
22 tracts and grants which are to be performed in two fiscal
23 years, so long as the total obligation is recorded in the
24 year for which the funds are appropriated: *Provided fur-*
25 *ther*, That the amounts collected by the Secretary of

1 Health and Human Services under the authority of title
2 IV of the Indian Health Care Improvement Act shall re-
3 main available until expended for the purpose of achieving
4 compliance with the applicable conditions and require-
5 ments of titles XVIII and XIX of the Social Security Act
6 (exclusive of planning, design, or construction of new fa-
7 cilities): *Provided further*, That of the funds provided,
8 \$7,500,000 shall remain available until expended, for the
9 Indian Self-Determination Fund, which shall be available
10 for the transitional costs of initial or expanded tribal con-
11 tracts, compacts, grants or cooperative agreements with
12 the Indian Health Service under the provisions of the In-
13 dian Self-Determination Act: *Provided further*, That fund-
14 ing contained herein, and in any earlier appropriations
15 Acts for scholarship programs under the Indian Health
16 Care Improvement Act (25 U.S.C. 1613) shall remain
17 available for obligation until September 30, 1999: *Pro-*
18 *vided further*, That amounts received by tribes and tribal
19 organizations under title IV of the Indian Health Care Im-
20 provement Act shall be reported and accounted for and
21 available to the receiving tribes and tribal organizations
22 until expended(110): *Provided further*, *That an amount*
23 *not to exceed \$200,000 shall be available to fund the Office*
24 *of Navajo Uranium Workers for health screening and epi-*
25 *demiologic follow up of uranium miners and mill workers,*

1 *to be derived from funds otherwise available for administra-*
 2 *tive and travel expenses.*

3 INDIAN HEALTH FACILITIES

4 For construction, repair, maintenance, improvement,
 5 and equipment of health and related auxiliary facilities,
 6 including quarters for personnel; preparation of plans,
 7 specifications, and drawings; acquisition of sites, purchase
 8 and erection of modular buildings, and purchases of trail-
 9 ers; and for provision of domestic and community sanita-
 10 tion facilities for Indians, as authorized by section 7 of
 11 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
 12 Self-Determination Act, and the Indian Health Care Im-
 13 provement Act(111),—and for expenses necessary to carry
 14 out such Acts and titles II and III of the Public Health
 15 Service Act with respect to environmental health and fa-
 16 cilities support activities of the Indian Health Service,
 17 ~~\$257,310,000~~ \$168,501,000, to remain available until ex-
 18 pended: *Provided*, That notwithstanding any other provi-
 19 sion of law, funds appropriated for the planning, design,
 20 construction or renovation of health facilities for the bene-
 21 fit of an Indian tribe or tribes may be used to purchase
 22 land for sites to construct, improve, or enlarge health or
 23 related facilities.

24 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

25 Appropriations in this Act to the Indian Health Serv-
 26 ice shall be available for services as authorized by 5 U.S.C.

1 3109 but at rates not to exceed the per diem rate equiva-
2 lent to the maximum rate payable for senior-level positions
3 under 5 U.S.C. 5376; hire of passenger motor vehicles and
4 aircraft; purchase of medical equipment; purchase of re-
5 prints; purchase, renovation and erection of modular
6 buildings and renovation of existing facilities; payments
7 for telephone service in private residences in the field,
8 when authorized under regulations approved by the Sec-
9 retary; and for uniforms or allowances therefore as au-
10 thorized by 5 U.S.C. 5901–5902; and for expenses of at-
11 tendance at meetings which are concerned with the func-
12 tions or activities for which the appropriation is made or
13 which will contribute to improved conduct, supervision, or
14 management of those functions or activities: *Provided*,
15 That in accordance with the provisions of the Indian
16 Health Care Improvement Act, non-Indian patients may
17 be extended health care at all tribally administered or In-
18 dian Health Service facilities, subject to charges, and the
19 proceeds along with funds recovered under the Federal
20 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
21 be credited to the account of the facility providing the
22 service and shall be available without fiscal year limitation:
23 *Provided further*, That notwithstanding any other law or
24 regulation, funds transferred from the Department of
25 Housing and Urban Development to the Indian Health

1 Service shall be administered under Public Law 86–121
2 (the Indian Sanitation Facilities Act) and Public Law 93–
3 638, as amended: *Provided further*, That funds appro-
4 priated to the Indian Health Service in this Act, except
5 those used for administrative and program direction pur-
6 poses, shall not be subject to limitations directed at cur-
7 tailing Federal travel and transportation: *Provided further*,
8 That notwithstanding any other provision of law, funds
9 previously or herein made available to a tribe or tribal or-
10 ganization through a contract, grant, or agreement au-
11 thorized by title I or title III of the Indian Self-Determina-
12 tion and Education Assistance Act of 1975 (25 U.S.C.
13 450), may be deobligated and reobligated to a self-deter-
14 mination contract under title I, or a self-governance agree-
15 ment under title III of such Act and thereafter shall re-
16 main available to the tribe or tribal organization without
17 fiscal year limitation: *Provided further*, That none of the
18 funds made available to the Indian Health Service in this
19 Act shall be used to implement the final rule published
20 in the Federal Register on September 16, 1987, by the
21 Department of Health and Human Services, relating to
22 the eligibility for the health care services of the Indian
23 Health Service until the Indian Health Service has sub-
24 mitted a budget request reflecting the increased costs as-
25 sociated with the proposed final rule, and such request has

1 been included in an appropriations Act and enacted into
2 law: *Provided further*, That funds made available in this
3 Act are to be apportioned to the Indian Health Service
4 as appropriated in this Act, and accounted for in the ap-
5 propriation structure set forth in this Act(112):~~*Provided*~~
6 ~~*further*~~, That funds received from any source, including
7 tribal contractors and compactors for previously trans-
8 ferred functions which tribal contractors and compactors
9 no longer wish to retain, for services, goods, or training
10 and technical assistance, shall be retained by the Indian
11 Health Service and shall remain available until expended
12 by the Indian Health Service: *Provided further*, That with
13 respect to functions transferred by the Indian Health Serv-
14 ice to tribes or tribal organizations, the Indian Health
15 Service is authorized to provide goods and services to those
16 entities, on a reimbursable basis, including payment in ad-
17 vance with subsequent adjustment, and the reimbursements
18 received therefrom, along with the funds received from those
19 entities pursuant to the Indian Self-Determination Act,
20 may be credited to the same or subsequent appropriation
21 account which provided the funding, said amounts to re-
22 main available until expended: *Provided further*, That re-
23 imbursements for training, technical assistance, or serv-
24 ices provided by the Indian Health Service will contain
25 total costs, including direct, administrative, and overhead

1 associated with the provision of goods, services, or tech-
 2 nical assistance: *Provided further*, That the appropriation
 3 structure for the Indian Health Service may not be altered
 4 without advance approval of the House and Senate Com-
 5 mittees on Appropriations.

6 OTHER RELATED AGENCIES

7 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of Navajo and
 10 Hopi Indian Relocation as authorized by Public Law 93-
 11 531, ~~(113)~~~~\$18,345,000~~ \$15,000,000, to remain available
 12 until expended: *Provided*, That funds provided in this or
 13 any other appropriations Act are to be used to relocate
 14 eligible individuals and groups including evictees from Dis-
 15 trict 6, Hopi-partitioned lands residents, those in signifi-
 16 cantly substandard housing, and all others certified as eli-
 17 gible and not included in the preceding categories: *Pro-*
 18 *vided further*, That none of the funds contained in this
 19 or any other Act may be used by the Office of Navajo
 20 and Hopi Indian Relocation to evict any single Navajo or
 21 Navajo family who, as of November 30, 1985, was phys-
 22 ically domiciled on the lands partitioned to the Hopi Tribe
 23 unless a new or replacement home is provided for such
 24 household: *Provided further*, That no relocatee will be pro-
 25 vided with more than one new or replacement home: *Pro-*

1 *vided further*, That the Office shall relocate any certified
 2 eligible relocatees who have selected and received an ap-
 3 proved homesite on the Navajo reservation or selected a
 4 replacement residence off the Navajo reservation or on the
 5 land acquired pursuant to 25 U.S.C. 640d–10.

