

experienced legislators that we have, the Senator from West Virginia, Senator BYRD, and the Senator from Washington, Senator GORTON. They do great work. But they have a bill that has some issues that will be controversial and should be debated. And they should be. But I hope that Senators will cooperate better on this bill with the managers and with leadership on both sides of the aisle than what we saw this week on the Treasury-Postal appropriations bill. That was a big disappointment and a very poor exhibition by the Senate. We spent 25 hours 38 minutes on a bill, basically an appropriations bill that is relatively small and should not have been controversial. The problem was there were over 100 amendments offered, most of them nongermane. In a couple of instances the managers withheld going to a vote so that Senators could come over and speak on their amendment and the Senators never showed up. That is disrespectful of the process, the managers, and the institution. We should not do that.

I have tried to keep the focus on getting our work done. The best thing for us to do now, or any other time of the year, is just do what needs to be done under the rules of the Senate and for the American people. I have been playing it straight. I have been trying to discourage amendments that could be considered political or blow this place up. But I reached the conclusion last night that that might not be possible. We spent all day yesterday, we spent the last 10 hours on that bill basically with partisan political positioning amendments being offered for TV spots.

I refuse as majority leader to: first, accept amendments that should not be accepted on a continuous basis; second, to ask responsible Senators to walk the plank on obviously blatant political amendments one after another. I mean my attitude is, OK, a little bit of that. You do a little yourselves, and we do a little ourselves. You score your points, and we score our points. Let us move on, and do the business.

It was obvious to me by late last night that the Senate was not being serious and that this was politics. I have in my hand exhibit A, the proof of what was being done on the Treasury-Postal Service appropriations bill. Here is the political plan for the Democrats for this year. They have their parts, and in their components under these three main titles, there is an issue here, like health care. Then they have the amendments they have planned to offer in that area. I mean it is just pure politics. I am not going to play that game. We are not going to have it on Interior. If the Senators start playing blatant politics on the Interior bill, it will meet the same fate that Treasury-Postal Service did. I am not going to have that. I do not think Senator BYRD or Senator GORTON will allow it. I urge them for every amendment of that type that is offered to move to table it right away.

I also want to serve notice that, if there are going to be blatant political amendments put out here, we will have a second degree to every one of them. It will ball this institution up. That is not right. These Senators have done good work, important work, on a bill that America wants and needs.

Let us do our business. Let us do it in a bipartisan and as nonpolitical way as possible realizing this is a political institution. If we do, it will reflect well on all of us. We will all benefit politically.

I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. THOMAS). Under the order, leadership time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 3662, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 3662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), **[\$566,514,000]** *\$578,692,000*, to remain available until expended, of which **[\$2,000,000]** *\$2,010,000* shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150); and of which \$3,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which

\$1,000,000 shall be available in fiscal year 1997 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for challenge cost share projects supporting fish and wildlife conservation affecting Bureau lands; in addition, \$27,300,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than **[\$566,514,000]** *\$578,692,000*; and in addition, not to exceed \$5,000,000, to remain available until expended, from annual mining claim fees; which shall be credited to this account for the costs of administering the mining claim fee program, and \$2,000,000 from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: *Provided further*, That in fiscal year 1997 and thereafter, all fees, excluding mining claim fees, in excess of the fiscal year 1996 collections established by the Secretary of the Interior under the authority of 43 U.S.C. 1734 for processing, recording, or documenting authorizations to use public lands or public land natural resources (including cultural, historical, and mineral) and for providing specific services to public land users, and which are not presently being covered into any Bureau of Land Management appropriation accounts, and not otherwise dedicated by law for a specific distribution, shall be made immediately available for program operations in this account and remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, suppression operations, and emergency rehabilitation by the Department of the Interior, **[\$247,924,000]** *\$264,609,000*, to remain available until expended, of which not to exceed \$5,025,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without costs from funds available from this appropriation: *Provided further*, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred to this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$12,000,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property,

which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, **[\$3,103,000]** *\$4,333,000*, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-07), **[\$113,500,000]** *\$115,000,000*, of which not to exceed \$400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interests therein, **[\$10,000,000]** *\$14,060,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; **[\$98,365,000]** *\$102,656,000*, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$9,113,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be

available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information 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, not to exceed \$10,000: *Provided*, That notwithstanding 44 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 jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended, **[\$520,519,000]** *\$529,527,000*, to remain available until September 30, 1998, of which \$11,557,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, of which not more than \$500,000 shall be used only to prepare and publish withdrawal notices under section 4(b)(6) (A)(i)(IV) and (B)(ii) of the Endangered Species Act and to prepare and publish proposed or final rules to remove species from either of the lists published under section 4(c) of the Endangered Species Act or to change the status of spe-

cies from endangered to threatened in accordance with the provisions of subsections (a) and (b) of section 4 of the Endangered Species Act, and of which **[\$1,000,000]** not to exceed \$1,500,000 shall be provided to the National Fish and Wildlife Foundation for implementation of the Natural Communities Conservation Plan, and shall be available only to the extent matched by at least an equal amount from the Foundation and shall remain available until expended: *Provided*, That pursuant to 31 U.S.C. 9701, the Secretary shall charge reasonable fees for the full costs of providing training by the National Education and Training Center, to be credited to this account, notwithstanding 31 U.S.C. 3302, of which not to exceed \$2,000,000 shall be available for the direct costs of providing such training: *Provided*, That hereafter, pursuant to 31 U.S.C. 9701, the Secretary shall charge reasonable fees for the full costs of providing training by the National Education and Training Center, to be credited to this account, notwithstanding 31 U.S.C. 3302, for the direct costs of providing such training: *Provided further*, That not to exceed \$1,000,000 of the funds provided herein may be used for contaminant sample analysis].

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; **[\$38,298,000]** *\$45,306,000*, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and Public Law 101-337; \$4,000,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, **[\$30,000,000]** *\$50,802,000*, of which \$3,000,000 is authorized to be appropriated and shall be used to establish the Clarks River National Wildlife Refuge in Kentucky, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended, **[\$13,085,000]** (increased by **\$1,000,000**) *\$14,085,000*, for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), **[\$1,000,000]** *\$600,000*, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands

Conservation Act, Public Law 101-233, **[\$7,750,000]** \$10,750,000, to remain available until expended.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, **[\$400,000]** \$200,000, to remain available until expended, to carry out the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103-391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, \$800,000, to remain available until expended, for carrying out the Partnerships for Wildlife Act only to the extent such funds are matched as provided in section 7105 of said Act.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 83 passenger motor vehicles of which 73 are for replacement only (including 43 for police-type use); not to exceed \$400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103-551: *Provided further*, That section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is amended—

(1) in subsection (a)(1)(B), by striking “distributed” and inserting “used”; and

(2) in subsection (c)—

(A) by redesignating clauses (i), (ii), and (iii) of subparagraph (A) as paragraphs (1), (2), and (3), respectively;

(B) by striking “shall be distributed as follows:” and all that follows through “such amount—” and inserting “shall be used by the Secretary—”; and

(C) by striking subparagraph (b).

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas

and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$1,593,000 for the Volunteers-in-Parks program, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, **[\$1,135,139,000]** \$1,156,784,000, without regard to 16 U.S.C. 451, of which **[\$12,800,000]** \$4,000,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed \$72,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, **[\$36,476,000]** \$39,476,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), **[\$36,212,000]** \$36,612,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 1998.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, **[\$119,745,000]** \$165,418,000, to remain available until expended: *Provided*, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization: *Provided*, That funds previously provided under this heading that had been made available to the City of Hot Springs, Arkansas, to be used for a flood protection feasibility study, are now made available to the City of Hot Springs for the rehabilitation of the Federally-constructed Hot Springs Creek Arch, including the portion within Hot Springs National Park.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1997 by 16 U.S.C. 4601-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, **[\$30,000,000]** \$48,415,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which \$1,000,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress: *Provided further*, That of the funds provided herein, \$2,500,000 is available for acquisition of the Sterling Forest, subject to authorization.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not

to exceed 404 passenger motor vehicles, of which 287 shall be for replacement only, including not to exceed 320 for police-type use, 13 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That of the funds provided to the National Park Service in this or any other Act not more than \$1,700,000 is to be used for the Office of the Director, not more than \$2,000,000 is to be used for the Office of Public Affairs, and not more than \$951,000 is to be used for the Office of Congressional Affairs: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to 31 U.S.C. 6305 to carry out public purposes of National Park Service programs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332 and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; **[\$730,163,000]** \$737,040,000, of which **[\$62,130,000]** \$65,809,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which \$16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which **[\$137,000,000]** \$137,750,000 shall be available until September 30, 1998 for the biological research activity and the operation of the Cooperative Research Units; and of which \$16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct

new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That beginning in fiscal year 1998 and once every five years thereafter, the National Academy of Sciences shall review and report on the biological research activity of the Survey: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; **[\$182,555,000] \$159,555,000**, of which not less than **[\$74,063,000] \$70,063,000** shall be available for royalty management activities; and an amount not to exceed **[\$15,400,000] \$41,000,000** for the Technical Information Management System and **[Related Activities]** activities of the Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided*, That \$1,500,000 for computer acquisitions shall remain available until September 30, 1998: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to

Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES MINES AND MINERALS

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, including payments for workers compensation and unemployment compensation for former employees of the United States Bureau of Mines, \$2,000,000, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; **[\$94,272,000] \$94,172,000**, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1997: *Provided*, That the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1997 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only; **[\$175,887,000] \$179,085,000**, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which \$4,000,000 shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be \$1,500,000 per State in fiscal year 1997: *Provided further*, That of the funds herein provided up to \$18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for federally-administered emergency reclamation projects under this proviso shall not exceed \$11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That

funds made available to States under title IV of Public Law 95-87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

BUREAU OF INDIAN AFFAIRS OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau, including such expenses in field offices; maintaining of Indian reservation roads as defined in 23 U.S.C. 101; and construction, repair, and improvement of Indian housing, **[\$1,381,623,000] \$1,413,606,000**, of which not to exceed **[\$90,829,000] \$91,379,000** shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau prior to fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to \$5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau under such Act; and of which not to exceed **[\$339,709,000] \$344,711,000** for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1997, and shall remain available until September 30, 1998; and of which not to exceed **[\$55,838,000] \$53,805,000** for higher education scholarships, adult vocational training, and assistance to public schools under 25 U.S.C. 452 et seq., shall remain available until September 30, 1998; and of which not to exceed **[\$55,603,000] \$54,973,000** shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: *Provided*, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975, or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*,

That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1997, may be transferred during fiscal year 1998 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1998: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1997: *Provided further*, That funds made available in this or any other Act for expenditure through September 30, 1998 for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1995: *Provided further*, That no funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995: *Provided further*, That in fiscal year 1997 and thereafter, notwithstanding the provisions of 25 U.S.C. 2012(h)(1) (A) and (B), upon the recommendation of either (i) a local school board and school supervisor for an education position in a Bureau of Indian Affairs operated school, or (ii) an Agency school board and education line officer for an Agency education position, the Secretary shall establish adjustments to the rates of basic compensation or annual salary rates established under 25 U.S.C. 2012(h)(1) (A) and (B) for education positions at the school or the Agency, at a level not less than that for comparable positions in the nearest public school district, and the adjustment shall be deemed to be a change to basic pay and shall not be subject to collective bargaining: *Provided further*, That any reduction to rates of basic compensation or annual salary rates below the rates established under 25 U.S.C. 2012(h)(1) (A) and (B) shall apply only to educators appointed after June 30, 1997, and shall not affect the right of an individual employed on June 30, 1997, in an education position, to receive the compensation attached to such position under 25 U.S.C. 2012(h)(1) (A) and (B) so long as the individual remains in the same position at the same school: *Provided further*, That notwithstanding 25 U.S.C. 2012(h)(1)(B), when the rates of basic compensation for teachers and counselors at Bureau-operated schools are established at the rates of basic compensation applicable to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, such rates shall become effective with the start of the next academic year following the issuance of the Department of Defense salary schedule and shall not be effected retroactively.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, **[\$85,831,000]** **\$93,933,000**, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: *Provided further*, That for fiscal year 1997, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, **[\$65,241,000]** **\$69,241,000**, to remain available until expended; of which **[\$56,400,000]** **\$68,400,000** shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101-618, 102-374, 102-575, and for implementation of other enacted water rights settlements, including not to exceed \$8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103-116; and of which \$841,000 shall be available pursuant to Public Laws 98-500, 99-264, and 100-580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, \$4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$34,615,000.

