

Calendar No. 440105TH CONGRESS
2^D SESSION**S. 2237****[Report No. 105-227]**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 1998

Mr. GORTON, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 1999, and for other pur-
6 poses, namely:

1 TITLE I—DEPARTMENT OF THE INTERIOR

2 BUREAU OF LAND MANAGEMENT

3 MANAGEMENT OF LANDS AND RESOURCES

4 For expenses necessary for protection, use, improve-
5 ment, development, disposal, cadastral surveying, classi-
6 fication, acquisition of easements and other interests in
7 lands, and performance of other functions, including main-
8 tenance of facilities, as authorized by law, in the manage-
9 ment of lands and their resources under the jurisdiction
10 of the Bureau of Land Management, including the general
11 administration of the Bureau, and assessment of mineral
12 potential of public lands pursuant to Public Law 96–487
13 (16 U.S.C. 3150(a)), \$600,096,000, to remain available
14 until expended, of which \$2,082,000 shall be available for
15 assessment of the mineral potential of public lands in
16 Alaska pursuant to section 1010 of Public Law 96–487
17 (16 U.S.C. 3150); and of which \$3,000,000 shall be de-
18 rived from the special receipt account established by the
19 Land and Water Conservation Act of 1965, as amended
20 (16 U.S.C. 4601–6a(i)); and of which \$6,600,000 shall be
21 derived from the Environmental Improvement and Res-
22 toration Fund pursuant to Public Law 105–83; and of
23 which \$1,500,000 shall be available in fiscal year 1999
24 subject to a match by at least an equal amount by the
25 National Fish and Wildlife Foundation, to such Founda-

1 tion for cost-shared projects supporting conservation of
2 Bureau lands; in addition, \$32,962,000 for Mining Law
3 Administration program operations, including the cost of
4 administering the mining claim fee program; to remain
5 available until expended, and \$2,000,000, to remain avail-
6 able until expended, from communication site rental fees
7 established by the Bureau for the cost of administering
8 communication site activities: *Provided*, That appropria-
9 tions herein made shall not be available for the destruction
10 of healthy, unadopted, wild horses and burros in the care
11 of the Bureau or its contractors.

12 WILDLAND FIRE MANAGEMENT

13 For necessary expenses for fire preparedness, sup-
14 pression operations, emergency rehabilitation; and hazard-
15 ous fuels reduction by the Department of the Interior,
16 \$288,975,000, to remain available until expended, of
17 which not to exceed \$6,950,000 shall be for the renovation
18 or construction of fire facilities: *Provided*, That such funds
19 are also available for repayment of advances to other ap-
20 propriation accounts from which funds were previously
21 transferred for such purposes: *Provided further*, That un-
22 obligated balances of amounts previously appropriated to
23 the “Fire Protection” and “Emergency Department of the
24 Interior Firefighting Fund” may be transferred and
25 merged with this appropriation: *Provided further*, That
26 persons hired pursuant to 43 U.S.C. 1469 may be fur-

1 nished subsistence and lodging without cost from funds
2 available from this appropriation: *Provided further*, That
3 notwithstanding 42 U.S.C. 1856d, sums received by a Bu-
4 reau or office of the Department of the Interior for fire
5 protection rendered pursuant to 42 U.S.C. 1856 et seq.,
6 Protection of United States Property, may be credited to
7 the appropriation from which funds were expended to pro-
8 vide that protection, and are available without fiscal year
9 limitation.

10 CENTRAL HAZARDOUS MATERIALS FUND

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

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

4 CONSTRUCTION

5 For construction of buildings, recreation facilities,
6 roads, trails, and appurtenant facilities, \$8,197,000, to re-
7 main available until expended.

8 PAYMENTS IN LIEU OF TAXES

9 For expenses necessary to implement the Act of Octo-
10 ber 20, 1976, as amended (31 U.S.C. 6901–6907),
11 \$125,000,000, of which not to exceed \$400,000 shall be
12 available for administrative expenses: *Provided*, That no
13 payment shall be made to otherwise eligible units of local
14 government if the computed amount of the payment is less
15 than \$100.

16 LAND ACQUISITION

17 For expenses necessary to carry out sections 205,
18 206, and 318(d) of Public Law 94–579, including admin-
19 istrative expenses and acquisition of lands or waters, or
20 interests therein, \$15,650,000, to be derived from the
21 Land and Water Conservation Fund, to remain available
22 until expended.

23 OREGON AND CALIFORNIA GRANT LANDS

24 For expenses necessary for management, protection,
25 and development of resources and for construction, oper-
26 ation, and maintenance of access roads, reforestation, and

1 other improvements on the revested Oregon and California
2 Railroad grant lands, on other Federal lands in the Or-
3 egon and California land-grant counties of Oregon, and
4 on adjacent rights-of-way; and acquisition of lands or in-
5 terests therein including existing connecting roads on or
6 adjacent to such grant lands; \$94,791,000, to remain
7 available until expended: *Provided*, That 25 percent of the
8 aggregate of all receipts during the current fiscal year
9 from the revested Oregon and California Railroad grant
10 lands is hereby made a charge against the Oregon and
11 California land-grant fund and shall be transferred to the
12 General Fund in the Treasury in accordance with the sec-
13 ond paragraph of subsection (b) of title II of the Act of
14 August 28, 1937 (50 Stat. 876).

15 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

16 (REVOLVING FUND, SPECIAL ACCOUNT)

17 In addition to the purposes authorized in Public Law
18 102–381, funds made available in the Forest Ecosystem
19 Health and Recovery Fund can be used for the purpose
20 of planning, preparing, and monitoring salvage timber
21 sales and forest ecosystem health and recovery activities
22 such as release from competing vegetation and density
23 control treatments. The Federal share of receipts (defined
24 as the portion of salvage timber receipts not paid to the
25 counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–
26 1 et seq., and Public Law 103–66) derived from treat-

1 ments funded by this account shall be deposited into the
2 Forest Ecosystem Health and Recovery Fund.

3 RANGE IMPROVEMENTS

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

18 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

19 For administrative expenses and other costs related
20 to processing application documents and other authoriza-
21 tions for use and disposal of public lands and resources,
22 for costs of providing copies of official public land docu-
23 ments, for monitoring construction, operation, and termi-
24 nation of facilities in conjunction with use authorizations,
25 and for rehabilitation of damaged property, such amounts
26 as may be collected under Public Law 94-579, as amend-

1 ed, and Public Law 93–153, to remain available until ex-
2 pended: *Provided*, That notwithstanding any provision to
3 the contrary of section 305(a) of Public Law 94–579 (43
4 U.S.C. 1735(a)), any moneys that have been or will be
5 received pursuant to that section, whether as a result of
6 forfeiture, compromise, or settlement, if not appropriate
7 for refund pursuant to section 305(c) of that Act (43
8 U.S.C. 1735(c)), shall be available and may be expended
9 under the authority of this Act by the Secretary to im-
10 prove, protect, or rehabilitate any public lands adminis-
11 tered through the Bureau of Land Management which
12 have been damaged by the action of a resource developer,
13 purchaser, permittee, or any unauthorized person, without
14 regard to whether all moneys collected from each such ac-
15 tion are used on the exact lands damaged which led to
16 the action: *Provided further*, That any such moneys that
17 are in excess of amounts needed to repair damage to the
18 exact land for which funds were collected may be used to
19 repair other damaged public lands.

20 MISCELLANEOUS TRUST FUNDS

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

1 ted lands under section 211(b) of that Act, to remain
2 available until expended.

3 ADMINISTRATIVE PROVISIONS

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

15 Section 28f(a) of title 30, U.S.C., is amended by
16 striking the first sentence and inserting: “The holder of
17 each unpatented mining claim, mill or tunnel site, located
18 pursuant to the mining laws of the United States, whether
19 located before or after October 1, 1998, shall pay the Sec-

1 retary of the Interior, on or before September 1 of each
 2 year, for year 1999 and subsequent years, a claim mainte-
 3 nance fee of \$116 per claim or site.”.

4 Section 28g of title 30, United States Code, is
 5 amended by striking “and before September 30, 1998,”;
 6 and striking “\$25.00” and inserting “\$28.00”.

7 Section 28j of title 30, United States Code, is amend-
 8 ed by adding the following new subsection at the end:

9 “(d) Availability of fees”

10 “Fees collected under sections 28f and 28g shall be
 11 available without further appropriation for Mining Law
 12 Administration program operations in the year following
 13 their collection.”.

14 UNITED STATES FISH AND WILDLIFE SERVICE

15 RESOURCE MANAGEMENT

16 For necessary expenses of the United States Fish and
 17 Wildlife Service, for scientific and economic studies, con-
 18 servation, management, investigations, protection, and
 19 utilization of fishery and wildlife resources, except whales,
 20 seals, and sea lions, maintenance of the herd of long-
 21 horned cattle on the Wichita Mountains Wildlife Refuge,
 22 general administration, and for the performance of other
 23 authorized functions related to such resources by direct
 24 expenditure, contracts, grants, cooperative agreements
 25 and reimbursable agreements with public and private enti-

1 ties, \$624,019,000, to remain available until September
2 30, 2000, except as otherwise provided herein, of which
3 \$11,612,000 shall remain available until expended for op-
4 eration and maintenance of fishery mitigation facilities
5 constructed by the Corps of Engineers under the Lower
6 Snake River Compensation Plan, authorized by the Water
7 Resources Development Act of 1976, to compensate for
8 loss of fishery resources from water development projects
9 on the Lower Snake River, and of which not less than
10 \$2,000,000 shall be provided to local governments in
11 southern California for planning associated with the Natu-
12 ral Communities Conservation Planning (NCCP) program
13 and shall remain available until expended: *Provided*, That
14 not less than \$1,000,000 for high priority projects which
15 shall be carried out by the Youth Conservation Corps as
16 authorized by the Act of August 13, 1970, as amended:
17 *Provided further*, That not to exceed \$5,156,000 shall be
18 used for implementing subsections (a), (b), (c), and (e)
19 of section 4 of the Endangered Species Act, as amended,
20 for species that are indigenous to the United States (ex-
21 cept for processing petitions, developing and issuing pro-
22 posed and final regulations, and taking any other steps
23 to implement actions described in subsections (c)(2)(A),
24 (c)(2)(B)(i), or (c)(2)(B)(ii)): *Provided further*, That of
25 the amount available for law enforcement, up to \$400,000

1 to remain available until expended, may at the discretion
2 of the Secretary, be used for payment for information, re-
3 wards, or evidence concerning violations of laws adminis-
4 tered by the Service, and miscellaneous and emergency ex-
5 penses of enforcement activity, authorized or approved by
6 the Secretary and to be accounted for solely on his certifi-
7 cate: *Provided further*, That hereafter, all fees collected for
8 Federal migratory bird permits shall be available to the
9 Secretary, without further appropriation, to be used for
10 the expenses of the U.S. Fish and Wildlife Service in ad-
11 ministering such Federal migratory bird permits, and
12 shall remain available until expended: *Provided further*,
13 That of the amount provided for environmental contami-
14 nants, up to \$1,000,000 may remain available until ex-
15 pended for contaminant sample analyses.

16 CONSTRUCTION

17 For construction and acquisition of buildings and
18 other facilities required in the conservation, management,
19 investigation, protection, and utilization of fishery and
20 wildlife resources, and the acquisition of lands and inter-
21 ests therein; \$48,734,000, to remain available until ex-
22 pended: *Provided*, That \$6,600,000 shall be derived from
23 the Environmental Improvement and Restoration Fund
24 pursuant to Public Law 105–83: *Provided further*, That
25 under this heading in Public Law 105–174, the phrase
26 “fire” is inserted before the word “floods”.

1 LAND ACQUISITION

2 For expenses necessary to carry out the Land and
3 Water Conservation Fund Act of 1965, as amended (16
4 U.S.C. 4601–4 through 11), including administrative ex-
5 penses, and for acquisition of land or waters, or interest
6 therein, in accordance with statutory authority applicable
7 to the United States Fish and Wildlife Service,
8 \$62,120,000, to be derived from the Land and Water Con-
9 servation Fund and to remain available until expended,
10 of which \$1,000,000, together with such other sums as
11 may become available, is for a grant to the State of Ohio
12 for acquisition of the Howard Farm near Metzger Marsh
13 in the State of Ohio.

14 COOPERATIVE ENDANGERED SPECIES CONSERVATION

15 FUND

16 For expenses necessary to carry out the provisions
17 of the Endangered Species Act of 1973 (16 U.S.C. 1531–
18 1543), as amended, \$34,000,000, to be derived from the
19 Cooperative Endangered Species Conservation Fund, and
20 to remain available until expended.

21 NATIONAL WILDLIFE REFUGE FUND

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

24 NORTH AMERICAN WETLANDS CONSERVATION FUND

25 For expenses necessary to carry out the provisions
26 of the North American Wetlands Conservation Act, Public

1 Law 101–233, as amended, \$15,000,000, to remain avail-
2 able until expended.

3 WILDLIFE CONSERVATION AND APPRECIATION FUND

4 For necessary expenses of the Wildlife Conservation
5 and Appreciation Fund, \$800,000, to remain available
6 until expended.

7 MULTINATIONAL SPECIES CONSERVATION FUND

8 For expenses necessary to carry out the African Ele-
9 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
10 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
11 phant Conservation Act of 1997 (Public Law 105–96),
12 and the Rhinoceros and Tiger Conservation Act of 1994
13 (16 U.S.C. 5301–5306), \$1,900,000, to remain available
14 until expended: *Provided*, That unexpended balances of
15 amounts previously appropriated to the African Elephant
16 Conservation Fund, Rewards and Operations account, and
17 Rhinoceros and Tiger Conservation Fund may be trans-
18 ferred to and merged with this appropriation: *Provided*
19 *further*, That in fiscal year 1999 and thereafter, donations
20 to provide assistance under section 5304 of the Rhinoceros
21 and Tiger Conservation Act, subchapter I of the African
22 Elephant Conservation Act, and section 6 of the Asian
23 Elephant Conservation Act of 1997 shall be deposited to
24 this Fund: *Provided further*, That in fiscal year 1999 and
25 thereafter, all penalties received by the United States
26 under 16 U.S.C. 4224 which are not used to pay rewards

1 under 16 U.S.C. 4225 shall be deposited to this Fund,
2 to be available to provide assistance under 16 U.S.C.
3 4211: *Provided further*, That in fiscal year 1999 and
4 thereafter, not more than three percent of amounts appro-
5 priated to this Fund may be used by the Secretary of the
6 Interior to administer the Fund.

7 ADMINISTRATIVE PROVISIONS

8 Appropriations and funds available to the United
9 States Fish and Wildlife Service shall be available for pur-
10 chase of not to exceed 104 passenger motor vehicles, of
11 which 89 are for replacement only (including 38 for police-
12 type use); repair of damage to public roads within and
13 adjacent to reservation areas caused by operations of the
14 Service; options for the purchase of land at not to exceed
15 \$1 for each option; facilities incident to such public rec-
16 reational uses on conservation areas as are consistent with
17 their primary purpose; and the maintenance and improve-
18 ment of aquaria, buildings, and other facilities under the
19 jurisdiction of the Service and to which the United States
20 has title, and which are used pursuant to law in connection
21 with management and investigation of fish and wildlife re-
22 sources: *Provided*, That notwithstanding 44 U.S.C. 501,
23 the Service may, under cooperative cost sharing and part-
24 nership arrangements authorized by law, procure printing
25 services from cooperators in connection with jointly pro-
26 duced publications for which the cooperators share at least

1 one-half the cost of printing either in cash or services and
2 the Service determines the cooperator is capable of meet-
3 ing accepted quality standards: *Provided further*, That the
4 Service may accept donated aircraft as replacements for
5 existing aircraft: *Provided further*, That notwithstanding
6 any other provision of law, the Secretary of the Interior
7 may not spend any of the funds appropriated in this Act
8 for the purchase of lands or interests in lands to be used
9 in the establishment of any new unit of the National Wild-
10 life Refuge System unless the purchase is approved in ad-
11 vance by the House and Senate Committees on Appropria-
12 tions in compliance with the reprogramming procedures
13 contained in the report accompanying this bill: *Provided*
14 *further*, That hereafter the Secretary may sell land and
15 interests in land, other than surface water rights, acquired
16 in conformance with subsections 206(a) and 207(c) of
17 Public Law 101–618, the receipts of which shall be depos-
18 ited to the Lahontan Valley and Pyramid Lake Fish and
19 Wildlife Fund and used exclusively for the purposes of
20 such subsections, without regard to the limitation on the
21 distribution of benefits in subsection 206(f)(2) of such
22 law: *Provided further*, That section 104(c)(50)(B) of the
23 Marine Mammal Protection Act (16 U.S.C. 1361–1407)
24 is amended by adding the words “until expended” after
25 the word “Secretary” in the second sentence.

1 NATIONAL PARK SERVICE

2 OPERATION OF THE NATIONAL PARK SYSTEM

3 For expenses necessary for the management, oper-
4 ation, and maintenance of areas and facilities adminis-
5 tered by the National Park Service (including special road
6 maintenance service to trucking permittees on a reimburs-
7 able basis), and for the general administration of the Na-
8 tional Park Service, including not less than \$1,000,000
9 for high priority projects within the scope of the approved
10 budget which shall be carried out by the Youth Conserva-
11 tion Corps as authorized by 16 U.S.C. 1706,
12 \$1,288,903,000, of which \$13,049,000 is for research,
13 planning and interagency coordination in support of land
14 acquisition for Everglades restoration shall remain avail-
15 able until expended, and of which not to exceed
16 \$10,000,000, to remain available until expended, is to be
17 derived from the special fee account established pursuant
18 to title V, section 5201 of Public Law 100–203.

19 NATIONAL RECREATION AND PRESERVATION

20 For expenses necessary to carry out recreation pro-
21 grams, natural programs, cultural programs, heritage
22 partnership programs, environmental compliance and re-
23 view, international park affairs, statutory or contractual
24 aid for other activities, and grant administration, not oth-
25 erwise provided for, \$48,800,000.

1 HISTORIC PRESERVATION FUND

2 For expenses necessary in carrying out the Historic
3 Preservation Act of 1966, as amended (16 U.S.C. 470),
4 and the Omnibus Parks and Public Lands Management
5 Act of 1996 (Public Law 104–333), \$55,612,000, to be
6 derived from the Historic Preservation Fund, to remain
7 available until September 30, 2000, of which \$6,200,000
8 pursuant to section 507 of Public Law 104–333 shall re-
9 main available until expended: *Provided*, That of the total
10 amount provided, \$10,000,000 shall be for Save America’s
11 Treasures to preserve the Nation’s irreplaceable heritage,
12 as authorized by the Historic Preservation Act, including
13 preservation of intellectual and cultural artifacts, and of
14 historic structures and sites: *Provided further*, That of
15 amounts for Save America’s Treasures, \$10,000,000 shall
16 be for priority preservation projects of federal agencies,
17 as authorized by existing law and subject to existing
18 matching fund requirements, to be available by transfer
19 to appropriate accounts of individual federal agencies,
20 after approval of projects by the Secretary.

21 CONSTRUCTION

22 For construction, improvements, repair or replace-
23 ment of physical facilities, including the modifications au-
24 thorized by section 104 of the Everglades National Park
25 Protection and Expansion Act of 1989, \$210,116,000, to
26 remain available until expended: *Provided*, That \$550,000

1 for the Susan B. Anthony House and \$2,000,000 for the
2 Virginia City Historic District shall be derived from the
3 Historic Preservation Fund pursuant to 16 U.S.C. 470a:
4 *Provided further*, That \$6,600,000 shall be derived from
5 the Environmental Improvement and Restoration Fund
6 pursuant to Public Law 105–83.

7 LAND AND WATER CONSERVATION FUND

8 (RESCISSION)

9 The contract authority provided for fiscal year 1999
10 by 16 U.S.C. 460l–10a is rescinded.

11 LAND ACQUISITION AND STATE ASSISTANCE

12 For expenses necessary to carry out the Land and
13 Water Conservation Fund Act of 1965, as amended (16
14 U.S.C. 460l–4 through 11), including administrative ex-
15 penses, and for acquisition of lands or waters, or interest
16 therein, in accordance with statutory authority applicable
17 to the National Park Service, \$88,100,000, to be derived
18 from the Land and Water Conservation Fund, to remain
19 available until expended, of which \$1,000,000 is to admin-
20 ister the State assistance program: *Provided*, That any
21 funds made available for the purpose of acquisition of the
22 Elwha and Glines dams shall be used solely for acquisi-
23 tion, and shall not be expended until the full purchase
24 amount has been appropriated by the Congress: *Provided*
25 *further*, That from the funds made available for land ac-
26 quisition at Everglades National Park and Big Cypress

1 National Preserve, the Secretary may provide for Federal
2 assistance to the State of Florida for the acquisition of
3 lands or waters, or interests therein, within the Everglades
4 watershed (consisting of lands and waters within the
5 boundaries of the South Florida Water Management Dis-
6 trict, Florida Bay and the Florida Keys) under terms and
7 conditions deemed necessary by the Secretary, to improve
8 and restore the hydrological function of the Everglades
9 watershed: *Provided further*, That funds provided under
10 this heading to the State of Florida shall be subject to
11 an agreement that such lands will be managed in perpetu-
12 ity for the restoration of the Everglades.

13 ADMINISTRATIVE PROVISIONS

14 Appropriations for the National Park Service shall be
15 available for the purchase of not to exceed 375 passenger
16 motor vehicles, of which 291 shall be for replacement only,
17 including not to exceed 305 for police-type use, 12 buses,
18 and 6 ambulances: *Provided*, That none of the funds ap-
19 propriated to the National Park Service may be used to
20 process any grant or contract documents which do not in-
21 clude the text of 18 U.S.C. 1913: *Provided further*, That
22 none of the funds appropriated to the National Park Serv-
23 ice may be used to implement an agreement for the rede-
24 velopment of the southern end of Ellis Island until such
25 agreement has been submitted to the Congress and shall
26 not be implemented prior to the expiration of 30 calendar

1 days (not including any day in which either House of Con-
2 gress is not in session because of adjournment of more
3 than three calendar days to a day certain) from the receipt
4 by the Speaker of the House of Representatives and the
5 President of the Senate of a full and comprehensive report
6 on the development of the southern end of Ellis Island,
7 including the facts and circumstances relied upon in sup-
8 port of the proposed project.

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

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

19 UNITED STATES GEOLOGICAL SURVEY

20 SURVEYS, INVESTIGATIONS, AND RESEARCH

21 For expenses necessary for the United States Geo-
22 logical Survey to perform surveys, investigations, and re-
23 search covering topography, geology, hydrology, and the
24 mineral and water resources of the United States, its terri-
25 tories and possessions, and other areas as authorized by

1 43 U.S.C. 31, 1332, and 1340; classify lands as to their
2 mineral and water resources; give engineering supervision
3 to power permittees and Federal Energy Regulatory Com-
4 mission licensees; administer the minerals exploration pro-
5 gram (30 U.S.C. 641); and publish and disseminate data
6 relative to the foregoing activities; and to conduct inquiries
7 into the economic conditions affecting mining and mate-
8 rials processing industries (30 U.S.C. 3, 21a, and 1603;
9 50 U.S.C. 98g(1)) and related purposes as authorized by
10 law and to publish and disseminate data; \$772,115,000,
11 of which \$67,961,000 shall be available only for coopera-
12 tion with States or municipalities for water resources in-
13 vestigations; and of which \$16,400,000 shall remain avail-
14 able until expended for conducting inquiries into the eco-
15 nomic conditions affecting mining and materials process-
16 ing industries; and of which \$2,000,000 shall remain
17 available until expended for ongoing development of a min-
18 eral and geologic data base; and of which \$154,581,000
19 shall be available until September 30, 2000 for the biologi-
20 cal research activity and the operation of the Cooperative
21 Research Units: *Provided*, That none of these funds pro-
22 vided for the biological research activity shall be used to
23 conduct new surveys on private property, unless specifi-
24 cally authorized in writing by the property owner: *Pro-*
25 *vided further*, That no part of this appropriation shall be

1 used to pay more than one-half the cost of topographic
2 mapping or water resources data collection and investiga-
3 tions carried on in cooperation with States and municipali-
4 ties.

5 ADMINISTRATIVE PROVISIONS

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

1 organizations, without regard to 41 U.S.C. 5, for the tem-
2 porary or intermittent services of science students or re-
3 cent graduates, who shall be considered employees for the
4 purposes of chapter 81 of title 5, United States Code, re-
5 lating to compensation for work injuries, and chapter 171
6 of title 28, United States Code, relating to tort claims,
7 but shall not be considered to be Federal employees for
8 any other purposes.

9 MINERALS MANAGEMENT SERVICE

10 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

11 For expenses necessary for minerals leasing and envi-
12 ronmental studies, regulation of industry operations, and
13 collection of royalties, as authorized by law; for enforcing
14 laws and regulations applicable to oil, gas, and other min-
15 erals leases, permits, licenses and operating contracts; and
16 for matching grants or cooperative agreements; including
17 the purchase of not to exceed eight passenger motor vehi-
18 cles for replacement only; \$117,275,000, and an amount
19 not to exceed \$100,000,000, to be credited to this appro-
20 priation and to remain available until expended, from ad-
21 ditions to receipts resulting from increases to rates in ef-
22 fect on August 5, 1993, from rate increases to fee collec-
23 tions for Outer Continental Shelf administrative activities
24 performed by the Minerals Management Service over and
25 above the rates in effect on September 30, 1993, and from

1 additional fees for Outer Continental Shelf administrative
2 activities established after September 30, 1993: *Provided*,
3 That \$3,000,000 for computer acquisitions shall remain
4 available until September 30, 2000: *Provided further*, That
5 funds appropriated under this Act shall be available for
6 the payment of interest in accordance with 30 U.S.C.
7 1721(b) and (d): *Provided further*, That not to exceed
8 \$3,000 shall be available for reasonable expenses related
9 to promoting volunteer beach and marine cleanup activi-
10 ties: *Provided further*, That notwithstanding any other
11 provision of law, \$15,000 under this heading shall be
12 available for refunds of overpayments in connection with
13 certain Indian leases in which the Director of the Minerals
14 Management Service concurred with the claimed refund
15 due, to pay amounts owed to Indian allottees or Tribes,
16 or to correct prior unrecoverable erroneous payments.