6 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
 7 CULTURE AND ARTS DEVELOPMENT

8 PAYMENT TO THE INSTITUTE

9 For payment to the Institute of American Indian and
 10 Alaska Native Culture and Arts Development, as author-
 11 ized by title XV of Public Law 99–498, as amended (20
 12 U.S.C. 56, part A), ~~(114)\$3,000,000~~ \$5,500,000.

13 SMITHSONIAN INSTITUTION

14 SALARIES AND EXPENSES

15 For necessary expenses of the Smithsonian Institu-
 16 tion, as authorized by law, including research in the fields
 17 of art, science, and history; development, preservation, and
 18 documentation of the National Collections; presentation of
 19 public exhibits and performances; collection, preparation,
 20 dissemination, and exchange of information and publica-
 21 tions; conduct of education, training, and museum assist-
 22 ance programs; maintenance, alteration, operation, lease
 23 (for terms not to exceed thirty years), and protection of
 24 buildings, facilities, and approaches; not to exceed
 25 \$100,000 for services as authorized by 5 U.S.C. 3109; up

1 to 5 replacement passenger vehicles; purchase, rental, re-
 2 pair, and cleaning of uniforms for employees;
 3 ~~(115)\$334,557,000~~ \$333,708,000, of which not to exceed
 4 \$32,718,000 for the instrumentation program, collections
 5 acquisition, Museum Support Center equipment and move,
 6 exhibition reinstallation, the National Museum of the
 7 American Indian, the repatriation of skeletal remains pro-
 8 gram, research equipment, information management, and
 9 Latino programming shall remain available until ex-
 10 pended, and including such funds as may be necessary to
 11 support American overseas research centers and a total
 12 of \$125,000 for the Council of American Overseas Re-
 13 search Centers: *Provided*, That funds appropriated herein
 14 are available for advance payments to independent con-
 15 tractors performing research services or participating in
 16 official Smithsonian presentations.

17 CONSTRUCTION AND IMPROVEMENTS, NATIONAL
 18 ZOOLOGICAL PARK

19 For necessary expenses of planning, construction, re-
 20 modeling, and equipping of buildings and facilities at the
 21 National Zoological Park, by contract or otherwise,
 22 \$3,850,000, to remain available until expended.

23 REPAIR AND RESTORATION OF BUILDINGS

24 For necessary expenses of repair and restoration of
 25 buildings owned or occupied by the Smithsonian Institu-
 26 tion, by contract or otherwise, as authorized by section

1 2 of the Act of August 22, 1949 (63 Stat. 623), including
 2 not to exceed \$10,000 for services as authorized by 5
 3 U.S.C. 3109, ~~(116)\$50,000,000~~ \$32,000,000, to remain
 4 available until expended: *Provided*, That contracts award-
 5 ed for environmental systems, protection systems, and ex-
 6 terior repair or restoration of buildings of the Smithsonian
 7 Institution may be negotiated with selected contractors
 8 and awarded on the basis of contractor qualifications as
 9 well as price.

10 **(117)CONSTRUCTION**

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

19 NATIONAL GALLERY OF ART

20 SALARIES AND EXPENSES

21 For the upkeep and operations of the National Gal-
 22 lery of Art, the protection and care of the works of art
 23 therein, and administrative expenses incident thereto, as
 24 authorized by the Act of March 24, 1937 (50 Stat. 51),
 25 as amended by the public resolution of April 13, 1939

1 (Public Resolution 9, Seventy-sixth Congress), including
 2 services as authorized by 5 U.S.C. 3109; payment in ad-
 3 vance when authorized by the treasurer of the Gallery for
 4 membership in library, museum, and art associations or
 5 societies whose publications or services are available to
 6 members only, or to members at a price lower than to the
 7 general public; purchase, repair, and cleaning of uniforms
 8 for guards, and uniforms, or allowances therefor, for other
 9 employees as authorized by law (5 U.S.C. 5901–5902);
 10 purchase or rental of devices and services for protecting
 11 buildings and contents thereof, and maintenance, alter-
 12 ation, improvement, and repair of buildings, approaches,
 13 and grounds; and purchase of services for restoration and
 14 repair of works of art for the National Gallery of Art by
 15 contracts made, without advertising, with individuals,
 16 firms, or organizations at such rates or prices and under
 17 such terms and conditions as the Gallery may deem prop-
 18 er, \$55,837,000, of which not to exceed \$3,026,000 for
 19 the special exhibition program shall remain available until
 20 expended.

21 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

22 For necessary expenses of repair, restoration and
 23 renovation of buildings, grounds and facilities owned or
 24 occupied by the National Gallery of Art, by contract or
 25 otherwise, as authorized, ~~(118)\$6,442,000~~ \$5,942,000, to
 26 remain available until expended: *Provided*, That contracts

1 awarded for environmental systems, protection systems,
 2 and exterior repair or renovation of buildings of the Na-
 3 tional Gallery of Art may be negotiated with selected con-
 4 tractors and awarded on the basis of contractor qualifica-
 5 tions as well as price.

6 JOHN F. KENNEDY CENTER FOR THE PERFORMING
 7 ARTS
 8 OPERATIONS AND MAINTENANCE

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

12 CONSTRUCTION

13 For necessary expenses for capital repair and reha-
 14 bilitation of the existing features of the building and site
 15 of the John F. Kennedy Center for the Performing Arts,
 16 \$9,000,000, to remain available until expended.

17 WOODROW WILSON INTERNATIONAL CENTER FOR
 18 SCHOLARS
 19 SALARIES AND EXPENSES

20 ~~(119) For necessary expenses of the Woodrow Wilson~~
 21 ~~International Center for Scholars, \$1,000,000.~~

22 *For expenses necessary in carrying out the provisions*
 23 *of the Woodrow Wilson Memorial Act of 1968 (82 Stat.*
 24 *1356) including hire of passenger vehicles and services as*
 25 *authorized by 5 U.S.C. 3109, \$5,840,000.*

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES

3 **(120)** *NATIONAL ENDOWMENT FOR THE ARTS*

4 **(121)** *GRANTS AND ADMINISTRATION*

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

13 **(122)** *MATCHING GRANTS*

14 *To carry out the provisions of section 10(a)(2) of the*
15 *National Foundation on the Arts and the Humanities Act*
16 *of 1965, as amended, \$16,760,000, to remain available until*
17 *expended, to the National Endowment for the Arts: Pro-*
18 *vided, That this appropriation shall be available for obliga-*
19 *tion only in such amounts as may be equal to the total*
20 *amounts of gifts, bequests, and devises of money, and other*
21 *property accepted by the Chairman or by grantees of the*
22 *Endowment under the provisions of section 10(a)(2), sub-*
23 *sections 11(a)(2)(A) and 11(a)(3)(A) during the current*
24 *and preceding fiscal years for which equal amounts have*
25 *not previously been appropriated.*

1 NATIONAL ENDOWMENT FOR THE HUMANITIES
2 GRANTS AND ADMINISTRATION

3 For necessary expenses to carry out the National
4 Foundation on the Arts and the Humanities Act of 1965,
5 as amended, ~~(123)\$96,100,000~~ \$96,800,000, shall be
6 available to the National Endowment for the Humanities
7 for support of activities in the humanities, pursuant to
8 section 7(c) of the Act, and for administering the func-
9 tions of the Act, to remain available until expended.

10 MATCHING GRANTS

11 To carry out the provisions of section 10(a)(2) of the
12 National Foundation on the Arts and the Humanities Act
13 of 1965, as amended, \$13,900,000, to remain available
14 until expended, of which \$8,000,000 shall be available to
15 the National Endowment for the Humanities for the pur-
16 poses of section 7(h): *Provided*, That this appropriation
17 shall be available for obligation only in such amounts as
18 may be equal to the total amounts of gifts, bequests, and
19 devises of money, and other property accepted by the
20 Chairman or by grantees of the Endowment under the
21 provisions of subsections 11(a)(2)(B) and 11(a)(3)(B)
22 during the current and preceding fiscal years for which
23 equal amounts have not previously been appropriated.

