

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, Executive Calendar Nos. 238, 239, 245, and 247 are confirmed.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Sharon J. Zealey, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

James Allan Hurd, Jr., of the Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

CORPORATION FOR PUBLIC BROADCASTING

Katherine Milner Anderson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2000.

CORPORATION FOR PUBLIC BROADCASTING

Heidi H. Schulman, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the confirmation of the nominations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate proceeded with the consideration of the bill.

Mr. GORTON. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 122, H.R. 2107, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, 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 as shown in italic.)

H.R. 2107

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 fiscal year ending September 30, 1998, 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)), **[\$581,591,000]** *\$578,851,000*, to remain available until expended, of which \$2,043,000 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 \$1,500,000 shall be available in fiscal year 1998 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]** *\$27,650,000* 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 **[\$581,591,000]** *\$578,851,000*; 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.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, suppression operations, and emergency rehabilitation by the Department of the Interior, **[\$280,103,000]** *\$282,728,000*, to remain available until expended, of which not to exceed **[\$5,025,000]** *\$6,950,000* 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 cost from funds available from 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]** *\$14,900,000*, 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 section 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, **[\$3,254,000]** *\$3,154,000*, 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. 6901-6907), **[\$113,500,000]** *\$120,000,000*, of which not to exceed \$400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

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, **[\$12,000,000]** *\$9,400,000*, 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; \$101,406,000, 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).

FOREST ECOSYSTEMS HEALTH AND RECOVERY
(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102-381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. Any receipts derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

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, [\$591,042,000] \$585,064,000, to remain available until September 30, 1999, of which \$11,612,000 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, and of which not less than \$2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended, and of which not to exceed \$5,190,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973, as amended: *Provided*, That the proviso under this heading in Public Law 104-208 is amended by striking the words "Education and" and inserting in lieu thereof "Conservation"; by striking the word "direct" and inserting in lieu thereof the word "full"; and by inserting before the period " ", to remain available until expended": *Provided further*, That the Bureau of Reclamation transfers to the Fish and Wildlife Service for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin shall be exempt from any Fish and Wildlife Service overhead charge.

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; [\$40,256,000] \$43,053,000, 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; [\$4,128,000] \$4,328,000, to remain available until expended: *Provided*, That under this heading in Public Law 104-134, strike "in fiscal year 1996 and thereafter" in the proviso and insert "heretofore and hereafter", and before the phrase, "or properties shall be utilized" in such proviso, insert " ", to remain available until expended": *Provided further*, That the first proviso under this heading in Public Law 103-138 is amended by inserting after "account" the following: " ", including transfers to Federal trustees and payments to non-Federal trustees."

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, [\$53,000,000] \$57,292,000, 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, \$14,000,000, 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), [\$10,000,000] \$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, 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, as amended, [\$10,500,000] \$13,000,000, to remain available until expended.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, \$400,000, 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.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 108 passenger motor vehicles, of which 92 are for replacement only (including 57 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 the report accompanying this bill: *Provided further*, That the Secretary may sell land and interests in land, other than surface water rights, acquired in conformance with subsections 206(a) and 207(c) of Public Law 101-816, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and

Wildlife Fund and used exclusively for the purposes of such subsections, without regard to the limitation on the distribution of benefits in subsection 206(f)(2) of such law.

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 **[\$2,500,000] \$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, **[\$1,232,325,000] \$1,249,409,000**, of which \$12,800,000 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, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, **[\$43,934,000, of which \$4,500,000 is for grants to Heritage areas in accordance with titles I-VI and VIII-IX, division II of Public Law 104-333 and is] \$45,284,000** to remain available until September 30, 1999.

HISTORIC PRESERVATION FUND

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

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, **[\$148,391,000] \$167,894,000** to remain available until expended: *Provided*, That \$500,000 for the Rutherford B. Hayes Home and \$600,000 for the Sotterly Plantation House shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470A: *Provided*, That \$500,000 for the Darwin Mountain House in Buffalo, New York and \$500,000 for the Penn Center, South Carolina, shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided further*, That \$3,000,000 for the Hispanic Cultural Center, New Mexico, is subject to authorization: *Provided further*, That \$1,000,000 for the Oklahoma City Bombing Memorial is subject to authorization: *Provided further*, That none of the funds provided in this Act may be used to relocate the Brooks River Lodge in Katmai National Park and Preserve from its current physical location.

LAND AND WATER CONSERVATION FUND (RESCISSION)

The contract authority provided for fiscal year 1998 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, **[\$129,000,000] \$125,690,000**, 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, \$8,500,000 is available for acquisition of the Sterling Forest: *Provided further*, That from the funds made available for land acquisition at Everglades National Park and Big Cypress National Preserve, the Secretary may provide for Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys) under terms and conditions deemed necessary by the Secretary, to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this head to the State of Florida shall be subject to an agreement that such lands will be managed in perpetuity for the restoration of the Everglades.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 396 passenger motor vehicles, of which 302 shall be for replacement only, including not to exceed 315 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 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 distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

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; **[\$755,795,000] \$758,160,000** of which \$66,231,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which \$16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which **\$2,000,000 shall remain available until expended for development of a mineral and geologic database**; and of which **[\$147,794,000] \$147,159,000** shall be available until September 30, 1999 for the biological research activity and the operation of the Cooperative Research Units: *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 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: *Provided further*, That hereafter the United States Geological Survey may disperse to local entities Payment in Lieu of Taxes impact funding appropriated to the Fish and Wildlife Service pursuant to the Refuge Revenue Sharing Act that is associated with Federal real property being transferred to the United States Geological Survey from the United States Fish and Wildlife Service.

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.: *Provided further*, That the USGS may contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to section 41 U.S.C. 5, for the temporary or intermittent services of science students or recent graduates, who shall be considered employees for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

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; **[\$139,621,000]** *\$135,722,000*, of which not less than **[\$70,874,000]** *\$66,175,000* shall be available for royalty management activities; and an amount not to exceed **\$65,000,000** [for activities within the Outer Continental Shelf (OCS) Lands Program.] 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]** *\$3,000,000* for computer acquisitions shall remain available until September 30, 1999: *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, **\$6,118,000**, which shall be derived from the Oil Spill Liability Trust Fund, 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; **[\$94,937,000]** *\$97,437,000*, 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 1998: *Provided*, That the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1998 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, **[\$179,624,000]** *\$177,624,000*, to be

derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to **\$5,000,000** 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 1998: *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: *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, as amended (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, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

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,

[\$1,526,815,000] *\$1,527,024,000*, to remain available until September 30, 1999 except as otherwise provided herein, of which not to exceed **\$93,825,000** shall be for welfare assistance payments and not to exceed **\$105,829,000** 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 1998, 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 **\$374,290,000** for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1998, and shall remain available until September 30, 1999; and of which not to exceed **[\$59,775,000]** *\$59,479,000* shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvements and the Navajo-Hopi Settlement Program: *Provided*, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements and for unmet welfare assistance costs: *Provided further*, That funds made available to tribes and tribal organizations through contracts, compact agreements, or grants obligated during fiscal years 1998 and 1999, 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 two years may be reprogrammed to two 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, 1998, may be transferred during fiscal year 1999 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, 1999: *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 1998: *Provided further*, That funds made available in this or any other Act for expenditure through September 30, 1999 for schools funded by the Bureau

shall be available only to the schools in the Bureau school system as of September 1, 1996: *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 beginning in fiscal year 1998 and thereafter and 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: *Provided further*, That the Cibecue Community School may use prior year school operations funds for the construction of a new high school facility which is in compliance with 25 U.S.C. 2005(a) provided that any additional construction costs for replacement of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds: *Provided further*, That tribes may use Tribal Priority Allocations funds for the replacement and repair of school facilities which are in compliance with 25 U.S.C. 2005(a) provided that any construction costs for subsequent replacement of such facilities is completed exclusively with non-Federal funds.

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, [\$110,751,000] \$125,051,000, 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 1998, 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 con-

tained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, [\$41,352,000] \$43,352,000, to remain available until expended; of which [\$40,500,000] \$42,000,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101-618, 102-374, and 102-575, and for implementation of other enacted water rights settlements, including not to exceed \$8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103-116; and of which [\$852,000] \$1,352,000 shall be available pursuant to Public Laws 99-264, 100-383, 103-402, and 100-580: *Provided*, That the Secretary is directed to sell land and interests in land, other than surface water rights, acquired in conformance with section 2 of the Truckee River Water Quality Settlement Agreement, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, and be available for the purposes of section 2 of such Agreement, without regard to the limitation on the distribution of benefits in the second sentence of paragraph 206(f)(2) of Public Law 101-618.

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.

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

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, [\$68,214,000] \$67,214,000, of which (1) [\$64,365,000] \$63,365,000 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 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 404 of 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 Compact 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, [\$20,445,000] \$20,545,000, 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, \$58,286,000, of which not to exceed \$8,500 may be for official reception and representation expenses, and of which up to \$1,200,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

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

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, [\$24,439,000] \$24,500,000.

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.]

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

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, [\$32,126,000] \$35,689,000, to remain available until expended [for trust funds management:] *Provided*, That funds for trust management improvements may be transferred to the Bureau of Indian Affairs: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1998, 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.

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 the "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 oil spills; response and natural resource damage assessment activities related to actual oil spills; 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 reimbursement 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. 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. 108. 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. 109. 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.] *offshore oil and natural gas preleasing, leasing, and related activities* on lands within the North Aleutian Basin planning area.

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

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

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

(a) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States, or

(b) deposited only into accounts that are insured by an agency or instrumentality of the United States.]

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

(a) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States, or

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

[SEC. 113. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

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

[(c) Benefits under this section shall be available to Helium Operations employees who are or will be involuntarily separated before October 1, 2002 because of the cessation of helium production and sales and other related activities.]

SEC. 113. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

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

(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995.

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of, 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump-sum from the Helium Fund for such leave.

(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

[SEC. 114. None of the funds in this or previous appropriations Acts may be used to establish a new regional office in the United States Fish and Wildlife Service without the advance approval of the House and Senate Committees on Appropriations.]

SEC. 115. (a) CONVEYANCE REQUIREMENT.—Within 90 days after the date of enactment of this Act, the Secretary of the Interior shall convey to the State of West Virginia without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (b), for sole use by the Wildlife Resources Section of the West Virginia Division of Natural Resources, as part of the State of West Virginia fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Bowden National Fish Hatchery, located on old United States route 33, Randolph County, West Virginia, consisting of 44 acres (more or less), and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, equipment, and all easements, leases, and water rights relating to that property.

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of West Virginia pursuant to this section shall be used and operated solely by the Wildlife Resources Section of the West Virginia Division of Natural Resources for the purposes of fishery resources management and fisheries related activities, and if it is used for any other purposes or by any other party other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States. The State of West Virginia shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

SEC. 116. Section 115 of Public Law 103-332 is amended by inserting after the word "title" the following: "or provided from other Federal agencies through reimbursable or other agreements pursuant to the Economy Act".

SEC. 117. The third proviso under the heading "Compact of Free Association" of Public Law 100-446 is amended by striking "\$2,000,000" and inserting "\$2,500,000" and by adding at the end of the proviso the following: "and commencing on October 1, 1998 and every year thereafter, this dollar amount shall be changed to reflect any fluctuation occurring during the previous twelve (12) months in the Consumer Price Index, as determined by the Secretary of Labor."

SEC. 118. (a) No funds available in this Act or any other Act for tribal priority allocations (hereinafter in this section "TPA") in excess of the funds expended for TPA in fiscal year 1997 (adjusted for fixed costs and internal transfers pursuant to other law) may be allocated or expended by the Bureau of Indian Affairs (hereinafter in this section "BIA") until sixty days after the BIA has submitted to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives the report required under subsection (b).