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

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, **[\$65,088,000]** **\$65,388,000**, of which (1) **[\$61,239,000]** **\$61,539,000** shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$3,849,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands grant funding: *Provided further*, That section 703(a) of Public Law 94-241, as amended, is hereby amended by striking "of the Government of the Northern Mariana Islands": *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section

the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, **[\$23,638,000]** *\$23,438,000*, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99-658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, **[\$53,691,000]** *\$58,991,000*, of which not to exceed \$7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, **[\$35,208,000]** *\$35,443,000*.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$24,439,000, together with any funds or property transferred to the Office of Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Assets Forfeiture Fund, that represent an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, with such transferred funds to remain available until expended.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, \$1,000,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, **[\$19,126,000]** *\$36,338,000*, to remain available until expended for trust funds management: *Provided*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That unobligated balances previously made available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100-86; 31 U.S.C. 3334(b)), (2) to restore Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which where not Federally insured, including any interest on these amounts that may have been earned, but was not because

of the default, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss has been reduced to a judgement or settlement agreement approved by the Department of Justice, under the heading "Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians", Bureau of Indian Affairs in fiscal years 1995 and 1996, are hereby transferred to and merged with this appropriation and may only be used for the operation of trust programs, in accordance with this appropriation.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reim-

bursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

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

SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/2 of the fiscal year 1997 appropriation for operation of the Presidio: *Provided*, That prior to the transfer of any Presidio property to the Presidio Trust, the Secretary shall transfer such funds as the Trust deems necessary to initiate leasing and other authorized activities of the Trust: *Provided further*, That this section

shall expire on [September 30, 1997] *December 31, 1996.*

SEC. 109. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.]

SEC. 109. *No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act.*

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 114. There is hereby established in the Treasury a franchise fund pilot, as authorized by section 403 of Public Law 103-356, to be available as provided in such section for costs of capitalizing and operating administrative services as the Secretary determines may be performed more advantageously as central services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made prior to the current year for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automatic data processing (ADP) software and systems (either acquired or donated) and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: *Provided further*, That no later than thirty days after the end of

each fiscal year amounts in excess of this reserve limitation shall be transferred to the Treasury: *Provided further*, That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103-356.

SEC. 115. None of the funds in this Act or any other Act may be used by the Secretary for the redesign of Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.]

SEC. 115. Public Law 102-495 is amended by adding the following new section:

"SEC. 10. WASHINGTON STATE REMOVAL OPTION.

"(a) Upon appropriation of \$29,500,000 for the Federal Government to acquire the Elwha and Glines dams in Washington State pursuant to this Act, the State of Washington may, upon the submission to Congress of a binding agreement to remove the two dams within a reasonable period of time, purchase v the two dams from the Federal Government for \$2.

"(b) Upon receipt of the payment pursuant to subsection (a), the Federal Government shall relinquish ownership and title of dams to the State of Washington.

"(c) Upon the purchase of the dams by the State of Washington, Public Law 102-495 is hereby repealed."

SEC. 116. Section 7 of Public Law 99-647 (16 U.S.C. 461 note) is amended to read as follows:

"SEC. 7. TERMINATION OF COMMISSION.

"The Commission shall terminate on November 10, 1997."

SEC. 117. The Congress of the United States hereby designates and ratifies the assignment to the University of Utah as successor to, and beneficiary of, all the existing assets, revenues, funds and rights granted to the State of Utah under the Miners Hospital Grant (February 20, 1929, 45 Stat. 1252) and the School of Mines Grant (July 26, 1894, 28 Stat. 110). Further, the Secretary of the Interior is authorized and directed to accept such relinquishment of all remaining and un conveyed entitlement for quantity grants owed the State of Utah for the Miners Hospital Grant (February 20, 1929, 45 Stat. 1252) and any un conveyed entitlement that may remain for the University of Utah School of Mines Grant (July 26, 1894, 28 Stat. 110).

SEC. 118. (a) No later than February 28, 1997, the Secretary of the Interior, upon negotiation with the committee established pursuant to subsection (c), and with the Office of Management and Budget, Special Trustee for American Indians, the Chief Financial Officer for the Department of the Interior, the Assistant Secretary—Indian Affairs, and the Solicitor of the Department of the Interior, shall transmit to the Committee on Appropriations and the Committee on Indian Affairs of the United States Senate and to the Committee on Appropriations and the Committee on Resources of the House of Representatives a report which (1) proposes a formula to distribute the funds appropriated for the "Operation of Indian Programs" account for direct payments to Indian tribes except those in Alaska and (2) identifies the amount of funds set aside to provide services to Indian tribes in Alaska.

(b) The formula and the allocation to Alaska shall be deemed approved if within 30 calendar days of receipt of the report from the Secretary, no one of the Committees have taken action to disapprove the formula or the allocation to Alaska. Notification to the Secretary of any such disapproval shall be accomplished by a letter signed by the chairman and ranking minority member of any one of the four committees identified in subsection (a) with copies provided to the chairmen and ranking minority members of the other committees identified in subsection (a).

(c) The negotiating committee referenced in subsection (a) shall be comprised of (1) Federal representatives as deemed necessary by the Secretary of the Interior and (2) tribal representa-

tives, 12 of which shall be tribal representatives chosen by the tribes from each of the 12 existing BIA Areas (3) one representative from each of the four Committees identified in subsection (a). Agreement by a two-thirds majority of tribal representatives is necessary for any formula developed by the negotiating committee.

(d) The formula proposed under subsection (a) shall recognize the minimum funding requirements for small and needy tribes.

(e) In developing the fiscal year 1998 budget request, the Secretary shall propose separate appropriations accounts for the amounts proposed for direct payments to tribes; and for amounts proposed to be provided for services to Indian tribes in Alaska.

(f) For purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, as further defined in the Indian Self-Determination and Education Assistance Act of 1975, as amended.

(g) No funds shall be distributed under the formula proposed pursuant to subsection (a) until the formula is approved under the procedures set forth in subsection (b). Not to exceed one-half of the funding to be included in the tribal formula within the "Operation of Indian Programs" account shall be available prior to implementation of the formula.

(h) The determination of what funds from the Operation of Indian Programs account, excluding funds for education and reimbursable funds, are withheld from being made available for distribution under the formula shall include a determination negotiated with the negotiating committee described in subsection (c) of the amount, if any, of residual Federal funds to be retained by the Secretary that are minimally necessary to carry out trustee and other functions of the Federal Government that are not delegable by law to the Indian tribes.

(i) Upon approval of the formula, the Secretary shall provide for the immediate and direct transfer, to any Indian tribe choosing to receive all those funds in lieu of direct services, the share of funds identified for that Indian tribe under the formula. Upon allocation of those funds to an Indian tribe, those funds will not be subject the oversight authority of the Bureau of Indian Affairs.

(j) Should the Federal-tribal negotiations under this section reach an impasse at any time before December 31, 1996, or there are unresolved issues as of December 31, 1996, the Secretary and the negotiating committee described in subsection (c) shall jointly select an arbitrator from the roster of individuals maintained by the Administrative Conference of the United States pursuant to title 5, section 573(c) of the United States Code, which arbitrator shall resolve the issues upon which there is impasse, after receiving evidence and hearing arguments from both the Federal and tribal representatives on the negotiating committee, and report the recommended resolution of the arbitrator to the Secretary and the four committees of the Congress identified in subsection (a), on or before February 28, 1997.

(k) Section 402(b)(1) of The Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb) is amended to read as follows: "(1) In addition to those Indian tribes participating in self-governance under subsection (a) of this section, the Secretary, acting through the Director of the Office of Self-Governance, may select up to 50 new tribes per year from the applicant pool described in subsection (c) of this section to participate in self-governance."

SEC. 119. In fiscal year 1997 and thereafter, the Indian Arts and Crafts Board may charge admission fees at its museums; charge rent and/

or franchise fees for shops located in its museums; publish and sell publications; sell or rent or license use of photographs or other images in hard copy or other forms; license the use of designs, in whole or in part, by others; charge for consulting services provided to others; and may accept the services of volunteers to carry out its mission: Provided, That all revenue derived from such activities is covered into the special fund established by section 4 of Public Law 74-355 (25 U.S.C. 305c).

SEC. 120. TRANSFER OF CERTAIN BUREAU OF LAND MANAGEMENT FACILITIES.—

(a) **BATTLE MOUNTAIN, NEVADA.**—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall transfer to Lander County, Nevada, without consideration, title to the former Bureau of Land Management administrative site and associated buildings in Battle Mountain, Nevada.

(b) **WINNEMUCCA, NEVADA.**—

(1) **TRANSFER.**—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall transfer to the State of Nevada, without consideration, title to the surplus Bureau of Land Management District Office building in Winnemucca, Nevada.

(2) **USE.**—The transfer under paragraph (1) is made with the intent that the building shall be available to meet the needs of the Department of Conservation and Natural Resources of the State of Nevada.

SEC. 121. COOK INLET REGION, INC. RECOGNITION.—

(a) Cook Inlet Region, Inc., an Alaska Native regional corporation organized under Public Law 92-203, shall be deemed to be an Indian tribal entity for the purpose of federal programs for which Indians are eligible because of their status as Indians.

(b) The Bureau of Indian Affairs shall specifically include Cook Inlet Region, Inc. on any list that designates federally recognized Indian tribes or Indian tribal entities for use in administration of any Federal program.

(c)(1) The tribe of a Native village located within the Cook Inlet region shall serve as the tribal authority for the purpose of receiving funding and administering Federal assistance and social service programs within the settled area associated with the village, provided that Cook Inlet Region, Inc. shall serve as the tribal authority for such purposes for all other areas within the region and for the Municipality of Anchorage. These village tribes and Cook Inlet Region, Inc. may delegate their or its tribal authority to another tribe or tribal organization in the region. For purposes of this subsection, "settled area" shall mean that area containing the cluster of houses, buildings, roads, and trails of the improved village site.

(2) For those Alaska Natives residing within the Cook Inlet region who are not enrolled to or otherwise affiliated with a tribe, Cook Inlet Region, Inc. shall serve as the tribal authority.

SEC. 122. ALASKA AVIATION HERITAGE.—

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

(1) the Department of the Interior's Grumman Goose G21-A aircraft number N789 is to be retired from several decades of active service in the State of Alaska in 1996; and

(2) the aircraft is of significant historic value to the people of the State of Alaska.