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES
 2 OFFICE OF MUSEUM SERVICES
 3 GRANTS AND ADMINISTRATION

4 For carrying out subtitle C of the Museum and Li-
 5 brary Services Act of 1996, ~~(124)\$23,390,000~~
 6 \$22,290,000, to remain available until expended.

7 ADMINISTRATIVE PROVISIONS

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

15 COMMISSION OF FINE ARTS

16 SALARIES AND EXPENSES

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

19 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

20 For necessary expenses as authorized by Public Law
 21 99–190 (20 U.S.C. 956(a)), as amended,
 22 ~~(125)\$6,000,000~~ \$7,000,000.

23 ADVISORY COUNCIL ON HISTORIC PRESERVATION

24 SALARIES AND EXPENSES

25 For necessary expenses of the Advisory Council on
 26 Historic Preservation (Public Law 89–665, as amended),

1 ~~(126)\$2,700,000~~ \$2,745,000: *Provided*, That none of
 2 these funds shall be available for the compensation of Ex-
 3 ecutive Level V or higher positions.

4 NATIONAL CAPITAL PLANNING COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses, as authorized by the Na-
 7 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
 8 including services as authorized by 5 U.S.C. 3109,
 9 ~~(127)\$5,700,000~~ \$5,740,000: *Provided*, That all ap-
 10 pointed members will be compensated at a rate not to ex-
 11 ceed the rate for Executive Schedule Level IV: *Provided*
 12 *further*, That beginning in fiscal year 1998 and thereafter,
 13 the Commission is authorized to charge fees to cover the
 14 full costs of Geographic Information System products and
 15 services supplied by the Commission, and such fees shall
 16 be credited to this account as an offsetting collection, to
 17 remain available until expended.

18 UNITED STATES HOLOCAUST MEMORIAL COUNCIL

19 HOLOCAUST MEMORIAL COUNCIL

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

1 TITLE III—GENERAL PROVISIONS

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

9 SEC. 302. No part of any appropriation under this
10 Act shall be available to the Secretary of the Interior or
11 the Secretary of Agriculture for the leasing of oil and nat-
12 ural gas by noncompetitive bidding on publicly owned
13 lands within the boundaries of the Shawnee National For-
14 est, Illinois: *Provided*, That nothing herein is intended to
15 inhibit or otherwise affect the sale, lease, or right to access
16 to minerals owned by private individuals.

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

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

1 SEC. 305. None of the funds provided in this Act to
2 any department or agency shall be obligated or expended
3 to provide a personal cook, chauffeur, or other personal
4 servants to any officer or employee of such department
5 or agency except as otherwise provided by law.

6 SEC. 306. No assessments may be levied against any
7 program, budget activity, subactivity, or project funded by
8 this Act unless advance notice of such assessments and
9 the basis therefor are presented to the Committees on Ap-
10 propriations and are approved by such Committees.

11 SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN
12 ACT.—None of the funds made available in this Act may
13 be expended by an entity unless the entity agrees that in
14 expending the funds the entity will comply with sections
15 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
16 10c; popularly known as the “Buy American Act”).

17 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-
18 ING NOTICE.—

19 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT
20 AND PRODUCTS.—In the case of any equipment or
21 product that may be authorized to be purchased
22 with financial assistance provided using funds made
23 available in this Act, it is the sense of the Congress
24 that entities receiving the assistance should, in ex-

1 pending the assistance, purchase only American-
2 made equipment and products.

3 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—

4 In providing financial assistance using funds made
5 available in this Act, the head of each Federal agen-
6 cy shall provide to each recipient of the assistance
7 a notice describing the statement made in paragraph
8 (1) by the Congress.

9 (c) PROHIBITION OF CONTRACTS WITH PERSONS
10 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

11 If it has been finally determined by a court or Federal
12 agency that any person intentionally affixed a label bear-
13 ing a “Made in America” inscription, or any inscription
14 with the same meaning, to any product sold in or shipped
15 to the United States that is not made in the United
16 States, the person shall be ineligible to receive any con-
17 tract or subcontract made with funds made available in
18 this Act, pursuant to the debarment, suspension, and ineli-
19 gibility procedures described in sections 9.400 through
20 9.409 of title 48, Code of Federal Regulations.

21 SEC. 308. None of the funds in this Act may be used
22 to plan, prepare, or offer for sale timber from trees classi-
23 fied as giant sequoia (*Sequoiadendron giganteum*) which
24 are located on National Forest System or Bureau of Land

1 Management lands in a manner different than such sales
2 were conducted in fiscal year 1995.

3 SEC. 309. None of the funds made available by this
4 Act may be obligated or expended by the National Park
5 Service to enter into or implement a concession contract
6 which permits or requires the removal of the underground
7 lunchroom at the Carlsbad Caverns National Park.

8 SEC. 310. Beginning in fiscal year 1998 and there-
9 after, where the actual costs of construction projects under
10 self-determination contracts, compacts, or grants, pursu-
11 ant to Public Laws 93-638, 103-413, or 100-297, are
12 less than the estimated costs thereof, use of the resulting
13 excess funds shall be determined by the appropriate Sec-
14 retary after consultation with the tribes.

15 SEC. 311. Notwithstanding Public Law 103-413,
16 quarterly payments of funds to tribes and tribal organiza-
17 tions under annual funding agreements pursuant to sec-
18 tion 108 of Public Law 93-638, as amended, beginning
19 in fiscal year 1998 and thereafter, may be made on the
20 first business day following the first day of a fiscal quar-
21 ter.

22 SEC. 312. None of the funds appropriated or other-
23 wise made available by this Act may be used for the
24 AmeriCorps program, unless the relevant agencies of the
25 Department of the Interior and/or Agriculture follow ap-

1 appropriate reprogramming guidelines: *Provided*, That if no
2 funds are provided for the AmeriCorps program by the
3 VA–HUD and Independent Agencies fiscal year 1998 ap-
4 propriations bill, then none of the funds appropriated or
5 otherwise made available by this Act may be used for the
6 AmeriCorps programs.

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

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

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

1 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for
2 placer claims, and section 2337 of the Revised Statutes
3 (30 U.S.C. 42) for mill site claims, as the case may be,
4 were fully complied with by the applicant by that date.

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

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

1 SEC. 315. None of the funds appropriated or other-
2 wise made available by this Act may be used for the pur-
3 poses of acquiring lands in the counties of Gallia, Law-
4 rence, Monroe, or Washington, Ohio, for the Wayne Na-
5 tional Forest.

6 ~~(128)SEC. 316.~~ None of the funds available to the
7 Department of the Interior or the Department of Agri-
8 culture by this or any other Act may be used to prepare,
9 promulgate, implement, or enforce any interim or final
10 rule or regulation pursuant to title VIII of the Alaska Na-
11 tional Interest Lands Conservation Act to assert jurisdic-
12 tion, management, or control over any waters (other than
13 non-navigable waters on Federal lands), non-Federal
14 lands, or lands selected by, but not conveyed to, the State
15 of Alaska pursuant to the Submerged Lands Act of 1953
16 or the Alaska Statehood Act, or an Alaska Native Cor-
17 poration pursuant to the Alaska Native Claims Settlement
18 Act.

19 ~~(129)SEC. 317.~~ No funds appropriated under this or
20 any other Act shall be used to review or modify sourcing
21 areas previously approved under section 490(e)(3) of the
22 Forest Resources Conservation and Shortage Relief Act
23 of 1990 (Public Law 101-382) or to enforce or implement
24 Federal regulations 36 CFR part 223 promulgated on
25 September 8, 1995. The regulations and interim rules in

1 effect prior to September 8, 1995 (36 CFR 223.48, 36
2 CFR 223.87, 36 CFR 223 subpart D, 36 CFR 223 sub-
3 part F, and 36 CFR 261.6) shall remain in effect. The
4 Secretary of Agriculture or the Secretary of the Interior
5 shall not adopt any policies concerning Public Law 101-
6 382 or existing regulations that would restrain domestic
7 transportation or processing of timber from private lands
8 or impose additional accountability requirements on any
9 timber. The Secretary of Commerce shall extend until Sep-
10 tember 30, 1998, the order issued under section
11 491(b)(2)(A) of Public Law 101-382 and shall issue an
12 order under section 491(b)(2)(B) of such law that will be
13 effective October 1, 1998.