(b) The BIA is directed to develop a formula through which TPA funds will be allocated on the basis of need, taking into account each tribe's tribal business revenues from all business ventures, including gaming. The BIA shall submit to the Congress its recommendations for need-based distribution formulas for TPA funds prior to January 1, 1998. Such recommendations shall include several proposed formulas, which shall provide alternative means of measuring the wealth and needs of tribes.

(c) Notwithstanding any other provision of law, the BIA is hereby authorized to collect such financial and supporting information as is necessary from each tribe receiving or seeking to receive TPA funding to determine such tribe's tribal business revenue from business ventures, including gaming, for use in determining such tribe's wealth and needs for the purposes of this section. The BIA shall obtain such information on the previous calendar or fiscal year's business revenues no later than April 15th of each year. For purposes of preparing its recommendations under subsection (b), the BIA shall require each tribe that received TPA funds in fiscal

year 1997 to submit such information by November 1, 1997.

(d) At the request of a tribe, the BIA shall provide such technical assistance as is necessary to foster the tribe's compliance with subsection (c). Any tribe which does not comply with subsection (c) in any given year will be ineligible to receive TPA funds for the following fiscal year, as such tribe's relative need cannot be determined.

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

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

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

(1) by striking "Miners Hospital Grant" each place it appears and inserting in lieu thereof "Miners Hospital Grants";

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

(3) by striking "(July 26, 1894, 28 Stat. 110)" each place it appears and inserting in lieu thereof "(July 16, 1894, 28 Stat. 110)".

TRIBAL PRIORITY ALLOCATION LIMITATION

SEC. 120. The receipt by an Indian Tribe of tribal priority allocations funding from the Bureau of Indian Affairs "Operation of Indian Programs" account under this Act shall—

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

(2) subject that Indian tribe to the jurisdiction of the courts of the United States, and grant the consent of the United States to the maintenance of suit and jurisdiction of such courts irrespective of the issue of tribal immunity; and

(3) grant United States district courts original jurisdiction of all civil actions brought by or against any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior, wherein the matter in controversy arises under the Constitution, laws, or treaties of the United States.

SEC. 121. KANTISHNA MINING CLAIMS.—Notwithstanding any other provision of law, on October 1, 1998, there is hereby vested in the United States all right, title, and interest in and to, and the right of immediate possession of, all patented mining claims and valid unpatented mining claims (including any unpatented claim whose validity is in dispute, so long as such validity is later established in a settlement or judgement pursuant to this section) in the Kantishna Mining District within Denali National Park and Preserve whose owners consent in writing to this action within said 120 day period: Provided, That in the event a bankruptcy trustee is an owner in interest in a mining claim in the Kantishna Mining District, that consent will be deemed timely for purposes of this section if the trustee applies within said 120 day period to the bankruptcy court for authority to sell the mining claim and to consent to the taking of such claim, and that in such event title

shall vest in the United States 10 days after entry of an unstayed order or judgement approving the trustee's application: Provided further, That the United States shall pay just compensation to the owners of any property taken pursuant to this section, determined as of the date of taking: Provided further, That payment shall be in the amount of a negotiated settlement of the value of such property or the valuation of such property awarded by judgment and shall be made solely from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, and shall include accrued interest on the amount of the agreed settlement value or the final judgment from the date of taking to the date of payment, calculated in accordance with section 258e-1 of title 40, United States Code, except that interest shall not be allowed on such amounts as shall have been paid into the court registry: Provided further, That the United States or the property owner may initiate proceedings at any time after said 120 day period seeking a determination of just compensation in the District Court for the District of Alaska pursuant to sections 1358 and 1403 of title 28, United States Code: Provided further, That the United States shall deposit in the registry of the court the estimated just compensation, or at least seventy-five percent thereof, in accordance with the procedures generally described in section 258a of title 40, United States Code not otherwise inconsistent with this section: Provided further, That in establishing any estimate (other than an estimate based on an agency-certified appraisal made prior to the date of enactment of this Act) the Secretary of the Interior shall permit the property owner to present evidence of the value of the property, including potential mineral value, and shall consider such evidence and permit the property owner to have a reasonable and sufficient opportunity to comment on such estimate: Provided further, That the estimated just compensation or part thereof deposited in the court registry shall be paid to the property owner upon request: Provided further, That any payment from the court registry to the property owner shall be deducted from any negotiated settlement or award by judgement: Provided further, That the United States may not request the court to withhold any payment from the court registry or pursue any claim for environmental remediation with respect to such property until 30 days after a negotiated settlement or award by judgement with respect to such property has been reached and payment has been made: Provided further, That the Secretary shall not allow any unauthorized use of property acquired pursuant to this section after the date of taking, and the Secretary shall permit the orderly termination of all operation on the lands and the removal of equipment, facilities, and personal property.

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

SEC. 123. (a) KODIAK LAND VALUATION.—Notwithstanding the Refuge Revenue Sharing Act (16 U.S.C. 715s) or any regulations implementing such Act, the fair market value for the initial computation of the payment to Kodiak Island Borough pursuant to such Act shall be based on the purchase price of the parcels acquired from Akhiok-Kaguyak, Incorporated, Koniag, Incorporated, and the Old Harbor Native Corporation for addition to the Kodiak National Wildlife Refuge.

(b) The fair market value of the parcels described in subsection (a) shall be reappraised under the normal schedule for appraisals adopted by the Alaska Region of the United States Fish and Wildlife Service under the Refuge Revenue Sharing Act (16 U.S.C. 715s). Any such reappraisals shall be made in accordance with such Act and any other applicable law or regulation.

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

SEC. 124. (a) ANDROSCOGGIN RIVER VALLEY HERITAGE AREA ACT—SHORT TITLE.—This Act may be cited as the "Androscoggin River Valley Heritage Area Act".

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

(c) ESTABLISHMENT OF COMMISSION.—There is established the Androscoggin River Valley Heritage Commission (referred to in this Act as the "Commission"), which shall consist of 10 members appointed not later than 3 months after the date of enactment of this Act, as follows:

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

(2) 1 member appointed by the Speaker of the House of Representatives of the State of New Hampshire.

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

(4) 2 members appointed by the Secretary of the Interior from among individuals recommended by State and local cultural or historic preservation organizations.

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

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

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

(e) COMPENSATION.—

(1) IN GENERAL.—A member of the Commission shall receive no pay on account of the member's service on the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission, while away from the member's home or regular place of business in the performance of services for the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

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

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

(h) SUPPORT.—

(1) STAFF AND TECHNICAL SERVICES.—The Director of the National Park Service may provide such staff support and technical services as are necessary to carry out the functions of the Commission.

(2) COMPLETION OF STUDY.—The Secretary of the Interior may provide the Commission such technical and other assistance as is necessary to complete the study described in subsection (j).

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

(j) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the completion of appointment of the members of the Commission, the Commission shall complete a comprehensive study of the Androscoggin River Valley's history and culture in New Hampshire, which shall—

(A) include a catalog of all available historically and culturally significant sites, buildings, and areas in the region;

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

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

(D) account for the impacts of any heritage-based development on State, municipal, and private property.

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

(k) NO REGULATORY AUTHORITY.—Nothing in this Act provides the Commission with any regulatory authority.

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

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, **[\$187,644,000] \$188,644,000**, to remain available until 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 health management, cooperative forestry, and education and land conservation activities, **[\$157,922,000] \$162,668,000**, to remain available until expended, as authorized by law: *Provided*, That of funds available under this heading for Pacific Northwest Assistance in this or prior appropriations Acts, \$800,000 shall be provided to the World Forestry Center for purposes of continuing scientific research and other authorized efforts regarding the land exchange efforts in the Umpqua River Basin region: *Provided further*, That activities conducted pursuant to funds provided herein for the Alaska Spruce Bark Beetle task force shall be exempt from the requirements of the Federal Advisory Committee Act.

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 forest 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," **[\$1,364,480,000] \$1,346,215,000**, to remain available until expended, which shall include 50 per centum of all monies received during prior fiscal years 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 up to \$10,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed: *Provided further*, That funds may be used to construct or reconstruct facilities of the Forest Service: *Provided further*, That no more than \$250,000 shall be used on any single project, exclusive of planning and design costs: *Provided further*, That the Forest Service shall report annually to Congress the amount obligated for each project, and the total dollars obligated during the year.

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, **[\$591,715,000] \$582,715,000** to remain available until expended: *Provided*, 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, **[\$160,122,000 (reduced by \$5,600,000)] \$160,269,000**, 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, (reduced to \$25,000,000), to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.]

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, **[\$45,000,000] \$49,176,000**, to be derived from the Land and Water Conservation Fund, to remain available until expended.

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.

MIDWIN NATIONAL TALLGRASS PRAIRIE RESTORATION FUND

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

[COOPERATIVE WORK, FOREST SERVICE

[For restoring the balances borrowed for previous years firefighting, \$128,000,000, to remain available until expended: *Provided*, That the appropriation shall be merged with

and made a part of the designated fund authorized by Public Law 71-319, as amended.]

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 159 passenger motor vehicles of which 22 will be used primarily for law enforcement purposes and of which 156 shall be for replacement; acquisition of 25 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; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) 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 *other than the relocation of the regional office for Region 10 to Ketchikan and other office relocations and closures in Alaska as specified in the Committee report accompanying this bill*, without the consent 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 or damaged lands or waters 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 the report accompanying this bill.

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 the report accompanying this bill.

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 avail-

able 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(l)) 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, of the funds available to the Forest Service, up to **[\$2,000,000] \$2,500,000** may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than **[\$500,000] \$1,000,000** shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-

for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a recipient of Federal financial assistance for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of enactment of this Act) on Federal funds to carry out the purposes of Public Law 101-593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98-244, up to \$2,000,000 of the funds available to the Forest Service shall be available for matching funds, as authorized by 16 U.S.C. 3701-3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a recipient of Federal financial assistance for a project at the same rate that the recipient has obtained the non-Federal matching funds.

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 "Reconstruction 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.

Any funds available to the Forest Service may be used for retrofitting the Commanding Officer's Building (S-2), to accommodate the relocation of the Forest Supervisor's Office for the San Bernardino National Forest: *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.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and condi-

tions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

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

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104-134, the direct grants provided in subsection (c) shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, \$101,000,000 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, [\$313,153,000] \$363,969,000, 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 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, 1997, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, [\$115,000,000] \$107,000,000, and such sums as are necessary to operate Naval Petroleum

Reserve Numbered 1 between May 16, 1998 and September 30, 1998, to remain available until expended: *Provided*, That notwithstanding any other provision of law, revenues received from use and operation of Naval Petroleum Reserve Numbered 1 in excess of \$163,000,000 shall be used to offset the costs of operating Naval Petroleum Reserve Numbered 1 between May 16, 1998 and September 30, 1998: *Provided further*, That revenues retained pursuant to the first proviso under this head in Public Law 102-381 (106 Stat. 1404) shall be immediately transferred to the General Fund of the Treasury: *Provided further*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1998.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [\$644,766,000] \$627,357,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1998 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That [\$153,845,000] \$160,100,000 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: [\$123,845,000] \$129,000,000 for weatherization assistance grants and [\$30,000,000] \$31,100,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings 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.), [\$209,000,000] \$207,500,000, to remain available until expended, of which [\$209,000,000] \$207,500,000 shall be repaid from the "SPR Operating Fund" from amounts made available from the sale of oil from the Reserve: *Provided*, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell in fiscal year 1998 [\$209,000,000] \$207,500,000 worth of oil from the Strategic Petroleum Reserve: *Provided further*, That the proceeds from the sale shall be deposited into the "SPR Operating Fund", and shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations of the Strategic Petroleum Reserve.