17 OIL SPILL RESEARCH

18 For necessary expenses to carry out title I, section
19 1016, title IV, sections 4202 and 4303, title VII, and title
20 VIII, section 8201 of the Oil Pollution Act of 1990,
21 \$6,118,000, which shall be derived from the Oil Spill Li-
22 ability Trust Fund, to remain available until expended.

1 tory shall be established (and revised as needed) in Fed-
2 eral Register Notices, and shall be collected and credited
3 to this account, to be available until expended for the costs
4 of administering this program.

5 ABANDONED MINE RECLAMATION FUND

6 For necessary expenses to carry out title IV of the
7 Surface Mining Control and Reclamation Act of 1977,
8 Public Law 95–87, as amended, including the purchase
9 of not more than 10 passenger motor vehicles for replace-
10 ment only, \$183,057,000, to be derived from receipts of
11 the Abandoned Mine Reclamation Fund and to remain
12 available until expended; of which up to \$7,000,000, to
13 be derived from the cumulative balance of interest earned
14 to date on the Fund, shall be for supplemental grants to
15 States for the reclamation of abandoned sites with acid
16 mine rock drainage from coal mines, and for associated
17 activities, through the Clean Streams Initiative and the
18 Western Mine Lands Partnership Initiative: *Provided*,
19 That grants to minimum program States will be
20 \$1,500,000 per State in fiscal year 1999: *Provided further*,
21 That of the funds herein provided up to \$18,000,000 may
22 be used for the emergency program authorized by section
23 410 of Public Law 95–87, as amended, of which no more
24 than 25 percent shall be used for emergency reclamation
25 projects in any one State and funds for federally adminis-
26 tered emergency reclamation projects under this proviso

1 shall not exceed \$11,000,000: *Provided further*, That prior
2 year unobligated funds appropriated for the emergency
3 reclamation program shall not be subject to the 25 percent
4 limitation per State and may be used without fiscal year
5 limitation for emergency projects: *Provided further*, That
6 pursuant to Public Law 97–365, the Department of the
7 Interior is authorized to use up to 20 percent from the
8 recovery of the delinquent debt owed to the United States
9 Government to pay for contracts to collect these debts:
10 *Provided further*, That funds made available to States
11 under title IV of Public Law 95–87 may be used, at their
12 discretion, for any required non-Federal share of the cost
13 of projects funded by the Federal Government for the pur-
14 pose of environmental restoration related to treatment or
15 abatement of acid mine drainage from abandoned mines:
16 *Provided further*, That such projects must be consistent
17 with the purposes and priorities of the Surface Mining
18 Control and Reclamation Act: *Provided further*, That the
19 State of Maryland may set aside the greater of \$1,000,000
20 or 10 percent of the total of the grants made available
21 to the State under title IV of the Surface Mining Control
22 and Reclamation Act of 1977, as amended (30 U.S.C.
23 1231 et seq.), if the amount set aside is deposited in an
24 acid mine drainage abatement and treatment fund estab-
25 lished under a State law, pursuant to which law the

1 amount (together with all interest earned on the amount)
2 is expended by the State to undertake acid mine drainage
3 abatement and treatment projects, except that before any
4 amounts greater than 10 percent of its title IV grants are
5 deposited in an acid mine drainage abatement and treat-
6 ment fund, the State of Maryland must first complete all
7 Surface Mining Control and Reclamation Act priority one
8 projects: *Provided further*, That hereafter, donations re-
9 ceived to support projects under the Clean Streams Initia-
10 tive and under the Western Mine Lands Restoration Part-
11 nerships Initiative, pursuant to 30 U.S.C. 1231, shall be
12 credited to this account and remain available until ex-
13 pended without further appropriation for projects spon-
14 sored under these initiatives, directly through agreements
15 with other Federal agencies, or through grants to States,
16 and funding to local governments, or tax exempt private
17 entities.

18 BUREAU OF INDIAN AFFAIRS

19 OPERATION OF INDIAN PROGRAMS

20 For expenses necessary for the operation of Indian
21 programs, as authorized by law, including the Snyder Act
22 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
23 termination and Education Assistance Act of 1975 (25
24 U.S.C. 450 et seq.), as amended, the Education Amend-
25 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally

1 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
2 as amended, \$1,544,695,000, to remain available until
3 September 30, 2000 except as otherwise provided herein,
4 of which not to exceed \$94,010,000 shall be for welfare
5 assistance payments and notwithstanding any other provi-
6 sion of law, including but not limited to the Indian Self-
7 Determination Act of 1975, as amended, not to exceed
8 \$110,856,000 shall be available for payments to tribes and
9 tribal organizations for contract support costs associated
10 with ongoing contracts, grants, compacts, or annual fund-
11 ing agreements entered into with the Bureau prior to or
12 during fiscal year 1999, as authorized by such Act, except
13 that tribes and tribal organizations may use their tribal
14 priority allocations for unmet indirect costs of ongoing
15 contracts, grants, or compacts, or annual funding agree-
16 ments and for unmet welfare assistance costs, and of
17 which not to exceed \$386,420,000 for school operations
18 costs of Bureau-funded schools and other education pro-
19 grams shall become available on July 1, 1999, and shall
20 remain available until September 30, 2000; and of which
21 not to exceed \$50,588,000 shall remain available until ex-
22 pended for housing improvement, road maintenance, at-
23 torney fees, litigation support, self-governance grants, the
24 Indian Self-Determination Fund, land records improve-
25 ment, the Navajo-Hopi Settlement Program, and the re-

1 pair and renovation of adult care institutions: *Provided*,
2 That notwithstanding any other provision of law, including
3 but not limited to the Indian Self-Determination Act of
4 1975, as amended, and 25 U.S.C. 2008, not to exceed
5 \$42,160,000 within and only from such amounts made
6 available for school operations shall be available to tribes
7 and tribal organizations for administrative cost grants as-
8 sociated with the operation of Bureau-funded schools: *Pro-*
9 *vided further*, That hereafter funds made available to
10 tribes and tribal organizations through contracts, compact
11 agreements, or grants, as authorized by the Indian Self-
12 Determination Act of 1975 or grants authorized by the
13 Indian Education Amendments of 1988 (25 U.S.C. 2001
14 and 2008A) shall remain available until expended by the
15 contractor or grantee: *Provided further*, That hereafter, to
16 provide funding uniformity within a Self-Governance Com-
17 pact, any funds provided in this Act with availability for
18 more than two years may be reprogrammed to two year
19 availability but shall remain available within the Compact
20 until expended: *Provided further*, That hereafter notwith-
21 standing any other provision of law, Indian tribal govern-
22 ments may, by appropriate changes in eligibility criteria
23 or by other means, change eligibility for general assistance
24 or change the amount of general assistance payments for
25 individuals within the service area of such tribe who are

1 otherwise deemed eligible for general assistance payments
2 so long as such changes are applied in a consistent manner
3 to individuals similarly situated and, that any savings real-
4 ized by such changes shall be available for use in meeting
5 other priorities of the tribes and, that any net increase
6 in costs to the Federal Government which result solely
7 from tribally increased payment levels for general assist-
8 ance shall be met exclusively from funds available to the
9 tribe from within its tribal priority allocation: *Provided*
10 *further*, That any forestry funds allocated to a tribe which
11 remain unobligated as of September 30, 2000, may be
12 transferred during fiscal year 2001 to an Indian forest
13 land assistance account established for the benefit of such
14 tribe within the tribe's trust fund account: *Provided fur-*
15 *ther*, That any such unobligated balances not so trans-
16 ferred shall expire on September 30, 2001: *Provided fur-*
17 *ther*, That hereafter tribes may use tribal priority alloca-
18 tions funds for the replacement and repair of school facili-
19 ties in compliance with 25 U.S.C. 2005(a), so long as such
20 replacement or repair is approved by the Secretary and
21 completed with non-Federal tribal and/or tribal priority al-
22 location funds.

23

CONSTRUCTION

24 For construction, repair, improvement, and mainte-
25 nance of irrigation and power systems, buildings, utilities,
26 and other facilities, including architectural and engineer-

1 ing services by contract; acquisition of lands, and interests
2 in lands; and preparation of lands for farming, and for
3 construction of the Navajo Indian Irrigation Project pur-
4 suant to Public Law 87-483, \$123,421,000, to remain
5 available until expended: *Provided*, That such amounts as
6 may be available for the construction of the Navajo Indian
7 Irrigation Project may be transferred to the Bureau of
8 Reclamation: *Provided further*, That not to exceed 6 per-
9 cent of contract authority available to the Bureau of In-
10 dian Affairs from the Federal Highway Trust Fund may
11 be used to cover the road program management costs of
12 the Bureau: *Provided further*, That any funds provided for
13 the Safety of Dams program pursuant to 25 U.S.C. 13
14 shall be made available on a nonreimbursable basis: *Pro-*
15 *vided further*, That for fiscal year 1999, in implementing
16 new construction or facilities improvement and repair
17 project grants in excess of \$100,000 that are provided to
18 tribally controlled grant schools under Public Law 100-
19 297, as amended, the Secretary of the Interior shall use
20 the Administrative and Audit Requirements and Cost
21 Principles for Assistance Programs contained in 43 CFR
22 part 12 as the regulatory requirements: *Provided further*,
23 That such grants shall not be subject to section 12.61 of
24 43 CFR; the Secretary and the grantee shall negotiate and
25 determine a schedule of payments for the work to be per-

1 formed: *Provided further*, That in considering applications,
2 the Secretary shall consider whether the Indian tribe or
3 tribal organization would be deficient in assuring that the
4 construction projects conform to applicable building stand-
5 ards and codes and Federal, tribal, or State health and
6 safety standards as required by 25 U.S.C. 2005(a), with
7 respect to organizational and financial management capa-
8 bilities: *Provided further*, That if the Secretary declines an
9 application, the Secretary shall follow the requirements
10 contained in 25 U.S.C. 2505(f): *Provided further*, That
11 any disputes between the Secretary and any grantee con-
12 cerning a grant shall be subject to the disputes provision
13 in 25 U.S.C. 2508(e): *Provided further*, That funds appro-
14 priated in Public Law 105–18, making emergency supple-
15 mental appropriations for the Bureau of Indian Affairs
16 for the repair of irrigation projects damaged in the severe
17 winter conditions and ensuing flooding, are available on
18 a nonreimbursable basis.

19 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
20 MISCELLANEOUS PAYMENTS TO INDIANS

21 For miscellaneous payments to Indian tribes and in-
22 dividuals and for necessary administrative expenses,
23 \$28,882,000, to remain available until expended; of which
24 \$27,530,000 shall be available for implementation of en-
25 acted Indian land and water claim settlements pursuant
26 to Public Laws 101–618 and 102–575, and for implemen-

1 tation of other enacted water rights settlements; and of
2 which \$1,352,000 shall be available pursuant to Public
3 Laws 99–264, 100–383, 103–402, and 100–580: *Pro-*
4 *vided*, That in fiscal year 1999 and thereafter, the Sec-
5 retary is directed to sell land and interests in land, other
6 than surface water rights, acquired in conformance with
7 section 2 of the Truckee River Water Quality Settlement
8 Agreement, the receipts of which shall be deposited to the
9 Lahontan Valley and Pyramid Lake Fish and Wildlife
10 Fund, and be available for the purposes of section 2 of
11 such agreement, without regard to the limitation on the
12 distribution of benefits in the second sentence of para-
13 graph 206(f)(2) of Public Law 101–618.

14 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

15 For the cost of guaranteed loans, \$4,501,000, as au-
16 thorized by the Indian Financing Act of 1974, as amend-
17 ed: *Provided*, That such costs, including the cost of modi-
18 fying such loans, shall be as defined in section 502 of the
19 Congressional Budget Act of 1974: *Provided further*, That
20 these funds are available to subsidize total loan principal,
21 any part of which is to be guaranteed, not to exceed
22 \$59,681,698.

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

1 ADMINISTRATIVE PROVISIONS

2 The Bureau of Indian Affairs may carry out the oper-
3 ation of Indian programs by direct expenditure, contracts,
4 cooperative agreements, compacts and grants, either di-
5 rectly or in cooperation with States and other organiza-
6 tions.

7 Appropriations for the Bureau of Indian Affairs (ex-
8 cept the revolving fund for loans, the Indian loan guaran-
9 tee and insurance fund, and the Indian Guaranteed Loan
10 Program account) shall be available for expenses of exhib-
11 its, and purchase of not to exceed 229 passenger motor
12 vehicles, of which not to exceed 187 shall be for replace-
13 ment only.

14 Notwithstanding any other provision of law, no funds
15 available to the Bureau of Indian Affairs for central office
16 operations or pooled overhead general administration (ex-
17 cept facilities operations and maintenance) shall be avail-
18 able for tribal contracts, grants, compacts, or cooperative
19 agreements with the Bureau of Indian Affairs under the
20 provisions of the Indian Self-Determination Act or the
21 Tribal Self-Governance Act of 1994 (Public Law 103–
22 413).

23 Notwithstanding any other provision of law, no funds
24 available to the Bureau, other than the amounts provided
25 herein for assistance to public schools under 25 U.S.C.

1 452 et seq., shall be available to support the operation of
2 any elementary or secondary school in the State of Alaska.

3 Appropriations made available in this or any other
4 Act for schools funded by the Bureau shall be available
5 only to the schools in the Bureau school system as of Sep-
6 tember 1, 1996. No funds available to the Bureau shall
7 be used to support expanded grades for any school or dor-
8 mitory beyond the grade structure in place or approved
9 by the Secretary of the Interior at each school in the Bu-
10 reau school system as of October 1, 1995.

11 DEPARTMENTAL OFFICES

12 INSULAR AFFAIRS

13 ASSISTANCE TO TERRITORIES

14 For expenses necessary for assistance to territories
15 under the jurisdiction of the Department of the Interior,
16 \$66,045,000, of which: (1) \$62,196,000 shall be available
17 until expended for technical assistance, including mainte-
18 nance assistance, disaster assistance, insular management
19 controls, and brown tree snake control and research;
20 grants to the judiciary in American Samoa for compensa-
21 tion and expenses, as authorized by law (48 U.S.C.
22 1661(c)); grants to the Government of American Samoa,
23 in addition to current local revenues, for construction and
24 support of governmental functions; grants to the Govern-
25 ment of the Virgin Islands as authorized by law; grants

1 to the Government of Guam, as authorized by law; and
2 grants to the Government of the Northern Mariana Is-
3 lands as authorized by law (Public Law 94–241; 90 Stat.
4 272); and (2) \$3,849,000 shall be available for salaries
5 and expenses of the Office of Insular Affairs: *Provided*,
6 That all financial transactions of the territorial and local
7 governments herein provided for, including such trans-
8 actions of all agencies or instrumentalities established or
9 used by such governments, may be audited by the General
10 Accounting Office, at its discretion, in accordance with
11 chapter 35 of title 31, United States Code: *Provided fur-*
12 *ther*, That Northern Mariana Islands Covenant grant
13 funding shall be provided according to those terms of the
14 Agreement of the Special Representatives on Future
15 United States Financial Assistance for the Northern Mari-
16 ana Islands approved by Public Law 99–396, or any sub-
17 sequent legislation related to Commonwealth of the North-
18 ern Mariana Islands grant funding: *Provided further*, That
19 of the Covenant grant funding for the Government of the
20 Northern Mariana Islands \$5,000,000 shall be used for
21 the construction of prison facilities and \$500,000 shall be
22 used for construction and equipping of a crime laboratory
23 unless the Secretary determines that acceptable alter-
24 native financing for these projects is already in place: *Pro-*
25 *vided further*, That of the amounts provided for technical

1 assistance, sufficient funding shall be made available for
2 a grant to the Close Up Foundation: *Provided further,*
3 That the funds for the program of operations and mainte-
4 nance improvement are appropriated to institutionalize
5 routine operations and maintenance improvement of cap-
6 ital infrastructure in American Samoa, Guam, the Virgin
7 Islands, the Commonwealth of the Northern Mariana Is-
8 lands, the Republic of Palau, the Republic of the Marshall
9 Islands, and the Federated States of Micronesia through
10 assessments of long-range operations maintenance needs,
11 improved capability of local operations and maintenance
12 institutions and agencies (including management and vo-
13 cational education training), and project-specific mainte-
14 nance (with territorial participation and cost sharing to
15 be determined by the Secretary based on the individual
16 territory's commitment to timely maintenance of its cap-
17 ital assets): *Provided further,* That any appropriation for
18 disaster assistance under this heading in this Act or pre-
19 vious appropriations Acts may be used as non-Federal
20 matching funds for the purpose of hazard mitigation
21 grants provided pursuant to section 404 of the Robert T.
22 Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5170c).

24 COMPACT OF FREE ASSOCIATION

25 For economic assistance and necessary expenses for
26 the Federated States of Micronesia and the Republic of

1 the Marshall Islands as provided for in sections 122, 221,
2 223, 232, and 233 of the Compact of Free Association,
3 and for economic assistance and necessary expenses for
4 the Republic of Palau as provided for in sections 122, 221,
5 223, 232, and 233 of the Compact of Free Association,
6 \$20,830,000, to remain available until expended, as au-
7 thorized by Public Law 99–239 and Public Law 99–658.

8 DEPARTMENTAL MANAGEMENT

9 SALARIES AND EXPENSES

10 For necessary expenses for management of the De-
11 partment of the Interior, \$60,496,000, of which not to ex-
12 ceed \$8,500 may be for official reception and representa-
13 tion expenses, and of which up to \$1,000,000 shall be
14 available for workers compensation payments and unem-
15 ployment compensation payments associated with the or-
16 derly closure of the United States Bureau of Mines.

17 OFFICE OF THE SOLICITOR

18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of the Solicitor,
20 \$36,464,000.

21 OFFICE OF INSPECTOR GENERAL

22 SALARIES AND EXPENSES

23 For necessary expenses of the Office of Inspector
24 General, \$25,486,000.

1 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS
2 FEDERAL TRUST PROGRAMS

3 For operation of trust programs for Indians by direct
4 expenditure, contracts, cooperative agreements, compacts,
5 and grants, \$38,000,000, to remain available until ex-
6 pended: *Provided*, That funds for trust management im-
7 provements may be transferred to the Bureau of Indian
8 Affairs: *Provided further*, That funds made available to
9 Tribes and Tribal organizations through contracts or
10 grants obligated during fiscal year 1999, as authorized by
11 the Indian Self-Determination Act of 1975 (25 U.S.C. 450
12 et seq.), shall remain available until expended by the con-
13 tractor or grantee: *Provided further*, That notwithstanding
14 any other provision of law, the statute of limitations shall
15 not commence to run on any claim, including any claim
16 in litigation pending on the date of the enactment of this
17 Act, concerning losses to or mismanagement of trust
18 funds, until the affected tribe or individual Indian has
19 been furnished with an accounting of such funds from
20 which the beneficiary can determine whether there has
21 been a loss: *Provided further*, That hereafter the Secretary
22 shall not be required to provide a periodic statement of
23 performance pursuant to 25 U.S.C. 4011(b), nor to invest
24 pursuant to 25 U.S.C. 161a, any Indian trust account
25 managed by the Secretary that has not had activity for

1 at least eighteen months and has a balance of \$1.00 or
2 less: *Provided further*, That hereafter the Secretary shall
3 maintain a record of any such accounts and amounts in
4 such accounts will remain available upon request to the
5 accountholder.

6 NATURAL RESOURCE DAMAGE ASSESSMENT AND
7 RESTORATION
8 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

9 To conduct natural resource damage assessment ac-
10 tivities by the Department of the Interior necessary to
11 carry out the provisions of the Comprehensive Environ-
12 mental Response, Compensation, and Liability Act, as
13 amended (42 U.S.C. 9601 et seq.), Federal Water Pollu-
14 tion Control Act, as amended (33 U.S.C. 1251 et seq.),
15 the Oil Pollution Act of 1990 (Public Law 101–380), and
16 Public Law 101–337; \$5,228,000, to remain available
17 until expended: *Provided*, That unobligated and unex-
18 pended balances in the United States Fish and Wildlife
19 Service, Natural Resource Damage Assessment Fund ac-
20 count at the end of fiscal year 1998 shall be transferred
21 to and made a part of the Departmental Offices, Natural
22 Resource Damage Assessment and Restoration, Natural
23 Resource Damage Assessment Fund account and shall re-
24 main available until expended.

1 ADMINISTRATIVE PROVISIONS

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

15 GENERAL PROVISIONS, DEPARTMENT OF THE
16 INTERIOR

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

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

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

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

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

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

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

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

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

9 SEC. 107. No funds provided in this title may be ex-
10 pended by the Department of the Interior for the conduct
11 of offshore leasing and related activities placed under re-
12 striction in the President’s moratorium statement of June
13 26, 1990, in the areas of northern, central, and southern
14 California; the North Atlantic; Washington and Oregon;
15 and the eastern Gulf of Mexico south of 26 degrees north
16 latitude and east of 86 degrees west longitude.

17 SEC. 108. No funds provided in this title may be ex-
18 pended by the Department of the Interior for the conduct
19 of offshore oil and natural gas preleasing, leasing, and re-
20 lated activities, on lands within the North Aleutian Basin
21 planning area.

22 SEC. 109. No funds provided in this title may be ex-
23 pended by the Department of the Interior to conduct off-
24 shore oil and natural gas preleasing, leasing and related
25 activities in the eastern Gulf of Mexico planning area for

1 any lands located outside Sale 181, as identified in the
2 final Outer Continental Shelf 5-Year Oil and Gas Leasing
3 Program, 1997–2002.

4 SEC. 110. No funds provided in this title may be ex-
5 pended by the Department of the Interior to conduct oil
6 and natural gas preleasing, leasing and related activities
7 in the Mid-Atlantic and South Atlantic planning areas.

8 SEC. 111. Advance payments made under this title
9 to Indian tribes, tribal organizations, and tribal consortia
10 pursuant to the Indian Self-Determination and Education
11 Assistance Act (25 U.S.C. 450 et seq.) or the Tribally
12 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)
13 may be invested by the Indian tribe, tribal organization,
14 or consortium before such funds are expended for the pur-
15 poses of the grant, compact, or annual funding agreement
16 so long as such funds are—

17 (1) invested by the Indian tribe, tribal organiza-
18 tion, or consortium only in obligations of the United
19 States, or in obligations or securities that are guar-
20 anteed or insured by the United States, or mutual
21 (or other) funds registered with the Securities and
22 Exchange Commission and which only invest in obli-
23 gations of the United States or securities that are
24 guaranteed or insured by the United States; or

1 (2) deposited only into accounts that are in-
2 sured by an agency or instrumentality of the United
3 States, or are fully collateralized to ensure protec-
4 tion of the Funds, even in the event of a bank fail-
5 ure.

6 SEC. 112. (a) Employees of Helium Operations, Bu-
7 reau of Land Management, entitled to severance pay
8 under 5 U.S.C. 5595, may apply for, and the Secretary
9 of the Interior may pay, the total amount of the severance
10 pay to the employee in a lump sum. Employees paid sever-
11 ance pay in a lump sum and subsequently reemployed by
12 the Federal Government shall be subject to the repayment
13 provisions of 5 U.S.C. 5595(i)(2) and (3), except that any
14 repayment shall be made to the Helium Fund.

15 (b) Helium Operations employees who elect to con-
16 tinue health benefits after separation shall be liable for
17 not more than the required employee contribution under
18 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for
19 18 months the remaining portion of required contribu-
20 tions.

21 (c) The Secretary of the Interior may provide for
22 training to assist Helium Operations employees in the
23 transition to other Federal or private sector jobs during
24 the facility shut-down and disposition process and for up
25 to 12 months following separation from Federal employ-

1 ment, including retraining and relocation incentives on the
2 same terms and conditions as authorized for employees of
3 the Department of Defense in section 348 of the National
4 Defense Authorization Act for Fiscal Year 1995.

5 (d) For purposes of the annual leave restoration pro-
6 visions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium
7 production and sales, and other related Helium Program
8 activities shall be deemed to create an exigency of public
9 business under, and annual leave that is lost during leave
10 years 1997 through 2001 because of, 5 U.S.C. 6304 (re-
11 gardless of whether such leave was scheduled in advance)
12 shall be restored to the employee and shall be credited and
13 available in accordance with 5 U.S.C. 6304(d)(2). Annual
14 leave so restored and remaining unused upon the transfer
15 of a Helium Program employee to a position of the execu-
16 tive branch outside of the Helium Program shall be liq-
17 uidated by payment to the employee of a lump sum from
18 the Helium Fund for such leave.

19 (e) Benefits under this section shall be paid from the
20 Helium Fund in accordance with section 4(c)(4) of the
21 Helium Privatization Act of 1996. Funds may be made
22 available to Helium Program employees who are or will
23 be separated before October 1, 2002 because of the ces-
24 sation of helium production and sales and other related
25 activities. Retraining benefits, including retraining and re-

1 location incentives, may be paid for retraining commencing
2 on or before September 30, 2002.

3 SEC. 113. In fiscal year 1999 and thereafter, the Secretary
4 may accept donations and bequests of money, services,
5 or other personal property for the management and
6 enhancement of the Department's Natural Resources Library.
7 The Secretary may hold, use, and administer such
8 donations until expended and without further appropriation.
9

10 SEC. 114. Notwithstanding any other provision of
11 law, including but not limited to the Indian Self-Determination
12 Act of 1975, as amended, funds available under
13 this title for Indian self-determination or self-governance
14 contract or grant support costs may be expended only for
15 costs directly attributable to contracts, grants and compacts
16 pursuant to the Indian Self-Determination Act and
17 no funds appropriated in this title shall be available for
18 any contract support costs or indirect costs associated
19 with any contract, grant, cooperative agreement, self-governance
20 compact or funding agreement entered into between
21 an Indian tribe or tribal organization and any entity
22 other than an agency of the Department of the Interior.

23 SEC. 115. (a) Denver Service Center employees who
24 voluntarily resign or retire from the National Park Service
25 on or before December 31, 1998, shall receive, from the

1 National Park Service, a lump sum voluntary separation
2 incentive payment that shall be equal to the lesser of an
3 amount equal to the amount the employee would be enti-
4 tled to receive under section 5595(c) of title 5, United
5 States Code, if the employee were entitled to payment
6 under such section; or \$25,000.