(b) **DONATION OF AIRCRAFT.**—The Secretary of the Interior shall transfer the Grumman Goose G21-A aircraft number N789 to the Alaska Aviation Heritage Museum in Anchorage, Alaska, at no cost to the museum, for permanent display.

SEC. 123. The Mesquite Lands Act of 1988 is amended by adding the following at the end of section 3:

"(d) **FOURTH AREA.**—(1) No later than ten years after the date of enactment of this Act, the City of Mesquite shall notify the Secretary

as to which if any of the public lands identified in paragraph (2) of this subsection the city wishes to purchase.

"(2) For a period of twelve years after the date of enactment of this Act, the city shall have exclusive right to purchase the following parcels of public lands:

"Parcel A—East ½ Sec. 6, T. 13 S., R. 71 E., Mount Diablo Meridian; Sec. 5, T. 13 S., R. 71 E., Mount Diablo Meridian; West ½ Sec. 4, T. 13 S., R. 71 E., Mount Diablo Meridian; East ½, West ½ Sec. 4, T. 13 S., R. 71 E., Mount Diablo Meridian.

"Parcel B—North ½ Sec. 7, T. 13 S., R. 71 E., Mount Diablo Meridian; South East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½, North East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½, West ½ North East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian.

"Parcel C—West ½ Sec. 6, T. 13 S., R. 71 E., Mount Diablo Meridian; Sec. 1, T. 13 S., R. 70 E., Mount Diablo Meridian; West ½, West ½, North East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; North West ¼ Sec. 13, S., R. 70 E., Mount Diablo Meridian; West ½ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½, South East ¼, Sec. 11, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½ North East ¼, Sec. 14, T. 13 S., R. 70 E., Mount Diablo Meridian.

"Parcel D—South ½ Sec. 14, T. 13 S., R. 70 E., Mount Diablo Meridian; South West ¼, Sec. 13, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 23, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 24, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 26, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian."

SEC. 124. FATHER AULL SITE TRANSFER.

(a) This section may be cited as the "Father Aull Site Transfer Act of 1996".

(b) **FINDINGS.**—Congress finds that—

(1) the buildings and grounds developed by Father Roger Aull located on public domain land near Silver City, New Mexico, are historically significant to the citizens of the community;

(2) vandalism at the site has become increasingly destructive and frequent in recent years;

(3) because of the isolated location and the distance from other significant resources and agency facilities, the Bureau of Land Management has been unable to devote sufficient resources to restore and protect the site from further damage; and

(4) St. Vincent DePaul Parish in Silver City, New Mexico, has indicated an interest in, and developed a sound proposal for the restoration of, the site, such that the site could be permanently occupied and used by the community.

(c) **CONVEYANCE OF PROPERTY.**—Subject to valid existing rights, all right, title and interest of the United States in and to the land (including improvements on the land), consisting of approximately 43.06 acres, located approximately 10 miles east of Silver City, New Mexico, and described as follows: T. 17 S., R. 12 W., Section 30: Lot 13, and Section 31: Lot 27 (as generally depicted on the map dated July 1995) is hereby conveyed by operation of law to St. Vincent DePaul Parish in Silver City, New Mexico, without consideration.

(d) **RELEASE.**—Upon the conveyance of any land or interest in land identified in this section of St. Vincent DePaul Parish, St. Vincent DePaul Parish shall assume any liability for any claim relating to the land or interest in the land arising after the date of the conveyance.

(e) **MAP.**—The map referred to in this section shall be on file and available for public inspection in—

(1) the State of New Mexico Office of the Bureau of Land Management, Santa Fe, New Mexico; and

(2) the Las Cruces District Office of the Bureau of Land Management, Las Cruces, New Mexico.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, **[\$179,000,000] \$180,200,000**, to remain available until [September 30, 1998: *Provided*, That unobligated and unexpended balances remaining in this account at the end of fiscal year 1996 shall be merged with and made a part of the fiscal year 1997 Forest and Rangeland Research appropriation] expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, **[\$148,884,000] \$156,811,000** to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest and Rangeland Research," "State and Private Forestry," "National Forest System," "Wildland Fire Management," "Reconstruction and Construction," and "Land Acquisition," **[\$1,259,057,000 (reduced by \$1,000,000)] \$1,285,881,000** to remain available [for obligation] until [September 30, 1998] expended, and including [50] 60 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): *Provided*, [That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1996, shall be merged with and made a part of the fiscal year 1997 National Forest System appropriation, and shall remain available for obligation until September 30, 1998: *Provided further*,] That up to \$5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, \$411,485,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities are transferred to and merged with this appropriation and subject to the same terms and conditions: *Provided further*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

For an additional amount to cover necessary expenses for emergency rehabilitation, suppression due to emergencies, and wildfire suppression activities of the Forest Service, \$250,000,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other accounts previously transferred for such purposes.

In addition, to cover necessary expenses for emergency rehabilitation, suppression due to emergencies, and wildfire suppression activities of the Forest Service, \$109,531,000, to remain available until expended: *Provided*, That these

funds, or any portion thereof, shall be available only to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 252(b)(2)(D)(I) of such Act: Provided further, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

RECONSTRUCTION AND CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, **[\$164,100,000]** \$172,167,000, to remain available until expended for construction, reconstruction and acquisition of buildings and other facilities, and for construction, reconstruction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That not to exceed \$50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: *Provided further*, That funds appropriated under this head for the construction of the Wayne National Forest Supervisor's Office may be granted to the Ohio State Highway Patrol, Ohio State Department of Transportation, as the Federal share of the cost of construction of a new facility to be jointly occupied by the Forest Service and the Ohio State Highway Patrol: *Provided further*, That an agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, **[\$30,000,000]** \$39,660,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That funding for specific land acquisitions are subject to the approval of the House and Senate Committees on Appropriations.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, *such sums*, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 159 passenger motor vehicles of which 14 will be used primarily for law enforcement purposes and of which 149 shall be for replacement; acquisition of 10 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, or to implement any reorganization, "reinvention" or other type of organizational restructuring of the Forest Service, other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California, without the consent of the House and Senate Committees on Appropriations.

Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be advanced to the Wildland Fire Management appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103-551.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report 103-551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of the law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

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

Funds available to the Forest Service shall be available to conduct a program of not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

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

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

[Pursuant to sections 405(b) and 410(b) of Public Law 101-593, funds up to \$1,000,000 for matching funds shall be available for the National Forest Foundation.]

Pursuant to section 2(b)(2) of Public Law 98-244, up to \$1,000,000 of the funds available to the Forest Service shall be available for matching funds, as authorized in 16 U.S.C. 3701-3709, on a one-for-one basis to match private contributions for projects on National Forest System lands or related to Forest Service programs.

Pursuant to section 402(b) of Public Law 101-593, up to \$1,000,000 of the funds available to the Forest Service shall be available for matching funds, as authorized in 16 U.S.C. 583j-3, on a one-for-one basis to match private contributions for projects on National Forest System lands or related to Forest Service programs.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

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

None of the funds provided in this or any other Act may be spent to implement the Tongass Land Management Plan (TLMP) revision until the General Accounting Office certifies that the process used to develop the TLMP complies with the National Forest Management Act of 1976 (90 Stat. 2949; Public Law 94-588) and the Tongass Timber Reform Act of 1990 (104 Stat. 4426; Public Law 101-626), as amended.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, \$150,000,000 are rescinded: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, [\$354,754,000] \$367,504,000, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains

Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1996, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury. Funds are hereby rescinded in the amount of \$2,500,000 from unobligated balances under this head.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, [\$143,786,000 (reduced by \$11,764,000)] \$133,000,000, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1997.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [\$507,680,000 (increased by \$11,764,000) (increased by \$4,000,000)] \$570,452,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1997 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That [\$125,000,000 (increased by \$11,764,000)] \$158,900,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs as follows: [\$100,000,000 (increased by \$11,764,000)] \$131,500,000 for weatherization assistance grants and [\$25,000,000] \$27,400,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearing and Appeals, \$2,725,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$220,000,000, to remain available until expended, [of which \$220,000,000 shall be repaid from the "SPR Operating Fund" from amounts made available from the sale of oil from the Reserve] of which \$220,000,000 shall be repaid from the "SPR Operating Fund" from amounts made available from the sale of oil from the Reserve: *Provided*, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell in fiscal year 1997 \$220,000,000 worth of oil from the Strategic Petroleum Reserve: *Provided further*, That the proceeds from the sale shall be deposited into a special account in the Treasury, to be established and known as the "SPR Operating Fund", and shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations of the Strategic Petroleum Reserve.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1997 resulting from the use of funds in this account shall not exceed \$5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Admin-

istration, [\$66,120,000] \$64,120,000 to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

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

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

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

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

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, [\$1,779,561,000] \$1,800,836,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act

of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That **[\$353,125,000]** \$353,128,000 for contract medical care shall remain available for obligation until September 30, 1998: *Provided further*, That of the funds provided, not less than **[\$11,306,000]** \$11,706,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, \$7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That of the funds provided, \$7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the nonrecurring transitional costs of initial or expanded tribal contracts, compacts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1998: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, **[\$227,701,000]** \$251,957,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *[Provided further*, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy:] *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That funds received from any source, including tribal contractors and compactors for previously transferred functions which tribal contractors and compactors no longer wish to retain, for services, goods, or train-

ing and technical assistance, shall be retained by the Indian Health Service and shall remain available until expended by the Indian Health Service: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, \$52,500,000.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, **[\$20,345,000]** \$19,345,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

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

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; **[\$317,188,000]**

\$317,582,000, of which not to exceed **[\$31,664,000]** \$30,665,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, **[\$3,250,000]** \$4,000,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, **[\$39,954,000]** \$38,000,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, **[\$7,000,000]** \$12,000,000, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$53,899,000, of which not to exceed \$3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the Na-

tional Gallery of Art, by contract or otherwise, as authorized, \$5,942,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$10,875,000.

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$9,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

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

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$82,734,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$16,760,000, to remain available until expended, to the National Endowment for the Arts: *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, **[\$92,994,000]** \$87,994,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$11,500,000, to remain available until expended, of which \$7,500,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total

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

INSTITUTE OF MUSEUM SERVICES GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, \$21,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

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

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$867,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$2,500,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher position.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$5,390,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), **[\$125,000]** \$500,000 to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388 (36 U.S.C. 1401), as amended, **[\$29,707,000]** \$30,707,000, of which \$1,575,000 for the Museum's repair and rehabilitation program and \$1,264,000 for the Museum's exhibitions program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

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

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

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

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

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

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

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

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

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

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

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

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or

implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93–638, 103–413, or 100–297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103–413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93–638, as amended, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the VA–HUD and Independent Agencies fiscal year 1997 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

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

SEC. 314. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

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

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and file reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Inte-

rior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 315. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 316. Of the funds provided to the National Endowment for the Arts:

(a) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(b) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a [State, regional or local group.] *State or local arts agency, or regional group*, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

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

SEC. 317. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved and shall be deemed to be consistent with, and permissible under, the terms of Public Law 100–696 (the Arizona-Idaho Conservation Act of 1988).

SEC. 318. None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to issue or implement final regulations, rules, or policies pursuant to title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

SEC. 319. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 subpart D, 36 CFR 223 subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1997, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1997.

[SEC. 320. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading “Title III—General Provisions” amend section 315(f) by striking “September 30, 1998” and inserting in lieu thereof “September 30, 1999” and by striking “September 30, 2001” and inserting in lieu thereof “September 30, 2002”.]