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 1998 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 Administration, [\$66,800,000] \$62,800,000, 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.

The Secretary is authorized to accept funds from other Federal agencies in return for assisting agencies in achieving energy efficiency in Federal facilities and operations by the use of privately financed, energy saving performance contracts and other private financing mechanisms. The funds may be provided after agencies begin to realize energy cost savings; may be retained by the Secretary until expended; and may be used only for the purpose of assisting Federal agencies in achieving greater efficiency, water conservation, and use of renewable energy by means of privately financed mechanisms, including energy savings performance contracts. Any such privately financed contracts shall meet the provisions of the Energy Policy Act of 1992, Public Law [102-496] 102-486 (42 U.S.C. 8287).

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, [\$1,829,008,000] \$1,958,235,000, 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 [\$359,348,000] \$362,375,000 for contract medical care shall remain available for obligation until September 30, 1999: *Provided further*, That of the funds provided, not less than \$11,889,000 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, 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, 1999: *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, \$257,310,000] \$168,501,000, 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. 2651-2653) 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 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 training 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 with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those

entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: *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.

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, [§18,345,000] \$15,000,000, 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), [§3,000,000] \$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; [§334,557,000] \$333,708,000, of which not to exceed \$32,718,000 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, \$3,850,000, 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, [§50,000,000] \$32,000,000, 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, \$33,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, a single procurement for the construction of the National Museum of the American Indian may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

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, \$55,837,000, 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 National Gallery of Art, by contract or otherwise, as authorized, [§6,442,000] \$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, \$11,375,000.

CONSTRUCTION

For necessary expenses for 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 necessary expenses of the Woodrow Wilson International Center for Scholars, \$1,000,000.]

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, \$83,300,000 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, [§96,100,000] \$96,800,000, 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, \$13,900,000, to remain available until expended, of which \$8,000,000 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 AND LIBRARY SERVICES
OFFICE OF MUSEUM SERVICES
GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, **[\$23,390,000]** **\$22,290,000**, 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), **\$907,000**.

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]** **\$7,000,000**.

ADVISORY COUNCIL ON HISTORIC
PRESERVATION

SALARIES AND EXPENSES

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

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, **[\$5,700,000]** **\$5,740,000**: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV: *Provided further*, That beginning in fiscal year 1998 and thereafter, the Commission is authorized to charge fees to cover the full costs of Geographic Information System products and services supplied by the Commission, and such fees shall be credited to this account as an offsetting collection, 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, **\$31,707,000** 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. Beginning in fiscal year 1998 and thereafter, 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, beginning in fiscal year 1998 and thereafter, 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 1998 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) On September 30, 1998, the Secretary of the Interior shall 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 report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(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 Interior 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 Gallia, Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 316. 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 interim or final 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.

SEC. 317. 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, 1998, 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, 1998.

SEC. 318. No part of any appropriation contained in this Act shall be expended or obligated to fund the activities of the western director and special assistant to the Secretary within the Office of the Secretary of Agriculture.

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

SEC. 319. Notwithstanding any other provision of law, for fiscal year 1998 and hereafter 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.

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

["(A) Eighty percent to a special account in the Treasury for use without further ap-

propriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(A).

["(B) Twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B)."]

SEC. 321. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds \$500,000.

SEC. 322. Section 303(d)(1) of Public Law 96-451 (16 U.S.C. 1606a(d)(1)) is amended by inserting before the semicolon the following: "and other forest stand improvement activities to enhance forest health and reduce hazardous fuel loads of forest stands in the National Forest System".

SEC. 323. The Secretaries of Agriculture and Interior, in their conducting the Interior Columbia Basin Ecosystem Management Project, including both the Eastside Draft Environmental Impact Statement and the Upper Columbia River Basin Ecosystem Management Strategy Draft Environmental Impact Statement as described in a Federal Register notice on January 15, 1997 (Vol. 62, No. 10, page 2176) (hereinafter "Project"), shall analyze the economic and social conditions, and culture and customs of communities at the sub-basin level of analysis within the project area to the extent practicable and delineate the impacts the alternatives will have on the communities in the 164 sub-basins. The project managers shall release this more thorough analysis for public review as an addition to the draft environmental impact statements for the project, and incorporate this analysis and public comments to this analysis in any final environmental impact statements and record of decisions generated by the project.

SEC. 324. Notwithstanding section 904(b) of Public Law 104-333, hereafter, the Heritage Area established under section 904 of title IX of division II of Public Law 104-333 shall include any portion of a city, town, or village within an area specified in section 904(b)(2) of that Act only to the extent that the government of the city, town, or village, in a resolution of the governing board or council, agrees to be included and submits the resolution to the Secretary of the Interior and the management entities for the Heritage Area and to the extent such resolution is not subsequently revoked in the same manner.

SEC. 325. None of the funds appropriated or otherwise made available to the Indian Health Service by this Act may be used to restructure the funding of Indian health care delivery systems to Alaskan Natives.

SEC. 325. (a) Notwithstanding any other provision of law, and except as provided in this section, the Aleutian/Pribilof Islands Association, Inc., Bristol Bay Area Health Corporation, Chugachmiut, Copper River Native Association, Kodiak Area Native Area Association, Maniilaq Association, Metlakatla Indian Community, Arctic Slope Native Association, Ltd., Norton Sound Health Corporation, Southcentral Foundation, Southeast Alaska Regional Health Consortium, Tanana Chiefs Conference, Inc., and Yukon-Kuskokwim Health Corporation (hereinafter "regional health entities"), without further resolutions from the Regional Corporations, Village Corporations, Indian Reorganization Act Councils, tribes and/or villages which they represent are authorized to form a consortium (hereinafter "the Consortium") to enter into contracts, compacts, or funding agreements under Public Law 93-638 (25 U.S.C. 450 et seq.),

as amended, to provide all statewide health services provided by the Indian Health Service of the U.S. Department of Health and Human Services through the Alaska Native Medical Center and the Alaska Area Office. Each specified "regional health entity" shall maintain that status for purposes of participating in the Consortium only so long as it operates a regional health program for the Indian Health Service under Public Law 93-638 (25 U.S.C. 450 et seq.), as amended.

(b) The Consortium shall be governed by a 15 member Board of Directors, which shall be composed of one representative of each regional health entity listed in subsection (a) above, and two additional persons who shall represent Indian tribes, as defined in 25 U.S.C. 450b(e), and sub-regional tribal organizations which operate health programs not affiliated with the regional health entities listed above and Indian tribes not receiving health services from any tribal, regional or sub-regional health provider. Each member of the Board of Directors shall be entitled to cast one vote. Decisions of the Board of Directors shall be made by consensus whenever possible, and by majority vote in the event that no consensus can be reached. The Board of Directors shall establish at its first meeting its rules of procedure, which shall be published and made available to all members.

(c) The statewide health services (including any programs, functions, services and activities provided as part of such services) of the Alaska Native Medical Center and the Alaska Area Office may only be provided by the Consortium. Statewide health services for purposes of this section shall consist of all programs, functions, services, and activities provided by or through the Alaska Native Medical Center and the Alaska Area Office, not under contract or other funding agreement with any other tribe or tribal organization as of October 1, 1997, except as provided in subsection (d) below. All statewide health services provided by the Consortium under this section shall be provided pursuant to contracts or funding agreements entered into by the Consortium under Public Law 93-638 (25 U.S.C. 450 et seq.), as amended, and for such purpose the Consortium shall be deemed to have mature contract status as defined in section 4(h) of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450b(h).

(d) Cook Inlet Region, Inc., through Southcentral Foundation (or any successor health care entity designated by Cook Inlet Region, Inc.) pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.), as amended, is hereby authorized to enter into contracts or funding agreements under such Public Law for all services, provided at or through the Alaska Native Primary Care Center or other satellite clinics in Anchorage or the Matanuska-Susitna Valley without submission of any further authorizing resolutions from any other Alaska Native Region, village corporation, Indian Reorganization Act council, or tribe, no matter where located. Services provided under this paragraph shall, at a minimum, maintain the level of statewide and Anchorage Service Unit services provided at the Alaska Native Primary Care Center as of October 1, 1997, including necessary related services performed at the Alaska Native Medical Center. In addition, Cook Inlet Region, Inc., through Southcentral Foundation, or any lawfully designated health care entity of Cook Inlet Region, Inc., shall contract or enter into a funding agreement under Public Law 93-638 (25 U.S.C. 450 et seq.), as amended, for all primary care services provided by the Alaska Native Medical Center, including, but not limited to, family medicine, primary care internal medicine, pediatrics, obstetrics and gynecology, physical therapy, psychiatry, emergency services, public health nursing, health education, optometry, dentistry, audiology, social services, pharmacy, radiology, laboratory and biomedical, and the administrative support for these programs, functions, services and activities. Cook Inlet Region,

Inc., through Southcentral Foundation, or any lawfully designated health care entity of Cook Inlet Region, Inc., may provide additional health care services at the Alaska Native Medical Center if such use and services are provided pursuant to an agreement with the Consortium. All services covered by this subsection shall be provided on a nondiscriminatory basis without regard to residency within the Municipality of Anchorage.

SEC. 326. (a) Notwithstanding any other provision of law, after September 30, 1997 the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.), with any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursement of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 1997, or to prohibit the renewal of any such agreement.

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

[SEC. 326. None of the funds made available by this Act may be used for the eviction of any person from real property in Sleeping Bear Dunes National Lakeshore that the person was authorized, on July 10, 1997, to occupy under a lease by the Department of the Interior or a special use permit issued by the Department of the Interior.

[SEC. 327. None of the funds made available by this Act may be obligated or expended for the Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO).]

SEC. 328. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 329. 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 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. 330. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endow-

ment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate Endowment for the purposes specified in each case.

SEC. 331. In fiscal years 1998 through 2002, the Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of joint pilot programs to promote customer service and efficiency in the management of public lands and national forests: Provided, That nothing herein shall alter, expand or limit the existing applicability of any public law or regulation to lands administered by the Bureau of Land Management or the United States Forest Service.

SEC. 332. No part of any appropriation contained in this Act shall be expended or obligated to fund any activities associated with revision of national forest land management plans until the administration publishes new final rules in the Federal Register for forest land management planning activities.

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

SEC. 334. (a) WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS—IN GENERAL.—For fiscal year 1998 and each year thereafter, appropriations for the Forest Service may be used by the Secretary of Agriculture for the purpose of entering into cooperative agreements with willing state and local governments, private and non-profit entities and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resources on public or private land or both that benefit these resources within the watershed.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of Agriculture may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner; or

(2) indirectly through an agreement with a state, local or tribal government or other public entity, educational institution, or private non-profit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner;

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

(C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal government, the landowner(s), and other entities, as mutually agreed on by the affected interests; and

(E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on non-federal lands, provided such terms and conditions are mutually agreed to by the Secretary and other land owners, state and local governments or both.

SEC. 335. The joint resolution entitled "Joint Resolution to establish a commission to formulate plans for a memorial to Franklin Delano Roosevelt", approved August 11, 1955 (69 Stat. 694), is amended—

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

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

(c) by inserting after section 3 the following:

"TERMINATION OF THE COMMISSION

"SEC. 4. (a) IN GENERAL.—The Commission shall terminate on the earlier of—

"(1) December 31, 1997; or

"(2) the date that the Commission reports to the President and the Congress that the Commission's work is complete.

"(b) COMMISSION FUNDS.—

"(1) DESIGNATION.—Before the termination of the Commission, the Commission shall designate a nonprofit organization to collect, manage, and expend Commission funds after its termination.