7 (1) The voluntary separation incentive pay-
8 ment—

9 (A) shall not be a basis for payment, and
10 shall not be included in the computation of any
11 other type of Government benefit; and

12 (B) shall be paid from appropriations or
13 funds available for the payment of the basic pay
14 of the employee.

15 (2) Employees receiving a voluntary separation
16 incentive payment and accepting employment with
17 the Federal Government within five years of the date
18 of separation shall be required to repay the entire
19 amount of the incentive payment to the National
20 Park Service.

21 (3) The Secretary may, at the request of the
22 head of an Executive branch agency, waive the re-
23 payment under paragraph (2) if the individual in-
24 volved possesses unique abilities and is the only
25 qualified applicant available for the position.

1 (4) In addition to any other payment which it
2 is required to make under Subchapter III of chapter
3 83 of title 5, United States Code, the National Park
4 Service shall remit to the Office of Personnel Man-
5 agement for deposit in the Treasury of the United
6 States to the credit of the Civil Service Retirement
7 and Disability Fund an amount equal to 15 percent
8 of the final basic pay of each employee of the Na-
9 tional Park Service—

10 (A) who retires under section 8336(d)(2)
11 of Title 5, United States Code; and,

12 (B) to whom a voluntary separation incen-
13 tive payment has been or is to be paid under
14 the provisions of this section.

15 (b) Employees of Denver Service Center entitled to
16 severance pay under 5 U.S.C. 5595, may apply for, and
17 the National Park Service may pay, the total amount of
18 severance pay to the employee in a lump sum. Employees
19 paid severance pay in a lump sum and subsequently reem-
20 ployed by the Federal Government shall be subject to the
21 repayment provisions of 5 U.S.C. 5595(i)(2) and (3), ex-
22 cept that any repayment shall be made to the National
23 Park Service.

24 (c) Employees of the Denver Service Center who vol-
25 untarily resign on or before December 31, 1998, or who

1 are separated in a reduction in force, shall be liable for
2 not more than the required employee contribution under
3 5 U.S.C. 8905a(d)(1)(A) if they elect to continue health
4 benefits after separation. The National Park Service shall
5 pay for 12 months the remaining portion of required con-
6 tributions.

7 SEC. 116. (a) In this section—

8 (1) the term “Huron Cemetery” means the
9 lands that form the cemetery that is popularly
10 known as the Huron Cemetery, located in Kansas
11 City, Kansas, as described in subsection (b)(3); and

12 (2) the term “Secretary” means the Secretary
13 of the Interior.

14 (b)(1) The Secretary shall take such action as may
15 be necessary to ensure that the lands comprising the
16 Huron Cemetery (as described in paragraph (3)) are used
17 only in accordance with this subsection.

18 (2) The lands of the Huron Cemetery shall be used
19 only—

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

22 (B) as a burial ground.

23 (3) The description of the lands of the Huron Ceme-
24 tery is as follows:

1 The tract of land in the NW quarter of sec. 10, T.
2 11 S., R. 25 E., of the sixth principal meridian, in Wyan-
3 dotte County, Kansas (as surveyed and marked on the
4 ground on August 15, 1888, by William Millor, Civil Engi-
5 neer and Surveyor), described as follows:

6 “Commencing on the Northwest corner of the
7 Northwest Quarter of the Northwest Quarter of said
8 Section 10;

9 “Thence South 28 poles to the ‘true point of
10 beginning’;

11 “Thence South 71 degrees East 10 poles and
12 18 links;

13 “Thence South 18 degrees and 30 minutes
14 West 28 poles;

15 “Thence West 11 and one-half poles;

16 “Thence North 19 degrees 15 minutes East 31
17 poles and 15 feet to the ‘true point of beginning’,
18 containing 2 acres or more.”.

19 SEC. 117. (a) STUDY.—The Secretary shall enter
20 into an agreement with and provide funding, to the Na-
21 tional Academy of Sciences (“NAS”), the Board on Earth
22 Sciences and Resources, (“Board”), to conduct a detailed,
23 comprehensive study of the environmental and reclamation
24 requirements relating to mining of locatable minerals on
25 federal lands and the adequacy of those requirements to

1 prevent unnecessary or undue degradation of federal lands
2 in each state in which such mining occurs.

3 (1) CONTENTS.—The study shall identify and
4 consider—

5 (A) the operating, reclamation and permit-
6 ting requirements for locatable minerals mining
7 and exploration operations on federal lands by
8 federal and state air, water, solid waste, rec-
9 lamation and other environmental statutes, in-
10 cluding surface management regulations pro-
11 mulgated by federal land management agencies
12 and state primacy programs under applicable
13 federal statutes and state laws and the time re-
14 quirements applicable to project environmental
15 review and permitting;

16 (B) the adequacy of federal and state envi-
17 ronmental, reclamation and permitting statutes
18 and regulations applicable in any state or states
19 where mining or exploration of locatable min-
20 erals on federal lands is occurring, to prevent
21 unnecessary or undue degradation; and

22 (C) recommendations and conclusions re-
23 garding how federal and state environmental,
24 reclamation and permitting requirements and
25 programs can be coordinated to ensure environ-

1 mental protection, increase efficiency, avoid du-
2 plication and delay, and identify the most cost-
3 effective manner for implementation.

4 (2) CONSULTATION.—In preparation of the
5 study, the Board shall consult with the relevant
6 state and federal regulatory authorities to identify
7 and evaluate such requirements.

8 (b) REPORTS.—

9 (1) INTERIM REPORT.—No later than 18
10 months after the date on which the agreement is en-
11 tered under subsection (a), the Board shall submit
12 for comment an interim report to the appropriate
13 federal agencies, the Congress and the Governors of
14 affected states.

15 (2) FINAL REPORT.—Not later than six months
16 following submission of the interim report, the
17 Board shall submit a final report which takes into
18 account comments submitted by the appropriate fed-
19 eral agencies, Congress and the Governors of af-
20 fected states.

21 (c) FUNDS.—From the funds collected for mining law
22 administration, the Secretary shall provide to the NAS
23 such funds as it requests, not to exceed \$800,000, for the
24 purpose of conducting this analysis.

1 (d) SURFACE MANAGEMENT REGULATIONS.—The
2 Secretary of the Interior shall not promulgate any final
3 regulations to change the Bureau of Land Management
4 regulations found at 43 CFR Part 3809 until at least
5 ninety days after publication of the final report in sub-
6 paragraph (b)(2).

7 SEC. 118. Overhead charges levied by the Fish and
8 Wildlife Service on funds transferred from the Bureau of
9 Reclamation for the Recovery Implementation Program
10 for Endangered Fish Species in the Upper Colorado River
11 Basin and for the Recovery Implementation Program for
12 Endangered Fish Species in the San Juan River Basin
13 shall be limited to no more than three percent of the total
14 amount of the transfer.

15 SEC. 119. CONVEYANCE OF LAND TO KAWERAK, INC.
16 (a) CONVEYANCE.—Not later than 120 days from the date
17 of the enactment of this Act, the Secretary shall convey
18 to Kawerak, Inc., a non-profit tribal organization in
19 Nome, Alaska, without consideration, all right, title, and
20 interest in the United States, subject to all valid existing
21 rights and to the rights-of-way described in subsection (b),
22 in the property described as Lot 1, Block 12; the north
23 50 feet of Lots 43 and 44, Block 12; Lots 50, 51, and
24 52, Block 12; Lots 28 and 29, Block 33; and a strip of
25 land 25 feet in length running east and west by 24 feet

1 in width running north and south in the southwest corner
2 of Lot 15, Block 33, all within the Nome Townsite,
3 Records of the Cape Nome Recording District, Second Ju-
4 dicial District, State of Alaska.

5 (b) The property conveyed under subsection (a) shall
6 be subject to—

7 (1) title of the State of Alaska, Department of
8 Highways, as to the south three feet of Lots 50, 51,
9 and 52 of Block 12; and

10 (2) rights of the public or of any governmental
11 agencies in and to any portion of the property lying
12 within any roads, streets, or highways.

13 SEC. 120. None of the funds made available in this
14 or any other Act may be expended by the Secretary of
15 the Interior to promulgate regulations affecting commer-
16 cial or subsistence fishing in Glacier Bay National Park
17 or to enforce any prohibition against such fishing, if such
18 fishing is conducted in accordance with the laws and regu-
19 lations of the State of Alaska.

20 SEC. 121. Notwithstanding any other provisions of
21 law, within the funds available to the Bureau of Land
22 Management for wildland fire management preparedness,
23 \$350,000 shall be available for equipment support and
24 training to the primary manager of the southern region
25 of fireland management protection in Alaska prior to the

1 expenditure of any funds otherwise reimbursable for such
2 support and training.

3 SEC. 122. During fiscal year 1999, no funds provided
4 in this title may be expended by the Department of the
5 Interior for the administration, approval, or permitting of
6 drilling of any kind on any leases within the Manteo Ex-
7 ploration Unit and adjacent lease block numbers 777, 204,
8 599, and 470 of the Mid Atlantic planning area, prior to
9 completion of all state coastal consistency determinations
10 pursuant to the Coastal Zone Management Act for each
11 specific lease, and conclusion of litigation and administra-
12 tive appeals for each exploration plan.

13 SEC. 123. Notwithstanding any other provision of
14 law, grazing permits which expire during fiscal year 1999
15 shall be renewed for the balance of fiscal year 1999 on
16 the same terms and conditions as contained in the expiring
17 permits, or until the Bureau of Land Management com-
18 pletes processing these permits in compliance with all ap-
19 plicable laws, whichever comes first. Upon completion of
20 processing by the Bureau, the terms and conditions of ex-
21 isting grazing permits may be modified, if necessary, and
22 reissued for a term not to exceed ten years. Nothing in
23 this language shall be deemed to affect the Bureau's au-
24 thority to otherwise modify or terminate grazing permits.

1 SEC. 124. Notwithstanding any other provision of
2 law, the Secretary is authorized to permit persons, firms
3 or organizations engaged in commercial, cultural, edu-
4 cational, or recreational activities (as defined in section
5 612a of title 40, United States Code) not currently occu-
6 pying such space to use courtyards, auditoriums, meeting
7 rooms, and other space of the main and south Interior
8 building complex, Washington, D.C., the maintenance, op-
9 eration, and protection of which has been delegated to the
10 Secretary from the Administrator of General Services pur-
11 suant to the Federal Property and Administrative Services
12 Act of 1949, and to assess reasonable charges therefore,
13 subject to such procedures as the Secretary deems appro-
14 priate for such uses. Charges may be for the space, utili-
15 ties, maintenance, repair, and other services. Charges for
16 such space and services may be at rates equivalent to the
17 prevailing commercial rate for comparable space and serv-
18 ices devoted to a similar purpose in the vicinity of the
19 main and south Interior building complex, Washington,
20 D.C. for which charges are being assessed. The Secretary
21 may without further appropriation hold, administer, and
22 use such proceeds within the Departmental Management
23 Working Capital Fund to offset the operation of the build-
24 ings under his jurisdiction, whether delegated or other-
25 wise, and for related purposes, until expended.

1 SEC. 125. CONVEYANCE TO THE TOWN OF
2 PAHRUMP, NEVADA. (a) CONVEYANCE.—The Secretary of
3 the Interior, acting through the Director of the Bureau
4 of Land Management, shall convey to the town of
5 Pahrump, Nevada, without consideration—

6 (1) all right, title, and interest of the United
7 States, subject to all valid existing rights, in the
8 property described as the N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 32
9 and the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 33, T. 20
10 S., R. 54 E., Mount Diablo Meridian; and

11 (2) a right-of-way for access between the prop-
12 erty described in paragraph (1) and Nevada Route
13 160.

14 (b) USE.—The conveyance of the property under sub-
15 section (a) shall be subject to reversion to the United
16 States if the property is used for a purpose other than
17 the purpose of a public fairground or a related public pur-
18 pose.

19 SEC. 126. (a) SHORT TITLE.—This section may be
20 cited as the “King Cove Health and Safety Act of 1998”.

21 (b) FINDINGS.—The Congress finds that—

22 (1) King Cove, Alaska is a community in the
23 westernmost region of the Alaska Peninsula with a
24 population of roughly 800 full-time residents and an
25 additional 400 to 600 workers who are transported

1 in and out of the community a number of times a
2 year to work in the local fish processing plant and
3 on fishing vessels;

4 (2) the majority of the full-time residents are
5 indigenous Native peoples of Aleut ancestry that
6 have resided in the region for over 5,000 years;

7 (3) the only mode of access to or from King
8 Cove is via small aircraft or fishing boat, and the
9 weather patterns are so severe and unpredictable
10 that King Cove is one of the worst places in all of
11 the United States to access by either of these modes
12 of transportation;

13 (4) the State of Alaska has initiated the King
14 Cove to Cold Bay Transportation Improvement As-
15 sessment to confirm the need for transportation im-
16 provements for King Cove and to identify alternative
17 methods of improving transportation access with
18 comprehensive environmental and economic review of
19 each alternative;

20 (5) the State of Alaska has identified a road be-
21 tween King Cove and Cold Bay as one of the alter-
22 natives to be evaluated in the transportation plan-
23 ning process but for a road to be a viable option for
24 the State of Alaska, the Congress must grant a leg-
25 islative easement within the Izembek National Wild-

1 life Refuge (“Refuge”) across approximately seven
2 miles of wilderness land owned by the Federal Gov-
3 ernment;

4 (6) there are fourteen miles of roads within the
5 wilderness boundary of the Refuge which are cur-
6 rently traveled by vehicles;

7 (7) any road constructed in accordance with
8 such easement would be an unpaved, one-lane road
9 sufficient in width to satisfy State law; and

10 (8) the combined communities of King Cove
11 and Cold Bay have approximately 250 vehicles;

12 (c) PURPOSE.—The purpose of this section is to es-
13 tablish a surface transportation easement across Federal
14 lands within the Refuge and to transfer 664 acres of high
15 value habitat lands adjacent to the Refuge in fee simple
16 from the King Cove Corporation to the Federal Govern-
17 ment as new wilderness lands within the Refuge in ex-
18 change for redesignating a narrow corridor of land within
19 the Refuge as nonwilderness lands.

20 (d) LAND EXCHANGE.—If the King Cove Corpora-
21 tion offers to transfer to the United States all right, title,
22 and interest of the Corporation in and to all land owned
23 by the Corporation in Sections 2, 3, 4, 5, 6, and 7 of T
24 57 S, R 88 W, Seward Meridian, Alaska, and any improve-
25 ments thereon, the Secretary of the Interior (“Secretary”)

1 shall, not later than 30 days after such offer, grant the
2 Aleutians East Borough a perpetual right-of-way of 60
3 feet in width through the lands described in subsections
4 (f) and (g) of this Act, for the construction, operation,
5 and maintenance of certain utility-related fixtures and of
6 a public road between the city of Cold Bay, Alaska, and
7 the city of King Cove, Alaska and accept the transfer of
8 the offered lands. Upon transfer to the United States such
9 lands shall be managed in accordance with section 1302(i)
10 of the Alaska National Interest Lands Conservation Act,
11 and shall be included within the Refuge and be managed
12 as wilderness.

13 (e) RIGHT-OF-WAY.—Unless otherwise agreed to by
14 the Secretary and the Aleutians East Borough, the right-
15 of-way granted under subsection (d) shall—

16 (1) include sufficient lands for logistical staging
17 areas and construction material sites used for the
18 construction and maintenance of an unpaved, one-
19 lane public road sufficient in width to meet the mini-
20 mum requirements necessary to satisfy State law;

21 (2) meet all requirements for a public highway
22 right-of-way under the laws of the State of Alaska;
23 and

24 (3) include the right for the Aleutians East
25 Borough, or its assignees, to construct, operate, and

1 maintain electrical, telephone, or other utility facili-
2 ties and structures within the right-of-way.

3 (f) CONFORMING CHANGE.—Upon the offer of Cor-
4 poration lands under subsection (d) the boundaries of the
5 wilderness area within the Refuge are hereby modified to
6 exclude from wilderness designation a 100 foot wide cor-
7 ridor to accommodate the right-of-way within the following
8 land sections—

9 (1) sections 19, 20, 21, 22, 23, 24, 25, 26, 27,
10 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward
11 Meridian, Alaska;

12 (2) sections 23, 24, 25, 26, 27, 34, 35, and 36
13 of T 56 S, R 88 W, Seward Meridian, Alaska;

14 (3) sections 1, 2, 11, and 12 of T 57 S, R 89
15 W, Seward Meridian, Alaska.

16 (g) RIGHT-OF-WAY LOCATION.—Unless otherwise
17 agreed to by the Secretary and the Aleutians East Bor-
18 ough, the right-of-way granted under subsection (d) shall
19 be located within—

20 (1) sections 2, 3, 10, and 11 of T 59 S, R 86
21 W, Seward Meridian, Alaska;

22 (2) sections 27, 28, 29, 30, 31, 32, 33, 34, and
23 35 of T 59 S, R 86 W, Seward Meridian, Alaska;

1 (3) sections 3, 4, 9, 10, 13, 14, 15, 16, 23, 24,
2 25, 26, and 36 of T 58 S, R 87 W, Seward Merid-
3 ian, Alaska;

4 (4) sections 5, 6, 7, 8, 9, 16, 17, 20, 21, 27,
5 28, 29, 32, 33, and 34 of T 57 S, R 87 W, Seward
6 Meridian, Alaska;

7 (5) sections 19, 20, 21, 22, 23, 24, 25, 26, 27,
8 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward
9 Meridian, Alaska;

10 (6) sections 23, 24, 25, 26, 27, 34, 35, and 36
11 of T 56 S, R 88 W, Seward Meridian, Alaska;

12 (7) section 6 of T 57 S, R 88 W, Seward Me-
13 ridian, Alaska; and

14 (8) sections 1, 2, 11, and 12 of T 57 S, R 89
15 W, Seward Meridian, Alaska.

16 (h) TECHNICAL AMENDMENTS.—The following provi-
17 sions of law shall not be applicable to any right-of-way
18 established under subsections (d) and (e) of this Act or
19 to any road constructed on such right-of-way—

20 (1) Section 22(g) of the Alaska Native Claims
21 Settlement Act (43 U.S.C. 1621(g)).

22 (2) Title XI of the Alaska National Interest
23 Lands Conservation Act (16 U.S.C. 3161 et seq.),
24 except as specified in this section.

1 (3) Section 303(e) of title 49, United States
2 Code.

3 (i) The Secretary and the Aleutians East Borough
4 shall jointly prepare a plan setting forth—

5 (1) The times of the year a road may reason-
6 ably be constructed when there are not high con-
7 centrations of migratory birds in Kinzarof Lagoon;
8 and

9 (2) Limitations on non-emergency road traffic
10 during periods of the year when there are high con-
11 centrations of migratory birds in Kinzarof Lagoon.

12 (j) If within 24 months of the date the King Cove
13 Corporation offers to transfer to the United States all
14 right, title, and interest of the Corporation lands set forth
15 in subsection (d) of this section, the Secretary and the
16 Aleutians East Borough fail to mutually agree on the fol-
17 lowing—

18 (1) a final land exchange and a grant of a
19 right-of-way pursuant to subsection (d) of this sec-
20 tion;

21 (2) the right-of-way specifications, and terms
22 and conditions of use set forth in subsections (e),
23 (f), (g) and (i) of this section;

24 then the Aleutians East Borough shall have the right to
25 select a 60 foot right-of-way for the construction, oper-

1 ation, and maintenance of certain utility-related fixtures
2 and of a public road from lands described in subsection
3 (g) of this section, and to identify logistical staging areas
4 and construction material sites within the right-of-way. If
5 an agreement is not reached within 6 months after the
6 Aleutians East Borough notifies the Secretary of its selec-
7 tion, then the right-of-way is hereby granted to the Bor-
8 ough.

9 SEC. 127. Notwithstanding any other provision of
10 law, none of the funds provided in this Act or any other
11 Act hereafter enacted may be used by the Secretary of
12 the Interior, except with respect to land exchange costs
13 and costs associated with the preparation of land acquisi-
14 tions, in the acquisition of State, private, or other non-
15 federal lands (or any interest therein) in the State of Alas-
16 ka, unless, in the acquisition of any State, private, or other
17 non-federal lands (or interest therein) in the State of Alas-
18 ka, the Secretary seeks to exchange unreserved public
19 lands before purchasing all or any portion of such lands
20 (or interest therein) in the State of Alaska.

21 SEC. 128. CHARLESTON, ARKANSAS NATIONAL COM-
22 MEMORATIVE SITE. (a) The Congress finds that—

23 (1) the 1954 U.S. Supreme Court decision of
24 Brown v. Board of Education, which mandated an
25 end to the segregation of public schools, was one of

1 the most significant Court decisions in the history of
2 the United States;

3 (2) the Charleston Public School District in
4 Charleston, Arkansas, in September, 1954, became
5 the first previously-segregated public school district
6 in the former Confederacy to integrate following the
7 Brown decision;

8 (3) the orderly and peaceful integration of the
9 public schools in Charleston served as a model and
10 inspiration in the development of the Civil Rights
11 movement in the United States, particularly with re-
12 spect to public education; and

13 (4) notwithstanding the important role of the
14 Charleston School District in the successful imple-
15 mentation of integrated public schools, the role of
16 the district has not been adequately commemorated
17 and interpreted for the benefit and understanding of
18 the nation.

19 (b) The Charleston Public School complex in Charles-
20 ton, Arkansas is hereby designated as the “Charleston Na-
21 tional Commemorative Site” in commemoration of the
22 Charleston schools’ role as the first public school district
23 in the South to integrate following the 1954 United States
24 Supreme Court decision, *Brown v. Board of Education*.

1 (c) The Secretary, after consultation with the
2 Charleston Public School District, shall establish an ap-
3 propriate commemorative monument and interpretive ex-
4 hibit at the Charleston National Commemorative Site to
5 commemorate the 1954 integration of Charleston's public
6 schools.

7 SEC. 129. (a) Prior to distribution of tribal priority
8 allocations (hereinafter in this section "TPA") for fiscal
9 year 1999, the Secretary of the Interior through the Bu-
10 reau of Indian Affairs (BIA) shall identify the top 10 per-
11 cent of tribes in the lower 48 states in terms of tribal reve-
12 nue measured on a per capita basis during fiscal year
13 1997. The tribes identified by BIA shall receive 50 percent
14 of their TPA funding in fiscal year 1999, and the TPA
15 funding that otherwise would have gone to such tribes
16 shall be distributed at the discretion of the Secretary
17 among the tribes in the bottom 20 percent of tribes in
18 the lower 48 states in terms of tribal revenue measured
19 on a per capita basis during fiscal year 1997. In determin-
20 ing revenue and need for the purposes of identifying the
21 top 10 percent and the bottom 20 percent of tribes, the
22 Bureau of Indian Affairs will take into account the finan-
23 cial obligations of a tribe, such as budgeted health, edu-
24 cation and public works service costs; its compliance, obli-
25 gations and spending requirements under the Indian Gam-

1 ing Regulatory Act; its compliance with the Single Audit
2 Act; its compact with its state; investments, and assets
3 such as natural resources that may be undeveloped.

4 (b) The BIA shall develop formulas by which TPA
5 funds for tribes will be allocated primarily on the basis
6 of need, taking into account each tribe's tribal revenues
7 for future disbursements of TPA beginning in fiscal year
8 2000. The BIA shall submit to Congress its recommenda-
9 tions for need-based distribution formulas for TPA funds
10 no later than March 1, 1999. Such recommendations shall
11 include several proposed formulas, which shall provide al-
12 ternative means of measuring the wealth and needs of
13 tribes. In determining revenue and need for the purposes
14 of this subsection, the Bureau of Indian Affairs will take
15 into account the financial obligations of a tribe, such as
16 budgeted health, education and public works service costs;
17 its compliance, obligations and spending requirements
18 under the Indian Gaming Regulatory Act; its compliance
19 with the Single Audit Act; its compact with its state; in-
20 vestments, and assets such as natural resources that may
21 be undeveloped.

22 (c) Notwithstanding any other provision of law, the
23 BIA is hereby authorized and directed to collect from each
24 tribe, receiving or seeking to receive TPA funding, such
25 financial and supporting information as is necessary to de-

1 termine such tribe's tribal revenues for use in determining
2 such tribe's wealth for the purposes of this section, and
3 any information the Secretary determines is necessary to
4 establish such tribe's needs. The BIA shall obtain infor-
5 mation on the previous calendar or fiscal year's tribal reve-
6 nues no later than April 15th of each year. For purposes
7 of implementing subsections (a) and (b), the BIA shall
8 require each tribe that received TPA funds in fiscal year
9 1998 to submit such information by November 1, 1998.

10 (d) At the request of a tribe, the BIA shall provide
11 such technical assistance as is necessary to foster the
12 tribe's compliance with subsection (c). Any tribe which
13 does not comply with subsection (c) in any given year will
14 be ineligible to receive TPA funds for the following fiscal
15 year beyond a minimum amount to be determined by the
16 Secretary, as such tribe's relative need cannot be deter-
17 mined.

18 (e) For the purposes of this section, the term "tribal
19 revenue" means income, however derived, from any ven-
20 ture (regardless of the nature or purpose of the activity,
21 and including gaming) owned, held, or operated, in whole
22 or in part, by any entity (whether corporate, partnership,
23 sole proprietorship, trust or cooperative in nature) on be-
24 half of the collective members of any tribe that has re-
25 ceived or seeks to receive TPA, and any income from li-

1 cense fees and royalties collected by any such tribe. The
2 expenses of business ventures covered by this subsection
3 must be within reasonable limits comparable with private
4 sector business expenses. Payments by corporations to
5 shareholders who are shareholders based on stock owner-
6 ship, not tribal membership, will not be considered tribal
7 revenues under this section unless the corporation is oper-
8 ated by a tribe.

9 SEC. 130. None of the Funds provided in this Act
10 shall be available to the Bureau of Indian Affairs or the
11 Department of the Interior to transfer land into trust sta-
12 tus in Scott County, Minnesota.

13 SEC. 131. None of the funds in this or any other Act
14 shall be used to issue a notice of final rulemaking with
15 respect to the valuation of crude oil for royalty purposes,
16 including a rulemaking derived from proposed rules pub-
17 lished in 63 Federal Register 6113 (1998), 62 Federal
18 Register 36030, and 62 Federal Register 3742 (1997)
19 until October 1, 1999 or until there is a negotiated agree-
20 ment on the rule.