SEC. 320. Section 101(c) of Public Law 104-134 is amended as follows: Under the heading "Title III—General Provisions" amend section 315(b) by striking "50, areas," and inserting in lieu thereof "100, areas," and amend section 315(f) by striking "September 30, 1998" and inserting in lieu thereof "September 30, 1999" and by striking "September 30, 2001" and inserting in lieu thereof "September 30, 2002".

SEC. 321. None of the amounts made available by this Act may be used for design, planning, implementation, engineering, construction, or any other activity in connection with a scenic shoreline drive in Pictured Rocks National Lakeshore.

SEC. 322. None of the funds made available in this Act may be used by the Bureau of Indian Affairs to transfer any land into trust under section 5 of the Indian Reorganization Act (25 U.S.C. 465), or any other Federal statute that does not explicitly denominate and identify a specific tribe or specific property, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a binding agreement is in place between the tribe that will have jurisdiction over the land to be taken into trust and the appropriate State and local officials; and

(2) such agreement provides, for as long as the land is held in trust, for the collection and payment, by any retail establishment located on the land to be taken into trust, of State and local sales and excise taxes, including any special tax on motor fuel, tobacco, or alcohol, on any retail item sold to any nonmember of the tribe for which the land is held in trust, or an agreed upon payment in lieu of such taxes.]

SEC. 322. LAND TRANSFER, BEND SILVICULTURE LAB, DESCHUTES NATIONAL FOREST, OREGON.—

(a) TRANSFER OF REAL PROPERTY AND ALL IMPROVEMENTS LOCATED THEREON.—Notwithstanding any other provisions of law, there is hereby transferred, without consideration and subject to existing valid rights, all right, title and interest of the United States in and to approximately 5.73 acres of land as described by plat dated July 7, 1977, (which is on file and available for public inspection in the Office of the Chief, USDA Forest Service, Washington, D.C.), as well as all improvements, including the Bend Silviculture Lab located thereon, to the Central Oregon Community College, Bend, Oregon; this being a portion of the same tract acquired by donation from the City of Bend on August 10, 1960, through a Bargain and Sale deed to the USDA Forest Service for use as a research lab, and recorded in volume 125, page 508 of the Deschutes County, Oregon, Deed Records.

(b) CONDITIONS OF TRANSFER.—The transfer effected by subsection (a) is made subject to no special terms or conditions.

SEC. 323. Upon the date of enactment of this Act, no part of any appropriation contained in this Act or any other Act shall be expended or obligated to fund the activities of the Office of Forestry and Economic Assistance, or any successor office.

SEC. 324. (a) The Secretary of the Interior is authorized to accept title to approximately 84 acres of land located in Prince Georges County, Maryland, adjacent to Oxon Cove Park, and bordered generally by the Potomac River, Interstate 295 and the Woodrow Wilson Bridge, or any interest therein, and in exchange therefor may convey to the Corrections Corporation of America approximately 50 acres of land located in Oxon Cove Park in the District of Columbia and bordered generally by Oxon Cove, Interstate 295 and the District of Columbia Impound Lot, or any interest therein.

(b) Before proceeding with an exchange, the Secretary shall determine if the federal property is suitable for exchange under the criteria normally used by the National Park Service. The exchange shall comply with applicable regulations and National Park Service policies for land exchanges.

(c)(1) The Secretary shall not acquire any lands under this section if the Secretary determines that the lands or any portion thereof have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this section after their transfer to the ownership of any party, but nothing in this section shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party: Provided, That the Corrections Corporation of America shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and the Resource Conservation Recovery Act (42 U.S.C. 6901, et seq.).

(d) The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: Provided, That the Secretary shall order appraisals made of the fair market value for improvements thereon: Provided further, That any such cash payment received by the Secretary shall be deposited to "Miscellaneous Trust Funds, National Park Service" and shall be available without further appropriation until expended for the acquisition of land within the National Park System.

(e) Costs of conducting necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(f) Following any exchange authorized by this provision, the boundaries of Oxon Cove Park shall be expanded to include the land acquired by the United States.

SEC. 325. None of the funds provided by this Act or any other Act available to the National Park Service, Fish and Wildlife Service, Bureau of Land Management, or Forest Service may be obligated for the costs of employee relocation or transfer of duty at a level that exceeds ninety percent of the average amounts spent for this purpose in fiscal year 1994 and 1995.

SEC. 326. SECTION 1. LAND EXCHANGE.—

(a) EXCHANGE.—Subject to subsection (c), the Secretary of Agriculture (referred to in this section as the "Secretary") shall convey all right, title, and interest of the United States in and to the National Forest System lands described in subsection (b)(1) to Public Utility District No. 1 of Chelan County, Washington (referred to in this section as the "Public Utility District"), in exchange for the conveyance to the Department of Agriculture by the Public Utility District of all right, title, and interest of the Public Utility District in and to the lands described in subsection (b)(2).

(b) DESCRIPTION OF LANDS.—

(1) NATIONAL FOREST SYSTEM LANDS.—The National Forest System lands referred to in subsection (a) are 122 acres, more or less, that are partially occupied by a wastewater treatment facility referred to in subsection (c)(4)(A) with the following legal description:

(A) The NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 27 of township 27 north, range 17 east, Wilamette Meridian, Chelan County, Washington.

(B) The N $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of such section 27.

(C) The W $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of such section 27.

(D) The NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of such section 27.

(E) The E $\frac{1}{2}$ of NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of such section 27.

(F) That portion of the S $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ lying north of the northerly edge of Highway 209 right-of-way of such section 27.

(2) PUBLIC UTILITY DISTRICT LANDS.—The lands owned by the Public Utility District are 109.15 acres, more or less, with the following legal description:

(A) S $\frac{1}{2}$ of SW $\frac{1}{4}$ of section 35 of township 26 north, range 17 east, Wilamette Meridian, Chelan County, Washington.

(B) The area specified by Public Utility District No. 1 as Government Lot 5 in such section 35.

(c) REQUIREMENTS FOR EXCHANGE.—

(1) TITLE ACCEPTANCE AND CONVEYANCE.—Upon offer by the Public Utility District of all right, title and interest in and to the lands described in subsection (b)(2), if the title is found acceptable by the Secretary, the Secretary shall accept title to such lands and interests therein and shall convey to the Public Utility District all right, title, and interest of the United States in and to the lands described in subsection (b)(1).

(2) APPRAISALS REQUIRED.—Before making an exchange pursuant to subsection (a), the Secretary shall conduct appraisals of the lands that are subject to the exchange to determine the fair market value of the lands. Such appraisals shall not include the value of the wastewater treatment facility referred to in paragraph (4)(A).

(3) ADDITIONAL CONSIDERATION.—If, on the basis of the appraisals made under paragraph (1), the Secretary determines that the fair market value of the lands to be conveyed by one party under subsection (a) is less than the fair market value of the lands to be conveyed by the other party under subsection (a), then, as a condition of making the exchange under subsection (a), the party conveying the lands with the lesser value shall pay the other party the amount by which the fair market value of the lands of greater value exceeds the fair market value of the lands of lesser value.

(4) CONVEYANCE OF WASTEWATER TREATMENT FACILITY.—(A) As part of an exchange made under subsection (a), the Secretary shall convey to the Public Utility District of Chelan County, Washington, all right, title and interest of the United States in and to the wastewater treatment facility (including the wastewater treatment plant and associated lagoons) located on the lands described in subsection (b)(1) that is in existence on the date of the exchange.

(B) As a condition for the exchange under subsection (a), the Public Utility District shall provide for a credit equal to the fair market value of the wastewater treatment facility conveyed pursuant to subparagraph (A) (determined as of November 4, 1991), that shall be applied to the United States' share of any new wastewater treatment facility constructed by the Public Utility District after such date.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 327. "Snoqualmie National Forest Boundary Adjustment Act of 1996."

(a) IN GENERAL.—The Secretary of Agriculture is hereby directed to modify the boundary of the Snoqualmie National Forest to include and encompass 10,589.47 acres, more or less, as generally depicted on a map entitled "Snoqualmie National Forest Proposed 1996 Boundary Modification" dated July, 1996. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the Office of the Chief of the Forest Service in Washington, District of Columbia.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965

(16 U.S.C. 4601-9), the boundary of the Snoqualmie National Forest, as modified pursuant to subsection (a), shall be considered to be the boundary of that National Forest as of January 1, 1965.

SEC. 328. Sugarbush Land Exchange Act of 1996.

(a) EXCHANGE OR SALE OF LAND.—

(1) If Sugarbush Resort Holdings, Inc. conveys to the United States land acceptable to the Secretary of Agriculture that is at least equal in value to the value of the land described in subsection (a)(2), makes a payment of cash at least equal to that value, or conveys land and makes a payment of cash that in combination are at least equal to that value, the Secretary, subject to valid existing rights, shall, under such terms and conditions as the Secretary may prescribe, convey all right, title, and interest of the United States in and to the land described in subsection (a)(2).

(2) FEDERAL LAND TO BE EXCHANGED.—The Federal land to be exchanged is approximately 57 acres of federally owned land in the Green Mountain National Forest depicted on the map entitled "Green Mountain National Forest, Sugarbush Exchange," dated December 1995.

(3) Lands acquired from Sugarbush Resort Holdings, Inc.—Any land conveyed to the United States in an exchange under subsection (a)(1) shall be subject to such valid existing rights of record as may be acceptable to the Secretary, and the title to the parcel shall conform with the title approval standards applicable to federal land acquisitions.

(b) ADMINISTRATION OF LAND.—

(1) ADDITION TO GREEN MOUNTAIN NATIONAL FOREST.—On approval and acceptance of title by the Secretary, the land acquired by the United States through an exchange or with proceeds from a sale under subsection (a) shall become part of the Green Mountain National Forest, and the boundaries of the National Forest shall be adjusted to include the land.

(2) ADMINISTRATION.—Land acquired under this Act shall be administered by the Secretary in accordance with the laws (including regulations) pertaining to the National Forest System.

(3) AUTHORITY OF THE SECRETARY.—This section does not limit the authority of the Secretary to adjust the boundaries of the Green Mountain National Forest pursuant to section 11 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 521) (commonly known as the "Weeks Law").

(4) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Green Mountain National Forest, as adjusted under this Act, shall be considered to be the boundaries of the Green Mountain National Forest as of January 1, 1965.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1997".

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I bring before the Senate today the fiscal year 1997 Department of the Interior and related agencies appropriations bill.

This bill, as reported by the Appropriations Committee, totals \$12,617,764,000 in discretionary budget authority and \$13,306 million in outlays and is within the 602(b) allocations.

Any amendments offered to the Interior bill will require offsets. The President's budget request is \$263 million above the committee's budget authority allocation and is \$333 million above the committee's outlay allocation.

The bill before you represents difficult choices and challenges. The needs for various agencies funded through the Interior bill are great, from operations and facilities requirements of the national parks, forests, refuges, public lands, and museums to the basic health care, tribal government, and education services provided to native Americans. Funding for fighting fire on public lands, such as the fires that have been devastating the West this summer, is provided through the Interior bill. In putting this bill together, we have attempted to strike a balance among these competing interests.

I wish to thank the distinguished chairman of the Appropriations Committee, Senator HATFIELD, for his support of the Interior bill programs and his willingness to give the Interior Subcommittee an additional \$500 million in budget authority and \$400 million in outlay allocations above the House allocations. It is because of Senator HATFIELD that I am able to present this as a balanced and appropriate bill, with attention to and recognition of the difficult decisions that had to be made during formulation of this bill.