"(2) TRANSFER OF FUNDS.—Before termination the Commission shall transfer all Commission funds to the entity designated under paragraph (1).

"(3) AMOUNTS COLLECTED AFTER TERMINATION.—The entity designated under paragraph (1) shall have the right to collect any amounts accruing to the Commission after the Commission's termination, including amounts—

(A) given to the Commission as a gift or bequest; or

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

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

"(A) to provide for the support, maintenance, and repair of the Memorial; and

"(B) to interpret and educate the public about the Memorial.

"(5) NEGOTIATION AND CONTRACT.—The Commission may negotiate and contract with a nonprofit organization before designating the organization under paragraph (1)."

SEC. 336. To facilitate priority land exchanges through which the United States will receive land within the White Salmon Wild and Scenic River boundaries and within the Columbia River Gorge National Scenic Area, the Secretary of Agriculture may hereafter accept title to such lands deemed appropriate by the Secretary within the States of Oregon and Washington, regardless of the State in which the transferred lands are located, following existing exchange authorities.

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

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

SEC. 339. (a) No funds provided in this or any other act may be expended to develop a rule-making proposal to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 or to prepare a draft environmental impact statement on any such proposal, until the Secretary of the Interior establishes a Committee which shall prepare and submit a report in accordance with this section.

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

(c) The Committee established pursuant to subsection (b) shall prepare and submit a report

to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives which (1) contains consensus recommendations on the appropriate relationship of States and Federal land management agencies in environmental, land management and regulation of activities subject to the Bureau's regulations at 43 C.F.R. 3809, (2) identifies current and proposed State environmental, land management and reclamation laws, regulations, performance standards and policies applicable to such activities, including those State laws and regulations which have been adopted to achieve primacy in the administration of federally mandated efforts; (3) explains how these current State laws, regulations, performance standards and policies are coordinated with Federal surface management efforts; and (4) contains consensus recommendations for how Federal and State coordination can be maximized in the future to ensure environmental protection and minimize regulatory duplication, conflict and burdens.

SEC. 340. (a) The Secretary of Agriculture shall convey to Skamania County, Washington, all right, title, and interest of the United States in and to a parcel of unused real property known as the Wind River Nursery site, Gifford Pinchot National Forest, Washington. (See U.S. Department of Interior Geological Survey modified for USDA Forest Service map, Stabler Quadrangle, Washington, Skamania County, 7.5 minutes series, topographic, Provisional Edition 1983). The conveyance under this subsection shall include all improvements to the parcel, including all infrastructure, water rights, easements, and personal property.

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

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

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

(e) Section 120(h) of the Comprehensive Environmental Response, Compensation, Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to the conveyance required under subsection (b).

(f) The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States consistent with existing law.

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

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

(2) by adding at the end the following:

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

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

“(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from requirements to pay user fees under paragraph (1).”.

SEC. 342. None of the funds in this or any other Act shall be expended by the Department of the Interior, the Forest Service or any other Federal agency, for the introduction of the grizzly bear population in the Selway-Bitterroot area of Idaho and adjacent Montana, or for consultations under section 7(b)(2) of the Endangered Species Act for Federal actions affecting grizzly bear within the Selway-Bitterroot area of Idaho, except that, funds may be used by the Department of the Interior or the Forest Service, or any other Federal agency for the purposes of receiving public comment on the draft Environmental Impact Statement dated July 1997, and for conducting a habitat-based population viability analysis.

["TITLE IV—DEFICIT REDUCTION LOCK-BOX

[SEC. 401. SHORT TITLE.

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

[SEC. 402. DEFICIT REDUCTION LOCK-BOX LEDGER.

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

["DEFICIT REDUCTION LOCK-BOX LEDGER

["SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the ‘Director’) shall maintain a ledger to be known as the ‘Deficit Reduction Lock-box Ledger’. The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the ‘House Lock-box Balance’; the ‘Senate Lock-box Balance’; and the ‘Joint House-Senate Lock-box Balance’.

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

["(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

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

["(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

["(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

["(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

["(d) DEFINITION.—As used in this section, the term ‘appropriation bill’ means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.”.

[(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

["Sec. 314. Deficit reduction lock-box ledger.”.

[SEC. 403. TALLY DURING HOUSE CONSIDERATION.

[There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

[SEC. 404. DOWNWARD ADJUSTMENT OF 602(a) ALLOCATIONS AND SECTION 602(b) SUBALLOCATIONS.

[(a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

["(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.”.

[(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: “Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.”.

[SEC. 405. PERIODIC REPORTING OF LEDGER STATEMENTS.

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

[SEC. 406. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

[The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: “As required by section 406 of the Deficit Reduction Lock-box Act of 1997, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget

authority shall be reduced by \$ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by \$ [insert appropriate amount of reduction] for the budget year and each out-year." Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

[SEC. 407. EFFECTIVE DATE.]

[(a) IN GENERAL.]—This title shall apply to all appropriation bills making appropriations for fiscal year 1998 or any subsequent fiscal year.

[(b) DEFINITION.]—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.]

TITLE V—PRIORITY LAND ACQUISITIONS AND EXCHANGES

For priority land acquisitions and land exchange agreements to be conducted by the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service and the U.S. Forest Service, \$700,000,000, to be derived from the Land and Water Conservation Fund, to remain available until September 30, 2001, of which not to exceed \$65,000,000 may be available for the acquisition of identified lands and interests in lands to carry out the Agreement of August 12, 1996, to acquire interests to protect and preserve Yellowstone National Park, of which not to exceed \$250,000,000 may be available for the acquisition of identified lands and interest in lands, at the purchase price specified, in the September 28, 1996, Headwaters Forest Agreement, and of which \$100,000,000 shall be available for financial assistance to States pursuant to section 6 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11): Provided, That the Secretary of the Interior, after consultation with the Secretary of Agriculture and with the House Committee on Appropriations and the Senate Committee on Appropriations, shall submit to the Committees a list of Federal acquisitions and exchanges proposed to be conducted with the funds provided under this heading: Provided further, That none of the funds appropriated under this heading shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations approve, in writing, a project list to be submitted by the Secretary: Provided further, That none of the funds appropriated under this heading shall be available for the acquisition of lands and interests in lands to carry out the Agreement of August 12, 1996, to acquire interests to protect and preserve Yellowstone National Park, or for the acquisition of lands and interest in lands identified in the September 28, 1996, Headwaters Forest Agreement until enactment of legislation specifically authorizing such expenditure: Provided further, 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, \$8,500,000 is available for acquisition of the Sterling Forest: Provided further, That the National Park Service may use not to exceed \$2,500,000 annually of the amounts provided herein for the state assistance program to administer the state assistance program.

TITLE VI—FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF

SECTION 1. SHORT TITLE.—This Act may be cited as the "Forest Resources Conservation and Shortage Relief Act of 1997".

SEC. 2. (a) USE OF UNPROCESSED TIMBER—LIMITATION ON SUBSTITUTION OF UNPROCESSED

FEDERAL TIMBER FOR UNPROCESSED TIMBER FROM PRIVATE LAND.—Section 490 of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "paragraph (3) and" after "provided in"; and

(B) by adding at the end the following:

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

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

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

(2) in subsection (c)—

(A) in the subsection heading, by striking "APPROVAL OF";

(B) in paragraph (2)—

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

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

(C) in paragraph (3)—

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

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

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

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

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

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

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

(D) in paragraph (4), in the paragraph heading, by inserting "for sourcing areas for processing facilities located outside the northwestern private timber open market area"; after "application";

(E) in paragraph (5), in the paragraph heading, by inserting "for sourcing areas for processing facilities located outside the northwestern private timber open market area"; after "Determinations"; and

(F) by adding at the end the following:

"(6) **SOURCING AREAS FOR PROCESSING FACILITIES LOCATED IN THE NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA—**

"(A) **ESTABLISHMENT.**—In the northwestern private timber open market area—

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

"(ii) the radius of the circle—

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

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

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

"(iv) the 24-month requirement in paragraph

(1)(A) shall not apply;

"(v) a sourcing area holder—

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

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

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

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

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

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

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

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

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

"(C) **EXPORTABILITY.**—

"(i) **IN GENERAL.**—On relinquishment or termination of a sourcing area, unprocessed timber from private land within the former boundary of the relinquished or terminated sourcing area is exportable immediately after unprocessed timber from Federal land from within that area is no longer in the possession of the former sourcing area holder.

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

(3) by adding at the end the following:

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

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

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

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

(3) by striking subparagraph (B).

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

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

"(C) MITIGATION OF PENALTIES.—

"(i) IN GENERAL.—The Secretary concerned—

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

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

"(aa) reduce the penalty;

"(bb) not impose the penalty; or

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

"(ii) CONTRACTUAL REMEDIES.—In the case of a minor violation of this title (including a regulation), the Secretary concerned shall, to the maximum extent practicable, permit a contracting officer to redress the violation in accordance with the applicable timber sale contract rather than assess a penalty under this paragraph."; and

(2) in subsection (d)(1)—

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

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

(B) by adding at the end the following:

"(B) PREREQUISITES FOR DEBARMENT.—

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

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

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

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

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

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

"(4) NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA.—The term 'northwestern private timber open market area' means the State of Washington.";

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

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

(B) by inserting "primary" before "purpose"; and

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

(4) by adding at the end the following:

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

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

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

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

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

"(1) AGRICULTURE AND INTERIOR.—The Secretaries";

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

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

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

"(3) DEADLINE.—

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

"(B) INTERIM REGULATIONS AND GUIDELINES.—The regulations and guidelines issued under this title that were in effect on the date of enactment of this paragraph shall remain in effect until new regulations and guidelines are issued under subparagraph (A).

"(4) PAINTING AND BRANDING.—

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

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

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

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

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

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

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

"(ii) unprocessed timber that is less than 8 feet in length or less than 1/8 sound wood.

"(C) WAIVERS.—

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

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

"(II) with respect to unprocessed timber originating from private lands located within an approved sourcing area for a person who certifies that the timber will be processed at a specific domestic processing facility to the extent that the processing does occur; or

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

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

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

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

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

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

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

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

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

"(5) REPORTING.—

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

"(B) WAIVERS.—

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

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

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

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

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

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

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1998".

PRIVILEGES OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent that Bruce Evans, Ginny James, Anne McInerney, Hank Kashdan, and Martin Delgado of the committee staff be granted floor privileges for the duration of the debate on the Interior appropriations bill.

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

Mr. GORTON. Mr. President, before I begin my opening statement on this bill, I ask unanimous consent that the Senator from Nevada [Mr. BRYAN] be heard in order to introduce a bill and briefly to discuss it.

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

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair.

(The remarks of Mr. BRYAN pertaining to the introduction of S. 1163 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I am pleased, together with my colleague from West Virginia, Senator BYRD, to bring before the Senate the fiscal year 1998 Interior and related agencies appropriations bill.

This bill provides \$13.755 billion in net budget authority for the agencies and programs under the jurisdiction of the Interior subcommittee—a reduction of \$46 million from the administration's amended budget request. In spite

of this reduction, I believe that this bill protects the high priorities of the administration, while also reflecting the priorities of this body.

The Interior bill, Mr. President, is a fascinating mix of 91 appropriations accounts covering more than 40 individual bureaus in four different Cabinet Departments and numerous independent agencies.

When I first became chairman of the subcommittee, I asked the staff to break down the bill into its major components so that I could understand better the competing demands within the bill. What we came up with was this chart behind me, Mr. President.

The chart breaks this bill into six functional categories—land management programs, Indian programs, science and minerals programs, energy programs, cultural programs, and the operation of the Interior Department office itself.

Though many of the individual programs within these categories are small in simple dollar terms, most of them have direct and tangible impacts on the lives of average Americans. As such, they tend to have vocal constituencies.