1 TITLE II—RELATED AGENCIES
2 DEPARTMENT OF AGRICULTURE
3 FOREST SERVICE
4 FOREST AND RANGELAND RESEARCH

5 For necessary expenses of forest and rangeland re-
6 search as authorized by law, \$212,927,000, to remain
7 available until expended.

8 STATE AND PRIVATE FORESTRY

9 For necessary expenses of cooperating with and pro-
10 viding technical and financial assistance to States, terri-
11 tories, possessions, and others, and for forest health man-
12 agement, cooperative forestry, and education and land
13 conservation activities, \$165,091,000, to remain available
14 until expended, as authorized by law.

15 NATIONAL FOREST SYSTEM

16 For necessary expenses of the Forest Service, not
17 otherwise provided for, for management, protection, im-
18 provement, and utilization of the National Forest System,
19 \$1,129,098,000, to remain available until expended, which
20 shall include 50 percent of all moneys received during
21 prior fiscal years as fees collected under the Land and
22 Water Conservation Fund Act of 1965, as amended, in
23 accordance with section 4 of the Act (16 U.S.C. 460l-
24 6a(i)): *Provided*, That up to \$3,000,000 of funds provided
25 herein may be used to construct or reconstruct facilities

1 of the Forest Service: *Provided further*, That no more than
2 \$100,000 shall be used on any single project, exclusive of
3 planning and design costs.

4 WILDLAND FIRE MANAGEMENT

5 For necessary expenses for forest fire presuppression
6 activities on National Forest System lands, for emergency
7 fire suppression on or adjacent to such lands or other
8 lands under fire protection agreement, and for emergency
9 rehabilitation of burned-over National Forest System
10 lands, \$587,885,000, to remain available until expended:
11 *Provided*, That such funds are available for repayment of
12 advances from other appropriations accounts previously
13 transferred for such purposes.

14 For an additional amount to cover necessary expenses
15 for emergency rehabilitation, presuppression due to emer-
16 gencies, and wildfire suppression activities of the Forest
17 Service, \$102,000,000, to remain available until expended:
18 *Provided*, That the entire amount is designated by Con-
19 gress as an emergency requirement pursuant to section
20 251(b)(2)(A) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985, as amended: *Provided further*,
22 That these funds shall be available only to the extent an
23 official budget request for a specific dollar amount, that
24 includes designation of the entire amount of the request
25 as an emergency requirement as defined in the Balanced

1 Budget and Emergency Deficit Control Act of 1985, as
2 amended, is transmitted by the President to the Congress.

3 RECONSTRUCTION AND CONSTRUCTION

4 For necessary expenses of the Forest Service, not
5 otherwise provided for, \$353,840,000, to remain available
6 until expended for construction, reconstruction and acqui-
7 sition of buildings and other facilities, and for construc-
8 tion, reconstruction, repair and maintenance of forest
9 roads and trails by the Forest Service as authorized by
10 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*,
11 That up \$10,000,000 of the funds provided herein for
12 road maintenance shall be available for the decommission-
13 ing of roads, including unauthorized roads not part of the
14 transportation system, which are no longer needed: *Pro-*
15 *vided further*, That \$6,600,000 shall be derived from the
16 Environmental Improvement and Restoration Fund pur-
17 suant to Public Law 105–83: *Provided further*, That no
18 funds shall be expended to decommission any system road
19 until the Regional Forester for each region certifies to the
20 Appropriations Committees of the House of Representa-
21 tives and the Senate, that all unauthorized roads on na-
22 tional forest lands have either been decommissioned or re-
23 constructed to standards required of national forest sys-
24 tem roads.

1 LAND ACQUISITION

2 For expenses necessary to carry out the provisions
3 of the Land and Water Conservation Fund Act of 1965,
4 as amended (16 U.S.C. 4601–4 through 11), including ad-
5 ministrative expenses, and for acquisition of land or wa-
6 ters, or interest therein, in accordance with statutory au-
7 thority applicable to the Forest Service, \$67,022,000, to
8 be derived from the Land and Water Conservation Fund,
9 to remain available until expended.

10 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL

11 ACTS

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

18 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

1 RANGE BETTERMENT FUND

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

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

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

17 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

18 Appropriations to the Forest Service for the current
19 fiscal year shall be available for: (1) purchase of not to
20 exceed 177 passenger motor vehicles of which 22 will be
21 used primarily for law enforcement purposes and of which
22 176 shall be for replacement; acquisition of 25 passenger
23 motor vehicles from excess sources, and hire of such vehi-
24 cles; operation and maintenance of aircraft, the purchase
25 of not to exceed two for replacement only, and acquisition

1 of sufficient aircraft from excess sources to maintain the
2 operable fleet at 198 aircraft for use in Forest Service
3 wildland fire programs and other Forest Service programs;
4 notwithstanding other provisions of law, existing aircraft
5 being replaced may be sold, with proceeds derived or
6 trade-in value used to offset the purchase price for the
7 replacement aircraft; (2) services pursuant to 7 U.S.C.
8 2225, and not to exceed \$100,000 for employment under
9 5 U.S.C. 3109; (3) purchase, erection, and alteration of
10 buildings and other public improvements (7 U.S.C. 2250);
11 (4) acquisition of land, waters, and interests therein, pur-
12 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
13 Volunteers in the National Forest Act of 1972 (16 U.S.C.
14 558a, 558d, and 558a note); (6) the cost of uniforms as
15 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
16 lection contracts in accordance with 31 U.S.C. 3718(c).

17 None of the funds made available under this Act shall
18 be obligated or expended to abolish any region, to move
19 or close any regional office for research, State and private
20 forestry, or National Forest System administration of the
21 Forest Service, Department of Agriculture without the
22 consent of the House and Senate Committees on Appro-
23 priations.

24 Any appropriations or funds available to the Forest
25 Service may be transferred to the Wildland Fire Manage-

1 ment appropriation for forest firefighting, emergency re-
2 habilitation of burned-over or damaged lands or waters
3 under its jurisdiction, and fire preparedness due to severe
4 burning conditions.

5 Funds appropriated to the Forest Service shall be
6 available for assistance to or through the Agency for Inter-
7 national Development and the Foreign Agricultural Serv-
8 ice in connection with forest and rangeland research, tech-
9 nical information, and assistance in foreign countries, and
10 shall be available to support forestry and related natural
11 resource activities outside the United States and its terri-
12 tories and possessions, including technical assistance, edu-
13 cation and training, and cooperation with United States
14 and international organizations.

15 None of the funds made available to the Forest Serv-
16 ice under this Act shall be subject to transfer under the
17 provisions of section 702(b) of the Department of Agri-
18 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
19 147b unless the proposed transfer is approved in advance
20 by the House and Senate Committees on Appropriations
21 in compliance with the reprogramming procedures con-
22 tained in House Report 105–163.

23 None of the funds available to the Forest Service may
24 be reprogrammed without the advance approval of the
25 House and Senate Committees on Appropriations in ac-

1 cordance with the procedures contained in House Report
2 105–163.

3 No funds appropriated to the Forest Service shall be
4 transferred to the Working Capital Fund of the Depart-
5 ment of Agriculture without the approval of the Chief of
6 the Forest Service.

7 Notwithstanding any other provision of law, hereafter
8 any appropriations or funds available to the Forest Service
9 may be used to disseminate program information to pri-
10 vate and public individuals and organizations through the
11 use of nonmonetary items of nominal value and to provide
12 nonmonetary awards of nominal value and to incur nec-
13 essary expenses for the nonmonetary recognition of private
14 individuals and organizations that make contributions to
15 Forest Service programs.

16 Notwithstanding any other provision of law, hereafter
17 money collected, in advance or otherwise, by the Forest
18 Service under authority of section 101 of Public Law 93–
19 153 (30 U.S.C. 185(1)) as reimbursement of administra-
20 tive and other costs incurred in processing pipeline right-
21 of-way or permit applications and for costs incurred in
22 monitoring the construction, operation, maintenance, and
23 termination of any pipeline and related facilities, may be
24 used to reimburse the applicable appropriation to which
25 such costs were originally charged.

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

7 None of the funds available in this Act shall be used
8 for timber sale preparation using clearcutting in hardwood
9 stands in excess of 25 percent of the fiscal year 1989 har-
10 vested volume in the Wayne National Forest, Ohio: *Pro-*
11 *vided*, That this limitation shall not apply to hardwood
12 stands damaged by natural disaster: *Provided further*,
13 That landscape architects shall be used to maintain a vis-
14 ually pleasing forest.

15 Any money collected from the States for fire suppres-
16 sion assistance rendered by the Forest Service on non-
17 Federal lands not in the vicinity of National Forest Sys-
18 tem lands shall hereafter be used to reimburse the applica-
19 ble appropriation and shall remain available until ex-
20 pended as the Secretary may direct in conducting activi-
21 ties authorized by 16 U.S.C. 2101 note, 2101-2110, 1606,
22 and 2111.

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

1 Notwithstanding any other provision of law, hereafter
2 the Forest Service is authorized to employ or otherwise
3 contract with persons at regular rates of pay, as deter-
4 mined by the Service, to perform work occasioned by emer-
5 gencies such as fires, storms, floods, earthquakes or any
6 other unavoidable cause without regard to Sundays, Fed-
7 eral holidays, and the regular workweek.

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

14 Pursuant to sections 405(b) and 410(b) of Public
15 Law 101-593, of the funds available to the Forest Service,
16 up to \$2,250,000 may be advanced in a lump sum as Fed-
17 eral financial assistance to the National Forest Founda-
18 tion, without regard to when the Foundation incurs ex-
19 penses, for administrative expenses or projects on or bene-
20 fitting National Forest System lands or related to Forest
21 Service programs: *Provided*, That of the Federal funds
22 made available to the Foundation, no more than \$500,000
23 shall be available for administrative expenses: *Provided*
24 *further*, That the Foundation shall obtain, by the end of
25 the period of Federal financial assistance, private con-

1 tributions to match on at least one-for-one basis funds
2 made available by the Forest Service: *Provided further*,
3 That the Foundation may transfer Federal funds to a
4 non-Federal recipient for a project at the same rate that
5 the recipient has obtained the non-Federal matching
6 funds: *Provided further*, That hereafter, the National For-
7 est Foundation may hold Federal funds made available
8 but not immediately disbursed and may use any interest
9 or other investment income earned (before, on, or after
10 the date of enactment of this Act) on Federal funds to
11 carry out the purposes of Public Law 101–593: *Provided*
12 *further*, That such investments may be made only in inter-
13 est-bearing obligations of the United States or in obliga-
14 tions guaranteed as to both principal and interest by the
15 United States.

16 Pursuant to section 2(b)(2) of Public Law 98–244,
17 up to \$3,000,000 of the funds available to the Forest
18 Service shall be available for matching funds to the Na-
19 tional Fish and Wildlife Foundation, as authorized by 16
20 U.S.C. 3701–3709, and may be advanced in a lump sum
21 as Federal financial assistance, without regard to when
22 expenses are incurred, for projects on or benefitting Na-
23 tional Forest System lands or related to Forest Service
24 programs: *Provided*, That the Foundation shall obtain, by
25 the end of the period of Federal financial assistance, pri-

1 vate contributions to match on at least one-for-one basis
2 funds advanced by the Forest Service: *Provided further*,
3 That the Foundation may transfer Federal funds to a
4 non-Federal recipient for a project at the same rate that
5 the recipient has obtained the non-Federal matching
6 funds.

7 Funds appropriated to the Forest Service shall be
8 available for interactions with and providing technical as-
9 sistance to rural communities for sustainable rural devel-
10 opment purposes.

11 Notwithstanding any other provision of law, 80 per-
12 cent of the funds appropriated to the Forest Service in
13 the “National Forest System” and “Reconstruction and
14 Construction” accounts and planned to be allocated to ac-
15 tivities under the “Jobs in the Woods” program for
16 projects on National Forest land in the State of Washing-
17 ton may be granted directly to the Washington State De-
18 partment of Fish and Wildlife for accomplishment of
19 planned projects. Twenty percent of said funds shall be
20 retained by the Forest Service for planning and admin-
21 istering projects. Project selection and prioritization shall
22 be accomplished by the Forest Service with such consulta-
23 tion with the State of Washington as the Forest Service
24 deems appropriate.

1 Funds appropriated to the Forest Service shall be
2 available for payments to counties within the Columbia
3 River Gorge National Scenic Area, pursuant to sections
4 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
5 663.

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

24 Funds appropriated to the Forest Service shall be
25 available, as determined by the Secretary, for payments

1 to Del Norte County, California, pursuant to sections
2 13(e) and 14 of the Smith River National Recreation Area
3 Act (Public Law 101–612).

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

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

17 The Forest Service shall fund overhead, national
18 commitments, indirect expenses, and any other category
19 for use of funds which are expended at any units, that
20 are not directly related to the accomplishment of specific
21 work on-the-ground, from funds available to the Forest
22 Service, unless otherwise prohibited by law: *Provided*,
23 That no later than December 15, 1998, the Forest Service
24 shall provide, to the Committees on Appropriations of the
25 House of Representatives and Senate, definitions for use

1 with the fiscal year 2000 budget for overhead, national
2 commitments, indirect expenses, and any other category
3 for use of funds which are expended at any units that are
4 not directly related to the accomplishment of specific work
5 on-the-ground: *Provided further*, That the Forest Service
6 shall implement and adhere to these standards on a na-
7 tionwide basis without flexibility for modification by any
8 organizational level except the Washington Office: *Pro-*
9 *vided further*, That the Forest Service shall provide in the
10 fiscal year 2000 budget justification planned expenditures
11 in accordance with the definitions, displayed at a mini-
12 mum to the Regional, Station, Area, and detached unit
13 office level, and quantified to the Ranger District and
14 comparative field unit level. The justification shall display
15 the source, by expanded budget line item, of funds to ad-
16 dress these costs for fiscal year 2000 and will implement
17 and display these sources based on the fiscal year 1999
18 budget allocation. Changes to these funding levels and
19 funding sources shall be subject to reprogramming guide-
20 lines.

21 DEPARTMENT OF ENERGY

22 CLEAN COAL TECHNOLOGY

23 (DEFERRAL)

24 Of the funds made available under this heading for
25 obligation in prior years, \$10,000,000 of such funds shall

1 not be available until October 1, 1999; \$15,000,000 shall
2 not be available until October 1, 2000; and \$15,000,000
3 shall not be available until October 1, 2001: *Provided*,
4 That funds made available in previous appropriations Acts
5 shall be available for any ongoing project regardless of the
6 separate request for proposal under which the project was
7 selected.

8 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

9 For necessary expenses in carrying out fossil energy
10 research and development activities, under the authority
11 of the Department of Energy Organization Act (Public
12 Law 95–91), including the acquisition of interest, includ-
13 ing defeasible and equitable interests in any real property
14 or any facility or for plant or facility acquisition or expan-
15 sion, and for conducting inquiries, technological investiga-
16 tions and research concerning the extraction, processing,
17 use, and disposal of mineral substances without objection-
18 able social and environmental costs (30 U.S.C. 3, 1602,
19 and 1603), performed under the minerals and materials
20 science programs at the Albany Research Center in Or-
21 egon, \$376,431,000, to remain available until expended:
22 *Provided*, That no part of the sum herein made available
23 shall be used for the field testing of nuclear explosives in
24 the recovery of oil and gas.

1 ALTERNATIVE FUELS PRODUCTION
2 (INCLUDING TRANSFER OF FUNDS)

3 Moneys received as investment income on the prin-
4 cipal amount in the Great Plains Project Trust at the
5 Norwest Bank of North Dakota, in such sums as are
6 earned as of October 1, 1998, shall be deposited in this
7 account and immediately transferred to the general fund
8 of the Treasury. Moneys received as revenue sharing from
9 operation of the Great Plains Gasification Plant shall be
10 immediately transferred to the general fund of the Treas-
11 ury.

12 NAVAL PETROLEUM AND OIL SHALE RESERVES

13 For necessary expenses in carrying out naval petro-
14 leum and oil shale reserve activities, \$14,056,000, to re-
15 main available until expended: *Provided*, That the require-
16 ments of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal
17 year 1999: *Provided further*, That, notwithstanding any
18 other provision of law, funds available pursuant to the
19 first proviso under this head in Public Law 101–512 shall
20 be immediately available for all naval petroleum and oil
21 shale reserve activities.

22 ENERGY CONSERVATION

23 For necessary expenses in carrying out energy con-
24 servation activities, \$677,701,000, to remain available
25 until expended, including, notwithstanding any other pro-

1 vision of law, the excess amount for fiscal year 1999 deter-
2 mined under the provisions of section 3003(d) of Public
3 Law 99–509 (15 U.S.C. 4502): *Provided*, That the
4 amount appropriated herein shall be reduced by an
5 amount equal to the difference between the estimate of
6 the excess amount for fiscal year 1999 under the provi-
7 sions of section 3003(d) of Public Law 99–509 contained
8 in the fiscal year 1999 budget request and the estimate
9 of the excess amount for fiscal year 1999 determined
10 under the provisions of section 3003(d) of Public Law 99–
11 509 contained in the March, 1998 Congressional Budget
12 Office estimate of the President’s fiscal year 1999 budget
13 request: *Provided*, That \$160,200,000 shall be for use in
14 energy conservation programs as defined in section
15 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall
16 not be available until excess amounts are determined
17 under the provisions of section 3003(d) of Public Law 99–
18 509 (15 U.S.C. 4502): *Provided further*, That notwith-
19 standing section 3003(d)(2) of Public Law 99–509 such
20 sums shall be allocated to the eligible programs as follows:
21 \$129,000,000 for weatherization assistance grants and
22 \$31,200,000 for State energy conservation grants.

1 ECONOMIC REGULATION

2 For necessary expenses in carrying out the activities
3 of the Office of Hearings and Appeals, \$1,801,000, to re-
4 main available until expended.

5 STRATEGIC PETROLEUM RESERVE

6 For necessary expenses for Strategic Petroleum Re-
7 serve facility development and operations and program
8 management activities pursuant to the Energy Policy and
9 Conservation Act of 1975, as amended (42 U.S.C. 6201
10 et seq.), \$155,120,000, to remain available until expended.

11 ENERGY INFORMATION ADMINISTRATION

12 For necessary expenses in carrying out the activities
13 of the Energy Information Administration, \$68,000,000,
14 to remain available until expended.

15 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

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

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

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

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

1 endar days to a day certain) from the receipt by the
2 Speaker of the House of Representatives and the Presi-
3 dent of the Senate of a full comprehensive report on such
4 project, including the facts and circumstances relied upon
5 in support of the proposed project.

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

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

16 The Secretary in fiscal year 1999 and thereafter,
17 shall continue the process begun in fiscal year 1998 of
18 accepting funds from other Federal agencies in return for
19 assisting agencies in achieving energy efficiency in Federal
20 facilities and operations by the use of privately financed,
21 energy savings performance contracts and other private fi-
22 nancing mechanisms. The funds may be provided after
23 agencies begin to realize energy cost savings; may be re-
24 tained by the Secretary until expended; and may be used
25 only for the purpose of assisting Federal agencies in

1 achieving greater efficiency, water conservation and use
2 of renewable energy by means of privately financed mecha-
3 nisms, including energy savings performance contracts
4 and utility incentive programs. These recovered funds will
5 continue to be used to administer even greater energy effi-
6 ciency, water conservation and use of renewable energy by
7 means of privately financed mechanisms such as utility ef-
8 ficiency service contracts and energy savings performance
9 contracts. The recoverable funds will be used for all nec-
10 essary program expenses, including contractor support
11 and resources needed, to achieve overall Federal energy
12 management program objectives for greater energy sav-
13 ings. Any such privately financed contracts shall meet the
14 provisions of the Energy Policy Act of 1992, Public Law
15 102-486 regarding energy savings performance contracts
16 and utility incentive programs.

17 DEPARTMENT OF HEALTH AND HUMAN
18 SERVICES

19 INDIAN HEALTH SERVICE

20 INDIAN HEALTH SERVICES

21 For expenses necessary to carry out the Act of Au-
22 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
23 tion Act, the Indian Health Care Improvement Act, and
24 titles II and III of the Public Health Service Act with re-
25 spect to the Indian Health Service, \$1,888,602,000, to-

1 gether with payments received during the fiscal year pur-
2 suant to 42 U.S.C. 238(b) for services furnished by the
3 Indian Health Service: *Provided*, That funds made avail-
4 able to tribes and tribal organizations through contracts,
5 grant agreements, or any other agreements or compacts
6 authorized by the Indian Self-Determination and Edu-
7 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
8 deemed to be obligated at the time of the grant or contract
9 award and thereafter shall remain available to the tribe
10 or tribal organization without fiscal year limitation: *Pro-*
11 *vided further*, That \$12,000,000 shall remain available
12 until expended, for the Indian Catastrophic Health Emer-
13 gency Fund: *Provided further*, That \$364,792,000 for con-
14 tract medical care shall remain available for obligation
15 until September 30, 2000: *Provided further*, That of the
16 funds provided, up to \$17,000,000 shall be used to carry
17 out the loan repayment program under section 108 of the
18 Indian Health Care Improvement Act: *Provided further*,
19 That funds provided in this Act may be used for one-year
20 contracts and grants which are to be performed in two
21 fiscal years, so long as the total obligation is recorded in
22 the year for which the funds are appropriated: *Provided*
23 *further*, That the amounts collected by the Secretary of
24 Health and Human Services under the authority of title
25 IV of the Indian Health Care Improvement Act shall re-

1 main available until expended for the purpose of achieving
2 compliance with the applicable conditions and require-
3 ments of titles XVIII and XIX of the Social Security Act
4 (exclusive of planning, design, or construction of new fa-
5 cilities): *Provided further*, That funding contained herein,
6 and in any earlier appropriations Acts for scholarship pro-
7 grams under the Indian Health Care Improvement Act
8 (25 U.S.C. 1613) shall remain available for obligation
9 until September 30, 2000: *Provided further*, That amounts
10 received by tribes and tribal organizations under title IV
11 of the Indian Health Care Improvement Act shall be re-
12 ported and accounted for and available to the receiving
13 tribes and tribal organizations until expended: *Provided*
14 *further*, That, notwithstanding any other provision of law,
15 of the amounts provided herein, not to exceed
16 \$170,190,000 shall be for payments to tribes and tribal
17 organizations for contract or grant support costs associ-
18 ated with contracts, grants, self-governance compacts or
19 annual funding agreements between the Indian Health
20 Service and a tribe or tribal organization pursuant to the
21 Indian Self-Determination Act of 1975, as amended, prior
22 to or during fiscal year 1999.

23 INDIAN HEALTH FACILITIES

24 For construction, repair, maintenance, improvement,
25 and equipment of health and related auxiliary facilities,

1 including quarters for personnel; preparation of plans,
2 specifications, and drawings; acquisition of sites, purchase
3 and erection of modular buildings, and purchases of trail-
4 ers; and for provision of domestic and community sanita-
5 tion facilities for Indians, as authorized by section 7 of
6 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
7 Self-Determination Act, and the Indian Health Care Im-
8 provement Act, and for expenses necessary to carry out
9 such Acts and titles II and III of the Public Health Serv-
10 ice Act with respect to environmental health and facilities
11 support activities of the Indian Health Service,
12 \$263,516,000, to remain available until expended: *Pro-*
13 *vided*, That notwithstanding any other provision of law,
14 funds appropriated for the planning, design, construction
15 or renovation of health facilities for the benefit of an In-
16 dian tribe or tribes may be used to purchase land for sites
17 to construct, improve, or enlarge health or related facili-
18 ties.

19 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

20 Appropriations in this Act to the Indian Health Serv-
21 ice shall be available for services as authorized by 5 U.S.C.
22 3109 but at rates not to exceed the per diem rate equiva-
23 lent to the maximum rate payable for senior-level positions
24 under 5 U.S.C. 5376; hire of passenger motor vehicles and
25 aircraft; purchase of medical equipment; purchase of re-

1 prints; purchase, renovation and erection of modular
2 buildings and renovation of existing facilities; payments
3 for telephone service in private residences in the field,
4 when authorized under regulations approved by the Sec-
5 retary; and for uniforms or allowances therefore as au-
6 thorized by 5 U.S.C. 5901–5902; and for expenses of at-
7 tendance at meetings which are concerned with the func-
8 tions or activities for which the appropriation is made or
9 which will contribute to improved conduct, supervision, or
10 management of those functions or activities: *Provided*,
11 That in accordance with the provisions of the Indian
12 Health Care Improvement Act, non-Indian patients may
13 be extended health care at all tribally administered or In-
14 dian Health Service facilities, subject to charges, and the
15 proceeds along with funds recovered under the Federal
16 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
17 be credited to the account of the facility providing the
18 service and shall be available without fiscal year limitation:
19 *Provided further*, That notwithstanding any other law or
20 regulation, funds transferred from the Department of
21 Housing and Urban Development to the Indian Health
22 Service shall be administered under Public Law 86–121
23 (the Indian Sanitation Facilities Act) and Public Law 93–
24 638, as amended: *Provided further*, That funds appro-
25 priated to the Indian Health Service in this Act, except

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

1 appropriation structure set forth in this Act: *Provided fur-*
2 *ther*, That with respect to functions transferred by the In-
3 dian Health Service to tribes or tribal organizations, the
4 Indian Health Service is authorized to provide goods and
5 services to those entities, on a reimbursable basis, includ-
6 ing payment in advance with subsequent adjustment, and
7 the reimbursements received therefrom, along with the
8 funds received from those entities pursuant to the Indian
9 Self-Determination Act, may be credited to the same or
10 subsequent appropriation account which provided the
11 funding, said amounts to remain available until expended:
12 *Provided further*, That, heretofore and hereafter and not-
13 withstanding any other provision of law, funds available
14 to the Indian Health Service in this Act or any other Act
15 for Indian self-determination or self-governance contract
16 or grant support costs may be expended only for costs di-
17 rectly attributable to contracts, grants and compacts pur-
18 suant to the Indian Self-Determination Act and no funds
19 appropriated by this or any other Act shall be available
20 for any contract support costs or indirect costs associated
21 with any contract, grant, cooperative agreement, self-gov-
22 ernance compact, or funding agreement entered into be-
23 tween an Indian tribe or tribal organization and any entity
24 other than the Indian Health Service: *Provided further*,
25 That, notwithstanding any other provision of law, here-

1 after any funds appropriated to the Indian Health Service
2 in this or any other Act for payments to tribes and tribal
3 organizations for contract or grant support costs for con-
4 tracts, grants, self-governance compacts or annual funding
5 agreements with the Indian Health Service pursuant to
6 the Indian Self-Determination Act of 1975, as amended,
7 shall be allocated and distributed to such contracts,
8 grants, self-governance compacts and annual funding
9 agreements each year on a pro-rata proportionate basis
10 regardless of amounts allocated in any previous year to
11 such contracts, grants, self-governance compacts or an-
12 nual funding agreements: *Provided further*, That reim-
13 bursements for training, technical assistance, or services
14 provided by the Indian Health Service will contain total
15 costs, including direct, administrative, and overhead asso-
16 ciated with the provision of goods, services, or technical
17 assistance: *Provided further*, That the appropriation struc-
18 ture for the Indian Health Service may not be altered
19 without advance approval of the House and Senate Com-
20 mittees on Appropriations.