This year, the Interior Subcommittee received approximately 1,400 requests for amendments to the bill, that total to more than \$2 billion. Many of these requests presumed enactment of the amounts proposed in the President's budget, and then proposed to add above that. With the budget constraints we faced, our starting point was the fiscal year 1996 budget with consideration of the administration's fiscal year 1997 budget proposals, of the priorities contained within the budget request, and of concerns important to Members.

As is the usual practice on the Interior Subcommittee, this bill was prepared in a bipartisan manner.

Senator BYRD and his staff were not only cooperative, but were major and significant players in drafting the bill that is before you today.

The recommendations represent the result of extensive review of the President's budget proposals through subcommittee hearings with the agencies, briefings, and written testimony from the public.

Now, we will turn to the recommendations before you today. Among the items of interest are of course, those within land management.

The committee has provided additional funds above the fiscal year 1996 amounts for the operational accounts of the land management agencies: Bureau of Land Management—2 percent, Fish and Wildlife Service—6 percent, National Park Service—7 percent, Forest Service—2 percent.

The land management agencies are involved presently with the suppres-

sion of devastating wildfires and are faced with a shortage of funds to fight the wildfires. This recommendation provides \$321 million for presuppression fire activities, \$340 million for fire suppression, and \$110 million for an emergency appropriation, that is contingent upon the President's emergency declaration.

To assist with the growing recreation demands on the agencies in this bill, the pilot recreation fee proposal is extended for an additional year and the number of demonstration sites are increased from 50 to 100. Eighty percent of the fee collections are to be returned to the site from which they are collected.

I may add, Mr. President, at this time, I was recently briefed by the heads of each of those agencies. Each of them is enthusiastic about this proposition. It has improved morale in the various services because they can now see the tangible results they can obtain by these fee schedules, some new and some increased. So far, the public response has been very positive because the public can see that it is actually getting something in each of the parks or refuges to which admission fees are being charged.

I think this is a first-rate experiment. I am convinced that it will soon become permanent and that it will result in at least beginning to work on the background of deferred maintenance in all of our public lands that are used for recreational purposes.

The construction accounts for the land management agencies have increased \$39.6 million in total—11 percent. The majority of the construction projects involve the completion of ongoing projects and the restoration or rehabilitation of existing facilities. No new starts for visitor centers are provided. While it may seem that this is a large increase for construction, I would remind my colleagues that the facility backlogs for these land management agencies are approximately \$9 million.

Overall funding for land acquisition for the land management agencies totals \$152.9 million, which is \$14.7 million—11 percent—over the current level and \$52.9 million above the level appropriated in the House of Representatives. The committee has identified specific projects, while the House bill did not. Priority is given to completing ongoing acquisitions and avoiding new starts that would increase future demands. Additional funds are provided to acquire sensitive endangered species habitat and to ensure protection of natural and cultural resources.

With respect to the science agencies, funding for the Office of Surface Mining and Minerals Management Service is increased slightly.

On cultural activities, the first priority was to provide adequate resources to those cultural institutions such as our Nation's museums, for which this subcommittee has primary funding responsibility.

Among the many competing needs of our cultural agencies, the subcommittee continues to place particular emphasis on repair and renovation work that is required to keep these institutions open to the public and collections preserved safely. Budget estimates from the Kennedy Center, the National Gallery of Art, and the Smithsonian Institution have been met in full to facilitate this work.

With respect to the Department of Energy, energy conservation programs are \$33 million—6.2 percent over the fiscal year 1996 level and \$47 million over the House level. This includes an increase of \$19.7 million over fiscal year 1996 for weatherization.

Fossil research and development is down 3.8 percent from the comparable fiscal year 1996 level, but is \$12.75 million above the House bill.

Mr. President, \$150 million is rescinded from the Clean Coal Technology Program, substantially less than the \$325 million rescission proposed in the budget.

Senator BYRD and I have studied this program carefully. I have deferred to him, as he is the overriding national expert on the subject. And I am assured by him that the bill includes the absolute maximum rescission that can be sustained at this time without prematurely terminating ongoing projects.

Funding for the naval petroleum and oil shale reserves is decreased by \$16.5 million from the request of \$149.5 million. While the Department of Energy has stated that this reduction will result in a revenue loss of \$45 million over the next 2 years, I see no other alternative in light of the lack of support shown for the reserves by this committee last year.

Operations of the strategic petroleum reserve are funded by oil sales from the reserves of some \$220 million.

With respect to Indian programs in the Bureau of Indian Affairs overall, funding increases by \$10.3 million above the fiscal year 1996 funding, and \$32 million above the amount in the House bill. Emphasis has been placed on providing additional funding to tribal priority allocations, which is \$22.5 million—3 percent above fiscal year 1996 and \$12.5 million above the House level. Within the tribal priority allocations, the committee has included an increase of \$4 million for small and needy tribes and a general increase of \$14.7 million. The committee has also placed emphasis on elementary and secondary school operations and has increased funding by \$18.4 million—5 percent above fiscal year 1996 level and \$8.9 million above the House level.

Funding has been provided for enacted Indian land and water settlements as requested by the administration.

The bill reported by the committee includes a provision that would allow tribes the option to receive direct payments from the Bureau of Indian Affairs for services or the option to re-

ceive services in the current manner. While this provision was initiated in cooperation with the Indian Affairs Committee, consensus on the final details of the plan could not be reached.

Mr. President, this is a result that I greatly regret. A bill has been reported by the Committee on Indian Affairs that would accomplish this goal in a much more permanent and extensive fashion.

There is great resistance to that bill from many quarters, some within the Indian community, some within the administration, some from outside. I share many of those reservations. I had hoped, and I continue to hope, that we could experiment with this field, could start down the road on an optional basis, and could do it in an appropriations bill for 1 year, perhaps 2 years, perhaps 3 years to see how it worked.

I am deeply sorry that, between the administration and the Bureau of Indian Affairs and at least some of the Indian communities, this experiment was not deemed to be acceptable. In fact, it is the subject of a letter from the White House threatening a possible veto of the bill.

I understand that Senator MCCAIN will make a motion to strike this provision in its entirety, and with great regret, I will agree to that motion, and it will be stricken. I hope by next year, we will be able to reach a resolution of this problem so that we can move forward with what I am convinced is an appropriate experiment in increasing the authority of the tribes over their own affairs.

Total funding for the Indian Health Service has increased in this bill by some \$66 million. This increase is for staffing of recently completed facilities, a portion of pay costs to maintain existing service levels, and funding for replacement of a health care facility in Montana that recently burned to the ground.

Mr. President, I am continuing an experiment which I began, at least for the committee, last year. I have available for all Members of the Senate, and for the public, a picture of what we are doing. This is another case in which I think a picture is worth a thousand words. I have cast about a large number of statistics, even in these brief opening remarks. This chart shows where the roughly \$13 billion in this bill will actually go.

The left column, in various shades of green, is the land management programs which are the responsibility of this subcommittee and, of course, of this Congress. The Forest Service is on the bottom, the National Park Service next, Bureau of Land Management above that, and the Fish and Wildlife Service on top, for a total of almost \$6 billion, but \$6 billion spent in the management of the public patrimony of the people of the United States, the lands that we as a people own, I think the most important responsibility of this committee.

Those ratios are not greatly different from last year. They are probably a lit-

tle bit higher than they were last year because of the increased recreational use, an increase which goes on year after year after year in almost all of these areas.

The second, the blue column, has to do with our responsibilities for Native Americans. The lower part of it is the Indian Health Service, which you will notice is larger for that single unit than in the entire Bureau of Indian Affairs and, then there are tiny little appropriations on top of that. But that is a little bit under \$4 billion. So we are close to \$10 billion at this point in the land management programs and Indian programs.

Then we shift over to science programs, in shades of purple. The largest portion of that, slightly more than a billion dollars is the Geological Survey, the Office of Surface Mining and Minerals, mining service and others. There we consolidated money that goes to two different Departments.

Then there is energy programs, in orange, to the Department of Energy. Research and development is the largest portion of that, less than a billion dollars. The management of our oil reserves and grants for various programs, mostly directed at the more effective use of our energy or the development of new energy sources.

The dark blue is the cultural programs of the United States, and, basically, except for a tiny share for memorials, they go in large measure to the museums—the Smithsonian, the National Gallery of Art—the repositories of much of our culture. The smaller amount goes to the endowments—the National Endowment for the Arts and the National Endowment for the Humanities.

Finally, over on the right, the smallest portion, about \$200 million, is the management of the Department of the Interior.

This shows people the relative size of the spending of the people of the United States on these matters, all of which are important and may help guide Members of this body as they deal with amendments.

Before I yield the floor, I want to repeat something that was in my written remarks.

Last year was my first as the chairman of this subcommittee, and I took on that position with some trepidation, because I succeeded in that position as subcommittee chairman my friend and colleague and mentor, the senior Senator from West Virginia, Senator BYRD, who has chaired the full committee and the subcommittee. He made that transition both easy and constructive, Mr. President, by his advice, by his knowledge of the programs with which we dealt and by his wonderful support.

As a consequence, when we debated this bill on this floor last year, we had a number of controversial and contested amendments. Not one of those amendments after debate and on a vote

was decided by a party-line vote, because the management of these programs should not and is not a partisan matter. They were decided, I think, on their merits. Members had to consider carefully what was being said because they couldn't come down and vote a straight party line, and that is the way, in my view, that the Senate ought to work.

It worked that way because of the cooperation and thoughtfulness of Senator BYRD. I appreciated that. We ended up with a number of troubles and veto over a matter which neither of us had any control. This year, I believe that we have a bill, even if there are a few amendments on it, that has an outstanding chance of being approved by the President of the United States, particularly if we are able to retain the extra \$500 million in allocations that was given to us in conference with the House. I believe we will be able to retain that. I think we are able to do a good job, and if we are a complete success this year, the credit will be largely due to my friend and colleague, Senator BYRD.

With that, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am pleased to speak in support of the fiscal year 1997 Interior appropriations bill. This bill was reported out by the Appropriations Committee on July 16, so there has been ample time for Senators to review its contents. I hope that the Senate will be able to move expeditiously in its consideration of this bill. The start of the new fiscal year will be upon us before long, and there are enough differences between this bill and the House version that the sooner we can get to conference, the better our chances of resolving these differences will be.

Again this year, it has been a privilege for me to work with Senator GORTON in the development of this appropriations bill. He is a very able chairman—I have said on more than one occasion that he is more knowledgeable about the details of this bill than was his predecessor. The Interior bill is a complex bill—it provides funding for 40 different Federal agencies, ranging from the national parks, to Indian hospitals, to the Smithsonian Institution, to energy research and development. The reach of this bill is vast—there are 368 national park units, 121 national forests, over 500 national wildlife refuges, 438 Indian hospitals and clinics, 16 Smithsonian museums, 185 Indian schools, and countless other facilities where the research and technology development supported by this bill occurs.

Because of the extent to which the programs under the subcommittee's jurisdiction touch so many Americans, this is a bill in which many Senators are very interested. Again this year, the subcommittee received numerous requests for attention to particular

items of concern to Senators, despite limited, and increasingly limited, funding resources. I believe that the chairman has done an excellent job in putting the pieces of this bill together. He has been very fair in his approach. His task in developing this bill was made easier by the much better allocation provided by the full committee chairman, Senator HATFIELD. The Senate version of this bill has \$500 million more in budget authority and \$400 million more in outlays than its House counterpart. These resources still leave the subcommittee essentially at a freeze level, so adjustments have been made internally to address the highest priority programs in the bill.