You will see, Mr. President, that within each of these six major functions, we have shown some of the breakdowns. The largest amount of money goes into land management programs. Those programs, in turn, fall into two separate departments. As the Forest Service, the largest single one of these programs, is within the Department of Agriculture, the others are within the Department of the Interior. They are in green on the left side of this chart. The second largest, by all odds, of the elements that are in this bill are Indian programs, primarily the Indian Health Service, and the general programs of the Bureau of Indian Affairs. Smaller amounts fall within the science and minerals programs. The most significant there is the United States Geological Survey. Energy programs within the purview of that Department include fossil energy research and development and energy conservation research and development.

Finally, the cultural programs which may well occupy more of the passionate debate time on this floor than any of the others, include museums and the two national endowments.

Finally, the very small graph line on the right is for the operation of the Department of Interior itself. An indication of how vocal the constituencies for this bill are is the fact that we on the subcommittee received more than 1,800 individual requests from Senators. Mr. President, 100 Senators and 1,800 requests for items in the Interior bill, the vast majority of which were for additions to the President's budget request. Within a subcommittee allocation that is actually somewhat smaller than the President's request, it has obviously been impossible to satisfy more than a fraction of these requests while still

pressuring the ongoing base programs of the individual agencies shown in that chart.

So the task of putting together the fiscal year 1998 bill was complicated by the completion of the balanced budget agreement.

First, I need to report something that I have said frequently on the floor that I am a strong supporter of that agreement, from the very beginning of negotiations through the deliberations of the Budget Committee, through its final passage and implementation. I also recognize that the agreement makes available more discretionary spending for the Interior bill than I think we would have had in its absence.

That said, the agreement explicitly provided that four programs in the Interior bill be funded at the request level that the President made for the budget: The operation of the National Park System, the Park Service land acquisition program and State assistance, the restoration of the Everglades, and tribal priority allocations within the Bureau of Indian Affairs.

In the absence of a budget agreement I would only be honest to say I would not have recommended that all of these programs be funded at the budget request level. Personally, I believe there are other programs covered by the bill that are of at least that degree of priority or of a higher priority. Even so, the bill before you does fund these programs at levels consistent with the budget agreement. Having reached the agreement, having voted for the agreement in principle, Mr. President, it seems appropriate to me that we keep the promises that were included within it. I intend to do so to the best of my ability. Nevertheless, the effect of protecting these programs is that there was less funding available for other agencies and activities funded in the bill.

The budget agreement also created a \$700 million reserve fund for priority land acquisitions. That amount has been included in the bill and is in addition to the \$242 million provided for specific land acquisition projects in the regular acquisition accounts.

The budget agreement made no provision for the carrying costs of the lands to be acquired with the \$700 million, nor for the payments in lieu of taxes that likely must be paid on these lands. While I believe that the \$700 million might better be spent reducing the huge maintenance backlogs that already exist on Federal lands, essentially taking care of what we already have, my strong support for the budget agreement compelled me to include the \$700 million in this bill. The House did not do so. Knowing how strongly Chairman REGULA feels about this issue, I anticipate our discussion in conference on the subject will be a lively one, to say the least.

Of the \$700 million provided for land acquisition in title V, \$250 million is set aside for the acquisition of the

Headwaters Forest in California and \$65 million is set aside for the acquisition of the New World Mine in Montana. Both of these appropriations remain subject to enactment of specific authorizing legislation. I have included the authorizing clause due to the magnitude of these two acquisitions, the complex structure of the acquisition agreement, and the fact that the agreements themselves were struck with very little congressional oversight or involvement. The Senator from Alaska [Mr. MURKOWSKI], among others, has expressed to me a number of serious concerns and questions about each of these acquisitions. As chairman of the relevant authorizing committee, it is appropriate that he be given the opportunity to have his questions answered by the administration. I am confident he will work in good faith to draft appropriate authorizing legislation, and I understand that he intends to hold a hearing on this issue in the near future.

The administration and many Members on the other side of the aisle wish to avoid the authorizing process entirely. The House of Representatives, on the other hand, made no such appropriation at all.

It seems to me where we stand in this bill for the purposes of debating this bill here in the Senate, we are at the right stage. We should appropriate the \$700 million. We should allow the authorizing committee to do its work on these two expensive, complicated, and vitally important acquisitions.

Of the \$700 million, an additional \$100 million is provided specifically for the "stateside" grant program. As some of my colleagues may be aware, this is a program that was essentially terminated by the Appropriations Committee in the fiscal year 1996 bill. The Interior subcommittee's allocation was cut sharply that year and it was simply not possible to continue the stateside program while protecting the core Federal programs included in the bill. Furthermore, I suspect that continued funding constraints and the growing cost of maintaining Federal land and facilities make it unlikely that the stateside program will be resurrected in the context of any annual appropriations bill in the near future.

I hope this one-time appropriation of \$100 million, to be allocated over a 4-year period, will enable the authorizing committee to identify a permanent funding source for that stateside program.

The remaining \$285 million provided in title V of the bill is for Federal acquisition projects. The specific acquisition projects to be funded would be determined through discussions between Congress and the administration but no funds would be available until the project list is approved by the House and Senate Appropriations Committees. This process will enable us to target these funds for acquisitions that protect the most critically threatened resources and that reduce the cost of

lands management by eliminating problematic inholdings. I do not intend to use these funds to create new parks, forests or refuges.

Now, for the land management agencies themselves, the bill includes a number of positive features. For the National Park Service, the bill fully funds the administration's budget request for operation of the National Park System. This results in a 1 percent across-the-board funding increase for all park units. In addition, the bill includes a \$24.8 million increase for special needs parks, an increase of \$8.1 million over the budget request. These funds will be used to staff new parks, address critical operating shortfalls at park units with high visitation and protect threatened park resources.

For the Fish and Wildlife Service, the bill includes an increase of \$33.2 million over the fiscal year 1997 level for the operation and maintenance of our Nation's fish and wildlife refuges. This amounts to a \$20 million increase over the budget request. The increase will enable the service to make a dent in its growing maintenance backlog and to address critical operating shortfalls at selected refuges.

The bill provides \$1.135 billion for the Bureau of Land Management, an increase of more than \$40 million over the comparable fiscal year 1997 funding level. The amount provided includes increases over fiscal year 1997 of \$12.5 million for wildland fire preparedness, and \$18.2 for fire operations and for payments in lieu of taxes.

Total funding for the Forest Service is \$2.495 billion, an increase of \$133 million above the comparable fiscal year 1997 enacted amount. Funds have been provided to produce 3.8 billion board feet of timber, consisting of 2.525 billion board feet from "green" sales, and 1.275 billion board feet from salvage. The funding provided also includes a \$33.4 million increase over the administration's request for forest health-related programs, including \$21 million to reduce the severe potential for catastrophic fire on our national forest lands. Through language in the bill and report, the committee has taken steps to eliminate needless duplicate planning processes, and to increase Forest Service accountability for land management planning and implementation of the Columbia Basin ecosystem assessment and other ecoregion assessments.

Within the area of programs for Native Americans, the bill provides \$2.1 billion for the Indian Health Service. This funding level is \$72.7 million over the fiscal year 1997 level and 4.7 million over the President's request. The committee's recommendation includes \$35 million for uncontrollable fixed costs related largely to hospital and clinic personnel, an increase of \$15 million over the budget request. This increase will allow the Indian health service to maintain current levels of service.

As I already noted, it fully funds the President's request for tribal priority

allocations at \$757.4 million, consistent with the budget agreement. This represents an increase of \$76.5 million over fiscal year 1997 levels. Tribal priority allocations now make up 49 percent of the bureau's operating budget.

Within those tribal priority allocations, approximately 30 percent is distributed by formula based on tribes meeting criteria for the following programs: The Indian Child Welfare Act, new tribes, Johnson O'Malley education assistance, housing improvement, road maintenance, contract support, and welfare assistance.

The committee has included report language directing the continued allocation of these funds based on qualification with specific criteria.

The committee has also included language in section 118 of the bill that directs the Bureau of Indian Affairs to develop and present to the Congress by January 1, 1998, its recommendations for the allocation of the tribal priority allocations funding based on tribal economic wealth and need. Currently, TPA funds are distributed to the tribes based on a historical methodology dating to the 1930's when we had many fewer recognized tribes and when circumstances were very much different for both the tribes and the Federal budget. This old funding plan was further corrupted in the 1960's through the 1980's when the base TPA funds for certain tribes were increased significantly. This provision and a revised version that will be offered as an amendment will be the subject of extensive debate during the consideration of the bill unless agreement on the provision can be reached, an agreement which now seems to be within the range of possibility.

It is, however, based on the very simple premise in an area of severe fiscal constraints, the distribution of scarce funds for tribal governments should be based upon an objective assessment of relative need, not the political power of individual tribes or the arbitrary accumulation of individual funding decisions over past years.

The committee has included language in section 120 of the bill pursuant to which tribes that receive tribal priority allocation funding for this fiscal year must waive a claim of immunity, be subject to the jurisdiction of the U.S. courts, and grant original jurisdiction of all civil actions involving the tribe to U.S. district courts. This provision will also be the subject of extensive and sometimes complex debate during the consideration of the bill. At its core, section 120 is an attempt to preserve the right of all Americans to have their grievances heard and decided in neutral courts.

The Interior bill continues the Federal investment in key energy research and development programs. Fossil energy research and development is funded at \$363.9 million, comparable to the fiscal year 1997 enacted level. Increases above the budget request are provided to sustain critical technology develop-

ment programs intended to produce environmental benefits while improving energy efficiency.

Mr. President, \$627.4 million is provided for energy conservation programs, an increase of \$58 million over the fiscal year 1997 level. Increases over current year levels include \$17 million for transportation programs, \$20 million for building research and development, and \$16 million for industry programs. The bill provides \$129 million for the weatherization program and \$31.1 million for the State grant program, respective increases of \$8 million and \$2.1 million over current year levels.

The bill does include a sale of \$207.5 million worth of oil from the Strategic Petroleum Reserve to finance operation of that reserve.

Though I had hoped not to sell oil to finance reserve operations in fiscal year 1998, the constraints of the subcommittee's 602(b) allocation, the precedent set in the President's budget request, and the funding expectations raised by House action made it impossible to avoid the sale. While I remain open to alternatives to oil sales, it is with the recognition that any such alternative will likely have an adverse impact on other programs funded in this bill.

Within the grouping of programs that I have identified as cultural lies the one agency that probably receives more attention per appropriated dollar than any other funded in this bill—the National Endowments for the Arts. The bill reported by the committee provides just over \$100 million for the NEA, roughly the same as the fiscal year 1997 level. The fact that the committee has chosen to fund the NEA, which the House did not do, reflects the overwhelming support that the agency enjoys among committee members, both Republican and Democrat. Nevertheless, I anticipate a spirited debate about the future of the agency as we proceed with consideration of this bill, and when we go to conference with the House.

Mr. President, putting this legislation together has been a tremendous challenge. While the fiscal constraints under which the subcommittee must operate make it impossible to please everyone, I do believe this bill represents a fair balance between the priorities of the Members of this body—both Republican and Democrat—and the priorities of the administration. I truly hope to have the support of my colleagues in voting for final passage, as well as their consideration on any amendments that may be offered during debate on the bill.