14 **(130)SEC. 318.** No part of any appropriation con-
15 tained in this Act shall be expended or obligated to fund
16 the activities of the western director and special assistant
17 to the Secretary within the Office of the Secretary of Agri-
18 culture.

19 *SEC. 318. No part of any appropriation contained in*
20 *this Act shall be expended or obligated to fund the activities*
21 *of the western director and special assistant to the Secretary*
22 *within the Office of the Secretary of Agriculture unless the*
23 *proposed expenditure is approved in advance by the House*
24 *and Senate Committees on Appropriations in compliance*

1 *with the reprogramming procedures contained in the report*
2 *accompanying this bill.*

3 SEC. 319. Notwithstanding any other provision of
4 law, for fiscal year 1998 ~~(131)~~and hereafter the Secretar-
5 ies of Agriculture and Interior are authorized to limit com-
6 petition for watershed restoration project contracts as part
7 of the “Jobs in the Woods” component of the President’s
8 Forest Plan for the Pacific Northwest to individuals and
9 entities in historically timber-dependent areas in the
10 States of Washington, Oregon, and northern California
11 that have been affected by reduced timber harvesting on
12 Federal lands.

13 ~~(132)SEC. 320. Section 101(e) of Public Law 104-~~
14 ~~134~~ is amended as follows: Under the heading “TITLE
15 ~~III—GENERAL PROVISIONS~~” amend section
16 ~~315(c)(1)~~, subsections (A) and (B) by striking each of
17 those subsections and inserting in lieu thereof:

18 “(A) Eighty percent to a special account in the
19 Treasury for use without further appropriation, by
20 the agency which administers the site, to remain
21 available for expenditure in accordance with para-
22 graph (2)(A).”

23 “(B) Twenty percent to a special account in the
24 Treasury for use without further appropriation, by
25 the agency which administers the site, to remain

1 available for expenditure in accordance with para-
2 graph (2)(B).”.

3 SEC. 321. None of the funds collected under the Rec-
4 reational Fee Demonstration program may be used to
5 plan, design, or construct a visitor center or any other per-
6 manent structure without prior approval of the House and
7 the Senate Committees on Appropriations ~~(133)~~ *if the es-*
8 *timated total cost of the facility exceeds \$500,000.*

9 SEC. 322. Section 303(d)(1) of Public Law 96–451
10 (16 U.S.C. 1606a(d)(1)) is amended by inserting before
11 the semicolon the following: “and other forest stand im-
12 provement activities to enhance forest health and reduce
13 hazardous fuel loads of forest stands in the National For-
14 est System”.

15 ~~(134)~~ SEC. 323. The Secretaries of Agriculture and
16 Interior, in their conducting the Interior Columbia Basin
17 Ecosystem Management Project, including both the
18 Eastside Draft Environmental Impact Statement and the
19 Upper Columbia River Basin Ecosystem Management
20 Strategy Draft Environmental Impact Statement as de-
21 scribed in a Federal Register notice on January 15, 1997
22 (Vol. 62, No. 10, page 2176) (hereinafter “Project”), shall
23 analyze the economic and social conditions, and culture
24 and customs of communities at the sub-basin level of anal-
25 ysis within the project area to the extent practicable and

1 delineate the impacts the alternatives will have on the
2 communities in the 164 sub-basins. The project managers
3 shall release this more thorough analysis for public review
4 as an addition to the draft environmental impact state-
5 ments for the project, and incorporate this analysis and
6 public comments to this analysis in any final environ-
7 mental impact statements and record of decisions gen-
8 erated by the project.

9 SEC. 324. Notwithstanding section 904(b) of Public
10 Law 104–333, hereafter, the Heritage Area established
11 under section 904 of title IX of division II of Public Law
12 104–333 shall include any portion of a city, town, or vil-
13 lage within an area specified in section 904(b)(2) of that
14 Act only to the extent that the government of the city,
15 town, or village, in a resolution of the governing board
16 or council, agrees to be included and submits the resolu-
17 tion to the Secretary of the Interior and the management
18 entities for the Heritage Area and to the extent such reso-
19 lution is not subsequently revoked in the same manner.

20 ~~(135)SEC. 325. None of the funds appropriated or~~
21 ~~otherwise made available to the Indian Health Service by~~
22 ~~this Act may be used to restructure the funding of Indian~~
23 ~~health care delivery systems to Alaskan Natives.~~

24 *SEC. 325. (a) Notwithstanding any other provision of*
25 *law, and except as provided in this section, the Aleutian/*

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

24 (b) *The Consortium shall be governed by a 15 member*
25 *Board of Directors, which shall be composed of one rep-*

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

15 (c) The statewide health services (including any pro-
16 grams, functions, services and activities provided as part
17 of such services) of the Alaska Native Medical Center and
18 the Alaska Area Office may only be provided by the Consor-
19 tium. Statewide health services for purposes of this section
20 shall consist of all programs, functions, services, and activi-
21 ties provided by or through the Alaska Native Medical Cen-
22 ter and the Alaska Area Office, not under contract or other
23 funding agreement with any other tribe or tribal organiza-
24 tion as of October 1, 1997, except as provided in subsection
25 (d) below. All statewide health services provided by the Con-

1 *sortium under this section shall be provided pursuant to*
2 *contracts or funding agreements entered into by the Consor-*
3 *tium under Public Law 93–638 (25 U.S.C. 450 et seq.),*
4 *as amended, and for such purpose the Consortium shall be*
5 *deemed to have mature contract status as defined in section*
6 *4(h) of the Indian Self-Determination and Education As-*
7 *sistance Act, 25 U.S.C. 450b(h).*

8 *(d) Cook Inlet Region, Inc., through Southcentral*
9 *Foundation (or any successor health care entity designated*
10 *by Cook Inlet Region, Inc.) pursuant to Public Law 93–*
11 *638 (25 U.S.C. 450 et seq.), as amended, is hereby author-*
12 *ized to enter into contracts or funding agreements under*
13 *such Public Law for all services, provided at or through*
14 *the Alaska Native Primary Care Center or other satellite*
15 *clinics in Anchorage or the Matanuska-Susitna Valley with-*
16 *out submission of any further authorizing resolutions from*
17 *any other Alaska Native Region, village corporation, In-*
18 *dian Reorganization Act council, or tribe, no matter where*
19 *located. Services provided under this paragraph shall, at*
20 *a minimum, maintain the level of statewide and Anchorage*
21 *Service Unit services provided at the Alaska Native Pri-*
22 *mary Care Center as of October 1, 1997, including nec-*
23 *essary related services performed at the Alaska Native Medi-*
24 *cal Center. In addition, Cook Inlet Region, Inc., through*
25 *Southcentral Foundation, or any lawfully designated health*

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

20 **(136)***SEC. 326. (a) Notwithstanding any other provi-*
21 *sion of law, after September 30, 1997 the Indian Health*
22 *Service may not disburse funds for the provision of health*
23 *care services pursuant to Public Law 93–638 (25 U.S.C.*
24 *450 et seq.), with any Alaska Native village or Alaska Na-*

1 *tive village corporation that is located within the area*
2 *served by an Alaska Native regional health entity.*

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

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

18 ~~(137)SEC. 326. None of the funds made available~~
19 ~~by this Act may be used for the eviction of any person~~
20 ~~from real property in Sleeping Bear Dunes National Lake-~~
21 ~~shore that the person was authorized, on July 10, 1997,~~
22 ~~to occupy under a lease by the Department of the Interior~~
23 ~~or a special use permit issued by the Department of the~~
24 ~~Interior.~~

1 ~~(138)SEC. 327.~~ None of the funds made available
2 by this Act may be obligated or expended for the Man
3 and Biosphere Program or the World Heritage Program
4 administered by the United Nations Educational, Sci-
5 entific, and Cultural Organization (UNESCO).