21 OTHER RELATED AGENCIES

22 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of Navajo and
25 Hopi Indian Relocation as authorized by Public Law 93-

1 531, \$15,000,000, to remain available until expended:
 2 *Provided*, That funds provided in this or any other appro-
 3 priations Act are to be used to relocate eligible individuals
 4 and groups including evictees from District 6, Hopi-parti-
 5 tioned lands residents, those in significantly substandard
 6 housing, and all others certified as eligible and not in-
 7 cluded in the preceding categories: *Provided further*, That
 8 none of the funds contained in this or any other Act may
 9 be used by the Office of Navajo and Hopi Indian Reloca-
 10 tion to evict any single Navajo or Navajo family who, as
 11 of November 30, 1985, was physically domiciled on the
 12 lands partitioned to the Hopi Tribe unless a new or re-
 13 placement home is provided for such household: *Provided*
 14 *further*, That no relocatee will be provided with more than
 15 one new or replacement home: *Provided further*, That the
 16 Office shall relocate any certified eligible relocatees who
 17 have selected and received an approved homesite on the
 18 Navajo reservation or selected a replacement residence off
 19 the Navajo reservation or on the land acquired pursuant
 20 to 25 U.S.C. 640d-10.

21 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
 22 CULTURE AND ARTS DEVELOPMENT
 23 PAYMENT TO THE INSTITUTE

24 For payment to the Institute of American Indian and
 25 Alaska Native Culture and Arts Development, as author-

1 ized by title XV of Public Law 99–498, as amended (20
2 U.S.C. 56 part A), \$3,188,000.

3 SMITHSONIAN INSTITUTION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Smithsonian Institu-
6 tion, as authorized by law, including research in the fields
7 of art, science, and history; development, preservation, and
8 documentation of the National Collections; presentation of
9 public exhibits and performances; collection, preparation,
10 dissemination, and exchange of information and publica-
11 tions; conduct of education, training, and museum assist-
12 ance programs; maintenance, alteration, operation, lease
13 (for terms not to exceed 30 years), and protection of build-
14 ings, facilities, and approaches; not to exceed \$100,000
15 for services as authorized by 5 U.S.C. 3109; up to 5 re-
16 placement passenger vehicles; purchase, rental, repair, and
17 cleaning of uniforms for employees; \$352,154,000, of
18 which not to exceed \$42,076,000 for the instrumentation
19 program, collections acquisition, Museum Support Center
20 equipment and move, exhibition reinstallation, the Na-
21 tional Museum of the American Indian, the repatriation
22 of skeletal remains program, research equipment, informa-
23 tion management, and Latino programming shall remain
24 available until expended, and including such funds as may
25 be necessary to support American overseas research cen-

1 ters and a total of \$125,000 for the Council of American
2 Overseas Research Centers: *Provided*, That funds appro-
3 priated herein are available for advance payments to inde-
4 pendent contractors performing research services or par-
5 ticipating in official Smithsonian presentations.

6 CONSTRUCTION AND IMPROVEMENTS, NATIONAL
7 ZOOLOGICAL PARK

8 For necessary expenses of planning, construction, re-
9 modeling, and equipping of buildings and facilities at the
10 National Zoological Park, by contract or otherwise,
11 \$4,400,000, to remain available until expended.

12 REPAIR AND RESTORATION OF BUILDINGS

13 For necessary expenses of repair and restoration of
14 buildings owned or occupied by the Smithsonian Institu-
15 tion, by contract or otherwise, as authorized by section
16 2 of the Act of August 22, 1949 (63 Stat. 623), including
17 not to exceed \$10,000 for services as authorized by 5
18 U.S.C. 3109, \$32,000,000, to remain available until ex-
19 pended: *Provided*, That contracts awarded for environ-
20 mental systems, protection systems, and exterior repair or
21 restoration of buildings of the Smithsonian Institution
22 may be negotiated with selected contractors and awarded
23 on the basis of contractor qualifications as well as price.

1 CONSTRUCTION

2 For necessary expenses for construction,
3 \$16,000,000, to remain available until expended: *Pro-*
4 *vided*, That notwithstanding any other provision of law,
5 a single procurement for the construction of the National
6 Museum of the American Indian may be issued which in-
7 cludes the full scope of the project: *Provided further*, That
8 the solicitation and the contract shall contain the clause
9 “availability of funds” found at 48 CFR 52.232.18.

10 NATIONAL GALLERY OF ART

11 SALARIES AND EXPENSES

12 For the upkeep and operations of the National Gal-
13 lery of Art, the protection and care of the works of art
14 therein, and administrative expenses incident thereto, as
15 authorized by the Act of March 24, 1937 (50 Stat. 51),
16 as amended by the public resolution of April 13, 1939
17 (Public Resolution 9, Seventy-sixth Congress), including
18 services as authorized by 5 U.S.C. 3109; payment in ad-
19 vance when authorized by the treasurer of the Gallery for
20 membership in library, museum, and art associations or
21 societies whose publications or services are available to
22 members only, or to members at a price lower than to the
23 general public; purchase, repair, and cleaning of uniforms
24 for guards, and uniforms, or allowances therefor, for other
25 employees as authorized by law (5 U.S.C. 5901–5902);

1 purchase or rental of devices and services for protecting
2 buildings and contents thereof, and maintenance, alter-
3 ation, improvement, and repair of buildings, approaches,
4 and grounds; and purchase of services for restoration and
5 repair of works of art for the National Gallery of Art by
6 contracts made, without advertising, with individuals,
7 firms, or organizations at such rates or prices and under
8 such terms and conditions as the Gallery may deem prop-
9 er, \$57,938,000 of which not to exceed \$3,026,000 for the
10 special exhibition program shall remain available until ex-
11 pended.

12 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

13 For necessary expenses of repair, restoration and
14 renovation of buildings, grounds and facilities owned or
15 occupied by the National Gallery of Art, by contract or
16 otherwise, as authorized, \$6,311,000, to remain available
17 until expended: *Provided*, That contracts awarded for envi-
18 ronmental systems, protection systems, and exterior repair
19 or renovation of buildings of the National Gallery of Art
20 may be negotiated with selected contractors and awarded
21 on the basis of contractor qualifications as well as price.

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE

4 For necessary expenses for the operation, mainte-
5 nance and security of the John F. Kennedy Center for
6 the Performing Arts, \$13,000,000.

7 CONSTRUCTION

8 For necessary expenses for capital repair and reha-
9 bilitation of the existing features of the building and site
10 of the John F. Kennedy Center for the Performing Arts,
11 \$20,000,000, to remain available until expended.

12 WOODROW WILSON INTERNATIONAL CENTER FOR
13 SCHOLARS
14 SALARIES AND EXPENSES

15 For expenses necessary in carrying out the provisions
16 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
17 1356) including hire of passenger vehicles and services as
18 authorized by 5 U.S.C. 3109, \$5,840,000.

19 NATIONAL FOUNDATION ON THE ARTS AND THE
20 HUMANITIES
21 NATIONAL ENDOWMENT FOR THE ARTS
22 GRANTS AND ADMINISTRATION

23 For necessary expenses to carry out the National
24 Foundation on the Arts and the Humanities Act of 1965,
25 as amended, \$85,560,000 shall be available to the Na-
26 tional Endowment for the Arts for the support of projects

1 and productions in the arts through assistance to organi-
 2 zations and individuals pursuant to sections 5(c) and 5(g)
 3 of the Act, for program support, and for administering
 4 the functions of the Act, to remain available until ex-
 5 pended.

6 MATCHING GRANTS

7 To carry out the provisions of section 10(a)(2) of the
 8 National Foundation on the Arts and the Humanities Act
 9 of 1965, as amended, \$14,500,000, to remain available
 10 until expended, to the National Endowment for the Arts:
 11 *Provided*, That this appropriation shall be available for ob-
 12 ligation only in such amounts as may be equal to the total
 13 amounts of gifts, bequests, and devises of money, and
 14 other property accepted by the chairman or by grantees
 15 of the Endowment under the provisions of section
 16 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during
 17 the current and preceding fiscal years for which equal
 18 amounts have not previously been appropriated.

19 NATIONAL ENDOWMENT FOR THE HUMANITIES

20 GRANTS AND ADMINISTRATION

21 For necessary expenses to carry out the National
 22 Foundation on the Arts and the Humanities Act of 1965,
 23 as amended, \$96,800,000, shall be available to the Na-
 24 tional Endowment for the Humanities for support of ac-
 25 tivities in the humanities, pursuant to section 7(c) of the

1 Act, and for administering the functions of the Act, to
 2 remain available until expended.

3 MATCHING GRANTS

4 To carry out the provisions of section 10(a)(2) of the
 5 National Foundation on the Arts and the Humanities Act
 6 of 1965, as amended, \$13,900,000, to remain available
 7 until expended, of which \$9,900,000 shall be available to
 8 the National Endowment for the Humanities for the pur-
 9 poses of section 7(h): *Provided*, That this appropriation
 10 shall be available for obligation only in such amounts as
 11 may be equal to the total amounts of gifts, bequests, and
 12 devises of money, and other property accepted by the
 13 chairman or by grantees of the Endowment under the pro-
 14 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
 15 the current and preceding fiscal years for which equal
 16 amounts have not previously been appropriated.

17 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

18 OFFICE OF MUSEUM SERVICES

19 GRANTS AND ADMINISTRATION

20 For carrying out subtitle C of the Museum and Li-
 21 brary Services Act of 1996, as amended, \$23,280,000, to
 22 remain available until expended.

23 ADMINISTRATIVE PROVISIONS

24 None of the funds appropriated to the National
 25 Foundation on the Arts and the Humanities may be used
 26 to process any grant or contract documents which do not

1 include the text of 18 U.S.C. 1913: *Provided*, That none
2 of the funds appropriated to the National Foundation on
3 the Arts and the Humanities may be used for official re-
4 ception and representation expenses: *Provided further*,
5 That funds from nonappropriated sources may be used as
6 necessary for official reception and representation ex-
7 penses.

8 COMMISSION OF FINE ARTS

9 SALARIES AND EXPENSES

10 For expenses made necessary by the Act establishing
11 a Commission of Fine Arts (40 U.S.C. 104), \$898,000.

12 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

13 For necessary expenses as authorized by Public Law
14 99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

15 ADVISORY COUNCIL ON HISTORIC PRESERVATION

16 SALARIES AND EXPENSES

17 For necessary expenses of the Advisory Council on
18 Historic Preservation (Public Law 89–665, as amended),
19 \$2,800,000: *Provided*, That none of these funds shall be
20 available for compensation of level V of the Executive
21 Schedule or higher positions.

22 NATIONAL CAPITAL PLANNING COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses, as authorized by the Na-
25 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
26 including services as authorized by 5 U.S.C. 3109,

1 \$5,954,000: *Provided*, That all appointed members will be
2 compensated at a rate not to exceed the rate for level IV
3 of the Executive Schedule.

4 UNITED STATES HOLOCAUST MEMORIAL COUNCIL
5 HOLOCAUST MEMORIAL COUNCIL

6 For expenses of the Holocaust Memorial Council, as
7 authorized by Public Law 96–388 (36 U.S.C. 1401), as
8 amended, \$32,607,000, of which \$2,075,000 for the muse-
9 um’s repair and rehabilitation program and \$1,264,000
10 for the museum’s exhibitions program shall remain avail-
11 able until expended.

12 PRESIDIO TRUST
13 PRESIDIO TRUST FUND

14 For necessary expenses to carry out Title I of the
15 Omnibus Parks and Public Lands Management Act of
16 1996, \$14,913,000 shall be available to the Presidio
17 Trust, to remain available until expended. The Trust is
18 authorized to issue obligations to the Secretary of the
19 Treasury pursuant to section 104(d)(3) of the Act, in an
20 amount not to exceed \$15,000,000.

21 TITLE III—GENERAL PROVISIONS

22 SEC. 301. The expenditure of any appropriation
23 under this Act for any consulting service through procure-
24 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
25 to those contracts where such expenditures are a matter

1 of public record and available for public inspection, except
2 where otherwise provided under existing law, or under ex-
3 isting Executive Order issued pursuant to existing law.

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

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

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

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

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

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

12 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-
13 ING NOTICE.—

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

22 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—
23 In providing financial assistance using funds made
24 available in this Act, the head of each Federal agen-
25 cy shall provide to each recipient of the assistance

1 a notice describing the statement made in paragraph
2 (1) by the Congress.

3 (c) PROHIBITION OF CONTRACTS WITH PERSONS
4 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
5 If it has been finally determined by a court or Federal
6 agency that any person intentionally affixed a label bear-
7 ing a “Made in America” inscription, or any inscription
8 with the same meaning, to any product sold in or shipped
9 to the United States that is not made in the United
10 States, the person shall be ineligible to receive any con-
11 tract or subcontract made with funds made available in
12 this Act, pursuant to the debarment, suspension, and ineli-
13 gibility procedures described in sections 9.400 through
14 9.409 of title 48, Code of Federal Regulations.

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

21 SEC. 309. None of the funds made available by this
22 Act may be obligated or expended by the National Park
23 Service to enter into or implement a concession contract
24 which permits or requires the removal of the underground
25 lunchroom at the Carlsbad Caverns National Park.

1 SEC. 310. None of the funds appropriated or other-
2 wise made available by this Act may be used for the
3 AmeriCorps program, unless the relevant agencies of the
4 Department of the Interior and/or Agriculture follow ap-
5 propriate reprogramming guidelines: *Provided*, That if no
6 funds are provided for the AmeriCorps program by the
7 Departments of Veterans Affairs and Housing and Urban
8 Development, and Independent Agencies Appropriations
9 Act, 1999, then none of the funds appropriated or other-
10 wise made available by this Act may be used for the
11 AmeriCorps programs.

12 SEC. 311. None of the funds made available in this
13 Act may be used: (1) to demolish the bridge between Jer-
14 sey City, New Jersey, and Ellis Island; or (2) to prevent
15 pedestrian use of such bridge, when it is made known to
16 the Federal official having authority to obligate or expend
17 such funds that such pedestrian use is consistent with gen-
18 erally accepted safety standards.

19 SEC. 312. (a) LIMITATION OF FUNDS.—None of the
20 funds appropriated or otherwise made available pursuant
21 to this Act shall be obligated or expended to accept or
22 process applications for a patent for any mining or mill
23 site claim located under the general mining laws.

24 (b) EXCEPTIONS.—The provisions of subsection (a)
25 shall not apply if the Secretary of the Interior determines

1 that, for the claim concerned: (1) a patent application was
2 filed with the Secretary on or before September 30, 1994;
3 and (2) all requirements established under sections 2325
4 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
5 for vein or lode claims and sections 2329, 2330, 2331,
6 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
7 37) for placer claims, and section 2337 of the Revised
8 Statutes (30 U.S.C. 42) for mill site claims, as the case
9 may be, were fully complied with by the applicant by that
10 date.

11 (c) REPORT.—On September 30, 1999, the Secretary
12 of the Interior shall file with the House and Senate Com-
13 mittees on Appropriations and the Committee on Re-
14 sources of the House of Representatives and the Commit-
15 tee on Energy and Natural Resources of the Senate a re-
16 port on actions taken by the Department under the plan
17 submitted pursuant to section 314(c) of the Department
18 of the Interior and Related Agencies Appropriations Act,
19 1997 (Public Law 104–208).

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

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

7 SEC. 313. None of the funds appropriated or other-
8 wise made available by this Act may be used for the pur-
9 poses of acquiring lands in the counties of Gallia, Law-
10 rence, Monroe, or Washington, Ohio, for the Wayne Na-
11 tional Forest.

12 SEC. 314. Notwithstanding any other provision of
13 law, amounts appropriated to or earmarked in committee
14 reports for the Bureau of Indian Affairs and the Indian
15 Health Service by Public Laws 103–138, 103–332, 104–
16 134, 104–208 and 105–83 for payments to tribes and trib-
17 al organizations for contract support costs associated with
18 self-determination or self-governance contracts, grants,
19 compacts, or annual funding agreements with the Bureau
20 of Indian Affairs or the Indian Health Service as funded
21 by such Acts, are the total amounts available for fiscal
22 years 1994 through 1998 for such purposes, except that,
23 for the Bureau of Indian Affairs, tribes and tribal organi-
24 zations may use their tribal priority allocations for unmet

1 indirect costs of ongoing contracts, grants, self-governance
2 compacts or annual funding agreements.

3 SEC. 315. Notwithstanding any other provision of
4 law, for fiscal year 1999 the Secretaries of Agriculture and
5 the Interior are authorized to limit competition for water-
6 shed restoration project contracts as part of the “Jobs in
7 the Woods” component of the President’s Forest Plan for
8 the Pacific Northwest to individuals and entities in histori-
9 cally timber-dependent areas in the States of Washington,
10 Oregon, and northern California that have been affected
11 by reduced timber harvesting on Federal lands.

12 SEC. 316. None of the funds collected under the Rec-
13 reational Fee Demonstration program may be used to
14 plan, design, or construct a visitor center or any other per-
15 manent structure without prior approval of the House and
16 the Senate Committees on Appropriations if the estimated
17 total cost of the facility exceeds \$500,000.

18 SEC. 317. (a) None of the funds made available in
19 this Act or any other Act providing appropriations for the
20 Department of the Interior, the Forest Service or the
21 Smithsonian Institution may be used to submit nomina-
22 tions for the designation of Biosphere Reserves pursuant
23 to the Man and Biosphere program administered by the
24 United Nations Educational, Scientific, and Cultural Or-
25 ganization.

1 (b) The provisions of this section shall be repealed
2 upon enactment of subsequent legislation specifically au-
3 thorizing United States participation in the Man and Bio-
4 sphere program.

5 SEC. 318. The budget authority made available in
6 this Act shall be reduced by the following amounts: “Man-
7 agement of Land and Resources”, Bureau of Land Man-
8 agement, Department of the Interior, \$250,000; “Re-
9 source Management”, U.S. Fish and Wildlife Service, De-
10 partment of the Interior, \$121,000; “Operation of the Na-
11 tional Park System”, National Park Service, Department
12 of the Interior, \$815,000; “Surveys, Investigations and
13 Research”, United States Geological Survey, Department
14 of the Interior, \$110,000; “Regulation and Technology”,
15 Office of Surface Mining Reclamation and Enforcement,
16 Department of the Interior, \$413,000; “Operation of In-
17 dian Programs”, Bureau of Indian Affairs, Department
18 of the Interior, \$4,000,000; “Departmental Manage-
19 ment”, Departmental Offices, Department of the Interior,
20 \$227,000; “Indian Health Services”, Indian Health Serv-
21 ice, Department of Health and Human Services,
22 \$15,600,000; “National Forest System”, Forest Service,
23 Department of Agriculture, \$3,500,000.

24 SEC. 319. Of the funds provided to the National En-
25 dowment for the Arts—

1 (1) The Chairperson shall only award a grant
2 to an individual if such grant is awarded to such in-
3 dividual for a literature fellowship, National Herit-
4 age Fellowship, or American Jazz Masters Fellow-
5 ship.

6 (2) The Chairperson shall establish procedures
7 to ensure that no funding provided through a grant,
8 except a grant made to a State or local arts agency,
9 or regional group, may be used to make a grant to
10 any other organization or individual to conduct ac-
11 tivity independent of the direct grant recipient.
12 Nothing in this subsection shall prohibit payments
13 made in exchange for goods and services.

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

18 SEC. 320. The National Endowment for the Arts and
19 the National Endowment for the Humanities are author-
20 ized to solicit, accept, receive, and invest in the name of
21 the United States, gifts, bequests, or devises of money and
22 other property or services and to use such in furtherance
23 of the functions of the National Endowment for the Arts
24 and the National Endowment for the Humanities. Any
25 proceeds from such gifts, bequests, or devises, after ac-

1 ceptance by the National Endowment for the Arts or the
2 National Endowment for the Humanities, shall be paid by
3 the donor or the representative of the donor to the Chair-
4 man. The Chairman shall enter the proceeds in a special
5 interest-bearing account to the credit of the appropriate
6 Endowment for the purposes specified in each case.

7 SEC. 321. Except as provided in section 337, no part
8 of any appropriation contained in this Act shall be ex-
9 pended or obligated to fund new revisions of national for-
10 est land management plans until new final or interim final
11 rules for forest land management planning are published
12 in the Federal Register. Those national forests which are
13 currently in a revision process, having formally published
14 a Notice of Intent to revise prior to October 1, 1997; those
15 national forests having been court-ordered to revise; and
16 the White Mountain National Forest are exempt from this
17 section and may use funds in this Act and proceed to com-
18 plete the forest plan revision in accordance with current
19 forest planning regulations.

20 SEC. 322. No part of any appropriation contained in
21 this Act shall be expended or obligated to complete and
22 issue the five-year program under the Forest and Range-
23 land Renewable Resources Planning Act.

24 SEC. 323. (a) WATERSHED RESTORATION AND EN-
25 HANCEMENT AGREEMENTS.—For fiscal year 1999, to the

1 extent funds are otherwise available, appropriations for
2 the Forest Service may be used by the Secretary of Agri-
3 culture for the purpose of entering into cooperative agree-
4 ments with willing Federal, tribal, State and local govern-
5 ments, private and nonprofit entities and landowners for
6 the protection, restoration and enhancement of fish and
7 wildlife habitat, and other resources on public or private
8 land, the reduction of risk from natural disaster where
9 public safety is threatened, or a combination thereof or
10 both that benefit these resources within the watershed.

11 (b) DIRECT AND INDIRECT WATERSHED AGREE-
12 MENTS.—The Secretary of Agriculture may enter into a
13 watershed restoration and enhancement agreement—

14 (1) directly with a willing private landowner; or

15 (2) indirectly through an agreement with a
16 State, local or tribal government or other public en-
17 tity, educational institution, or private nonprofit or-
18 ganization.

19 (c) TERMS AND CONDITIONS.—In order for the Sec-
20 retary to enter into a watershed restoration and enhance-
21 ment agreement—

22 (1) the agreement shall—

23 (A) include such terms and conditions mu-
24 tually agreed to by the Secretary and the land-

1 owner, state or local government, or private or
2 nonprofit entity;

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

6 (C) authorize the provision of technical as-
7 sistance by the Secretary in the planning of
8 management activities that will further the pur-
9 poses of the agreement;

10 (D) provide for the sharing of costs of im-
11 plementing the agreement among the Federal
12 Government, the landowner(s), and other enti-
13 ties, as mutually agreed on by the affected in-
14 terests; and

15 (E) ensure that any expenditure by the
16 Secretary pursuant to the agreement is deter-
17 mined by the Secretary to be in the public in-
18 terest; and

19 (2) the Secretary may require such other terms
20 and conditions as are necessary to protect the public
21 investment on non-Federal lands, provided such
22 terms and conditions are mutually agreed to by the
23 Secretary and other landowners, State and local gov-
24 ernments or both.

1 (d) REPORTING REQUIREMENTS.—Not later than
2 December 31, 1999, the Secretary shall submit a report
3 to the Committees on Appropriations of the House and
4 Senate, which contains—

5 (1) A concise description of each project, in-
6 cluding the project purpose, location on federal and
7 non-federal land, key activities, and all parties to the
8 agreement.

9 (2) the funding and/or other contributions pro-
10 vided by each party for each project agreement.

11 SEC. 324. (a) In providing services or awarding fi-
12 nancial assistance under the National Foundation on the
13 Arts and the Humanities Act of 1965 from funds appro-
14 priated under this Act, the Chairperson of the National
15 Endowment for the Arts shall ensure that priority is given
16 to providing services or awarding financial assistance for
17 projects, productions, workshops, or programs that serve
18 underserved populations.

19 (b) In this section:

20 (1) The term “underserved population” means
21 a population of individuals who have historically
22 been outside the purview of arts and humanities pro-
23 grams due to factors such as a high incidence of in-
24 come below the poverty line or to geographic isola-
25 tion.

1 (2) The term “poverty line” means the poverty
2 line (as defined by the Office of Management and
3 Budget, and revised annually in accordance with sec-
4 tion 673(2) of the Community Services Block Grant
5 Act (42 U.S.C. 9902(2)) applicable to a family of
6 the size involved.

7 (c) In providing services and awarding financial as-
8 sistance under the National Foundation on the Arts and
9 Humanities Act of 1965 with funds appropriated by this
10 Act, the Chairperson of the National Endowment for the
11 Arts shall ensure that priority is given to providing serv-
12 ices or awarding financial assistance for projects, produc-
13 tions, workshops, or programs that will encourage public
14 knowledge, education, understanding, and appreciation of
15 the arts.

16 (d) With funds appropriated by this Act to carry out
17 section 5 of the National Foundation on the Arts and Hu-
18 manities Act of 1965—

19 (1) the Chairperson shall establish a grant cat-
20 egory for projects, productions, workshops, or pro-
21 grams that are of national impact or availability or
22 are able to tour several States;

23 (2) the Chairperson shall not make grants ex-
24 ceeding 15 percent, in the aggregate, of such funds

1 to any single State, excluding grants made under the
2 authority of paragraph (1); and

3 (3) the Chairperson shall report to the Con-
4 gress annually and by State, on grants awarded by
5 the Chairperson in each grant category under sec-
6 tion 5 of such Act.