Finally, I want to express my gratitude to the staff for their hard work on this bill. Bruce Evans, Ginny James, Anne McInerney, Martin Delgado, and Kevin Johnson of the subcommittee staff have worked many long hours to put this bill together, and I have greatly appreciated their advice, counsel, and perseverance. Hank Kashdan—our

detailer from the Forest Service—has also been a great help, and we will be sorry to see him go at the end of the year. I also want to thank Chuck Berwick and Nina Nguyen of my personal staff for all their help on a number of critical issues in this bill. On Senator BYRD's staff, it has been a continued pleasure to work with Sue Masica, without whose expertise and institutional knowledge this bill would have been a lesser product. I also want to thank Carole Geagley of Senator BYRD's staff, as well as Lisa Mendelson who worked with Senator BYRD's staff as a detailee from the Park Service. I would be remiss in not extending my thanks to the full committee staff for their help, cooperation, and guidance, particularly the majority and minority staff directors, Steve Cortese and Jim English.

With that, I will defer to Senator BYRD. Before doing that, I want to say publicly once again how much I have learned, working as subcommittee chairman, from his vast experience, his guidance and, perhaps even more significant, in the last few years his personal friendship. His technical knowledge of the appropriations process, his appreciation for its nuances, and his respect for the entire Senate have been invaluable to me both in producing the bill and, I hope, in becoming a better Senator. At the same time, his advocacy on behalf of his colleagues has been invaluable to many on that side of the aisle and, I think I can say, to this side of the aisle as well. It has been a wonderful partnership. I hope we can continue it for a long time to come.

PRIVILEGE OF THE FLOOR

Mr. BYRD. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Dr. Robert M. Simon, on detail from the Department of Energy to my staff, during the pendency of H.R. 2107.

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

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I speak today in support of the fiscal year 1998 Interior and related agencies appropriations bill. This is a bill that is very important to the continued protection and management of our Nation's natural resources, to our energy future, to the well-being of our Indian population, and to the cultural and historical heritage of our country. I hope the Senate will move quickly in its consideration of this bill. If there are amendments—and I am sure there will be some—I encourage Senators to come to the floor and let us have the debate and then vote on those matters that are controversial. The start of the fiscal year is less than 3 weeks away, and we still face a difficult conference with the House.

It has been my high privilege to serve as the ranking member at the side of our very able chairman, the senior Senator from Washington [Mr. GORTON]. He is an absolute master of the details

of the Interior bill. He is a student, and a good one, of much of the history that we protect in this bill, and he is a very fair arbiter of the competing demands that fall within the subcommittee's jurisdiction. This bill was put together in a very bipartisan manner, and it is responsive to priorities identified by many Senators, by the administration, by the public, and by the agencies that are charged with carrying out the directions provided in the bill.

Mr. President, the reach of the programs in the Interior bill is vast, and not much of the funding provided in this bill is spent here in Washington. Rather, the dollars that we are considering today will flow out to more than 370 national park units, over 500 national wildlife refuges, 121 national forests, more than 435 Indian hospitals and clinics, 16 different museums of the Smithsonian Institution, and to countless other locations where the research and technology development supported by this bill occurs.

So these funds will reach from the northernmost point in Alaska to the southernmost tip of Florida and from the Outer Banks of North Carolina to the islands in the western Pacific.

The extent to which this bill makes its presence known in each State is reflected in the number of requests that Senator GORTON and I receive for project funding each year. While no one receives every item he or she requests, I believe that Senator GORTON has done an excellent job of trying to accommodate high-priority items within the allocation assigned to this subcommittee. This bill contains approximately \$13 billion in funding for the base programs, as well as an additional \$700 million for priority land acquisitions and exchanges. This bill is at its allocation figure, so any additional funding sought by Senators will need to be offset.

Senator GORTON has summarized in a very detailed and clear way the items and the details of the bill thoroughly. So I will not attempt to cover them again.

While this bill provides needed resources to address protection of some of our most important national treasures, we still have a long way to go. The National Park Service has a \$6 billion maintenance and rehabilitation backlog. The Forest Service, the Fish and Wildlife Service, the Bureau of Indian Affairs, the Smithsonian, and other agencies also have considerable backlogs. Continued pressures to balance the budget on the back of discretionary spending will further impede our efforts to provide the resources necessary to protect the wonders with which we have been entrusted.

For all of the pride that we take in our National Park System, it is also crumbling before us. Visitors flock to these national treasures every year—not only American visitors and their families, but increasingly, visitors from other countries. They come to partake of the historic, the cultural,

and the scenic resources that have been so carefully preserved and entrusted to the National Park Service.

Mr. President, as a reflection of our infrastructure and restoration projects, this bill takes into account the needs. And as a reflection of the patriotism and commitment to future generations, we should be doing more to preserve and to protect these wondrous resources.

Innovative fee structures, enhanced partnership efforts, and expanded use of volunteers—all of which are supported by this bill—are not the sole solution to the needs of our national parks. Rather, we must commit funds to allow major infrastructure and restoration projects to proceed. When the house is crumbling, we must tend to the foundations and not just make minor cosmetic repairs.

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 the full Senate, in a very effective and dedicated manner. They have taken years to acquire this expertise, and it is a vast benefit to Senators and to the people who research. On the majority side, the staff members, I believe, have already been mentioned by the distinguished chairman of the subcommittee, as well as on my side of the aisle, which he kindly referred to. This team works under the tutelage of the staff directors of the full committee—Steve Cortese for the majority and Jim English for the minority.

This is a good bill, Mr. President, and I urge the Senate to complete its action promptly.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the managers of the bill, particularly my good friend from Washington.

I have good news that an amendment that I had proposed to offer I will not have to offer on this bill.

On behalf of the people of Seneca, MO, and really people all across southwest Missouri, I, along with my colleagues Senator ASHCROFT and Congressman ROY BLUNT, have been fighting against an effort by an Oklahoma Indian tribe, the Eastern Shawnee, to move into southwest Missouri and establish a gambling casino in Seneca.

In truth, it is a New Jersey gaming operation that is behind this operation. They have claimed that they provided \$25 million to the tribe because they felt that a gambling casino in the heart of the family entertainment vacation area of southwest Missouri would be extremely profitable for the corporation and its shareholders.

Over the last several months, I have presented to the Secretary of the Interior what I thought were good legal arguments that the tribe is not entitled to use an exception in the statute that would permit them automatically to move across the border from Oklahoma into Missouri.

The people of southwest Missouri finally have some good news. Last night Secretary Babbitt called me to say that the tribe cannot automatically move across the border and build a casino in Missouri. This means that other tribes with land bordering on our State will not be able to come in. They would have to go through the process of getting approval of the Governor and support of the local residents.

I think this is a huge victory for the overwhelming majority of local residents who are concerned that gambling would destroy the family environment and the quality of life for which southwest Missouri is so well known.

I assure my constituents and my colleagues that I intend to continue to fight to ensure that the entire State is protected from the invasion of unwanted gambling. I assure those people who are behind the efforts, the gambling interests, if they find or think they find another loophole, I will do my best to close it. So, Mr. President, more authorizing legislation may well be needed in this.

I express my thanks to the Secretary of the Interior, who has advised me orally, although I have not seen the written opinion, that the tribe does not qualify for the exception, and under the circumstances that avenue is no longer open to bring a gambling casino into Seneca, MO.

Mr. President, I thank the Chair and yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

Mr. President, later during the Senate's consideration of this bill, the Interior appropriations bill, there will be, it is my understanding, a rider offered by Senator BRYAN of Nevada. That rider would reduce the Forest Service road construction by \$10 million, roughly 20 percent. It would eliminate the Forest Service's Purchaser Credit Road Construction Program and modify the formula for receipt-sharing for Forest Service receipts with the counties.

Mr. President, at the appropriate time, I intend to rise in opposition to the amendment and vote against it. I encourage my colleagues to do likewise. But I wanted to share a brief perspective with my colleagues from the standpoint of the chairman of the authorizing committee with jurisdiction over these matters.

The Bryan amendment will follow hard on the heels of a similar amendment which was offered in the House by Congressman KENNEDY and Congressman PORTER in July. That amendment precipitated, as a consequence, a very intense debate in which numerous sets of facts were presented to the House and some statements were made that were not necessarily factual.

Not surprisingly, the material that was brought into the debate, to a large

degree, was in conflict. I have often believed that everyone is entitled to their own opinion, but that we ought to try to express our opinions using a commonly held set of facts. Oftentimes in this Chamber rhetoric will prevail over sound science simply because of the inability of the scientists to be heard and the scientists' willingness to stand behind their recommendations with their professional reputations.

Mr. President, both the Speaker and my House counterpart, the Congressman for Alaska, Congressman YOUNG, as chairman of the House Resources Committee, agree with this proposition. As a consequence, today Congressman YOUNG has sent me a letter, which I ask unanimous consent be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 10, 1997.

Hon. FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During House consideration of the Interior Appropriations bill, the Kennedy-Porter amendment was offered to reduce the Forest Service timber roads program.

As you know, the reduction proposed in these amendments would devastate communities that rely on public land timber. It would gravely affect constituents in the West who work in the woods and the mills that supply the nation with wood for homes and other essential products. The implications to schools and children who depend on revenue sharing from timber receipts would also be substantial.

In speaking to many of the supporters of the Kennedy-Porter amendment to reduce funding for timber roads, they have explained that they supported the amendment in order to reduce costs and improve the environment. We too have real concerns with the skyrocketing cost of roads and timber sales. We have concluded that our goals may in fact be consistent. We believe that using collaboration and facts to address the problems that face the Forest Service we can reach a mutually beneficial solution.

We have offered to work cooperatively with interested House Members who hold different perspectives of forestry issues. We plan to do this in an inclusive way to properly address the real problems with these programs. This approach may be of interest to Senators grappling with the same problems that we grappled with in the House. To begin this process, we are planning an all day workshop involving as many interested Members of Congress as possible. If you wish to organize a group of Senators with an interest in this approach to the roads and cost issue, we invite you to do so and participate with us.

Sincerely,

DON YOUNG.
HELEN CHENOWETH.

Mr. MURKOWSKI. At the end of the House debate, many of the parties in opposition to one another found they simply shared a common goal. So after an extended debate, they came together and found what they could agree upon. They cared a great deal about the skyrocketing costs of the Forest Service program, without exception.

They agreed then that collaboration and common understanding was necessary to address the problems in a way that would most likely achieve a mutual beneficial solution and it would be better to do that than simply replay the debate.

I think that is where we are today, Mr. President. We do not want to replay that debate that unfolded in the House and perhaps unfold in this body.

So Congressman YOUNG has taken the lead from the Speaker of the House of Representatives to work with the conflict resolution center at George Mason University to schedule an all-day workshop with interested Congressmen to review these issues and find where some common ground and consensus could be found. And this is the issue in mind, the Forest Service's Purchaser Credit Road Construction Program.

Congressman YOUNG is inviting me and other interested Senators to the workshop. I will support the House effort and urge Members here to do likewise.

I do not believe that we can make sound public policy decisions when we disagree on basic facts associated with the issues that come to the Senate floor. This particular issue is ripe for that kind of exposure. So I will leave it to my colleagues later in the debate to come to their own judgment. We voted on this issue time and time again. It prevailed. But I believe the search for consensus, which has been initiated in the House, is something the Senate should adopt. I urge the consideration of my colleagues.

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

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

Mr. DORGAN. Mr. President, I rise today to describe to my colleagues an amendment that it is my intention to offer on this appropriations bill. I intend to offer an amendment on behalf of myself, and Senator JOHNSON, from the State of South Dakota, who will be speaking on it when I finish. We are joined in this endeavor by a fairly large number of Senators: Senators CAMPBELL, DASCHLE, DOMENICI, INOUE, BURNS, CONRAD, BINGAMAN, KOHL, WELLSTONE, MCCAIN, HARKIN, MURRAY, and LEVIN—a very distinguished and significant bipartisan group of Senators—and, as I mentioned previously, by Senator JOHNSON of South Dakota who has worked very closely with me on this amendment.