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

13 ~~(139)SEC. 329.~~ *Of the funds provided to the National*
14 *Endowment for the Arts:*

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

19 *(b) The Chairperson shall establish procedures to*
20 *ensure that no funding provided through a grant, ex-*
21 *cept a grant made to a State or local arts agency, or*
22 *regional group, may be used to make a grant to any*
23 *other organization or individual to conduct activity*
24 *independent of the direct grant recipient. Nothing in*

1 *this subsection shall prohibit payments made in ex-*
2 *change for goods and services.*

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

7 **(140)***SEC. 330. The National Endowment for the Arts*
8 *and the National Endowment for the Humanities are au-*
9 *thorized to solicit, accept, receive, and invest in the name*
10 *of the United States, gifts, bequests, or devises of money and*
11 *other property or services and to use such in furtherance*
12 *of the functions of the National Endowment for the Arts*
13 *and the National Endowment for the Humanities. Any pro-*
14 *ceeds from such gifts, bequests, or devises, after acceptance*
15 *by the National Endowment for the Arts or the National*
16 *Endowment for the Humanities, shall be paid by the donor*
17 *or the representative of the donor to the Chairman. The*
18 *Chairman shall enter the proceeds in a special interest-*
19 *bearing account to the credit of the appropriate Endowment*
20 *for the purposes specified in each case.*

21 **(141)***SEC. 331. In fiscal years 1998 through 2002, the*
22 *Secretaries of the Interior and Agriculture may make recip-*
23 *rocal delegations of their respective authorities, duties and*
24 *responsibilities in support of joint pilot programs to pro-*
25 *mote customer service and efficiency in the management of*

1 *public lands and national forests: Provided, That nothing*
2 *herein shall alter, expand or limit the existing applicability*
3 *of any public law or regulation to lands administered by*
4 *the Bureau of Land Management or the United States*
5 *Forest Service.*

6 **(142)***SEC. 332. No part of any appropriation con-*
7 *tained in this Act shall be expended or obligated to fund*
8 *any activities associated with revision of national forest*
9 *land management plans until the administration publishes*
10 *new final rules in the Federal Register for forest land man-*
11 *agement planning activities.*

12 **(143)***SEC. 333. No part of any appropriation con-*
13 *tained in this Act shall be expended or obligated to fund*
14 *any activities associated with issuance of the five year pro-*
15 *gram under the Forest and Rangeland Renewable Resources*
16 *Planning Act.*

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

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

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

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

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

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

14 (1) *the agreement shall—*

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

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

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

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

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

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

15 **(145)**SEC. 335. *The joint resolution entitled “Joint*
16 *Resolution to establish a commission to formulate plans for*
17 *a memorial to Franklin Delano Roosevelt”, approved Au-*
18 *gust 11, 1955 (69 Stat. 694), is amended—*

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

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

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

1 “*TERMINATION OF THE COMMISSION*

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

4 “*(1) December 31, 1997; or*

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

8 “*(b) COMMISSION FUNDS.—*

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

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

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

21 “*(A) given to the Commission as a gift or*
22 *bequest; or*

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

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

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

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

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

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

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

24 **(147)***SEC. 337. The boundary of the Wenatchee Na-*
25 *tional Forest in Chelan County, Washington, is hereby ad-*

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

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

9 **(149)***SEC. 339. (a) No funds provided in this or any*
10 *other act may be expended to develop a rulemaking proposal*
11 *to amend or replace the Bureau of Land Management regu-*
12 *lations found at 43 C.F.R. 3809 or to prepare a draft envi-*
13 *ronmental impact statement on such proposal, until the*
14 *Secretary of the Interior certifies to the Committees on En-*
15 *ergy and Natural Resources and Appropriations of the*
16 *United States Senate and the Committees on Resources and*
17 *Appropriations of the United States House of Representa-*
18 *tives that the Department of the Interior has consulted with*
19 *the Governor, or his/her representative, from each State that*
20 *contains public lands open to location under the General*
21 *Mining Laws.*

22 **(b)** *The Secretary shall not publish proposed regula-*
23 *tions to amend or replace the Bureau of Land Management*
24 *regulations found at 43 C.F.R. 3809 prior to November 15,*

1 1998, and shall not finalize such regulations prior to 90
2 days after such publication.

3 **(150)**SEC. 340. (a) *The Secretary of Agriculture shall*
4 *convey to Skamania County, Washington, all right, title,*
5 *and interest of the United States in and to a parcel of un-*
6 *used real property known as the Wind River Nursery site,*
7 *Gifford Pinchot National Forest, Washington. (See U.S. De-*
8 *partment of Interior Geological Survey modified for USDA*
9 *Forest Service map, Stabler Quadrangle, Washington,*
10 *Skamania County, 7.5 minutes series, topographic, Provi-*
11 *sional Edition 1983). The conveyance under this subsection*
12 *shall include all improvements to the parcel, including all*
13 *infrastructure, water rights, easements, and personal prop-*
14 *erty.*

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

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

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

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

7 (f) *The Secretary may require such additional terms*
 8 *and conditions in connection with the conveyance under*
 9 *subsection (a) as the Secretary considers appropriate to*
 10 *protect the interests of the United States consistent with ex-*
 11 *isting law.*

12 **(151)**SEC. 341. (a) *LOCAL EXEMPTIONS FROM FOR-*
 13 *EST SERVICE USER FEES DUE TO LESS THAN FULL FUND-*
 14 *ING OF PAYMENTS IN LIEU OF TAXES.*—Section 6906 of
 15 *title 31, United States Code, is amended—*

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

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

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

21 “(1) *IN GENERAL.*—Unless sufficient funds are
 22 *appropriated for a fiscal year to provide full pay-*
 23 *ments under this chapter to each unit of general local*
 24 *government that lies in whole or in part within the*
 25 *White Mountain National Forest and is eligible for*

1 *the payments, persons residing within the boundaries*
2 *of that unit of general local government shall be ex-*
3 *empt during that fiscal year from any requirement to*
4 *pay a Demonstration Program Fee (parking permit*
5 *or passport) imposed by the Secretary of Agriculture*
6 *for access to the Forest.*

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

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

24 **(153)***SEC. 343. The Secretary of Agriculture shall*
25 *hereafter phase in, over a 5 year period, the fee increase*

1 *for a recreation residence special use permit holder whose*
2 *fee increase is more than 100 percent of the previous year's*
3 *fee: Provided, That no recreation residence fee may be in-*
4 *creased any sooner than one year from the time the permit-*
5 *tee has been notified by the Forest Service of the results of*
6 *an appraisal which has been conducted for the purpose of*
7 *establishing such fees: Provided further, That no increases*
8 *in recreation residence fees on the Sawtooth National For-*
9 *est will be implemented prior to January 1, 1999.*

10 **(154)***SEC. 344. It is the sense of the Senate that—*

11 *(1) preserving Civil War battlefields should be*
12 *an integral part of preserving our Nation's history;*
13 *and*

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

18 **(155)***SEC. 345. It is the sense of the Senate that, inas-*
19 *much as there is disagreement as to what extent, if any,*
20 *Federal funding for the arts is appropriate, and what modi-*
21 *fications to the mechanism for such funding may be nec-*
22 *essary; and further, inasmuch as there is a role for the pri-*
23 *vate sector to supplement the Federal, State, and local part-*
24 *nership in support of the arts, hearings should be conducted*
25 *and legislation addressing these issues should be brought be-*

1 *fore the full Senate for debate and passage during this Con-*
2 *gress.*

3 **(156)***SEC. 346. (a) In providing services or awarding*
4 *financial assistance under the National Foundation on the*
5 *Arts and the Humanities Act of 1965 from funds appro-*
6 *priated under this Act, the Chairperson of the National En-*
7 *dowment for the Arts shall ensure that priority is given*
8 *to providing services or awarding financial assistance for*
9 *projects, productions, workshops, or programs that serve un-*
10 *derserved populations.*

11 *(b) In this section:*

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

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

23 **(157)***SEC. 347. Within 90 days of enactment of this*
24 *legislation, the Forest Service shall complete its export pol-*
25 *icy and procedures on the use of Alaskan Western Red*

1 Cedar. In completing this policy, the Forest Service shall
2 evaluate the costs and benefits of a pricing policy that offers
3 any Alaskan Western Red Cedar in excess of domestic proc-
4 essing needs in Alaska first to United States domestic proc-
5 essors.