I urge the administration to take a close look at the distribution of the resources provided by the Senate. Additional funds above the House are provided in important areas such as fire protection, national parks, land acquisition, Indian programs, energy efficiency, and Smithsonian activities. If the Interior bill were to be vetoed and the various individual accounts to be held to the fiscal year 1996 level, it would have far greater consequences than the language concerns or than not to providing additional funding for the areas identified by the administration. For example, under a freeze at the 1996 level, firefighting would receive \$414 million below this bill's recommendations; park operations would be at a level \$74 million below the Senate recommendation; endangered species programs would be \$10 million below the committee recommendation; tribal priority allocations in the Bureau of Indian Affairs would be \$22 million less; energy efficiency research and development would be \$33 million less; and administrative functions, particularly the Interior Departmental management account, would be lower.

I will not delve further into the details of the appropriations bill. The chairman has summarized sufficiently the various programs and activities contained in this year's bill. The bill contains a good balance among the various programs—our national parks, basic human services for native Americans, minerals and science, energy research and development, the public lands and wildlife resources, our national forests, and the cultural institutions that draw so many visitors to our Nation's capital each year.

About \$1 billion of the funding recommended in this bill falls within the jurisdiction of the Department of Energy. Because of the considerable importance of several Department of Energy programs to my State, particularly fossil energy and clean coal technology, I have met with Secretary O'Leary to discuss various issues. And I have found her always—I have met with her on several occasions over the years. I have always found her to be responsive and forthright in her stewardship of the Department of Energy. She faces an enormous task—not just on all matters related to energy policy, but

also in managing the vast complex of the Department of Energy's weapons activities. Secretary O'Leary has been steadfast in her efforts to show real progress in downsizing and streamlining the Department of Energy. Consequently, she has achieved real reductions in the size of the DOE workforce as well as managed DOE's declining budget in a fair and effective manner. She deserves to be commended for these actions. And I commend her actions, for her steadfast support and dedication.

Lastly, Mr. President, I extend a word of appreciation to the staff that have assisted the chairman and me in our work on this bill. They work as a team, and they serve both of us, as well as all Senators, in a very effective and dedicated manner. And I receive many compliments from other Senators concerning our staff. On the majority side, the staff members are Cherie Cooper, Kathleen Wheeler, Bruce Evans, Ginny James, and Dave Gilbert. On my own staff, Sue Masica and Carole Geagley handle the Interior bill.

This is a good bill, upon which I hope the Senate will be able to complete action in a timely manner.

So, Mr. President, for now I shall yield the floor. Again, I congratulate and thank my chairman of the subcommittee, Senator GORTON, and all members of the subcommittee on both sides of the aisle. I thank you, Mr. President.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The chairman of the subcommittee is recognized, the Senator from Washington.

Mr. GORTON. I hope that very soon we will be able to treat, en bloc, as many as 25 technical and noncontroversial amendments. The Members and the staff are reviewing those amendments at this point, as are one or two other Members who are interested in them. I will suggest the absence of a quorum, but it is simply for that purpose. I will be back soon and get it started with a large number of noncontroversial amendments in this bill.

I also, for the purposes of Members and offices that are listening to this debate, solicit the presence on the floor of any Member who has an amendment that he or she would like to present. There are, in addition to these en bloc amendments, a number that I am sure we will be able to agree to, some that will be debated. But the sooner we start those debates, the sooner we will finish. And I trust that between now and noon, when we move on to another subject, that we will hear from some of our Members. With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent David Gilbert, a detailee from the Department of the Interior to the Interior Subcommittee, be granted floor privileges today, September 13, during consideration of this bill and on such successive days as we shall consider this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 5318 THROUGH 5342, EN BLOC

Mr. GORTON. Mr. President, I send a group of amendments to the desk and ask they be considered en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator?

Mr. BYRD. Let the clerk read first, and then we will determine if there is an objection.

Mr. GORTON. Mr. President, I will explain each of these amendments briefly, and, if further discussion is desired, we will separate it out.

This first amendment is proposed on behalf of Senator CHAFEE as the chairman of the Committee on Environment and Public Works. We have, as I pointed out during my opening remarks, added to and expanded the authority of our various land management agencies to charge entrance fees and to use those entrance fees in large measure for the improvement of the facilities at which they are collected.

Senator CHAFEE and his committee have a slight modification in that connection with respect to some of those facilities. We have viewed it. It is the opinion of his committee it is included for that reason.

The second amendment is proposed on behalf of the two Senators from Idaho. It will move \$100,000 of an appropriation from the Running Creek Ranch land acquisition project to the National Forest Service appropriation for "jammer," an old logging road inventory in Idaho.

The third, proposed by the Senator from Ohio [Mr. DEWINE], would add one additional county to an existing moratorium on land acquisitions for the Wayne National Forest in the State of Ohio.

The next, on behalf of the Senator from North Carolina [Mr. FAIRCLOTH] removes approximately 100 acres from a 9,000-acre Snowbird Wilderness Study Area.

The fourth, for myself, moves \$308,000 from Forest Service construction for the Mt. Baker-Snoqualmie flood project to Lake Chelan National Recreation Area for the repair of the Company Creek Road.

The fifth, on my behalf, advises the Elwha language in the bill to specify that any agreement with the State of Washington shall provide protection of the existing quality and availability of water.

The next, for myself and for Senator BYRD relating to the Bureau of Indian Affairs, adds language capping welfare assistance similar to that that is in the present 1996 bill.

Next, for myself and for Senator BYRD on the National Park Service, is a technical correction that specified \$300 million is available for research, planning, and interagency coordination in support of land acquisition in the Everglades in Florida. This is an agreement that was made during the full committee consideration of the bill.

The next, for myself and Senator BYRD on the Forest Service, is literally a technical correction where we made a mistake and where language should read "50 percent."

The next, for myself on the National Park Service, allows a reimbursement of some \$270,000 by the National Park Service to the State of Washington for fish restoration activities.

The next, for myself and Senator BYRD relating to Bureau of Mines, is to extend the facilities transfer authority provided in the 1996 appropriations bill.

The next, for myself and Senator BYRD for the Forest Service, is a surprise, Mr. President. It will rename the Columbia Wilderness Area in Oregon, the Mark O. Hatfield Wilderness. The Columbia Wilderness Area is some 39,000 acres and was established in the 1984 Wilderness Act that Senator HATFIELD sponsored. This small wilderness area overlooks and borders the Columbia River Gorge on the Oregon side, though it is not a part of the formal gorge area itself. The wilderness also overlooks the Bonneville Dam and the Oxbow salmon fish hatchery and is in the shadow of Mount Hood. Each addition to wilderness areas in the State of Washington has been sponsored by Senator HATFIELD. This one is near the northern edge of the Bull Run Reservoir near the wild and scenic Hood River.

Mr. President, this amendment is produced without the knowledge, at this point, of Senator HATFIELD, but it is a particularly appropriate time. He is absent today, holding what I suspect will be his final hearing as a Senator in the Columbia Gorge which he greatly loves and which his State, of course, shares with my own. And so we feel that a renaming of this wilderness area in his honor and in honor of his long, extraordinary and distinguished service in the U.S. Senate is a most appropriate amendment.

The next amendment, again, on behalf of myself and Senator BYRD, is language relating to the National Park Foundation, allowing money that it collects to be used to rehabilitate visitor centers.

The next is on my behalf, and it removes the Mt. Graham red squirrel

provision from the bill. This provision was included in the 1996 appropriations bill and was highly controversial. At one time, it was the subject of a veto threat on the part of President Clinton. Mt. Graham is in Arizona. It is the location of a number of astronomical observatories. The creation of the last of those has been bitterly contested in Arizona over a number of years. The Arizona congressional delegation wanted to allow the completion of the last telescope. As much of the aid from other nations that was available to it was going to be lost if the project was not begun soon. Ultimately, we did include the provision in the bill that was signed by the President. Since then, there was a court decision won, after a long series of decisions, that has validated the construction. So the provision is no longer necessary and can be stricken from the bill.

The next is for myself and Senator BYRD for the Fish and Wildlife Services, which clarifies the California NCCP earmark funding will be provided to local governments.

The next two are both by Senator HATFIELD and, ironically, are naming provisions that he has asked for for other people. The first is renaming of Bend, OR, silviculture laboratory to be the Robert W. Chandler lab; and the second is renaming a BLM facility for Frank Smullin in Rand, OR.

The next amendment is for Senator HUTCHISON of Texas, Fish and Wildlife Service and Forest Service. It transfers \$250,000 from the Rio Grande National Wildlife Reserve land acquisition to the Lake McClellan Recreation Area for dredging.

Next is for the Senator from Louisiana, [Mr. JOHNSTON] who is retiring. It is, to me, interesting that it is renaming of the Jean Lafitte Visitors Center to be named the Laura C. Hudson Visitor Center. Jean Lafitte, if my memory serves me, is long dead. I suspect the new person after whom it is named is more recent than any of that desired by the Louisiana Senators.

The next is for Senators MURKOWSKI, BURNS, and CRAIG, asking for a status report of timber sales under the salvage provision of the 1995 rescissions bill.

Next is for the two Alaska Senators modifying an Alaska subsistence moratorium, included in the 1996 legislation.

Next for the Senator from Oklahoma [Mr. NICKLES] for the Indian Health Services, which allows use of the Choctaw Nation funds for construction of a Talihina hospital.

Next is by the two Senators from Virginia, which transfers \$1 million from the Back Bay National Wildlife Refuge land acquisition to the Rappahannock National Wildlife Refuge land acquisition.

Next is by the Senator from Maryland [Mr. SARBANES] with respect to the Office of Surface Mining, which allows the State of Maryland to spend more than 10 percent of its State grants for acid mine drainage projects.

The final one is for the Senator from Alaska [Mr. STEVENS], for the Bureau of Land Management. It transfers \$250,000 from the Alaska cadastral survey to preparation of environmental impact statement for resumption of an oil leasing program in the National Petroleum Reserve.

That is an outline. I believe these amendments have all been cleared, but I will defer to the Senator from West Virginia.

Mr. BYRD. Mr. President, all of the amendments have been cleared on this side of the aisle. Having heard the amendments read and explained, I, therefore, have no objection to the request that they be considered and agreed to en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes amendments numbered 5318 through 5342, en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 5318 through 5342), en bloc, are as follows:

AMENDMENT NO. 5318

(Purpose: To provide that a portion of the admission and user fees collected by the United States Fish and Wildlife Service under the recreational fee demonstration program shall be available to the Secretary of the Interior until expended to be used in accordance with certain priorities specified in the Emergency Wetlands Resources Act of 1986)

Beginning on page 15, strike line 23 and all that follows through page 16, line 11, and insert the following: "section 101(c) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 is amended in section 315(c)(1)(E) (110 Stat. 1321-201; 16 U.S.C. 4607-6a note) by striking 'distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act' and inserting 'available to the Secretary of the Interior until expended to be used in accordance with clauses (i), (ii), and (iii) of section 201(c)(A) of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911(c)(A)).'"

AMENDMENT NO. 5319

On page 62 of the Act, line 18, strike "\$1,285,881,000", and insert "\$1,285,981,000".