The amendment deals with tribal colleges. Before I describe the amendment I would like to make a comment about this subcommittee.

I am privileged to serve on the Senate Appropriations Committee. I consider it a distinct privilege to work with the Appropriations Committee, with the distinguished chairman, Senator STEVENS of Alaska, and the distinguished ranking member and former chairman, Senator BYRD of West Virginia. I also serve on the Interior subcommittee. It has been a pleasure to work with the Senator from Washington, Senator GORTON, whose leadership has been excellent. Although he is not at the present moment on the floor, I want him to know that the chart he brings to the floor to describe the breakdown of expenditures for this particular subcommittee is unique, and particularly useful. It is the only chart of its type that I know of that has been presented to Members, and it, more than almost any other approach, really gives us a good description of where we are spending the money in this subcommittee, how much we are spending, and the purpose of that spending.

So I say "thank you" to Senator GORTON, and to the ranking member of this subcommittee, Senator BYRD from West Virginia as well, for their leadership.

I would like to thank Bruce Evans, Anne McInerney, and Sue Masica, the staff on this subcommittee who have been very helpful in working with me on a wide range of issues.

The purpose of my offering an amendment today is to increase the funding for tribal colleges. And I want to describe why I think that is necessary.

Funding for tribally controlled colleges has not increased for 3 years. The President's budget requested \$30,411,000 for these colleges—a \$3 million increase over the last fiscal year. Both the House and the Senate bills have provided for a \$1 million increase. And I would like to add the extra \$2 million to bring funding up to the President's request in his budget recommendation. With the adoption of this amendment, the Senate will be at the budget request level. And that is still only half of the authorized level. Nonetheless, I think it is a very important step forward. This amendment will be offset by a pro rata reduction in travel for all agencies covered by this bill whose budgets exceed \$20 million.

I can think of no more worthwhile investment in the future of native Americans than to invest in their education, particularly at the postsecondary level. All of us know that education is the key to success. We have 24 tribally controlled community colleges in this country that will be covered by this amendment. These colleges now serve more than 20,000 students.

There are five tribal colleges in North Dakota. And I have been pleased to play a role in trying to help them, all of which I have visited personally. I must say that they have made a significant difference in the lives of many, many students. These colleges have been successful in educating native

American students by preserving the cultural environment in which these students are familiar while still providing them with the skills to be competitive in the society at large. I am proud of what they have accomplished. I think the extra \$2 million will be very, very helpful. Unfortunately, tribal college appropriations have failed to keep pace with inflation, and actual per student funding has decreased by \$317 while the student enrollment has increased by more than 230 percent over the last decade.

Mr. President, I would like just for a moment to describe a couple of people that I have either been privileged to meet or have heard about, who have demonstrated to me the importance of tribal colleges.

I was invited to speak at a tribal college commencement in North Dakota a few years ago. As they lined up in cap and gown, enormously proud of their achievement on their graduation day, I felt pride as well. I was visiting with several from the class, just kibitzing back and forth, and I asked, "Who is the oldest of this graduating class?" A woman raised her hand. She said, "I am the oldest." She was, I believe, 41 years old. She was a single mother of four children, whose husband had left her. She had been employed as the janitor in that school at the tribal college cleaning the hallways, cleaning the lavatories, working long hours, and working hard to try to care for her children. As she was cleaning the lavatories and the hallways in this tribal college, she got a notion that she would very much like to graduate from this college.

So from the position of custodian or janitor at a tribal college, on this day when I was to speak at the graduation, she was wearing a cap and a gown, and at age 41 was getting a college degree. She had a smile so wide and such pride in her eyes because of what she had achieved for herself that no one will ever take away. It was, I think, Ben Franklin who suggested that if we empty our purse in our head, no one will ever be able to take it from us. And she knew that. But think of the odds to overcome—a single mother, raising four children, few skills, without much pay coming from the employment she then had. But on this day, she was a college graduate. I have never forgotten that smile. It was a remarkable achievement for her. But you will find that similar stories at all these tribal colleges. It changes people's lives.

I want to tell you about a friend of mine named Loretta De Long, a North Dakotan. I am privileged to know Loretta. She was a single Chippewa mother of two. She was wondering about her life and her future. And tribal colleges were established just about the time that she realized the key to her future could be a higher education.

After getting her high school diploma in a GED Program, this mother of two young children, the youngest of which

was 6 weeks at the time, enrolled in one of the tribal colleges in North Dakota and that allowed for her to stay near her family and care for her children while she pursued her education. She said that "going to college was like looking in the mirror and seeing myself for the first time that college seemed to tap a leadership quality that had been squashed by the outside world."

Well, today Loretta De Long is Dr. De Long, Dr. Loretta De Long. The same woman, yes. She is also the Superintendent of Education for the Turtle Mountain Agency of the Turtle Mountain Tribe in North Dakota—another example of one person, but a success as a result of tribal colleges.

I don't know Myra Lefthand, but Myra Lefthand is a Montanan, and she is a Crow Indian from Montana. She and her daughter lived on clerk's pay and after 15 years in the same position on clerk's pay, not doing very well, she felt there were many positions that she saw in and around her job situation that she would like to have had but was never able to apply for them because she didn't have the education.

Here is what she said. She entered a tribal college to get an education. She said:

For me, it meant a commitment to a goal. When I quit my job, I left behind what little security I had for myself and my daughter and I could no longer expect a paycheck, no matter how small. But while I was at the Little Bighorn College, I was encouraged daily in my pursuit of an associate degree in chemical dependency counseling by the dean of students, Punkie Anne Bollis, and by my sister, Clarice Deny. Between the two of them, a lot of hitchhiking, a lot of scrimping to make small savings go a long way, and the generosity of a sister who brought daily lunches to me, I was able to persist and to graduate from the Little Bighorn Tribal College with an AA degree.

To all potential tribal college students, I say that going to get a professional degree is possible. With a little effort, hard study, support, prayers of family members, some financial aid, and the encouragement of some good teachers, an associate degree can be earned.

The reason I mention today Myra, Dr. De Long, or Wilma, the first woman I described, is that these are people whose lives have been changed by the ability to go to a tribal college, the ability to, on an Indian reservation, have the support of family and have the other support that is available and still enter college and get a degree and change their lives.

Now, what I am suggesting by this amendment is that we provide the additional \$2 million which will bring the request up to the President's budget request. It is not a large amount of money by some Appropriations Committee standards, but it is an important amount of money that will I think invest in and benefit the lives of many Americans who now attend these tribal colleges, the enrollments of which are growing very rapidly but student funding has not kept pace.

My intention would be to have this amendment offered. I will offer it or it

can be offered on my behalf at the appropriate time after the committee amendments have been offered and I would like to work with the committee chair and the ranking member to see if we can find a way to adopt this amendment.

The chairman of the subcommittee is here now. He was not here when I described the compliments I have for the chart that he provided the Senate. He does that every year, and it is the only one I know that exists with these subcommittees. It is an awfully good way to describe to the Congress what we are spending and where we are spending it, and I want to say thanks for the Senator's excellent leadership, and thanks to the Senator from West Virginia for his leadership as well.

I know the Senator from South Dakota wishes to speak on this amendment, and I thank him very much for his strong work and support. I hope as we move along this amendment can be offered and hopefully we can agree to it.

Mr. President, I yield the floor.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I am pleased to join in the amendment of the Senator from North Dakota soon to be offered. I join Senator DORGAN in commending Chairman STEVENS for his work, certainly the Senator from West Virginia, Mr. BYRD, for his extraordinary leadership over the years on issues of this nature, and I look forward to working with the subcommittee chairman, Senator GORTON, to see what we can do to move this kind of amendment along.

Mr. President, I represent a State, the State of South Dakota, where we have nine Indian reservations, and where levels of poverty are extraordinary. I have worked very hard over the years both in the House of Representatives prior to my service in the Senate and now in the Senate on a wide range of initiatives designed to try to improve the circumstances of the native American citizens of our Nation, and of our State—water development initiatives and efforts on housing and health care and infrastructure improvements. I think all of them are important.

I have come to the conclusion after years of struggling and facing what sometimes appeared to me to be almost overwhelming circumstances of poverty, isolation, and difficulty, that if there is one area that deserves particular emphasis it needs to be education, and in this instance higher education for native American citizens of our country.

There was a time when I was, frankly, a bit skeptical, there was a time when I thought that perhaps we could just better utilize the existing State and other private institutions of higher education throughout our States. And we have made some successful efforts there in our Upward Bound Programs

and others that have been of some help. But, frankly, the dropout rate and the lack of success was very high over the years. Now we have 25 tribal colleges serving between 20,000 to 25,000 native American students in 11 States around the country. We have four of them in the State of South Dakota, all of them accredited, all of them providing high-quality educational opportunities not just for native American students but for many non-Indian students as well who live in those extremely rural areas and who need to have this kind of access to educational opportunity.

We find that 56 percent of the American Indian population in our Nation is age 24 or younger. There is, demographically, a huge number of people of college age and younger; 90 percent of tribal college students qualify for need-based financial aid; 85 percent live in poverty; more than 50 percent are parents; 70 percent of these young people attending tribal colleges are female.

As I examine what has transpired over these years that we have developed a tribal college system, I see for the first time a whole generation of native Americans who are becoming teachers and nurses and managers and entrepreneurs; who are becoming role models in their communities where none before ever existed in terms of making their way in the larger economic system of our country. We have so many people who have lived all of their lives without an economic opportunity, without jobs being available, without anyone in their family having had the opportunity to work, who have not had the skills to make it in the larger economy of our Nation, and yet now finally we are seeing this forward edge of progress being made among native Americans. It is, more than anything else, because of this opportunity to secure the job skills, the training, the education, the brainpower that is required to succeed in America, that is required to succeed in the global economy in which we live today.

These colleges have made their way with very modest resources. In fact, even with the President's recommendation, we will spend only about half the dollars per student as is authorized under Federal law and far less than half of what other community colleges and other 4-year colleges in America use to educate each student. It is amazing that they have done as well as they have, that they have kept their accreditation, that they have kept the torch of hope alive for so many people and yet they have done it with far less per student than any other college in America.

The \$2 million request that Senator DORGAN has put into his amendment will be divided among 25 colleges, and yet they have gone so far on so little that even this will be a very significant help for them, given the fact that they have now gone 3 years in a row without any upward adjustment in their funding at all, and despite the fact that enrollment numbers have increased sig-

nificantly, that this really has become the steppingstone for success and is recognized as such in tribe after tribe throughout our country.

Mr. GORTON. Will the Senator from South Dakota yield?

Mr. JOHNSON. I will be pleased to yield to the Senator.

Mr. GORTON. On behalf of the majority leader, I am authorized to announce there will be no further rollcall votes today.

I thank the Senator.

Mr. JOHNSON. I thank the Senator. That is always a well received kind of announcement from the subcommittee chairman.

We find that our tribal colleges are unmatched in retention, in matriculation and job placement of American Indian students; 42 percent of these tribal college students transfer to 4-year institutions.

As we undertake the welfare reform initiatives at the Federal level and which the States are carrying through, it is all the more reason we need this opportunity, this steppingstone for people to develop the skills to in fact break out of what has been a relentless, an overwhelming cycle of poverty that so many native Americans have been caught up in. But again, it is not just native Americans who benefit from this.

I think of an instance of Wilma Sachtjen of Burke, SD, a displaced homemaker with a high school diploma. Wilma enrolled in the Sinte Gleska College in Rosebud, SD. A non-Indian, she was able to secure an education because of this program when no other opportunity could possibly have existed for her. She secured a bachelor's degree in human services. She has been employed in that field ever since. And so we have not just native Americans but the entire population of our States at many of these colleges, in most cases in remote areas, gaining opportunity.