6 **(158)**SEC. 348. *Of the funds appropriated and des-
7 igned an emergency requirement in title II, chapter 5 of
8 Public Law 104–134, under the heading “Forest Service,
9 Construction”, \$4,000,000 shall be available for the recon-
10 struction of the Oakridge Ranger Station, on the Willamette
11 National Forest in Oregon: Provided, That the amount shall
12 be available only to the extent an official request, that in-
13 cludes designation of the amount as an emergency require-
14 ment as defined by the Balanced Budget and Emergency
15 Control Act of 1985, as amended, is transmitted by the
16 President to Congress: Provided further, That reconstruc-
17 tion of the facility is designated by the Congress as an emer-
18 gency requirement pursuant to section 251(b)(2)(D)(i) of
19 the Balanced Budget and Emergency Deficit Control Act
20 of 1985, as amended.*

21 **(159)**SEC. 349. *IMPLEMENTATION OF NEW GUIDE-
22 LINES ON NATIONAL FORESTS IN ARIZONA AND NEW MEX-
23 ICO.—(a) Notwithstanding any other provision of law, none
24 of the funds made available under this or any other Act
25 may be used for the purposes of executing any adjustments*

1 *to annual operating plans, allotment management plans,*
2 *or terms and conditions of existing grazing permits on Na-*
3 *tional Forests in Arizona and New Mexico, which are or*
4 *may be deemed necessary to achieve compliance with 1996*
5 *amendments to the applicable forest plans, until March 1,*
6 *1998, or such time as the Forest Service publishes a schedule*
7 *for implementing proposed changes, whichever occurs first.*

8 *(b) Nothing in this section shall be interpreted to pre-*
9 *clude the expenditure of funds for the development of annual*
10 *operating plans, allotment management plans, or in devel-*
11 *oping modifications to grazing permits in cooperation with*
12 *the permittee.*

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

17 **(160)**SEC. 350. *PAYMENTS FOR ENTITLEMENT*
18 *LAND.—Section 6901(2)(A)(i) of title 31, United States*
19 *Code, is amended by inserting “(other than in Alaska)”*
20 *after “city” the first place such term appears.*

21 **(161)**SEC. 351. *Delete section 103(c)(7) of Public Law*
22 *104–333 and replace with the following:*

23 *“(7) STAFF.—Notwithstanding any other provi-*
24 *sions of law, the Trust is authorized to appoint and*
25 *fix the compensation and duties and terminate the*

1 subsection (c). No entry of a negative amount shall be
2 made.

3 “(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Di-
4 rector shall, upon the engrossment of any appropriation
5 bill by the House of Representatives and upon the engross-
6 ment of that bill by the Senate, credit to the applicable
7 entry balance of that House amounts of new budget au-
8 thority and outlays equal to the net amounts of reductions
9 in new budget authority and in outlays resulting from
10 amendments agreed to by that House to that bill.

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

15 “(A) an amount equal to one-half of the sum of
16 (i) the amount of new budget authority in the House
17 Lock-box Balance plus (ii) the amount of new budg-
18 et authority in the Senate Lock-box Balance for that
19 bill; and

20 “(B) an amount equal to one-half of the sum
21 of (i) the amount of outlays in the House Lock-box
22 Balance plus (ii) the amount of outlays in the Sen-
23 ate Lock-box Balance for that bill.

24 “(3) CALCULATION OF LOCK-BOX SAVINGS IN SEN-
25 ATE.—For purposes of calculating under this section the

1 net amounts of reductions in new budget authority and
2 in outlays resulting from amendments agreed to by the
3 Senate on an appropriation bill, the amendments reported
4 to the Senate by its Committee on Appropriations shall
5 be considered to be part of the original text of the bill.

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

11 (b) CONFORMING AMENDMENT.—The table of con-
12 tents set forth in section 1(b) of the Congressional Budget
13 and Impoundment Control Act of 1974 is amended by in-
14 serting after the item relating to section 313 the following
15 new item:

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

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

17 There shall be available to Members in the House of
18 Representatives during consideration of any appropria-
19 tions bill by the House a running tally of the amendments
20 adopted reflecting increases and decreases of budget au-
21 thority in the bill as reported.

1 **SEC. 404. DOWNWARD ADJUSTMENT OF 602(A) ALLOCA-**
2 **TIONS AND SECTION 602(B) SUBALLOCA-**
3 **TIONS.**

4 (a) **ALLOCATIONS.**—Section 602(a) of the Congres-
5 sional Budget Act of 1974 is amended by adding at the
6 end the following new paragraph:

7 “(5) Upon the engrossment of Senate amend-
8 ments to any appropriation bill (as defined in section
9 314(d)) for a fiscal year, the amounts allocated
10 under paragraph (1) or (2) to the Committee on Ap-
11 propriations of each House upon the adoption of the
12 most recent concurrent resolution on the budget for
13 that fiscal year shall be adjusted downward by the
14 amounts credited to the applicable Joint House-Sen-
15 ate Lock-box Balance under section 314(c)(2). The
16 revised levels of budget authority and outlays shall
17 be submitted to each House by the chairman of the
18 Committee on the Budget of that House and shall
19 be printed in the Congressional Record.”.

20 (b) **SUBALLOCATIONS.**—Section 602(b)(1) of the
21 Congressional Budget Act of 1974 is amended by adding
22 at the end the following new sentence: “Whenever an ad-
23 justment is made under subsection (a)(5) to an allocation
24 under that subsection, the chairman of the Committee on
25 Appropriations of each House shall make downward ad-
26 justments in the most recent suballocations of new budget

1 authority and outlays under subparagraph (A) to the ap-
2 propriate subcommittees of that committee in the total
3 amounts of those adjustments under section 314(e)(2).
4 The revised suballocations shall be submitted to each
5 House by the chairman of the Committee on Appropria-
6 tions of that House and shall be printed in the Congres-
7 sional Record.”.

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

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

14 **SEC. 406. DOWNWARD ADJUSTMENT OF DISCRETIONARY**
15 **SPENDING LIMITS.**

16 The discretionary spending limits for new budget au-
17 thority and outlays for any fiscal year set forth in section
18 601(a)(2) of the Congressional Budget Act of 1974, as
19 adjusted in strict conformance with section 251 of the Bal-
20 anced Budget and Emergency Deficit Control Act of 1985,
21 shall be reduced by the amounts set forth in the final regu-
22 lar appropriation bill for that fiscal year or joint resolution
23 making continuing appropriations through the end of that
24 fiscal year. Those amounts shall be the sums of the Joint
25 House-Senate Lock-box Balances for that fiscal year, as

1 calculated under section 602(a)(5) of the Congressional
2 Budget Act of 1974. That bill or joint resolution shall con-
3 tain the following statement of law: “As required by sec-
4 tion 406 of the Deficit Reduction Lock-box Act of 1997,
5 for fiscal year [insert appropriate fiscal year] and each out-
6 year, the adjusted discretionary spending limit for new
7 budget authority shall be reduced by \$ [insert appropriate
8 amount of reduction] and the adjusted discretionary limit
9 for outlays shall be reduced by \$ [insert appropriate
10 amount of reduction] for the budget year and each out-
11 year.”. Notwithstanding section 904(e) of the Congres-
12 sional Budget Act of 1974, section 306 of that Act as it
13 applies to this statement shall be waived. This adjustment
14 shall be reflected in reports under sections 254(g) and
15 254(h) of the Balanced Budget and Emergency Deficit
16 Control Act of 1985.