7 SEC. 325. Section 6(b)(1)(B)(iii) of the National
8 Foundation on the Arts and Humanities Act of 1965 (20
9 U.S.C. 955(b)(1)(B)(iii)) is amended by striking “One”
10 and inserting “Two”.

11 SEC. 326. (a) The Secretary of Agriculture is directed
12 to accept full title to the following real property located
13 in Skamania County, Washington, effective January 1,
14 1999:

15 Government Lot 4 and the southwest quarter of
16 the southeast quarter of Section 28;

17 Government Lots 2 and 3, the south half of the
18 northeast quarter, the southeast quarter, the east
19 half of the southwest quarter, and the southeast
20 quarter of the northwest quarter of Section 30;

21 Section 31—all;

22 Government Lots 1 and 2, the west half of the
23 northeast quarter, and the east half of the northwest
24 quarter of Section 33;

1 all being at Township 3 North, Range 7 East, Willamette
2 Meridian.

3 (b) For all property identified in subsection (a) not
4 acquired as of January 1, 1999, the Secretary shall imme-
5 diately add to the contractually agreed upon purchase
6 price a timber growth adjustment equal to the timber
7 growth adjustment made for the property on December
8 31, 1997.

9 (c) Effective January 1, 1999, until the Secretary
10 tenders to the owners of these lands the contractually
11 agreed upon purchase price, including timber growth ad-
12 justments, interest on the unpaid balance of the purchase
13 price shall accrue at the rate established by 26 U.S.C. §
14 6621(a)(1).

15 (d) Federal acquisition of the above-mentioned real
16 property shall be subject to the right of the owners and
17 their successors in interest to access other lands held by
18 the owners as of December 31, 1997.

19 SEC. 327. (a) BOUNDARY ADJUSTMENTS.—

20 (1) LAKE CHELAN NATIONAL RECREATION
21 AREA.—The boundary of the Lake Chelan National
22 Recreation Area, established by section 202 of Pub-
23 lic Law 90–544 (16 U.S.C. 90a–1), is hereby ad-
24 justed to exclude a parcel of land and waters con-
25 sisting of approximately 88 acres, as depicted on the

1 map entitled “Proposed Management Units, North
2 Cascades, Washington”, numbered NP–CAS–7002A,
3 originally dated October 1967, and revised July 13,
4 1994.

5 (2) WENATCHEE NATIONAL FOREST.—The
6 boundary of the Wenatchee National Forest is here-
7 by adjusted to include the parcel of land and waters
8 described in paragraph (1).

9 (3) AVAILABILITY OF MAP.—The map referred
10 to in paragraph (1) shall be on file and available for
11 public inspection in the offices of the superintendent
12 of the Lake Chelan National Recreation Area and
13 the Director of the National Park Service, Depart-
14 ment of the Interior, and in the office of the Chief
15 of the Forest Service, Department of Agriculture.

16 (b) TRANSFER OF ADMINISTRATIVE JURISDIC-
17 TION.—Administrative jurisdiction over Federal land and
18 waters in the parcel covered by the boundary adjustments
19 in subsection (a) is transferred from the Secretary of the
20 Interior to the Secretary of Agriculture, and the trans-
21 ferred land and waters shall be managed by the Secretary
22 of Agriculture in accordance with the laws and regulations
23 pertaining to the National Forest System.

24 (c) LAND AND WATER CONSERVATION FUND.—For
25 purposes of section 7 of the Land and Water Conservation

1 Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of
2 the Wenatchee National Forest, as adjusted by subsection
3 (a), shall be considered to be the boundaries of the
4 Wenatchee National Forest as of January 1, 1965.

5 SEC. 328. The Forest Service shall have authority,
6 independent of any involvement by the Department of Ag-
7 riculture, to obtain and implement a general ledger. Not-
8 withstanding any provisions of law which require depart-
9 mental coordination and oversight, the Forest Service
10 shall, independently review available systems used by other
11 agencies, federal departments, state agencies, and private
12 business to identify and select a system which meets the
13 information management needs of the agency, the execu-
14 tive branch, and Congress. The Forest Service shall pro-
15 cure such system in accordance with federal acquisition
16 regulations, notwithstanding provisions of law which re-
17 quire departmental involvement in such procurement. The
18 Forest Service shall provide a report to the Committees
19 on Appropriations of the Senate and House of Representa-
20 tives, no later than January 15, 1999, which provides in-
21 formation on the systems considered, the costs of imple-
22 menting such a system, and the timeframes involved.

23 SEC. 329. Notwithstanding section 6(f)(5)(A) of the
24 Forest and Rangeland Renewable Resources Planning Act
25 of 1974 as amended by the National Forest Management

1 Act of 1976 (16 U.S.C. 1604(f)(5)(A)), current forest
2 plans will remain in effect until revised.

3 SEC. 330. HARDWOOD TECHNOLOGY TRANSFER AND
4 APPLIED RESEARCH. (a) The Secretary of Agriculture
5 (hereafter the “Secretary”) is hereby authorized to con-
6 duct technology transfer and development, training, dis-
7 semination of information and applied research in the
8 management, processing and utilization of the hardwood
9 forest resource. This authority is in addition to any other
10 authorities which may be available to the Secretary includ-
11 ing, but not limited to, the Cooperative Forestry Assist-
12 ance Act of 1978, as amended (16 U.S.C. 2101 et. seq.),
13 and the Forest and Rangeland Renewable Resources Act
14 of 1978, as amended (16 U.S.C. 1600–1614).

15 (b) In carrying out this authority, the Secretary may
16 enter into grants, contracts, and cooperative agreements
17 with public and private agencies, organizations, corpora-
18 tions, institutions and individuals. The Secretary may ac-
19 cept gifts and donations pursuant to the Act of October
20 10, 1978 (7 U.S.C. 2269) including gifts and donations
21 from a donor that conducts business with any agency of
22 the Department of Agriculture or is regulated by the Sec-
23 retary of Agriculture.

24 (c) The Secretary is authorized, on such terms and
25 conditions as the Secretary may prescribe, to assume all

1 rights, title, and interest, including all outstanding assets,
2 of the Robert C. Byrd Hardwood Technology Center, Inc.
3 (hereafter the “Center”), a non-profit corporation existing
4 under the laws of the State of West Virginia: *Provided*,
5 That the Board of Directors of the Center requests such
6 an action and dissolves the corporation consistent with the
7 Articles of Incorporation and the laws of the State of West
8 Virginia.

9 (d) The Secretary is authorized to operate and utilize
10 the assets of the Center as part of a newly formed “Insti-
11 tute of Hardwood Technology Transfer and Applied Re-
12 search” (hereafter the “Institute”). The Institute, in addi-
13 tion to the Center, will consist of a Director, technology
14 transfer specialists from State and Private Forestry, the
15 Forestry Sciences Laboratory in Princeton, West Virginia,
16 and any other organizational unit of the Department of
17 Agriculture as the Secretary deems appropriate. The over-
18 all management of the Institute will be the responsibility
19 of the USDA Forest Service, State and Private Forestry.

20 (e) The Secretary is authorized to generate revenue
21 using the authorities provided herein. Any revenue re-
22 ceived as part of the operation of the Institute shall be
23 deposited into a special fund in the Treasury of the United
24 States, known as the “Hardwood Technology Transfer
25 and Applied Research Fund”, which shall be available to

1 the Secretary until expended, without further appropria-
2 tion, in furtherance of the purposes of this section, includ-
3 ing upkeep, management, and operation of the Institute
4 and the payment of salaries and expenses.

5 (f) There are hereby authorized to be appropriated
6 such sums as necessary to carry out the provisions of this
7 section.

8 SEC. 331. The Forest Service shall rescind its deci-
9 sion prohibiting the use of fixed anchors for rock climbing
10 in wilderness areas of the National Forests. No decision
11 prohibiting the use of such anchors in the National For-
12 ests shall be implemented until the Forest Service follows
13 a procedure which will ensure active public participation
14 in the decisionmaking process.

15 SEC. 332. No funds appropriated by this or any other
16 Act may be used to undertake prescribed burning until
17 the Forest Supervisor certifies that every effort has been
18 made to remove all economically viable, commercial wood
19 products from the proposed burn area. The Regional For-
20 ester may grant waivers on a case-by-case basis.

21 SEC. 333. Increases in recreation residence fees on
22 the Sawtooth National Forest shall be implemented only
23 to the extent that such fee increases are equal to the per-
24 centage increases in the implicit Gross National Product
25 Deflator for the appropriate 12-month period.

1 SEC. 334. Section 7 of the Granger-Thye Act of April
2 24, 1950 is amended by deleting the words “recondition
3 and maintain,” substituting in lieu thereof the words “ren-
4 ovate, recondition, improve, maintain, and administer”.

5 SEC. 335. STEWARDSHIP END RESULT CONTRACT-
6 ING DEMONSTRATION PROJECT. (a) IN GENERAL.—Until
7 September 30, 2002, in each national forest in the States
8 of Idaho and Montana, and in the Umatilla National For-
9 est, the Forest Service may enter into contracts with pri-
10 vate persons and entities to perform services to achieve
11 land management goals for the national forest that meet
12 local and rural community needs.

13 (b) LAND MANAGEMENT GOALS.—The land manage-
14 ment goals of a contract under subsection (a) may include,
15 among other things—

16 (1) road and trail maintenance or obliteration
17 to restore or maintain water quality;

18 (2) soil productivity, habitat for wildlife and
19 fisheries, or other resource values;

20 (3) setting of prescribed fires to improve the
21 composition, structure, condition, and health of
22 stands or to improve wildlife habitat;

23 (4) noncommercial cutting or removing of trees
24 or other activities to promote healthy forest stands
25 and reduce fire hazards;

1 (5) watershed restoration and maintenance;

2 (6) restoration and maintenance of wildlife and
3 fish habitat; and

4 (7) control of noxious and exotic weeds and re-
5 establishing native plant species.

6 (c) CONTRACTS.—

7 (1) PROCUREMENT PROCEDURE.—A source for
8 performance of a contract under subsection (a) shall
9 be selected on a best-value basis, including consider-
10 ation of source under other public and private con-
11 tracts.

12 (2) TERM.—A multiyear contract may be en-
13 tered into under subsection (a) in accordance with
14 section 304B of the Federal Property and Adminis-
15 trative Services Act of 1949 (41 U.S.C. 254c), ex-
16 cept that the period of the contract may exceed 5
17 years but may not exceed 10 years.

18 (3) OFFSETS.—

19 (A) IN GENERAL.—In connection with a
20 contract under subsection (a), notwithstanding
21 section 14 of the National Forest Management
22 Act of 1976 (16 U.S.C. 472a), the Forest Serv-
23 ice may apply the value of timber or other for-
24 est products removed as an offset against the
25 cost of services received.

1 (B) METHODS OF APPRAISAL.—The value
2 of timber or other forest products used as off-
3 sets under subparagraph (A)—

4 (i) shall be determined using appro-
5 priate methods of appraisal commensurate
6 with the quantity of products to be re-
7 moved;

8 (ii) may be determined using a unit of
9 measure appropriate to the contract; and

10 (iii) may include valuing products on
11 a per-acre basis.

12 (d) PAYMENTS.—The Forest Service shall make pay-
13 ments to States in accordance with the Act of May 23,
14 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500) from
15 the National Forest Fund in the same manner as payment
16 for timber sale receipts is made from timber sale con-
17 tracts, for the value of timber or other forest products,
18 as determined under subsection (c)(3)(B).

19 (e) REVENUES.—

20 (1) IN GENERAL.—The Forest Service may col-
21 lect revenues from a contract under subsection (a)
22 so long as collection of the revenue is a secondary
23 objective to the primary objective of negotiating con-
24 tracts that will best achieve the purposes of this sec-
25 tion.

1 (2) USE.—Revenues from a contract under sub-
2 section (a) may be retained by the Forest Service
3 and shall be available for expenditure without fur-
4 ther appropriation at the demonstration project site
5 from which the revenue is collected or at another
6 demonstration project site.

7 (f) NUMBER OF CONTRACTS.—The Forest Service
8 shall make every effort practicable to execute at least 4
9 contracts under subsection (a) by September 30, 1999.

10 (g) COSTS OF REMOVAL.—The Forest Service may
11 collect deposits from contractors covering the costs of re-
12 moval of timber or other forest products pursuant to the
13 Act of August 11, 1916 (39 Stat. 462, chapter 313; 16
14 U.S.C. 490) and the next to last paragraph under the
15 heading “FOREST SERVICE.” under the heading “DE-
16 PARTMENT OF AGRICULTURE” in the Act of June
17 30, 1914 (38 Stat. 430, chapter 131; 16 U.S.C. 498).

18 (h) PERFORMANCE AND PAYMENT GUARANTEES.—

19 (1) IN GENERAL.—The Forest Service may re-
20 quire performance and payment bonds, in accord-
21 ance with sections 103–2 and 103–3 of part 28 of
22 the Federal Acquisition Regulation (48 C.F.R.
23 28.103–2, 28.103–3), in an amount that the con-
24 tracting officer considers sufficient to protect the
25 Government’s investment in revenue generated by

1 the contractor from the estimated value of the forest
2 products to be removed under contract under sub-
3 section (a).

4 (2) EXCESS OFFSET VALUE.—If the offset
5 value of the forest products exceeds the value of the
6 resource improvement treatments, the Forest Service
7 may—

8 (A) collect any residual revenue pursuant
9 to the Act of June 9, 1930 (46 Stat. 527, chap-
10 ter 416; 16 U.S.C. 576b); and

11 (B) apply the excess to other authorized
12 stewardship demonstration projects.

13 (i) REPORTS.—The Forest Service shall report annu-
14 ally to the Committee on Appropriations of the House of
15 Representatives and the Committee on Appropriations of
16 the Senate on—

17 (1) the status of development, execution, and
18 administration of contracts under subsection (a);

19 (2) the specific accomplishments that have re-
20 sulted; and

21 (3) the role of local communities in development
22 of contract plans.

23 SEC. 336. The Forest Service and the Federal High-
24 way Administration shall make available to the State of
25 Utah, \$15,000,000 for construction of the Trappers Loop

1 connector road. Such funds shall be made available from
2 the Federal Land Highway Program, Public Lands High-
3 ways (Forests) funds. Such funds shall be made available
4 prior to computation and aggregation of the state shares
5 of such funds for other projects.

6 SEC. 337. (a) Any appropriations contained in this
7 Act or any other Act for the operation or implementation
8 of the Interior Columbia Basin Ecosystem Management
9 Project (hereinafter “Project”) shall be obligated or ex-
10 pended only as provided in this section.

11 (b) Within 120 days of the date of enactment of this
12 Act, the Secretary of Agriculture and the Secretary of the
13 Interior shall—

14 (1) prepare and submit to the Committees on
15 Appropriations of the House of Representatives and
16 the Senate the report required by section 323(a) of
17 the Department of the Interior and Related Agencies
18 Appropriations Act, 1998 (11 Stat. 1543, 1596–7),
19 including any additional information necessary to
20 correspond with the requirements of this section;

21 (2) distribute for advisory purposes to each na-
22 tional forest and each resource area or other rel-
23 evant planning unit of the Bureau of Land Manage-
24 ment within the region encompassed by the Project
25 (hereinafter “Project forest”) all relevant scientific

1 findings of the Project and the report required by
2 paragraph (1); and

3 (3) conduct and complete the orderly reorga-
4 nization or closing of the offices of the Project.

5 (c)(1) Within 90 days after the completion of the re-
6 quirements of subsection (b), each Forest Service Super-
7 visor of, or Bureau of Land Management official with ju-
8 risdiction over, a Project forest shall review the resource
9 management plan or other land use plan for the Project
10 forest (hereinafter “plan”), and, as they may relate to the
11 specific resources and conditions existing on the Project
12 forest as of the date of enactment of this Act, the scientific
13 information and report provided pursuant to subsection
14 (b)(2) and any policies made applicable to the Project for-
15 est prior to the date of enactment of this Act, and deter-
16 mine whether an amendment to or revision of the plan
17 is warranted.

18 (2) If the determination is made pursuant to para-
19 graph (1) that a plan amendment or revision is warranted,
20 preparation of the amendment or revision shall be com-
21 pleted within 12 months or 18 months, respectively, of the
22 date of the determination.

23 (d)(1) Upon completion of all plan amendments or
24 revisions pursuant to subsection (c), all plans for all
25 Project forests in the region encompassed by the Project

1 shall be assembled for review by the Secretary of Agri-
2 culture and the Secretary of the Interior pursuant to para-
3 graph (2).

4 (2) The Secretaries shall—

5 (A) review the assembled plans;

6 (B) prepare an interpretive document analyzing
7 the plans' implications for the region encompassed
8 by the Project; and

9 (C) distribute the interpretive document to each
10 Forest Service Supervisor of, or Bureau of Land
11 Management official with jurisdiction over, a Project
12 forest, for any further action such Supervisor or offi-
13 cial may deem necessary.

14 (e)(1) Each plan amendment or revision prepared
15 pursuant to subsection (c) shall be subject to any applica-
16 ble consultation requirements of section 7 of the Endan-
17 gered Species Act of 1993 (16 U.S.C. § 1536) and any
18 such consultation shall address the specific conditions of
19 the Project forest to which the amendment or revision ap-
20 plies.

21 (2) If any consultation on a plan amendment or revi-
22 sion results in a finding of jeopardy or adverse modifica-
23 tion pursuant to subsection (b)(3)(A) of section 7, any
24 management activity in the Project forest to which the
25 plan applies and which is subject to the consultation re-

1 requirements of section 7 may proceed only if the consulta-
2 tion concludes without a finding of jeopardy or adverse
3 modification for such activity.

4 (3) Any finding of jeopardy or adverse modification
5 on a plan amendment or revision shall not be deemed to
6 be final until the Secretary of Agriculture and the Sec-
7 retary of the Interior have prepared the interpretive docu-
8 ment on the assembled plans required by subsection
9 (d)(2)(B) and the document and the finding have been re-
10 viewed by the U.S. Fish and Wildlife Service and National
11 Marine Fisheries Service.

12 SEC. 338. TONGASS TIMBER. (a) The Secretary of
13 Agriculture shall prepare and offer for sale, each year, an
14 economically viable supply of unharvested timber in the
15 Tongass National Forest which has been cleared through
16 the National Environmental Policy Act process and meets
17 the requirements of any other applicable federal or state
18 law and which is equal to at least 90 percent of the Allow-
19 able Sale Quantity identified in the May 1997 Record of
20 Decision for the Tongass Land Management Plan Revi-
21 sion.

22 (b) The Secretary is authorized to enter into con-
23 tracts with third parties to fulfill the requirements of sub-
24 section (a).

1 (c) The United States District Court for the District
2 of Alaska shall have jurisdiction, without regard to the
3 amount in controversy or the citizenship of the parties,
4 over civil suits brought under this section by a person eco-
5 nomically dependent upon the Secretary's performance
6 under this section, and adversely affected by the Sec-
7 retary's failure to prepare or offer for sale the volume of
8 timber required to be prepared and offered for sale under
9 subsection (a), and to enforce this section, or to order the
10 Secretary to perform any act or duty under this section,
11 as the case may be, and to otherwise provide relief to such
12 person, except that no funds appropriated by this or any
13 other Act shall be used to provide damages under this sub-
14 section.

15 (d) In addition to any relief which may be granted
16 under subsection (c), the Chief of the Forest Service shall
17 annually pay to local governments in Southeast Alaska an
18 amount equal to 25 percent of the receipts that would have
19 been received from timber sales required to be offered pur-
20 suant to subsection (a) if such timber was not offered for
21 sale. Such payments shall be made from funds appro-
22 priated to the Forest Service.

23 SEC. 339. (a) PROHIBITION ON TIMBER PURCHASER
24 ROAD CREDITS.—In financing any forest development
25 road pursuant to section 4 of Public law 88-657 (16

1 U.S.C. 535, commonly known as the National Forest
2 Roads and Trails Act), the Secretary of Agriculture may
3 not provide for amortization of road costs in any contract
4 with, or otherwise provide effective credit for road con-
5 struction to, any purchaser of national forest timber or
6 other forest products.

7 (b)(1) CONSTRUCTION OF ROADS BY TIMBER PUR-
8 CHASERS.—Whenever the Secretary of Agriculture makes
9 a determination that a forest development road referred
10 to in subsection (a) shall be constructed or paid for, in
11 whole or in part, by a purchaser of national forest timber
12 or other forest products, the Secretary shall include notice
13 of the determination in the notice of sale of the timber
14 or other forest products. The notice of sale shall contain,
15 or announce the availability of, sufficient information re-
16 lated to the road described in the notice to permit a pro-
17 spective bidder on the sale to calculate the likely cost that
18 would be incurred by the bidder to construct or finance
19 the construction of the road so that the bidder may reflect
20 such cost in the bid.

21 (2) If there is an increase or decrease in the cost of
22 roads constructed by the timber purchaser, caused by sub-
23 sequent design changes mandated by the Secretary, then
24 an adjustment to the price paid for timber harvested by
25 the purchaser shall be made. The adjustment shall be ap-

1 plied by the Secretary as soon as practicable after any
2 such design change is implemented.

3 (c) SPECIAL ELECTION BY SMALL BUSINESS CON-
4 CERNS.—(1) A notice of sale referred to in subsection (b)
5 shall give a purchaser of national forest timber or other
6 forest products that qualifies as a “small business con-
7 cern” under the Small Business Act (15 U.S.C. 631 et
8 seq.), and regulations issued thereunder, the option to
9 elect that the Secretary of Agriculture build the road de-
10 scribed in the notice. The Secretary shall provide the small
11 business concern with an estimate of the cost that would
12 be incurred by the Secretary to construct the road on be-
13 half of the small business concern. The notice of sale shall
14 also include the date on which the road described in the
15 notice will be completed by the Secretary if the election
16 is made.

17 (2) If the election referred to in paragraph (1) is
18 made, the purchaser of the national forest timber or other
19 forest products shall pay to the Secretary of Agriculture,
20 in addition to the price paid for the timber or other forest
21 products, an amount equal to the estimated cost of the
22 road which otherwise would be paid by the purchaser as
23 provided in the notice of sale. Pending receipt of such
24 amount, the Secretary may use receipts from the sale of

1 national forest timber or other forest products to accom-
2 plish the requested road construction.

3 (d) POST CONSTRUCTION HARVESTING.—In each
4 sale of national forest timber or other forest products re-
5 ferred to in this section, the Secretary of Agriculture is
6 encouraged to authorize harvest of the timber or other for-
7 est products in a unit included in the sale as soon as road
8 work for that unit is completed and the road work is ap-
9 proved by the Secretary.

10 (e) CONSTRUCTION STANDARD.—For any forest de-
11 velopment road that is to be constructed or paid for by
12 a purchaser of national forest timber or other forest prod-
13 ucts, the Secretary of Agriculture may not require the pur-
14 chaser to design, construct, or maintain the road (or pay
15 for the design, construction, or maintenance of the road)
16 to a standard higher than the standard, consistent with
17 applicable environmental laws and regulations, that is suf-
18 ficient for the harvesting and removal of the timber or
19 other forest products, unless the Secretary bears that part
20 of the cost necessary to meet the higher standard.

21 (f) TREATMENT OF ROAD VALUE.—For any forest
22 development road that is constructed or paid for by a pur-
23 chaser of national forest timber or other forest products,
24 the appraised value of the road construction, including
25 subsequent design changes, shall be considered to be

1 money received for purposes of the payments required to
2 be made under the sixth paragraph under the heading
3 “FOREST SERVICE” in the Act of May 23, 1908 (35
4 Stat. 260, 16 U.S.C. 500), and section 13 of the Act of
5 March 1, 1911 (35 Stat. 963; commonly known as the
6 Weeks Act; 16 U.S.C. 500). To the extent that the ap-
7 praised value of road construction determined under this
8 subsection reflects funds contributed by the Secretary of
9 Agriculture to build the road to a higher standard pursu-
10 ant to subsection (e), the Secretary shall modify the ap-
11 praisal of the road construction to exclude the effect of
12 the Federal funds.

13 (g) EFFECTIVE DATE.—(1) This section and the re-
14 quirements of this section shall take effect (and apply
15 thereafter) on—

16 (A) the effective date of regulations issued by
17 the Secretary of Agriculture to implement this sec-
18 tion; and

19 (B) the date on which a new standard timber
20 sale contract, which is designed to implement this
21 section and has been published for public comment,
22 is approved by the Secretary.

23 (2) Notwithstanding paragraph (1), any sale of na-
24 tional forest timber or other forest products for which no-
25 tice of sale is provided before the effective date of this

1 section, and any effective purchaser road credit earned
2 pursuant to a contract resulting from such a notice of sale
3 or otherwise earned before that effective date, shall con-
4 tinue to be subject to section 4 of Public Law 88-657 and
5 section 14(i) of the National Forest Management Act of
6 1976 (16 U.S.C. 472a(i)), and rules issued thereunder,
7 as in effect on the day before the date of the enactment
8 of this Act.

9 SEC. 340. All timber sold in Region 10 in fiscal year
10 1999 shall be sold using a residual value appraisal system.
11 No timber in Region 10 shall be advertised for sale which,
12 when using domestic Alaska western red cedar selling val-
13 ues and manufacturing costs, fails to provide at least 60
14 percent of normal profit and risk of the appraised timber,
15 except at the written request by a prospective bidder. Pro-
16 gram accomplishments shall be based on volume sold.
17 Should Region 10 sell, in fiscal year 1999, the annual av-
18 erage portion of the decadal allowable sale quantity called
19 for in the current Tongass Land Management Plan which
20 provides greater than 60 percent of normal profit and risk
21 at the time of the sale advertisement, all of the western
22 red cedar timber from those sales which is surplus to the
23 needs of domestic processors in Alaska, shall be made
24 available to domestic processors in the contiguous 48
25 United States at prevailing domestic prices. Should Re-

1 gion 10 sell, in fiscal year 1999, less than the annual aver-
2 age portion of the decadal allowable sale quantity called
3 for in the current Tongass Land Management Plan meet-
4 ing the 60 percent of normal profit and risk standard at
5 the time of sale advertisement, the volume of western red
6 cedar timber available to domestic processors at prevailing
7 domestic prices in the contiguous 48 states shall be that
8 volume: (i) which is surplus to the needs of domestic proc-
9 essors in Alaska; and (ii) is that percent of the surplus
10 western red cedar volume determined by calculating the
11 ratio of the total timber volume which has been sold on
12 the Tongass to the annual average portion of the decadal
13 allowable sale quantity called for in the current Tongass
14 Land Management Plan. The percentage shall be cal-
15 culated by Region 10 on a rolling basis as each sale is
16 sold. (For purposes of this amendment, a “rolling basis”
17 shall mean that the determination of how much western
18 red cedar is eligible for sale to various markets shall be
19 made at the time each sale is awarded.) Western red cedar
20 shall be deemed “surplus to the needs of domestic proc-
21 essors in Alaska” when the timber sale holder has pre-
22 sented to the Forest Service documentation of the inability
23 to sell western red cedar logs from a given sale to domestic
24 Alaska processors at a price equal to or greater than the
25 log selling value stated in the contract. All additional west-

1 ern red cedar volume not sold to Alaska or contiguous 48
2 United States domestic processors may be exported to for-
3 eign markets at the election of the timber sale holder. All
4 Alaska yellow cedar may be sold at prevailing export prices
5 at the election of the timber sale holder.