On page 65 of the Act, line 19, strike "\$39,660,000", and insert "\$39,560,000".

AMENDMENT NO. 5320

(Purpose: Expands the moratorium on land acquisition for the Wayne National Forest in Ohio to include Gallia County. Currently, the moratorium includes the counties of Lawrence, Monroe, or Washington, Ohio)

On page 103, line 12:
After "counties of" insert "Gallia,".

AMENDMENT NO. 5321

(Purpose: To remove a parcel of land from the Snowbird Wilderness Study area in North Carolina so that a road can be repaired)

At the appropriate place in title III, insert the following:

SEC. 3 . SNOWBIRD WILDERNESS STUDY AREA.

(a) IN GENERAL.—Section 6(a)(4) of the North Carolina Wilderness Act of 1984 (Public Law 98-324) is amended—

(1) by striking "eight thousand four hundred and ninety acres" and inserting "8,390 acres"; and

(2) by striking "July 1983" and inserting "July 1996".

(b) MANAGEMENT.—The Secretary of Agriculture shall manage the area removed from wilderness study status by the amendments made by subsection (a) in accordance with the provisions of law applicable to adjacent areas outside the wilderness study area.

AMENDMENT NO. 5322

(Purpose: To move \$308,000 in construction funds from a Mt. Baker Snoqualmie National Forest project to a Lake Chelan National Recreation Area (Company Creek road repair) project. Both projects are in the State of Washington)

On page 17, line 25, strike "\$165,418,000" and insert "\$165,726,000".

On page 64, line 21, strike "\$172,167,000" and insert "\$171,859,000".

AMENDMENT NO. 5323

On page 49, line 19, strike Sec. 115 and insert the following:

SEC. 115. Public Law 102-495 is amended by adding the following new section:

"SEC. 10. Washington State Removal Option.

"(a) Upon appropriation of \$29,500,000 for the Federal Government to acquire the projects in Washington State pursuant to this Act, the State of Washington may, upon the submission to Congress of a binding agreement to remove the projects within a reasonable period of time, purchase the projects from the Federal Government for \$2. Such a binding agreement shall provide protection of the existing quality and availability of water from the Elwha River for municipal and industrial uses from possible adverse impacts of dam removal.

"(b) Upon receipt of the payment pursuant to subsection (a), the Federal Government shall relinquish ownership and title of the projects to the State of Washington.

"(c) Upon the purchase of the projects by the State of Washington, section 3(a), (c) and (d), and Sections 4, 7, and 9 of Public Law 102-495 are hereby repealed, and the remaining sections renumbered accordingly."

AMENDMENT NO. 5324

(Purpose: Specifies the amount of funds available for welfare assistance payments in bill language consistent with language contained in the FY 1996 Interior Appropriations bill)

On page 29, line 8, after the word "exceed" insert:

"\$86,520,000 shall be for welfare assistance payments and not to exceed".

AMENDMENT NO. 5325

(Purpose: Technical correction to specify \$3 million is available for Everglades research, planning, and interagency coordination in support of land acquisition)

On page 16, line 25, strike "\$4,000,000" and insert "\$3,000,000".

AMENDMENT NO. 5326

(Purpose: Technical correction to correct per centum error in the National Forest System appropriation)

On page 62, line 20, after the word "including" delete the linetype and delete "60".

AMENDMENT NO. 5327

(Purpose: Allows the National Park Service to reimburse the State of Washington for fish restoration activities)

On page 17, line 25, after "expended" insert the following: ", of which \$270,000 shall be

used for appropriate fish restoration projects not related to dam removal including reimbursement of the State of Washington for emergency actions taken to protect the 196 run of fall chinook salmon on the Elwha River".

AMENDMENT NO. 5328

(Purpose: To extend authority for the transfer of certain Bureau of Mines facilities)

After line 13 on page 61 of the bill, insert the following:

SEC. . The second proviso under the heading "Bureau of Mines, Administrative Provisions" of Public Law 104-134 is amended by inserting after the word "authorized" the word "hereafter".

AMENDMENT NO. 5329

On page 118, after line 9, insert the following:

SEC. . The Columbia Wilderness, created by the Oregon Wilderness Act of 1984, Public Law 98-328, located in the Mt. Hood National Forest, Oregon, shall be known and designated as the "Mark O. Hatfield Wilderness".

Any references in a law, map, regulation, document, paper, or other record of the United States to the Columbia Wilderness shall be deemed to be a reference to the "Mark O. Hatfield Wilderness."

AMENDMENT NO. 5330

(Purpose: This bill language would allow the National Park Foundation to expend remaining balances and accrued interest from funds granted to it by the National Park Service in Fiscal Years 1984 and 1985 pursuant to the National Park System Visitor Facilities Fund Act of 1983 (P.L. 97-433, 96 Stat. 2277). That Act provided for the expenditure of funds by the Foundation to improve the quality of visitor facilities in the park system nation-wide)

On page 20, after line 22, insert the following new paragraph:

Notwithstanding any other provision of law, remaining balances, including interest, from funds granted to the National Park Foundation pursuant to the National Park System Visitor Facilities Fund Act of 1983 (P.L. 97-433, 96 Stat. 2277) shall be available to the National Park Foundation for expenditure in units of the National Park System for the purpose of improving visitor facilities.

AMENDMENT NO. 5331

(Purpose: Strikes the provision deeming approval of a telescope site on Mt. Graham consistent with the Arizona-Idaho Conservation Act)

On page 104, line 9, strike line 1 and all that follows through page 104, line 14.

AMENDMENT NO. 5332

(Purpose: To clarify the amount of funds provided to the U.S. Fish and Wildlife Service for the Natural Communities Conservation Plan)

On page 11, line 2, strike all after "Act," through "until expended" on line 8 and insert the following: and of which \$2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program

AMENDMENT NO. 5333

(Purpose: Naming of PNW Station Silviculture Lab in Bend, Oregon for Robert W. Chandler)

On page 74, line 9, insert the following: "The Pacific Northwest Research Station

Silviculture Lab in Bend, Oregon is hereby named the Robert W. Chandler Building. The dedication provides commemorative recognition to Robert W. Chandler, editor of the Bend Bulletin newspaper, longtime community servant and advocate for sound silvicultural practices in Central and Eastern Oregon."

AMENDMENT NO. 5334

On page 9, line 22, insert the following:

"The Bureau of Land Management's Visitors Center in Rand, Oregon is hereby named the William B. Smullin Visitor Center. The dedication provides commemorative recognition to William B. Smullin, founder of California Oregon Broadcasting, Incorporated, who brought broadcasting to Northern California and Southern Oregon."

AMENDMENT NO. 5335

(Purpose: To move \$250,000 from the Fish and Wildlife Service's Lower Rio Grande National Wildlife Refuge land acquisition project to the Forest Service's Lake McClellan dredging project. Both projects are in the State of Texas)

On page 12, line 12, strike "\$50,802,000" and insert "\$50,552,000".

On page 62, line 18, strike "\$1,285,881,000" and insert "\$1,286,131,000."

AMENDMENT NO. 5336

On page 61, after line 13, insert the following new section:

Sec. 1. Visitor Center Designation at Jean Lafitte National Historical Park.

(a) The visitor center at Jean Lafitte National Historical Park, located at 418 Rue Decatur in New Orleans, Louisiana is hereby designated as the "Laura C. Hudson Visitor Center".

(b) Any reference in law, regulation, paper, record, map, or any other document in the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the "Laura C. Hudson Visitor Center".

AMENDMENT NO. 5337

On page 74, after line 8, insert the following new paragraph:

The Secretary of Agriculture shall by March 31, 1997 report to the Committees on Appropriations of the House of Representatives and the Senate on the status and disposition of all salvage timber sales started under the authority of Section 2001 of PL 104-121 and subsequently withdrawn or delayed and completed under different authorities as a consequence of the July 2, 1996 Directive on the implementation of Section 2001 issued by the Secretary.

AMENDMENT NO. 5338

(Purpose: To protect State's management of fish and game resources in Alaska)

On page 104, Strike all in lines 15 thru 33 and insert in lieu thereof;

Sec. 318 "None of the funds available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to prepare, promulgate, implement, or enforce any rule or regulation pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over any waters (other than non-navigable waters on federal lands), non-federal lands, or lands selected by, but not conveyed to, the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act, or an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act."

AMENDMENT NO. 5339

(Purpose: To provide for the use of certain funds for the construction of a health care facility by the Choctaw Nation of Oklahoma)

: *Provided further*, That funds made available to the Choctaw Nation of Oklahoma in this Act, including Indian Self-Determination Act compact "tribal shares," medicare/medicare collections and carry-over funds may be used to support construction of a facility to replace the Talihina Indian Hospital so long as the current level of health care services is not diminished

Mr. NICKLES. Mr. President, the Talihina, OK hospital is sixth on the IHS health facility list for replacement of inpatient facilities. The Choctaw Nation proposes to replace the existing Talihina Indian Hospital with a community facility to serve both Indian and non-Indian people and has developed a financing plan for the design and construction of the replacement facility. Design and construction of this facility will be consistent with the approved IHS Program Justification Document [PJD]. The Choctaw Nation proposes to utilize various funding sources, including Tribal Funds, Medicaid and Medicare collections, carry-over funds and IHS Area and Headquarters tribal shares to support this project for a community based hospital. The managers have agreed that IHS funds may be used only for the Indian user portion of the projected patient workload. I understand the managers have no objection to the use of these Federal funds so long as it does not diminish the current level of health care services. IHS will work with the Choctaw Nation in the implementation of this project and identify and reach an agreement of future resources and responsibilities related to staffing, equipping and operating the newly constructed facility. These operational needs will be considered in the context of current budget constraints, project placement on the facility priority list and future funding of facilities on the facilities priority list. I understand the IHS and the Choctaw Nation will report back to Congress on the progress of this project.

AMENDMENT NO. 5340

(Purpose: To provide \$1,000,000 for land acquisition at Rappahannock National Wildlife Refuge in Virginia)

On Page 12, line 23 after "Kentucky," add "and of which \$1,500,000 shall be for acquisition at Back Bay National Wildlife Refuge and of which \$1,000,000 shall be for acquisition at Rappahannock National Wildlife Refuge."

AMENDMENT NO. 5341

(Purpose: To authorize the State of Maryland to set aside a portion of amounts made available under the Surface Mining Control and Reclamation Act of 1977 for use in undertaking acid mine drainage abatement and treatment projects)

On page 27, line 21, before the period, insert the following: "": *Provided further*, That the State of Maryland may set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and

Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects".

AMENDMENT NO. 5342

On page 4, line 3, after "expended" insert the following: "": *Provided further*, That \$250,000 of the funds available to the Bureau of Land Management for the Alaska conveyance shall be available for activities preparatory to resumption of leasing of oil and gas in the National Petroleum Reserve in Alaska pursuant to Public Law 96-514".

The PRESIDING OFFICER. Without objection, amendments 5318 through 5342 are agreed to en bloc.

The amendments (Nos. 5318 through 5342), en bloc, were agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, with the consent of Senator BYRD, I would like the RECORD to include the fact that there is a printing error in the bill that should be corrected, and I am told I can correct it simply by reading it here.