17 **SEC. 407. EFFECTIVE DATE.**

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

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

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

1 *for the acquisition of lands and interests in lands to carry*
2 *out the Agreement of August 12, 1996, to acquire interests*
3 *to protect and preserve Yellowstone National Park, or for*
4 *the acquisition of lands and interest in lands identified in*
5 *the September 28, 1996, Headwaters Forest Agreement until*
6 *enactment of legislation specifically authorizing such ex-*
7 *penditure: Provided further, That any funds made available*
8 *for the purpose of acquisition of the Elwha and Glines dams*
9 *shall be used solely for acquisition, and shall not be ex-*
10 *pended until the full purchase amount has been appro-*
11 *priated by the Congress: Provided further, That of the funds*
12 *provided herein, \$8,500,000 is available for acquisition of*
13 *the Sterling Forest: Provided further, That the National*
14 *Park Service may use not to exceed \$2,500,000 annually*
15 *of the amounts provided herein for the state assistance pro-*
16 *gram to administer the state assistance program.*

17 **(164) TITLE VI—FOREST RESOURCES**
18 **CONSERVATION AND SHORTAGE RELIEF**

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

22 *SEC. 602. (a) USE OF UNPROCESSED TIMBER—LIMI-*
23 *TATION ON SUBSTITUTION OF UNPROCESSED FEDERAL*
24 *TIMBER FOR UNPROCESSED TIMBER FROM PRIVATE*
25 *LAND.—Section 490 of the Forest Resources Conservation*

1 *and Shortage Relief Act of 1990 (16 U.S.C. 620b) is amend-*
2 *ed—*

3 *(1) in subsection (a)—*

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

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

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

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

14 *“(B) the person has the exclusive right to*
15 *harvest timber from the private lands described*
16 *in paragraph (1) during a period of more than*
17 *7 years, and may exercise that right at any time*
18 *of the person’s choosing.”;*

19 *(2) in subsection (c)—*

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

22 *(B) in paragraph (2)—*

23 *(i) in the paragraph heading, by in-*
24 *serting “FOR SOURCING AREAS FOR PROC-*
25 *ESSING FACILITIES LOCATED OUTSIDE THE*

1 *NORTHWESTERN PRIVATE TIMBER OPEN*
2 *MARKET AREA*”; after “*APPLICATION*”; and

3 (ii) in subparagraph (A), by inserting
4 “(except private land located in the north-
5 western private timber open market area)”
6 after “lands”;

7 (C) in paragraph (3)—

8 (i) in the paragraph heading, by in-
9 serting “*FOR SOURCING AREAS FOR PROC-*
10 *ESSING FACILITIES LOCATED OUTSIDE OF*
11 *THE NORTHWESTERN PRIVATE TIMBER*
12 *OPEN MARKET AREA.—(A) IN GENERAL*”;
13 after “*APPROVAL*”; and

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

17 “(B) *FOR TIMBER MANUFACTURING FACILI-*
18 *TIES LOCATED IN IDAHO.—Except as provided in*
19 *subparagraph (D), in making a determination*
20 *referred to in subparagraph (A), the Secretary*
21 *concerned shall consider the private timber ex-*
22 *port and the private and Federal timber*
23 *sourcing patterns for the applicant’s timber*
24 *manufacturing facilities, as well as the private*
25 *and Federal timber sourcing patterns for the*

1 *timber manufacturing facilities of other persons*
2 *in the same local vicinity of the applicant, and*
3 *the relative similarity of such private and Fed-*
4 *eral timber sourcing patterns.*

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

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

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

1 “(ii) condition approval of the appli-
2 cation on the inclusion of any such land in
3 the applicant’s sourcing area, such land
4 being includable in the sourcing area only
5 to the extent requested by the applicant.”;

6 (D) in paragraph (4), in the paragraph
7 heading, by inserting “for sourcing areas for
8 processing facilities located outside the north-
9 western private timber open market area”; after
10 “application”;

11 (E) in paragraph (5), in the paragraph
12 heading, by inserting “for sourcing areas for
13 processing facilities located outside the north-
14 western private timber open market area”; after
15 “Determinations”; and

16 (F) by adding at the end the following:

17 “(6) SOURCING AREAS FOR PROCESSING FACILI-
18 TIES LOCATED IN THE NORTHWESTERN PRIVATE TIM-
19 BER OPEN MARKET AREA—

20 “(A) ESTABLISHMENT.— In the northwest-
21 ern private timber open market area—

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

25 “(ii) the radius of the circle—

1 “(I) shall be the furthest distance
2 that the sourcing area applicant or
3 holder proposes to haul Federal timber
4 for processing at the processing facil-
5 ity; and

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

8 “(iii) a sourcing area shall become ef-
9 fective on written notice to the Regional
10 Forester for Region 6 of the Forest Service
11 of the location of the boundary of the
12 sourcing area;

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

15 “(v) a sourcing area holder—

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

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

24 “(vi) a sourcing area holder that relin-
25 quishes a sourcing area may not reestablish

1 *a sourcing area for that processing facility*
2 *before the date that is 24 months after the*
3 *date on which the sourcing area was relin-*
4 *quished.*

5 “(B) *TRANSITION.*—*With respect to a por-*
6 *tion of a sourcing area established before the date*
7 *of enactment of this paragraph that contains*
8 *Federal timber under contract before that date*
9 *and is outside the boundary of a new sourcing*
10 *area established under subparagraph (A)—*

11 “(i) *that portion shall continue to be a*
12 *sourcing area only until unprocessed Fed-*
13 *eral timber from the portion is no longer in*
14 *the possession of the sourcing area holder;*
15 *and*

16 “(ii) *unprocessed timber from private*
17 *land in that portion shall be exportable im-*
18 *mediately after unprocessed timber from*
19 *Federal land in the portion is no longer in*
20 *the possession of the sourcing area holder.*

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

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

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

7 “(C) *EXPORTABILITY.*—

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

17 “(ii) *NO RESTRICTION.*—The ex-
18 portability of unprocessed timber from pri-
19 vate land located outside of a sourcing area
20 shall not be restricted or in any way af-
21 fected by relinquishment or termination of a
22 sourcing area.”; and

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

24 “(d) *DOMESTIC TRANSPORTATION AND PROCESSING*
25 *OF PRIVATE TIMBER.*—Nothing in this section restricts or

1 *authorizes any restriction on the domestic transportation*
2 *or processing of timber harvested from private land, except*
3 *that the Secretary may prohibit processing facilities located*
4 *in the State of Idaho that have sourcing areas from process-*
5 *ing timber harvested from private land outside of the*
6 *boundaries of those sourcing areas.”.*

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

11 (1) *by striking “the following” and all that fol-*
12 *lows through “(A) The Secretary” and inserting “the*
13 *Secretary”;*

14 (2) *by striking “during the period beginning on*
15 *June 1, 1993, and ending on December 31, 1995” and*
16 *inserting “as of the date of enactment of the Forest*
17 *Resources Conservation and Shortage Relief Act of*
18 *1997”;* and

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

20 **SEC. 603. MONITORING AND ENFORCEMENT.**—Section
21 *492 of the Forest Resources Conservation and Shortage Re-*
22 *lief Act of 1990 (16 U.S.C. 620d) is amended—*

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

25 **“(C) MITIGATION OF PENALTIES.—**

1 “(i) *IN GENERAL.*—*The Secretary con-*
2 *cerned—*

3 “(I) *in determining the applica-*
4 *bility of any penalty imposed under*
5 *this paragraph, shall take into account*
6 *all relevant mitigating factors, includ-*
7 *ing mistake, inadvertence, and error;*
8 *and*

9 “(II) *based on any mitigating*
10 *factor, may, with respect to any pen-*
11 *alty imposed under this paragraph—*