6 SEC. 341. (a) Hereinafter and notwithstanding any
7 other provision of law, after September 30, 1998 the In-
8 dian Health Service may not disburse funds for the provi-
9 sion of health care services pursuant to Public Law 93-
10 638 (25 U.S.C. 450 et seq.), with any Alaska native village
11 or Alaska Native village corporation that is located within
12 the area served by an Alaska Native regional health entity.

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

18 SEC. 342. None of the funds in this or any other Act
19 shall be expended by the Department of the Interior, the
20 Forest Service, or any other Federal agency for the intro-
21 duction of the grizzly bear population in the Selway-
22 Bitterroot area of Idaho and adjacent Montana, or for con-
23 sultations under section 7(b)(2) of the Endangered Spe-
24 cies Act for Federal actions affecting grizzly bear within
25 the Selway-Bitterroot area of Idaho, except that funds may

1 be used by the Department of the Interior, the Forest
2 Service, or any other Federal agency to produce a new
3 draft environmental impact statement that will include an
4 analysis of the habitat-based population viability study
5 completed in 1998, or to receive public comment on such
6 new draft environmental impact statement.

7 SEC. 343. Unless specifically authorized by Congress,
8 a Federal or State agency shall not require, approve, au-
9 thorize, fund or undertake any action that would remove,
10 breach, or diminish the Congressionally authorized uses
11 of any dam on the Federal Columbia Power System or
12 any dam on the Columbia or Snake Rivers or their tribu-
13 taries licensed by the Federal Energy Regulatory Commis-
14 sion. Such activities prohibited under this act without
15 Congressional authorization include—

16 (a) impairing the ability of flood control facili-
17 ties located in the Columbia-Snake River basin to
18 protect adequately the safety of humans and prop-
19 erty from damage due to flooding;

20 (b) reducing the capability of the Federal Co-
21 lumbia River Power System to generate electric en-
22 ergy or capacity below current operations (as of the
23 date of enactment of this Act);

24 (c) reducing the power and energy generating
25 capacity of any dam on the Columbia or Snake River

1 or their tributaries licensed by the Federal Energy
2 Regulatory Commission below existing levels (as of
3 the date of enactment of this Act);

4 (d)(1) reducing the level of the Columbia-Snake
5 River reservoirs below minimum operating pools (as
6 of the date of enactment of this Act), except as may
7 be necessary for flood control or maintenance or re-
8 pair of dam and navigation locks;

9 (2) reducing the reservoir levels below estab-
10 lished minimum irrigation pools; or

11 (3) further restricting access to the Columbia
12 River or Snake River for irrigation or recreational
13 use;

14 (e) impairing the Columbia-Snake River inland
15 navigation system from Bonneville Dam to Lewiston,
16 Idaho (as of the date of enactment of this Act),
17 which shall remain at all times fully operational as
18 authorized by Congress;

19 (f) restricting or abrogating in any way the
20 management or control of State water rights;

21 (g) requiring the release of stored water from
22 any Federal, State, or private water storage project;
23 or

24 (h) reducing the Congressionally required mini-
25 mum 14 foot navigation channel and navigation lock

1 sill clearance at minimum regulated flow, except as
2 may be necessary for purposes of flood control, or
3 maintenance or repairs.

4 TITLE IV—TO AMEND THE ELWHA RIVER ECO-
5 SYSTEM AND FISHERIES RESTORATION
6 ACT

7 (a) IN GENERAL.—The Elwha River Ecosystem and
8 Fisheries Restoration Act (106 Stat. 3173) is amended
9 by striking section 3 and inserting the following:

10 **“SEC. 3. ACQUISITION OF PROJECTS.**

11 “(a) IN GENERAL.—As soon as practicable after
12 sums are appropriated for the purpose, the Secretary shall
13 acquire the Elwha Project and Glines Canyon Project for
14 a purchase price of \$29,500,000.

15 “(b) RELEASE FROM LIABILITY.—

16 “(1) IN GENERAL.—Subject to paragraph (2),
17 the acquisition of the Projects shall be conditioned
18 on a release from liability providing that all obliga-
19 tions and liabilities of the owner and local industrial
20 consumer to the United States arising from the
21 Projects, based on ownership or on a license, permit,
22 contract, or other authority (including Project re-
23 moval and any ecosystem, fish and wildlife mitiga-
24 tion, and restoration obligations), shall, from the

1 moment of title transfer, be deemed to have been
2 satisfied.

3 “(2) LIABILITY TO INDIAN TRIBES.—The
4 United States may not assume or satisfy the liabil-
5 ity, if any, of the owner or local industrial consumer
6 to any federally recognized Indian tribe, nor shall
7 any such liability be deemed satisfied without the
8 consent of the Indian tribe.

9 “(c) ELWHA PROJECT.—

10 “(1) REMOVAL OF DAM.—

11 “(A) IN GENERAL.—After acquiring the
12 Elwha Project, the Secretary shall, as soon as
13 practicable after sums are appropriated for the
14 purpose, remove the Elwha dam.

15 “(B) PROTECTION OF WATER SUPPLY.—

16 “(i) IN GENERAL.—Before commencing
17 removal of the Elwha dam or taking
18 any steps to breach, bypass, or otherwise
19 alter the water flow from the Elwha dam,
20 the Secretary shall take all such actions as
21 are necessary to ensure the continued
22 availability, after removal of the dam, of
23 the quantity and quality of water that is
24 available, as of the date of enactment of
25 this paragraph, to the city of Port Angeles,

1 Washington, the Dry Creek Water Associa-
2 tion, current (as of the date of enactment
3 of this paragraph) and future industrial
4 water users, and other current users of
5 water from the Elwha River.

6 “(ii) ACTIONS INCLUDED.—The ac-
7 tions that the Secretary shall take under
8 clause (i) include—

9 “(I) the design, construction, op-
10 eration, and maintenance of new or
11 improved water treatment or storage
12 facilities; and

13 “(II) the mitigation of any injury
14 to fisheries and remediation of any
15 degradation in water quality that may
16 result from the removal of or any
17 other change in the water flow from
18 the Elwha dam.

19 “(iii) PAYMENT OF COSTS.—The cost
20 of each action taken under clause (i) shall,
21 subject to the availability of appropria-
22 tions, be borne by the Secretary.

23 “(2) EVALUATION OF EFFECT OF REMOVAL.—

24 During the removal phase of the Elwha dam, the

1 Secretary shall make a thorough evaluation of the
2 impact of removal of the dam on fish runs.

3 “(3) COMPENSATION FOR LOST REVENUE.—

4 After the acquisition of the Projects, the Secretary
5 shall pay the Clallam County Board of Commis-
6 sioners \$150,000 per year for a period of 12 years,
7 subject to the availability of annual appropriations
8 for that purpose, for the purpose of recovering lost
9 revenue under the condition that the county dedicate
10 at least 50 percent of each payment to studying the
11 river system before, during, and after dam removal.

12 “(d) GLINES PROJECT.—

13 “(1) IN GENERAL.—As soon as practicable
14 after sums are appropriated for the purpose, the
15 Secretary shall acquire the Glines Project.

16 “(2) OPERATION OF THE GLINES PROJECT.—

17 “(A) IN GENERAL.—The Secretary shall
18 continue operation of the Glines Canyon dam
19 after the Elwha dam has been removed, subject
20 to the availability of funds for that purpose.

21 “(B) REMOVAL.—The Secretary may, sub-
22 ject to the availability of appropriations, remove
23 the Glines Canyon Project, after completion of
24 the removal of the Elwha Project and all fish-
25 eries studies entailed in this Act, if he deter-

1 mines that the benefit to fisheries and restora-
2 tion of the natural state of the river exceeds the
3 value of power and the desirability of the lake
4 by a margin that is sufficient to warrant the ex-
5 penditure of the removal cost.

6 “(C) ENGINEERING AND DESIGN STUDY.—

7 As soon as practicable after the date of enact-
8 ment of this paragraph, the Secretary shall—

9 “(i) complete an engineering and de-
10 sign study to determine the most cost-ef-
11 fective manner in which transmission lines
12 and operational controls can be reconfig-
13 ured to permit operation of the Glines
14 Canyon dam.

15 “(ii) evaluate the impact that manag-
16 ing the Glines Canyon Project for fisheries
17 restoration will have on future hydropower
18 operations.

19 “(3) FISHERIES RESTORATION ENHANCEMENT
20 EFFORTS.—

21 “(A) IN GENERAL.—To the extent prac-
22 ticable, the Secretary shall develop and imple-
23 ment a comprehensive fish enhancement plan
24 with the Elwha Citizens Commission, the Lower
25 Elwha Klallam Tribe, the National Marine

1 Fisheries Service, the Washington Department
2 of Fish and Wildlife, and other persons and en-
3 tities directly affected by management decisions
4 on the Elwha River.

5 “(B) LIMITATION.—The comprehensive
6 fish enhancement plan shall not compromise or
7 preempt commitments for power generation on
8 the river in effect on the date of enactment of
9 this paragraph.”.

10 (b) CONFORMING AMENDMENTS.—The Elwha River
11 Ecosystem and Fisheries Restoration Act (106 Stat.
12 3173) is amended—

13 (1) in section 4—

14 (A) in subsection (a)—

15 (i) in the matter preceding paragraph
16 (1), by striking “Effective” and all that
17 follows through “implement” and inserting
18 “Effective 60 days after the date of con-
19 veyance of the Projects, the Secretary
20 shall, subject to the availability of appro-
21 priated funds, take such actions as are
22 necessary to implement”; and

23 (ii) in paragraph (1), by striking “re-
24 ferred to in section 3(c)(2) for the removal

1 of the dams and full;” and inserting “for
2 the removal of the Elwha dam and;” and
3 (B) in the first sentence of subsection (b),
4 by striking “referred to in section 3(c)(2)”;
5 (2) in section 5(a), by striking “as provided in
6 section 3(e)”;
7 (3) in section 6—
8 (A) in the first sentence of subsection (a),
9 by striking “makes the determination to remove
10 the dams and”; and
11 (B) in the first sentence of subsection
12 (b)(1)—
13 (i) by striking “makes the determina-
14 tion to remove the dams and”; and
15 (ii) by inserting “of the Elwha
16 Project” after “removal”; and
17 (4) in section 7(a)—
18 (A) by striking “makes the determination
19 to remove the dams and”; and
20 (B) by inserting “of the Elwha Project”
21 after “removal”.

1 TITLE V—LAND BETWEEN THE LAKES
2 PROTECTION ACT

3 **SEC. 501. SHORT TITLE.**

4 This title may be referred to as “The Land Between
5 the Lakes Protection Act of 1998”.

6 **SEC. 502. DEFINITIONS.**

7 In this title:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) ADVISORY BOARD.—The term “Advisory
12 Board” means the Land Between the Lakes Advi-
13 sory Board established under section 522.

14 (3) CHAIRMAN.—The term “Chairman” means
15 the Chairman of the Board of Directors of the Ten-
16 nessee Valley Authority.

17 (4) ELIGIBLE EMPLOYEE.—The term “eligible
18 employee” means a person that was, on the date of
19 enactment of this Act, a full-time employee of the
20 Tennessee Valley Authority at the Recreation Area.

21 (5) ENVIRONMENTAL LAW.—

22 (A) IN GENERAL.—The term “environ-
23 mental law” means all applicable Federal,
24 State, and local laws (including regulations)
25 and requirements related to protection of

1 human health, natural and cultural resources,
2 or the environment.

3 (B) INCLUSIONS.—The term “environ-
4 mental law” includes—

5 (i) the Comprehensive Environmental
6 Response, Compensation, and Liability Act
7 of 1980 (42 U.S.C. 9601 et seq.);

8 (ii) the Solid Waste Disposal Act (42
9 U.S.C. 6901 et seq.);

10 (iii) the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1251 et seq.);

12 (iv) the Clean Air Act (42 U.S.C.
13 7401 et seq.);

14 (v) the Federal Insecticide, Fungicide,
15 and Rodenticide Act (7 U.S.C. 136 et
16 seq.);

17 (vi) the Toxic Substances Control Act
18 (15 U.S.C. 2601 et seq.);

19 (vii) the Safe Drinking Water Act (42
20 U.S.C. 300f et seq.);

21 (viii) the National Environmental Pol-
22 icy Act of 1969 (42 U.S.C. 4321 et seq.);
23 and

24 (ix) the Endangered Species Act of
25 1973 (16 U.S.C. 1531 et seq.).

1 (6) FOREST HIGHWAY.—The term “forest high-
2 way” has the meaning given the term in section
3 101(a) of title 23, United States Code.

4 (7) GOVERNMENTAL UNIT.—The term “govern-
5 mental unit” means an agency of the Federal Gov-
6 ernment or a State or local government, local gov-
7 ernmental unit, public or municipal corporation, or
8 unit of a State university system.

9 (8) HAZARDOUS SUBSTANCE.—The term “haz-
10 ardous substance” has the meaning given the term
11 in section 101 of the Comprehensive Environmental
12 Response, Compensation, and Liability Act of 1980
13 (42 U.S.C. 9601).

14 (9) PERSON.—The term “person” has the
15 meaning given the term in section 101 of the Com-
16 prehensive Environmental Response, Compensation,
17 and Liability Act of 1980 (42 U.S.C. 9601).

18 (10) POLLUTANT OR CONTAMINANT.—The term
19 “pollutant or contaminant” has the meaning given
20 the term in section 101 of the Comprehensive Envi-
21 ronmental Response, Compensation, and Liability
22 Act of 1980 (42 U.S.C. 9601).

23 (11) RECREATION AREA.—The term “Recre-
24 ation Area” means the Land Between the Lakes Na-
25 tional Recreation Area.

1 (12) RELEASE.—The term “release” has the
2 meaning given the term in section 101 of the Com-
3 prehensive Environmental Response, Compensation,
4 and Liability Act of 1980 (42 U.S.C. 9601).

5 (13) RESPONSE ACTION.—The term “response
6 action” has the meaning given the term in section
7 101 of the Comprehensive Environmental Response,
8 Compensation, and Liability Act of 1980 (42 U.S.C.
9 9601).

10 (14) SECRETARY.—The term “Secretary”
11 means the Secretary of Agriculture.

12 (15) STATE.—The term “State” means the
13 State of Kentucky and the State of Tennessee.

14 **SEC. 503. PURPOSES.**

15 The purposes of this title are—

16 (1) to transfer without consideration adminis-
17 trative jurisdiction over the Recreation Area from
18 the Tennessee Valley Authority to the Secretary so
19 that the Recreation Area may be managed as a unit
20 of the National Forest System;

21 (2) to protect and manage the resources of the
22 Recreation Area for optimum yield of outdoor recre-
23 ation and environmental education through multiple
24 use management by the Forest Service;

1 (2) EMPHASES.—The emphases in the manage-
2 ment of the Recreation Area shall be—

3 (A) to provide public recreational opportu-
4 nities;

5 (B) to conserve fish and wildlife and their
6 habitat; and

7 (C) to provide for diversity of native and
8 desirable non-native plants, animals, opportuni-
9 ties for hunting and fishing, and environmental
10 education.

11 (3) STATUS OF UNIT.—The Secretary may ad-
12 minister the Recreation Area as a separate unit of
13 the National Forest System or in conjunction with
14 an existing national forest.

15 (c) AREA INCLUDED.—

16 (1) IN GENERAL.—The Recreation Area shall
17 comprise the federally owned land, water, and inter-
18 ests in the land and water lying between Kentucky
19 Lake and Lake Barkley in the States of Kentucky
20 and Tennessee, as generally depicted on the map en-
21 titled “Land Between the Lakes National Recreation
22 Area—January, 1998”.

23 (2) MAP.—The map described in paragraph (1)
24 shall be available for public inspection in the Office
25 of the Chief of the Forest Service, Washington, D.C.

1 (d) WATERS.—

2 (1) WATER LEVELS AND NAVIGATION.—Noth-
3 ing in this title affects the jurisdiction of the Ten-
4 nessee Valley Authority or the Army Corps of Engi-
5 neers to manage and regulate water levels and navi-
6 gation of Kentucky Lake and Lake Barkley and
7 areas subject to flood easements.

8 (2) OCCUPANCY AND USE.—Subject to the ju-
9 risdiction of the Tennessee Valley Authority and the
10 Army Corps of Engineers, the Secretary shall have
11 jurisdiction to regulate the occupancy and use of the
12 surface waters of the lakes for recreational purposes.

13 **SEC. 512. CIVIL AND CRIMINAL JURISDICTION.**

14 (a) ADMINISTRATION.—The Secretary, acting
15 through the Chief of the Forest Service, shall administer
16 the Recreation Area in accordance with this title and the
17 laws, rules, and regulations pertaining to the National
18 Forest System.

19 (b) STATUS.—Land within the Recreation Area shall
20 have the status of land acquired under the Act of March
21 1, 1911 (commonly known as the “Weeks Act”) (16
22 U.S.C. 515 et seq.).

23 **SEC. 513. PAYMENTS TO STATES AND COUNTIES.**

24 (a) PAYMENTS IN LIEU OF TAXES.—Land within the
25 Recreation Area shall be subject to the provisions for pay-

1 ments in lieu of taxes under chapter 69 of title 31, United
2 States Code.

3 (b) DISTRIBUTION.—All amounts received from
4 charges, use fees, and natural resource utilization, includ-
5 ing timber and agricultural receipts, shall not be subject
6 to distribution to States under the Act of May 23, 1908
7 (16 U.S.C. 500).

8 (c) PAYMENTS BY THE TENNESSEE VALLEY AU-
9 THORITY.—After the transfer of administrative jurisdic-
10 tion is made under section 541—

11 (1) the Tennessee Valley Authority shall con-
12 tinue to calculate the amount of payments to be
13 made to States and counties under section 13 of the
14 Tennessee Valley Authority Act of 1933 (16 U.S.C.
15 831*l*); and

16 (2) each State (including, for the purposes of
17 this subsection, the State of Kentucky, the State of
18 Tennessee, and any other State) that receives a pay-
19 ment under that section shall continue to calculate
20 the amounts to be distributed to the State and local
21 governments, as though the transfer had not been
22 made.

23 **SEC. 514. FOREST HIGHWAYS.**

24 (a) IN GENERAL.—For purposes of section 204 of
25 title 23, United States Code, the road known as “The

1 Trace” and every other paved road within the Recreation
2 Area (including any road constructed to secondary stand-
3 ards) shall be considered to be a forest highway.

4 (b) STATE RESPONSIBILITY.—

5 (1) IN GENERAL.—The States shall be respon-
6 sible for the maintenance of forest highways within
7 the Recreation Area.

8 (2) REIMBURSEMENT.—To the maximum ex-
9 tent provided by law, from funds appropriated to the
10 Department of Transportation and available for pur-
11 poses of highway construction and maintenance, the
12 Secretary of Transportation shall reimburse the
13 States for all or a portion of the costs of mainte-
14 nance of forest highways in the Recreation Area.

15 **Subtitle B—Management Provisions**

16 **SEC. 521. LAND AND RESOURCE MANAGEMENT PLAN.**

17 (a) IN GENERAL.—As soon as practicable after the
18 effective date of the transfer of jurisdiction under section
19 541, the Secretary shall prepare a land and resource man-
20 agement plan for the Recreation Area in conformity with
21 the National Forest Management Act of 1976 (16 U.S.C.
22 472a et seq.) and other applicable law.

23 (b) INTERIM PROVISION.—Until adoption of the land
24 and resource management plan, the Secretary may use,
25 as appropriate, the existing Tennessee Valley Authority

1 management plan to provide interim management direc-
2 tion. Use of all or a portion of the management plan by
3 the Secretary shall not be considered to be a major Fed-
4 eral action significantly affecting the quality of the human
5 environment.

6 **SEC. 522. ADVISORY BOARD.**

7 (a) ESTABLISHMENT.—Not later than 90 days after
8 the date of enactment of this Act, the Secretary shall es-
9 tablish the Land Between the Lakes Advisory Board.

10 (b) MEMBERSHIP.—The Advisory Board shall be
11 composed of 17 members, of whom—

12 (1) 4 individuals shall be appointed by the Sec-
13 retary, including—

14 (A) 2 residents of the State of Kentucky;

15 and

16 (B) 2 residents of the State of Tennessee;

17 (2) 2 individuals shall appointed by the Ken-
18 tucky Fish and Wildlife Commissioner or designee;

19 (3) 1 individual shall be appointed by the Ten-
20 nessee Fish and Wildlife Commission or designee;

21 (4) 2 individuals shall be appointed by the Gov-
22 ernor of the State of Tennessee;

23 (5) 2 individuals shall be appointed by the Gov-
24 ernor of the State of Kentucky; and

1 (6) 2 individuals shall be appointed by appro-
2 priate officials of each of the 3 counties containing
3 the Recreation Area.

4 (c) TERM.—

5 (1) IN GENERAL.—The term of a member of
6 the Advisory Board shall be 5 years.

7 (2) SUCCESSION.—Members of the Advisory
8 Board may not succeed themselves.

9 (d) CHAIRPERSON.—The Regional Forester shall
10 serve as chairperson of the Advisory Board.

11 (e) RULES OF PROCEDURE.—The Secretary shall
12 prescribe the rules of procedure for the Advisory Board.

13 (f) FUNCTIONS.—The Advisory Board may advise the
14 Secretary on—

15 (1) means of promoting public participation for
16 the land and resource management plan for the
17 Recreation Area; and

18 (2) environmental education.

19 (g) MEETINGS.—

20 (1) FREQUENCY.—The Advisory Board shall
21 meet at least biannually.

22 (2) PUBLIC MEETING.—A meeting of the Advi-
23 sory Board shall be open to the general public.

24 (3) NOTICE OF MEETINGS.—The chairperson,
25 through the placement of notices in local news media

1 and by other appropriate means shall give 2 weeks'
2 public notice of each meeting of the Advisory Board.

3 (h) NO TERMINATION.—Section 14(a)(2) of the Fed-
4 eral Advisory Committee Act (5 U.S.C. App.) shall not
5 apply to the Advisory Board.

6 **SEC. 523. FEES.**

7 (a) AUTHORITY.—The Secretary may charge reason-
8 able fees for admission to and the use of the designated
9 sites, or for activities, within the Recreation Area.

10 (b) FACTORS.—In determining whether to charge
11 fees, the Secretary may consider the costs of collection
12 weighed against potential income.

13 (c) LIMITATION.—No general entrance fees shall be
14 charged within the Recreation Area.

15 **SEC. 524. DISPOSITION OF RECEIPTS.**

16 (a) IN GENERAL.—All amounts received from
17 charges, use fees, and natural resource utilization, includ-
18 ing timber and agricultural receipts, shall be deposited in
19 a special fund in the Treasury of the United States to
20 be known as the “Land Between the Lakes Management
21 Fund”.

22 (b) USE.—Amounts in the Fund shall be available
23 to the Secretary until expended, without further Act of
24 appropriation, for the management of the Recreation
25 Area, including payment of salaries and expenses.

1 **SEC. 525. SPECIAL USE AUTHORIZATIONS.**

2 (a) IN GENERAL.—In addition to other authorities
3 for the authorization of special uses within the National
4 Forest System, within the Recreation Area, the Secretary
5 may, on such terms and conditions as the Secretary may
6 prescribe—

7 (1) convey for no consideration perpetual ease-
8 ments to governmental units for public roads over
9 United States Route 68 and the Trace, and such
10 other rights-of-way as the Secretary and a govern-
11 mental unit may agree;

12 (2) transfer or lease to governmental units de-
13 veloped recreation sites or other facilities to be man-
14 aged for public purposes; and

15 (3) lease or authorize recreational sites or other
16 facilities, consistent with sections 503(2) and
17 511(b)(2), to for-profit and not-for-profit corpora-
18 tions and organizations for renewable periods not to
19 exceed 30 years.

20 (b) CONSIDERATION.—

21 (1) IN GENERAL.—Consideration for a lease or
22 other special use authorization within the Recreation
23 Area shall be based on fair market value.

24 (2) REDUCTION OR WAIVER.—The Secretary
25 may reduce or waive a fee to a governmental unit or
26 nonprofit organization commensurate with other

1 consideration provided to the United States, as de-
2 termined by the Secretary.

3 (c) PROCEDURE.—The Secretary may use any fair
4 and equitable method for authorizing special uses within
5 the Recreation Area, including public solicitation of pro-
6 posals.

7 (d) EXISTING AUTHORIZATIONS.—

8 (1) IN GENERAL.—A permit or other authoriza-
9 tion granted by the Tennessee Valley Authority that
10 is in effect on the date of enactment of this Act may
11 continue on transfer of administration of the Recre-
12 ation Area to the Secretary.

13 (2) REISSUANCE.—A permit or authorization
14 described in paragraph (1) may be reissued on ter-
15 mination under terms and conditions prescribed by
16 the Secretary.

17 (3) EXERCISE OF RIGHTS.—The Secretary may
18 exercise any of the rights of the Tennessee Valley
19 Authority contained in any permit or other author-
20 ization, including any right to amend, modify, and
21 revoke the permit or authorization.

22 **SEC. 526. COOPERATIVE AUTHORITIES AND GIFTS.**

23 (a) FISH AND WILDLIFE SERVICE.—

24 (1) MANAGEMENT.—

1 (A) IN GENERAL.—Subject to such terms
2 and conditions as the Secretary may prescribe,
3 the Secretary may issue a special use authoriza-
4 tion to the United States Fish and Wildlife
5 Service for the management by the Service of
6 facilities and land agreed on by the Secretary
7 and the Secretary of the Interior.