On page 19 of the bill, line 5, starting with the word "that" through line 7 ending with the word "authorization," the text should be in italic since this was text that was added by the Senate to the House-passed version of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS TO COMMITTEE REPORT

Mr. GORTON. Second, Mr. President, I send to the desk an agreed-on series of amendments not to the bill but to the committee report, and I ask unanimous consent the committee report be amended in the way I have submitted it and the amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 16 of the Committee report under U.S. Fish and Wildlife Service, Habitat Conservation, the increase of \$500,000 provided for the Jobs in the Woods program was intended to be from the FY 1996 level, not from the level in the FY 1997 budget request.

On page 17 of the Committee report, funds earmarked for cooperative marine mammals programs are provided pursuant to section 119 of the Marine Mammal Protection Act, not section 199.

In the Construction table for the U.S. Fish and Wildlife Service on page 20 of the Committee report, the amounts provided for the

Southwest Fisheries Technology Center are transposed. The Senate bill actually provides \$961,000 for the Dexter hatchery and \$2,705,000 for the Mora hatchery.

On page 41, the amount for the Committee recommendations for the Operation of Indian Programs should be \$1,413,606,000, consistent with the amount shown in the table on page 43, instead of \$1,418,606,000 as printed in the report. The corrected funding level represents a decrease of \$165,817,000 below the budget estimate, an increase of \$31,983,000 above the House allowance, and \$29,172,000 above the fiscal year 1996 level instead of the amounts printed in the report.

On page 43, the amount listed for the Committee recommendation in the text should be \$511,266,000, consistent with the amount in the table on page 42, instead of \$521,966,000 as printed in the report. The corrected funding level represents an increase of \$17,769,000 above the fiscal year 1996 funding level and \$8,208,000 above the House allowance.

On page 56, the Senate bill referenced on the last line of the paragraph should be Senate bill 1425 instead of 1475 as listed in the report.

The Senate bill does not include the \$3.5 million increase requested by the Indian Health Service to fund the cost of new and expanded tribes. However, it is not the intent of the Committee to deny such tribes access to contract health care within the funds provided. The Committee has not provided any funds for new or expanded tribes beyond those which are explicitly identified in the budget request. To the extent additional tribes are recognized or expanded during the fiscal year, funding for such tribal populations will be addressed in the context of the FY 1998 appropriations bill.

On page 66 of the Committee report, on the fourth line of the paragraph discussing the Small Business Administration timber sale set-aside program, after the words "appeals process" insert ", within 36 CFR Part 251, Subpart C,".

Mr. GORTON. Mr. President, on another subject, Washington State is not unlike many other Western States in that a significant portion of its land is in public ownership. In many cases, the ownership is Federal, State, and private in the form of a checkerboard pattern across wide areas of the State.

Because of this checkerboard land ownership in Washington State, land exchanges are quickly becoming an efficient way for landowners to do business with the Federal Government. There are several such exchanges to block up land in the works in the State of Washington. One such land exchange was announced on July 27 in Seattle by Agriculture Secretary Glickman. Secretary Glickman announced an agreement between the Forest Service and the Plum Creek Timber Co. to complete a major land exchange in the Wenatchee National Forest within 2 years.

Last year, the Senate included \$350,000 in its fiscal year 1996 Interior appropriations bill to facilitate this exchange. I support the exchange strongly and am glad that the Secretary has made it a high priority. The committee did not include specific funding for the exchange in this year's appropriation bill in large part because the Forest Service has stated its preference that its management accounts not be earmarked. As chairman of the committee

I have met the agency's request while understanding that the necessary funds will be made available in fiscal year 1997 to work on this important land exchange.

The Senate report accompanying the fiscal year 1997 Interior bill includes the following report language:

The committee encourages the use of land exchanges as a way in which to protect important recreational and environmentally significant lands in lieu of direct acquisition by the Federal Government. The committee believes that land exchanges represent a more cost effective way in which to do business and encourages the Forest Service to give priority to those exchanges either nearing completion or where land management decisions are made particularly difficult due to a checkerboard pattern of ownership.

The Plum Creek land exchange should continue to be a priority for the agency along with other exchanges that are nearing completion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to this request, and that the following committee amendments be excepted from this en bloc request:

Page 46, line 24 through page 47, line 4; page 25, line 4 through line 10; page 63, line 22 through page 64, line 18; page 89, line 7; and those portions of the committee amendments on page 49, line 19 through page 50, line 8; page 51, line 3 through page 55, line 13; and page 56, line 14 through page 57, line 19.

This has been cleared by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were considered and agreed to en bloc with the above noted exceptions.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5343

Mr. GORTON. Mr. President, I send an amendment to the desk for myself, Mr. HATFIELD and Mrs. MURRAY, and ask for its immediate consideration.

The PRESIDING OFFICER. The committee amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. HATFIELD, and Mrs. MURRAY, proposes an amendment numbered 5343.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate section in title III, insert the following new section:

SEC. . Notwithstanding any other provision of law, for fiscal year 1997 the Secretaries of Agriculture and Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, and northern California that have been affected by reduced timber harvesting on Federal lands.

Mr. GORTON. Mr. President, this amendment was requested by the Forest Service and is supported by Senator HATFIELD and Senator MURRAY in addition to myself.

The amendment would enable the Forest Service to limit the advertisement of contracts for watershed restoration projects in historically timber-dependent communities in the States of Washington, Oregon, and northern California. The funding for this restoration work comes from the "Jobs in the Woods" Program created by the President's Pacific Northwest forest plan.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5343) was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

GLACIER NATIONAL PARK

Mr. BAUCUS. Mr. President, at the appropriate time I will send an amendment to the desk. This amendment deals with the Park Services management of Glacier National Park in the State of Montana. As you might know, Mr. President, the Park Service is beginning a new general management plan for Glacier Park. It will be a blueprint for the next 20 years.

I must say, that we in Montana are quite concerned about this blueprint. I ask that everybody watching take note of what is going on here and to come and visit us in Montana, particularly at Glacier Park. Glacier has some of the most stunning real estate in the world. The Going to the Sun Highway, mountain goats scaling the rocks, Grinnell Glacier and Iceberg Lake, which is just a small sample of what we have in Glacier. It is truly a national heritage, one that we must preserve forever. So on its face, Mr. President, an updated management plan seems like a pretty good idea. After all, we want to protect Glacier in the long term. It does not make much sense not to protect a resource as precious as this.

Full campgrounds, crowded roads, aging infrastructure, and many other challenges face the Park Service today. Because Glacier has been discovered, people are coming to visit Glacier, as well they should. It is so magnificent. So we do need a management plan that does meet these challenges and preserves the quality of Glacier National Park.

But so far, the National Park Service, it seems, is doing a better job at scaring people, at frightening people, particularly those who use Glacier, than in making citizens full partners in the plan which protects the park for future generations.

The Daily Interlake, a Kalispell newspaper, editorialized:

The Park Service has come up with a document that by accident or design manages to offend just about everyone one way or another.

I might say, that is an understatement. Most people I talk to are, if not outraged, quite upset. And given the conversations I have had with them, and others who have visited Glacier Park over the last couple weeks, I can tell you that something has to be done.

For decades visitors have had a truly first-class experience when they visit Glacier. Radical changes could make these experiences a thing of the past.

I want to believe that the Park Service has merely had a clumsy beginning, a clumsy start, which will soon lead to a very productive process that reflects public sentiment concerning proper Glacier management. But up to now, the Park Service has done very little to reassure Montanans about where they are heading.

I think we need an insurance plan, an insurance policy, something that guarantees that the new management plan will not go haywire. So my amendment provides that protection. It allows the Park Service to go ahead, but it requires them to submit the final Glacier general management plan to the Senate Energy Committee and the House Resources Committee. These committees will then have 90 days to review the plan before it goes into effect. That, I think, will guarantee public input and a final management plan that preserves the Glacier Park experience.

This amendment is a final line of defense against illogical or unresponsive decisionmaking by the National Park Service, not that I expect them to be unresponsive or illogical, but I think it is important to have an insurance plan. I think this amendment will help make that happen.

BEARTOOTH HIGHWAY

Mr. President, on another matter, I will also offer an amendment to ensure the proper management of one of the most spectacular highways in the United States, that is called the Beartooth Highway. Highway 212, better known as the Beartooth Highway, begins just outside Red Lodge, MT. It climbs a mountain to Line Creek Plateau looking out over the Absaroka-

Beartooth wilderness area of Wyoming and Montana. It then proceeds on to Cooke City and the northeastern entrance of Yellowstone National Park. It is truly magnificent. Anyone who has ever taken a vacation in that part of our country, put it on your calendar, the possibility of driving the Beartooth Highway. I guarantee you will not regret it.

It is named for a spectacular rock spire, capping a mountain ridge, carved by ancient glaciers into the shape of a bear's canine tooth. That is why it is called Beartooth. When traveling up Beartooth Highway, travelers often see wildlife from moose to the bighorn sheep, black bear, and golden eagle. High meadows in the spring are covered with alpine wildflowers, while snowdrifts often last all summer long. It is magnificent.

Travelers driving the Beartooth Highway see some of the most unusual and spectacular scenery in our country. And maybe that is why Americans have treasured this region—according to archaeological evidence—for the past 12,000 years. That is about as long as human beings have lived on our continent.

Since the Beartooth Highway was built in the 1930's, the National Park Service has kept it plowed to make sure it is open for tourism by Memorial Day weekend. This has guaranteed access for Americans who want to appreciate this part of our heritage. And it has helped to ensure prosperity for towns along the road, in places like Red Lodge, Cooke City, Silver Gate.

But this year the Park Service did not open the highway on Memorial Day. It did not plow the road on time. And small businesses in the gateway communities—already reeling from the Congress' blundering decision to shut down the Government at the height of the winter tourist season—felt the impact. To make matters worse, these towns can expect the same thing to happen in the future. Because soon after Memorial Day, the Superintendent of Yellowstone announced that after 1997, the Park Service will no longer make sure the Beartooth Highway is open at the start of the tourist season.

The Superintendent's reason for this policy change stems from the budget squeeze that Yellowstone is feeling. That is not a frivolous decision, and I am sympathetic to the challenges the Park Service faces in managing Yellowstone. But walking away from responsibility to Beartooth Highway and these gateway communities is not acceptable.

Rather, I believe we have to find a solution now. And I think it is clear. The responsibility for the Beartooth Highway rests jointly on the Park Service and on the Forest Service. Visitors use this road to get both to Yellowstone and the Absaroka-Beartooth Wilderness Area. The former, of course, is managed by the Park Service and the latter by the Forest Service. So both

agencies should share equally in the cost of opening the Beartooth Highway.

My amendment requires the Park Service and the Forest Service to enter into a memorandum of understanding by April 1, 1997, to split the cost of opening the Beartooth Highway between the two agencies. It also requires these agencies to make sure that the Beartooth Highway is open to traffic by Memorial Day each year.

I think this is fair. It is a good, common sense solution. It will help ease the Park Service's concerns over funding. It will make sure Americans can drive this highway in the spring. And it will make sure small businesses in Red Lodge, Cooke City, and others, who depend on the Beartooth Highway opening at the beginning of the tourist season, can look to the future with confidence.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that at the hour of 11:30 a.m., there be a period for morning business with Senators permitted to speak for up to 5 minutes each, with the following times designated as follows: Senator THOMAS in control of the time from 11:30 until noon, Senator DASCHLE or his designee from noon to 1, Senator COVERDELL or his designee from 1 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM

Mr. GREGG. Mr. President, I want to raise the issue today of how we, as a nation, are continuing to address the question of terrorism.

Yesterday, the committee which I chair, the Subcommittee on State, Justice, Commerce, a subcommittee of the Appropriations Committee, had the