12 “(aa) *reduce the penalty;*

13 “(bb) *not impose the penalty;*

14 *or*

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

20 “(ii) *CONTRACTUAL REMEDIES.*—*In*
21 *the case of a minor violation of this title*
22 *(including a regulation), the Secretary con-*
23 *cerned shall, to the maximum extent prac-*
24 *ticable, permit a contracting officer to re-*
25 *dress the violation in accordance with the*

1 *applicable timber sale contract rather than*
2 *assess a penalty under this paragraph.”;*
3 *and*

4 (2) *in subsection (d)(1)—*

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

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

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

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

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

20 “(ii) *WITHHOLDING OF AWARDS DUR-*
21 *ING DEBARMENT PROCEEDINGS.—The head*
22 *of an appropriate Federal department or*
23 *agency may withhold an award under this*
24 *title of a contract for the purchase of un-*

1 *processed timber from Federal lands during*
2 *a debarment proceeding.”.*

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

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

8 *(2) by inserting after paragraph (2) the follow-*
9 *ing:*

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

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

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

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

1 (B) by inserting “primary” before “pur-
2 pose”; and

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

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

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

12 “(A) in the case of a violation by the origi-
13 nal purchaser of unprocessed timber, an act or
14 omission with respect to a single timber sale;
15 and

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

20 SEC. 605. REGULATIONS.—Section 495(a) of the For-
21 est Resources Conservation and Shortage Relief Act of 1990
22 (16 U.S.C. 620f(a)) is amended—

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

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

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

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

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

9 “(3) *DEADLINE.—*

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

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

20 “(4) *PAINING AND BRANDING.—*

21 “(A) *IN GENERAL.—The Secretary con-*
22 *cerned shall issue regulations that impose rea-*
23 *sonable painting, branding, or other forms of*
24 *marking or tracking requirements on unproc-*
25 *essed timber if—*

1 “(i) the benefits of the requirements
2 outweigh the cost of complying with the re-
3 quirements; and

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

7 “(I) would be exported in viola-
8 tion of this title; or

9 “(II) if the unprocessed timber
10 originated from Federal lands, would
11 be substituted for unprocessed timber
12 originating from private lands west of
13 the 100th Meridian in the contiguous
14 48 States in violation of this title.

15 “(B) *MINIMUM SIZE.*—The Secretary con-
16 cerned shall not impose painting, branding, or
17 other forms of marking or tracking requirements
18 on—

19 “(i) the face of a log that is less than
20 7 inches in diameter; or

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

24 “(C) *WAIVERS.*—

1 “(i) *IN GENERAL.*—*The Secretary con-*
2 *cerned may waive log painting and brand-*
3 *ing requirements—*

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

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

16 “(III) *as part of a log yard agree-*
17 *ment that is consistent with the pur-*
18 *poses of the export and substitution re-*
19 *strictions imposed under this title.*

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

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

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

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

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

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

12 “(iii) the history of the person involved
13 with respect to compliance with log paint-
14 ing and branding requirements; and

15 “(iv) any other factor that is relevant
16 to determining the likelihood of the unproc-
17 essed timber being exported or used in sub-
18 stitution.

19 “(5) *REPORTING.*—

20 “(A) *IN GENERAL.*—Subject to subpara-
21 graph (B), the Secretary concerned shall issue
22 regulations that impose reasonable documenta-
23 tion and reporting requirements if the benefits of
24 the requirements outweigh the cost of complying
25 with the requirements.

1 “(B) *WAIVERS.*—

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

5 “(I) *an audit of the records of the*
6 *facility of the person reveals substan-*
7 *tial compliance with all notice, report-*
8 *ing, painting, and branding require-*
9 *ments during the preceding year; or*

10 “(II) *the person transferring the*
11 *unprocessed timber and the person*
12 *processing the unprocessed timber enter*
13 *into an advance agreement with the*
14 *Secretary concerned regarding the dis-*
15 *position of the unprocessed timber by*
16 *domestic processing.*

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

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

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

1 **(165) TITLE VII—MICCOSUKEE SETTLEMENT**

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

4 *SEC. 702. CONGRESSIONAL FINDINGS. Congress finds*
5 *that:*

6 (1) *There is pending before the United States*
7 *District Court for the Southern District of Florida a*
8 *lawsuit by the Miccosukee Tribe that involves the tak-*
9 *ing of certain tribal lands in connection with the con-*
10 *struction of highway Interstate 75 by the Florida De-*
11 *partment of Transportation.*

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

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

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

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

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

11 (7) *The United States lands referred to in para-*
12 *graph (6) will be held in trust by the United States*
13 *for the use and benefit of the Miccosukee Tribe as*
14 *Miccosukee Indian Reservation lands in compensation*
15 *for the consideration given by the Tribe in the Settle-*
16 *ment Agreement.*

17 (8) *Congress shares with the parties to the Settle-*
18 *ment Agreement a desire to resolve the dispute and*
19 *settle the lawsuit.*

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

21 (1) *BOARD OF TRUSTEES OF THE INTERNAL IM-*
22 *PROVEMENTS TRUST FUND.—The term “Board of*
23 *Trustees of the Internal Improvements Trust Fund”*
24 *means the agency of the State of Florida holding legal*
25 *title to and responsible for trust administration of*

1 *certain lands of the State of Florida, consisting of the*
2 *Governor, Attorney General, Commissioner of Agri-*
3 *culture, Commissioner of Education, Controller, Sec-*
4 *retary of State, and Treasurer of the State of Florida,*
5 *who are Trustees of the Board.*

6 (2) *FLORIDA DEPARTMENT OF TRANSPOR-*
7 *TATION.—The term “Florida Department of Trans-*
8 *portation” means the executive branch department*
9 *and agency of the State of Florida that—*

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

13 (B) *has the authority to execute the Settle-*
14 *ment Agreement pursuant to section 334.044,*
15 *Florida Statutes.*

16 (3) *LAWSUIT.—The term “lawsuit” means the*
17 *action in the United States District Court for the*
18 *Southern District of Florida, entitled Miccosukee*
19 *Tribe of Indians of Florida v. State of Florida and*
20 *Florida Department of Transportation. et al., docket*
21 *No. 91-285-Civ-Paine.*

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

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

4 (B) identified pursuant to the Settlement
5 Agreement for transfer to the Florida Depart-
6 ment of Transportation.

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

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

17 (7) *SETTLEMENT AGREEMENT; AGREEMENT.*—
18 The terms “Settlement Agreement” and “Agreement”
19 mean the assemblage of documents entitled “Settle-
20 ment Agreement” (with incorporated exhibits) that—

21 (A) addresses the lawsuit; and

22 (B)(i) was signed on August 28, 1996, by
23 Ben G. Watts (Secretary of the Florida Depart-
24 ment of Transportation) and Billy Cypress
25 (Chairman of the Miccosukee Tribe); and

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

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

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

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

13 SEC. 704. AUTHORITY OF SECRETARY. As Trustee for
14 the Miccosukee Tribe, the Secretary shall—

15 (1)(A) aid and assist in the fulfillment of the
16 Settlement Agreement at all times and in a reason-
17 able manner; and

18 (B) to accomplish the fulfillment of the Settle-
19 ment Agreement in accordance with subparagraph
20 (A), cooperate with and assist the Miccosukee Tribe;

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

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

1 (B) ensure that an individual other than the
2 Secretary who is a representative of the Bureau
3 of Indian Affairs also signs the Settlement Agree-
4 ment;

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

12 (A) transfer ownership of the Miccosukee
13 land to the Florida Department of Transpor-
14 tation in accordance with the Settlement Agree-
15 ment, including in the transfer solely and exclu-
16 sively that Miccosukee land identified in the Set-
17 tlement Agreement for transfer to the Florida
18 Department of Transportation; and

19 (B) in conjunction with the land transfer
20 referred to in subparagraph (A), transfer no land
21 other than the land referred to in that subpara-
22 graph to the Florida Department of Transpor-
23 tation; and

24 (4) upon finding that all necessary conditions
25 precedent to the transfer of Florida lands from the