The four colleges in South Dakota: the Cheyenne River Community College at Eagle Butte; the Oglala Lakota College at Kyle; the Sinte Gleska University at Rosebud, and Sisseton Wahpeton Community College at Sisseton, have all provided key educational opportunities for the population of our State. Many of our students also attend Sitting Bull College at the Standing Rock Reservation in North Dakota and many attend the United Tribes Technical College in Bismark as well.

So these colleges serve regional populations and not simply the tribal membership of their own reservations. So I cannot share with you in stronger terms the importance of continuing these colleges with adequate funding—certainly not extraordinary funding but adequate funding—to make sure that the ladder of opportunity remains in place. This is a newfound opportunity, a newfound ladder, really, that has only been with us for a relatively recent number of years. But I think it

is one of the most vital components we could possibly imagine to have if in fact we are going to break the cycle of poverty, create greater self-sufficiency, greater dignity, greater pride and greater opportunity for native American students.

I simply say, Mr. President, I cannot commend in stronger terms to my colleagues the importance of the passage of the Dorgan amendment and a continuation of a strong tribal college system in America.

Mr. DORGAN. Will the Senator from South Dakota yield for a question?

Mr. JOHNSON. I certainly yield to my colleague from North Dakota.

Mr. DORGAN. Mr. President, many people ask the question—if you have other colleges elsewhere in the country, why is there a need for tribal colleges? The answer to that, very simply, is that a substantial number of women are attending these colleges, especially women who are living in poverty, many of them well above the 18- or 20-year-old age when people are moving into college. And because tribal college students are older and female—often single mothers in their late twenties or thirties—the ability to go to a tribal college on the reservation itself allows them to access the support of families for child care. That support is often the difference between going to college and not going to college; being able to have an opportunity for a higher degree or not being able to have the opportunity. It is in evidence all across this country that these tribal colleges work, whereas in other circumstances those same people, who are now proud graduates, would probably not have had the opportunity to go on for an advanced education.

I appreciate very much the Senator's yielding. I would like to make one additional comment if I might, if the Senator will indulge me.

When I mentioned the thank you for so many staffers who worked with us on this amendment, I did not mention Mary Hawkins, who works with me on appropriations issues. Mary is going to be leaving the Hill at the end of this year. She has worked for a long while and does wonderful work. I am blessed having her work with me on appropriations issues, and I wanted to say thank you to her as well.

Mr. JOHNSON. Mr. President, reclaiming my time, I share the Senator's congratulations to Mary and the staff in general who have worked very hard on these and other key issues.

I think the Senator from North Dakota raises an important point relative to the unique importance of these institutions, given the kinds of circumstances that the students face where there is a great need for extended family, where transportation is difficult to secure, where the extended family is necessary to make education—oftentimes far more than 4 years, oftentimes 5 and 6 and 7 years—for nontraditional students to become a reality. Were it not for these institu-

tions, there simply would not be this level of educational achievement, there would not be these role models being created, there would not be this kind of leadership created in Indian country today. So, again, I have to thank the Senator for his leadership and insights on this issue, and I yield my time.

Mr. CONRAD. Mr. President, tribal colleges play a crucial role in Indian country. An educated population is central to all successful economic and community development efforts. Tribal colleges serve young people preparing to enter the job market for the first time, dislocated workers learning new skills, and people seeking to move off welfare and onto a career path. These schools are at the heart of efforts to strengthen native American communities.

Tribal colleges serve more than 25,000 students nationwide. While meeting with tribal college students from North Dakota earlier this year, they told me how important it was for them to be able to attend schools near their homes, and how they planned to search for employment in their communities after graduation. Tribal colleges also strengthen Indian communities by increasing access to cultural resources, and by promoting the revitalization and preservation of American Indian and Alaska Native languages, visual and performance arts, and tribal history.

Last October, President Clinton signed an Executive order regarding tribal colleges and universities, designed to ensure that they have Federal resources committed to them on a continuing basis. This Executive order demonstrates a recognition of the central mission of tribal colleges and universities: making educational opportunities accessible to people of all ages in Indian country. To this end, it is important that we increase the Federal resources available to the tribal colleges. I am a cosponsor of the Dorgan amendment to increase the fiscal year 1998 appropriation for tribal colleges by \$2 million, to the level of the administration's request, and I strongly urge its adoption.

The PRESIDING OFFICER. The Senator from Washington.

PRIVILEGE OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent that the privilege of the floor be granted for the duration of the Interior bill to Angela Logomasini of Senator BROWNBACK's staff.

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

Mr. GORTON. Mr. President, I have a series of clarifications of the committee report that have been agreed to by Senator BYRD. I ask unanimous consent that they be printed in the RECORD, and I submit them for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLARIFICATIONS TO COMMITTEE REPORT

Page 23 of the report indicates that funding for the aquatic nuisance species control program under the Fish and Wildlife Service is increased by \$500,000 over the current year level. The actual increase provided is \$1,000,000.

On page 119 of the report, the Bureau of Land Management is incorrectly listed as an unauthorized program pursuant to paragraph 7 of Rule XVI of the Standing Rules of the Senate. BLM was reauthorized through fiscal year 2002 in the 1996 omnibus parks bill.

The last paragraph on page 9 of the report addresses procedures that the Forest Service must follow in order to change its regional office structure. That paragraph should have included a requirement for the Forest Service to obtain consent from the Senate Energy and Natural Resources Committee.

On page 54, in the description of special programs and pooled overhead, the total is \$72,726,000. The changes from the FY 1997 enacted level consist of the following:

an increase of \$341,000 for fixed costs (\$42,000 for fixed costs for UTTC are reflected as part of their total);

an increase of \$2,000,000 for employee displacement;

an increase of \$728,000 for UTTC, which includes \$42,000 for fixed costs;

a decrease of \$1,569,000 for trust services transferred to the office of special trustee;

a decrease of \$2,801,000 for internal transfers; and

a decrease of \$46,000 for other fixed costs (consisting of a decrease of \$417,000 for workers compensation and an increase of \$371,000 for unemployment compensation).

Mr. GORTON. Mr. President, I do want to respond to the thoughtful suggestions of the Senators from North Dakota and South Dakota while each of them is still on the floor.

I reflected, as they discussed the value of higher education, in this case to Indians, on the force of their argument. It certainly is possible that on some other elements of this bill relating to Indians that we may have some disagreements. But, certainly, if we speak about either a doctrine of self-determination or self-sufficiency, education makes a major contribution to the ability of an individual either to be self-determining or self-sufficient. To the extent that we can encourage education, greater sophistication and greater knowledge, obviously we ought to do so.

In this bill we have added \$1 million to approximately a \$27 million appropriation last year for the particular purpose to which they speak. That is \$2 million less than the President's request, where the total allocation we have is some \$46 million less than the President's request. We have, however, given almost a \$700,000 increase to the United Tribes Technical College in the State of the Senator from North Dakota, which the President did not include in his budget, based essentially on the same philosophy that has been stated here by the two of them.

I can assure both Senators that we will see whether or not in some respect or another we can accommodate what seems to be a reasonable request, understanding that we have a lot of reasonable requests in a lot of areas of the bill. Also, I have to state that one reservation I have is to the sort of let's

just cut everything else proportionately without setting values. We worked as hard as we could on these matters, the others of which applied to all citizens of the United States. The degree of deferred maintenance in our national parks and national forests and other recreational facilities is literally measured in the billions of dollars. We tried to at least begin to work on that.

So, if, perhaps, the focus of where we find the \$2 million could be more narrowly aimed, if they could discuss with their own constituents whether there are other Indian programs that could absorb such a shift, or some other thing of that sort, it will make it easier for us.

But I do want to assure both of them that I have heard what they have to say. With their philosophy about education, I entirely agree. And to the extent, in a bill where, as I said in my opening remarks, we had 1,800 requests from Members of the Senate, very few of which this Senator thinks in the abstract were not justified, by any means, I will try to the best of my ability to oblige. I am sure I speak for Senator BYRD when I make that statement.

Mr. DORGAN. Will the Senator yield just for a comment?

Mr. GORTON. Certainly.

Mr. DORGAN. Because the Senator mentioned United Tribes Technical College, I wanted to say how much I appreciate what the subcommittee did in that area. That is a unique institution which has been very successful and has not had a funding increase for a long, long while. Just last Saturday I was at the United Tribes Technical College, where they had one of the largest Indian powwows in this country. It is a wonderful cultural celebration, about as colorful and beautiful a celebration as you will see anywhere in the country. I can tell you the people at United Tribes Technical College were enormously grateful for what you have done in this appropriations bill for them. I think they understand that the increase you have provided is a recognition of excellence in education, an investment in human potential. They are very grateful for it. Because you mentioned that, I wanted to say how appreciative I was as well.

Mr. GORTON. Mr. President, I thank my colleague from North Dakota.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REED. I thank the Chair.

(The remarks of Mr. REED pertaining to the introduction of S. 1169 are lo-

cated in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1132

(Purpose: To amend title 31, United States Code, to address the failure to appropriate sufficient funds to make full payments in lieu of taxes under chapter 69 of that title by exempting certain users of White Mountain National Forest from fees imposed in connection with the use)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask unanimous consent that it be in order to be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GREGG, proposes an amendment numbered 1132.

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

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

The amendment is as follows:

On page 126, line 16 insert after "government" the following: "that lies in whole or in part within the White Mountain National Forest and is"

On page 126, line 19, strike "recreational user fee" and insert in lieu thereof. "Demonstration Program Fee (parking permit or passport)"

On page 126, line 21-22, strike "White Mountain National" and "that lies, in whole or in part, within those boundaries."

Mr. GORTON. Mr. President, this is an agreed-to amendment between Senator BYRD and myself that is presented on behalf of the Senator from New Hampshire, Mr. GREGG. He has a special provision relating to certain uses of the White Mountain National Forest that are included in the bill. Technical errors were made in connection with that amendment, which added an unanticipated cost. These technical changes will cure that defect.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1132) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GORTON. I yield the floor, Mr. President.

Mr. President, I think I can announce I know of no further business relating to the Interior bill that is likely to come before the Senate this afternoon. But I do ask that any Senator who may wish to speak on the subject or offer an amendment on the subject report his or her intention to do so promptly.

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

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The bill 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 (Mr. SANTORUM). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, with the following exceptions: page 46, line 15 through page 47, line 25; page 52, line 16 through page 54, line 22; page 55, line 11 through page 56, line 2; page 96, line 12 through page 97, line 8; page 115, lines 1 through 22; page 123, line 9 through page 124, line 20; that the bill, as amended, be considered as original text for the purpose of further amendment, and that no points of order be waived by reason of this agreement.

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

The committee amendments were agreed to.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

NOMINATION OF GENERAL SHELTON TO BE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Mr. DASCHLE. Mr. President, I ask unanimous consent that a letter I received from Senator WYDEN be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 11, 1997.

Hon. THOMAS A. DASCHLE,
Democratic Leader,
The Capitol.

DEAR MR. LEADER: I am writing to notify you that if the leadership were to seek unanimous consent to proceed to the consideration of the nomination of General Shelton to be Chairman of the Joint Chiefs of Staff, I would object.

I have been frustrated in my attempts to obtain complete information regarding the crash of an HC-130 Air Force Reserve plane which killed 10 Oregonians in November of 1996. The widows and families of those servicemen deserve complete and accurate information about the cause of that accident. Until I am able to make progress in obtaining this information, I plan to maintain my objection.

I also ask unanimous consent that this notice be published in today's Congressional Record.

Sincerely,

RON WYDEN,
United States Senator.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I be allowed to