8 (B) FEES.—

9 (i) IN GENERAL.—Reasonable admis-
10 sion and use fees may be charged for all
11 areas administered by the United States
12 Fish and Wildlife Service.

13 (ii) DEPOSIT.—The fees shall be de-
14 posited in accordance with section 524.

15 (2) COOPERATION.—The Secretary and the
16 Secretary of the Interior may cooperate or act joint-
17 ly on activities such as population monitoring and
18 inventory of fish and wildlife with emphasis on mi-
19 gratory birds and endangered and threatened spe-
20 cies, environmental education, visitor services, con-
21 servation demonstration projects and scientific re-
22 search.

23 (3) SUBORDINATION OF FISH AND WILDLIFE
24 ACTIVITIES TO OVERALL MANAGEMENT.—The man-
25 agement and use of areas and facilities under permit

1 to the United States Fish and Wildlife Service as
2 authorized pursuant to this section shall be subordi-
3 nate to the overall management of the Recreation
4 Area as directed by the Secretary.

5 (b) AUTHORITIES.—For the management, mainte-
6 nance, operation, and interpretation of the Recreation
7 Area and its facilities, the Secretary may—

8 (1) make grants and enter into contracts and
9 cooperative agreements with Federal agencies, gov-
10 ernmental units, nonprofit organizations, corpora-
11 tions, and individuals; and

12 (2) accept gifts under Public Law 95–442 (7
13 U.S.C. 2269) notwithstanding that the donor con-
14 ducts business with any agency of the Department
15 of Agriculture or is regulated by the Secretary of
16 Agriculture.

17 **SEC. 527. DESIGNATION OF NATIONAL RECREATION TRAIL.**

18 Effective on the date of enactment of this Act, the
19 North-South Trail is designated as a national recreation
20 trail under section 4 of the National Trails System Act
21 (16 U.S.C. 1243).

22 **SEC. 528. CEMETERIES.**

23 The Secretary shall maintain an inventory of and en-
24 sure access to all cemeteries within the Recreation Area
25 for purposes of burial, visitation, and maintenance.

1 **SEC. 529. RESOURCE MANAGEMENT.**

2 (a) MINERALS.—

3 (1) WITHDRAWAL.—The land within the Recre-
4 ation Area is withdrawn from the operation of the
5 mining and mineral leasing laws of the United
6 States.

7 (2) USE OF MINERAL MATERIALS.—The Sec-
8 retary may permit the use of common varieties of
9 mineral materials for the development and mainte-
10 nance of the Recreation Area.

11 (b) HUNTING AND FISHING.—

12 (1) IN GENERAL.—The Secretary shall permit
13 hunting and fishing on land and water under the ju-
14 risdiction of the Secretary within the boundaries of
15 the Recreation Area in accordance with applicable
16 laws of the United States and of each State, respec-
17 tively.

18 (2) PROHIBITION.—

19 (A) IN GENERAL.—The Secretary may des-
20 ignate areas where, and establish periods when,
21 hunting or fishing is prohibited for reasons of
22 public safety, administration, or public use and
23 enjoyment.

24 (B) CONSULTATION.—Except in emer-
25 gencies, a prohibition under subparagraph (A)
26 shall become effective only after consultation

1 with the appropriate fish and game depart-
2 ments of the States.

3 (3) FISH AND WILDLIFE.—Nothing in this title
4 affects the jurisdiction or responsibilities of the
5 States with respect to wildlife and fish on national
6 forests.

7 **SEC. 530. DAMS AND IMPOUNDMENTS.**

8 (a) IN GENERAL.—The Tennessee Valley Authority
9 and the Army Corps of Engineers, as appropriate, shall
10 be responsible for the maintenance of all dams, dikes,
11 causeways, impoundments, subimpoundments, and other
12 water resources facilities, including appurtenant roads and
13 boat ramps, existing within the Recreation Area on the
14 date of enactment of this Act.

15 (b) REMOVAL.—A facility described in subsection (a)
16 may be removed and the associated land and water area
17 restored to a natural condition only with the approval of
18 the Secretary.

19 **SEC. 531. TRUST FUND.**

20 (a) ESTABLISHMENT.—There is established in the
21 Treasury of the United States a special interest-bearing
22 fund known as the “Land Between the Lakes Trust
23 Fund”.

24 (b) AVAILABILITY.—Amounts in the Fund shall be
25 available to the Secretary, until expended, for—

1 (1) public education, grants, and internships re-
2 lated to recreation, conservation, and multiple use
3 land management in the Recreation Area; and

4 (2) regional promotion in the Recreation Area,
5 in cooperation with development districts, chambers
6 of commerce, and State and local governments.

7 (c) DEPOSITS.—Notwithstanding section 11, 14, 15,
8 or 29 or any other provision of the Tennessee Valley Au-
9 thority Act of 1933 (16 U.S.C. 831 et seq.) and notwith-
10 standing the provisions of the covenants contained in any
11 power bonds issued by the Tennessee Valley Authority,
12 from revenues available to the Tennessee Valley Authority
13 from any source, including power proceeds, the Tennessee
14 Valley Authority shall deposit into the Fund \$1,000,000
15 annually for each of 5 fiscal years commencing in fiscal
16 year 2000.

17 **SEC. 532. ELECTRICITY.**

18 The Tennessee Valley Authority shall compensate
19 distributors in providing the Secretary, at no charge, con-
20 tinued electrical service, including maintenance of all lines,
21 poles, and other facilities necessary for the distribution
22 and use of electric power.

1 **Subtitle C—Transfer Provisions**

2 **SEC. 541. EFFECTIVE DATE OF TRANSFER.**

3 Effective on October 1 of the first fiscal year for
4 which Congress does not appropriate to the Tennessee
5 Valley Authority at least \$6,000,000 for the Recreation
6 Area, administrative jurisdiction over the Recreation Area
7 is transferred from the Tennessee Valley Authority to the
8 Secretary.

9 **SEC. 542. STATEMENT OF POLICY.**

10 It is the policy of the United States that, to the maxi-
11 mum extent practicable—

12 (1) the transfer of jurisdiction over the Recre-
13 ation Area from the Tennessee Valley Authority to
14 the Secretary should be effected in an efficient and
15 cost-effective manner; and

16 (2) due consideration should be given to mini-
17 mizing—

18 (A) disruption of the personal lives of the
19 Tennessee Valley Authority and Forest Service
20 employees; and

21 (B) adverse impacts on permittees,
22 contractees, and others owning or operating
23 businesses affected by the transfer.

1 **SEC. 543. MEMORANDUM OF AGREEMENT.**

2 (a) IN GENERAL.—Not later than 30 days after the
3 date of enactment of this Act, the Secretary and the Ten-
4 nessee Valley Authority shall enter into a memorandum
5 of agreement concerning implementation of this title.

6 (b) PROVISIONS.—The memorandum of understand-
7 ing shall provide procedures for—

8 (1) the orderly withdrawal of officers and em-
9 ployees of the Tennessee Valley Authority;

10 (2) the transfer of property, fixtures, and facili-
11 ties;

12 (3) the interagency transfer of officers and em-
13 ployees;

14 (4) the transfer of records; and

15 (5) other transfer issues.

16 (c) TRANSITION TEAM.—

17 (1) IN GENERAL.—The memorandum of under-
18 standing may provide for a transition team consist-
19 ing of the Tennessee Valley Authority and Forest
20 Service employees.

21 (2) DURATION.—The team may continue in ex-
22 istence after the date of transfer.

23 (3) PERSONNEL COSTS.—The Tennessee Valley
24 Authority and the Forest Service shall pay personnel
25 costs of their respective team members.

1 **SEC. 544. RECORDS.**

2 (a) RECREATION AREA RECORDS.—The Secretary
3 shall have access to all records of the Tennessee Valley
4 Authority pertaining to the management of the Recreation
5 Area.

6 (b) PERSONNEL RECORDS.—The Tennessee Valley
7 Authority personnel records shall be made available to the
8 Secretary, on request, to the extent the records are rel-
9 evant to Forest Service administration.

10 (c) CONFIDENTIALITY.—The Tennessee Valley Au-
11 thority may prescribe terms and conditions on the avail-
12 ability of records to protect the confidentiality of private
13 or proprietary information.

14 (d) LAND TITLE RECORDS.—The Tennessee Valley
15 Authority shall provide to the Secretary original records
16 pertaining to land titles, surveys, and other records per-
17 taining to transferred personal property and facilities.

18 **SEC. 545. TRANSFER OF PERSONAL PROPERTY.**

19 (a) SUBJECT PROPERTY.—

20 (1) INVENTORY.—Not later than 60 days after
21 the date of enactment of this Act, the Tennessee
22 Valley Authority shall provide the Secretary with an
23 inventory of all property and facilities at the Recre-
24 ation Area.

25 (2) AVAILABILITY FOR TRANSFER.—

1 (A) IN GENERAL.—All Tennessee Valley
2 Authority property associated with the adminis-
3 tration of the Recreation Area as of April 1,
4 1998, including any property purchased with
5 Federal funds appropriated for the management
6 of the Tennessee Valley Authority land, shall be
7 available for transfer to the Secretary.

8 (B) PROPERTY INCLUDED.—Property
9 under subparagraph (A) includes buildings, of-
10 fice furniture and supplies, computers, office
11 equipment, buildings, vehicles, tools, equipment,
12 maintenance supplies, boats, engines, and publi-
13 cations.

14 (3) EXCLUSION OF PROPERTY.—At the request
15 of the authorized representative of the Tennessee
16 Valley Authority, the Secretary may exclude movable
17 property from transfer based on a showing by the
18 Tennessee Valley Authority that the property is vital
19 to the mission of the Tennessee Valley Authority
20 and cannot be replaced in a cost-effective manner, if
21 the Secretary determines that the property is not
22 needed for management of the Recreation Area.

23 (b) DESIGNATION.—Pursuant to such procedures as
24 may be prescribed in the memorandum of agreement en-
25 tered into under section 543, the Secretary shall identify

1 and designate, in writing, all Tennessee Valley Authority
2 property to be transferred to the Secretary.

3 (c) FACILITATION OF TRANSFER.—The Tennessee
4 Valley Authority shall, to the maximum extent practicable,
5 use existing appropriated and unappropriated funds and
6 current personnel to facilitate the transfer of necessary
7 property and facilities to the Secretary, including replace-
8 ment of signs and insignia, repainting of vehicles, printing
9 of public information, and training of new personnel.

10 (d) SURPLUS PROPERTY.—

11 (1) DISPOSITION.—Any personal property, in-
12 cluding structures and facilities, that the Secretary
13 determines cannot be efficiently managed and main-
14 tained either by the Forest Service or by lease or
15 permit to other persons may be declared excess by
16 the Secretary and—

17 (A) sold by the Secretary on such terms
18 and conditions as the Secretary may prescribe
19 to achieve the maximum benefit to the Federal
20 Government; or

21 (B) disposed of under the Federal Prop-
22 erty and Administrative Services Act of 1949
23 (40 U.S.C. 471 et seq.).

1 (2) DEPOSIT OF PROCEEDS.—All net proceeds
2 from the disposal of any property shall be deposited
3 into the Fund established by section 531.

4 **SEC. 546. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

5 (a) DOCUMENTATION OF EXISTING CONDITIONS.—

6 (1) IN GENERAL.—Not later than 60 days after
7 the date of enactment of this Act, the Chairman and
8 the Administrator shall provide the Secretary all
9 documentation and information that exists on the
10 environmental condition of the land and waters com-
11 prising the Recreation Area property.

12 (2) ADDITIONAL DOCUMENTATION.—The
13 Chairman and the Administrator shall provide the
14 Secretary with any additional documentation and in-
15 formation regarding the environmental condition of
16 the Recreation Area property as such documentation
17 and information becomes available.

18 (b) ACTION REQUIRED.—

19 (1) ASSESSMENT.—Not later than 120 days
20 after the date of enactment of this Act, the Chair-
21 man shall provide to the Secretary an assessment in-
22 dicating what action, if any, is required under any
23 environmental law on Recreation Area property.

24 (2) MEMORANDUM OF UNDERSTANDING.—If
25 the assessment concludes action is required under

1 any environmental law with respect to any portion of
2 the Recreation Area property, the Secretary and the
3 Chairman shall enter into a memorandum of under-
4 standing that—

5 (A) provides for the performance by the
6 Chairman of the required actions identified in
7 the assessment; and

8 (B) includes a schedule providing for the
9 prompt completion of the required actions to
10 the satisfaction of the Secretary.

11 (c) DOCUMENTATION DEMONSTRATING ACTION.—

12 On the transfer of jurisdiction over the Recreation Area
13 from the Tennessee Valley Authority to the Secretary, the
14 Chairman shall provide the Secretary with documentation
15 demonstrating that all actions required under any environ-
16 mental law have been taken, including all response actions
17 under the Comprehensive Environmental Response, Com-
18 pensation, and Liability Act of 1980 (42 U.S.C. 9601 et
19 seq.) that are necessary to protect human health and the
20 environment with respect to any hazardous substance, pol-
21 lutant, contaminant, hazardous waste, hazardous mate-
22 rial, or petroleum product or derivative of a petroleum
23 product on Recreation Area property.

24 (d) CONTINUATION OF RESPONSIBILITIES AND LI-
25 ABILITIES.—

1 (1) IN GENERAL.—The transfer of the Recre-
2 ation Area property under this title, and the require-
3 ments of this section, shall not in any way affect the
4 responsibilities and liabilities of the Tennessee Valley
5 Authority at the Recreation Area under the Com-
6 prehensive Environmental Response, Compensation,
7 and Liability Act of 1980 (42 U.S.C. 9601 et seq.)
8 or any other environmental law.

9 (2) ACCESS.—After transfer of the Recreation
10 Area property, the Chairman shall be accorded any
11 access to the property that may be reasonably re-
12 quired to carry out the responsibility or satisfy the
13 liability referred to in paragraph (1).

14 (3) NO LIABILITY.—The Secretary shall not be
15 liable under any environmental law for matters that
16 are related directly or indirectly to present or past
17 activities of the Tennessee Valley Authority on the
18 Recreation Area property, including liability for—

19 (A) costs or performance of response ac-
20 tions required under the Comprehensive Envi-
21 ronmental Response, Compensation, and Liabil-
22 ity Act of 1980 (42 U.S.C. 9601 et seq.) at or
23 related to the Recreation Area; or

24 (B) costs, penalties, fines, or performance
25 of actions related to noncompliance with any

1 environmental law at or related to the Recre-
2 ation Area or related to the presence, release,
3 or threat of release of any hazardous substance,
4 pollutant, or contaminant, hazardous waste,
5 hazardous material, or petroleum product or de-
6 rivative of a petroleum product of any kind at
7 or related to the Recreation Area, including
8 contamination resulting from migration.

9 (4) NO EFFECT ON RESPONSIBILITIES OR LI-
10 ABILITIES.—Except as provided in paragraph (3),
11 nothing in this title affects, modifies, amends, re-
12 peals, alters, limits or otherwise changes, directly or
13 indirectly, the responsibilities or liabilities under any
14 environmental law of any person with respect to the
15 Secretary.

16 (e) OTHER FEDERAL AGENCIES.—Subject to the
17 other provisions of this section, a Federal agency that car-
18 ried or carries out operations at the Recreation Area re-
19 sulting in the release or threatened release of a hazardous
20 substance, pollutant, or contaminant, hazardous waste,
21 hazardous material, or petroleum product or derivative of
22 a petroleum product for which that agency would be liable
23 under any environmental law shall pay the costs of related
24 response actions and shall pay the costs of related actions
25 to remediate petroleum products or their derivatives.

1 **SEC. 547. PERSONNEL.**

2 (a) IN GENERAL.—

3 (1) HIRING.—Notwithstanding section 3503 of
4 title 5, United States Code, and subject to para-
5 graph (2), the Secretary may—

6 (A) appoint, hire, and discharge officers
7 and employees to administer the Recreation
8 Area; and

9 (B) pay the officers and employees at lev-
10 els that are commensurate with levels at other
11 units of the National Forest System.

12 (2) INTERIM RETENTION OF ELIGIBLE EMPLOY-
13 EES.—

14 (A) IN GENERAL.—For a period of not less
15 than 5 months after the effective date of trans-
16 fer to the Forest Service—

17 (i) all eligible employees shall be re-
18 tained in the employment of the Tennessee
19 Valley Authority;

20 (ii) those eligible employees shall be
21 considered to be placed on detail to the
22 Secretary and shall be subject to the direc-
23 tion of the Secretary; and

24 (iii) the Secretary shall reimburse the
25 Tennessee Valley Authority for the amount

1 of the basic pay and all other compensa-
2 tion of those eligible employees.

3 (B) LAW ENFORCEMENT.—During the
4 transition period specified under subparagraph
5 (A), law enforcement officers of the Tennessee
6 Valley Authority police shall retain the duties
7 and powers provided under section 4A of the
8 Tennessee Valley Authority Act of 1933 (16
9 U.S.C. 831c-3).

10 (C) NOTICE TO EMPLOYEES.—The Sec-
11 retary shall provide eligible employees a written
12 notice of not less than 30 days before termi-
13 nation.

14 (D) TERMINATION FOR CAUSE.—Subpara-
15 graph (A) does not preclude a termination for
16 cause during the 5-month period.

17 (b) APPLICATIONS FOR TRANSFER AND APPOINT-
18 MENT.—An eligible employee shall have the right to apply
19 for employment by the Secretary under procedures for
20 transfer and appointment of Federal employees outside
21 the Department of Agriculture.

22 (c) HIRING BY THE SECRETARY.—

23 (1) IN GENERAL.—Subject to subsection (b), in
24 filling personnel positions within the Recreation
25 Area, the Secretary shall follow all laws (including

1 regulations) and policies applicable to the Depart-
2 ment of Agriculture.

3 (2) NOTIFICATION AND HIRING.—Notwith-
4 standing paragraph (1), the Secretary—

5 (A) shall notify all eligible employees of all
6 openings for positions with the Forest Service
7 at the Recreation Area before notifying other
8 individuals or considering applications by other
9 individuals for the positions; and

10 (B) after applications by eligible employees
11 have received consideration, if any positions re-
12 main unfilled, shall notify other individuals of
13 the openings.

14 (3) NONCOMPETITIVE APPOINTMENTS.—Not-
15 withstanding any other placement of career transi-
16 tion programs authorized by the Office of Personnel
17 Management of the United States Department of
18 Agriculture, the Secretary may noncompetitively ap-
19 point eligible employees to positions in the Recre-
20 ation Area.

21 (4) PERIOD OF SERVICE.—Except to the extent
22 that an eligible employee that is appointed by the
23 Secretary may be otherwise compensated for the pe-
24 riod of service as an employee of the Tennessee Val-
25 ley Authority, that period of service shall be treated

1 as a period of service as an employee of the Sec-
2 retary for the purposes of probation, career tenure,
3 time-in-grade, and leave.

4 (d) TRANSFER TO POSITIONS IN OTHER UNITS OF
5 THE TENNESSEE VALLEY AUTHORITY.—The Tennessee
6 Valley Authority—

7 (1) shall notify all eligible employees of all
8 openings for positions in other units of the Ten-
9 nessee Valley Authority before notifying other indi-
10 viduals or considering applications by other individ-
11 uals for the positions; and

12 (2) after applications by eligible employees have
13 received consideration, if any positions remain un-
14 filled, shall notify other individuals of the openings.

15 (e) EMPLOYEE BENEFIT TRANSITION.—

16 (1) MEMORANDUM OF UNDERSTANDING.—

17 (A) IN GENERAL.—The Secretary and the
18 heads of the Office of Personnel Management
19 and the Tennessee Valley Authority Retirement
20 System shall enter into a memorandum of un-
21 derstanding providing for the transition for all
22 eligible employees of compensation made avail-
23 able through the Tennessee Valley Authority
24 Retirement System.

1 (B) EMPLOYEE PARTICIPATION.—In decid-
2 ing on the terms of the memorandum of under-
3 standing, the Secretary and the heads of the
4 Office of Personnel Management and the Ten-
5 nessee Valley Authority Retirement System
6 shall meet and consult with and give full con-
7 sideration to the views of employees and rep-
8 resentatives of the employees of the Tennessee
9 Valley Authority.

10 (2) ELIGIBLE EMPLOYEES THAT ARE TRANS-
11 FERRED TO OTHER UNITS OF TVA.—An eligible em-
12 ployee that is transferred to another unit of the Ten-
13 nessee Valley Authority shall experience no interrup-
14 tion in coverage for or reduction of any retirement,
15 health, leave, or other employee benefit.

16 (3) ELIGIBLE EMPLOYEES THAT ARE HIRED BY
17 THE SECRETARY.—

18 (A) LEVEL OF BENEFITS.—The Secretary
19 shall provide to an eligible employee that is
20 hired by the Forest Service a level of retirement
21 and health benefits that is equivalent to the
22 level to which the eligible employee would have
23 been entitled if the eligible employee had re-
24 mained an employee of the Tennessee Valley
25 Authority.

1 (B) TRANSFER OF RETIREMENT BENE-
2 FITS.—

3 (i) IN GENERAL.—All retirement ben-
4 efits accrued by an eligible employee that
5 is hired by the Forest Service shall be
6 transferred into the Federal Retirement
7 System of the Forest Service.

8 (ii) FUNDING SHORTFALL.—

9 (I) IN GENERAL.—For all eligible
10 employees that are not part of the
11 Civil Service Retirement System, the
12 Tennessee Valley Authority shall meet
13 any funding shortfall resulting from
14 the transfer of retirement benefits.

15 (II) NOTIFICATION.—The Sec-
16 retary shall notify the Tennessee Val-
17 ley Authority Board of the cost associ-
18 ated with the transfer of retirement
19 benefits.

20 (III) PAYMENT.—Not later than
21 60 days after notification under sub-
22 clause (II), the Tennessee Valley Au-
23 thority, using nonappropriated funds,
24 shall fully compensate the Secretary

1 for the costs associated with the
2 transfer of retirement benefits.

3 (IV) NO INTERRUPTION.—An eli-
4 gible employee that is hired by the
5 Forest Service and is eligible for Civil
6 Service Retirement shall not experi-
7 ence any interruption in retirement
8 benefits.

9 (B) NO INTERRUPTION.—An eligible em-
10 ployee that is hired by the Secretary—

11 (i) shall experience no interruption in
12 coverage for any health, leave, or other em-
13 ployee benefit; and

14 (ii) shall be entitled to carry over any
15 leave time accumulated during employment
16 by the Tennessee Valley Authority.

17 (C) PERIOD OF SERVICE.—Notwithstand-
18 ing section 8411(b)(3) of title 5, United States
19 Code, except to the extent that an eligible em-
20 ployee may be otherwise compensated (including
21 the provision of retirement benefits in accord-
22 ance with the memorandum of understanding)
23 for the period of service as an employee of the
24 Tennessee Valley Authority, that period of serv-
25 ice shall be treated as a period of service as an

1 employee of the Secretary for all purposes relat-
2 ing to the Federal employment of the eligible
3 employee.

4 (4) ELIGIBLE EMPLOYEES THAT ARE DIS-
5 CHARGED NOT FOR CAUSE.—

6 (A) LEVEL OF BENEFITS.—The parties to
7 the memorandum of understanding shall have
8 authority to deem any applicable requirement to
9 be met, to make payments to an employee, or
10 take any other action necessary to provide to an
11 eligible employee that is discharged as being ex-
12 cess to the needs of the Tennessee Valley Au-
13 thority or the Secretary and not for cause and
14 that does not accept an offer of employment
15 from the Secretary, an optimum level of retire-
16 ment and health benefits that is equivalent to
17 the level that has been afforded employees dis-
18 charged in previous reductions in force by the
19 Tennessee Valley Authority.

20 (B) SHORTFALL.—If the board of directors
21 of the Tennessee Valley Authority Retirement
22 System determines that the cost of providing
23 the benefits described in subparagraph (A)
24 would have a negative impact on the overall re-
25 tirement system, the Tennessee Valley Author-

1 ity shall be required to meet any funding short-
2 falls using nonappropriated funds.

3 (C) Notwithstanding section 11, 14, 15, or
4 29 or any other provision of the Tennessee Val-
5 ley Authority Act of 1933 (16 U.S.C. 831 et
6 seq.) and notwithstanding the provisions of the
7 covenants contained in any power bonds issued
8 by the Tennessee Valley Authority, the Ten-
9 nessee Valley Authority may use the proceeds of
10 power sales for the purpose of funding any
11 costs or obligations described in (e)(3)(B) or
12 (e)(4)(B) of this Section.

13 **SEC. 548. LIMITATION ON TRANSFER COSTS.**

14 From all available balances and nonpower proceeds,
15 the Tennessee Valley Authority shall not expend more
16 than \$350,000 for any costs associated with the transfer
17 under this subtitle (not including costs incurred by appli-
18 cation of Section 547).

19 **Subtitle D—Funding**

20 **SEC. 551. TENNESSEE VALLEY AUTHORITY TRANSITIONAL**
21 **FUNDING.**

22 (a) AVAILABILITY TO THE SECRETARY.—

23 (1) IN GENERAL.—After the effective date of
24 transfer of jurisdiction of the Recreation Area from
25 the Tennessee Valley Authority to the Secretary, all

1 available balances and non-power proceeds of the
2 Tennessee Valley Authority in the amount of
3 \$7,000,000 shall be transferred to the Secretary and
4 shall be available to the Secretary, without further
5 Act of appropriation to carry out this Act.

6 (2) INTERAGENCY AGREEMENT.—Funds made
7 available to the Tennessee Valley Authority for the
8 transition shall be made available to the Secretary
9 pursuant to an interagency agreement.

10 (b) AVAILABILITY TO THE UNITED STATES FISH
11 AND WILDLIFE SERVICE.—Funds appropriated to the
12 Secretary of the Interior for purposes of the United States
13 Fish and Wildlife Service shall be available to administer
14 any portions of the Recreation Area that are authorized
15 for administration by the Service under section 526(a).

16 **SEC. 552. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) AGRICULTURE.—There are authorized to be ap-
18 propriated to the Secretary of Agriculture such sums as
19 are necessary to—

20 (1) permit the Secretary to exercise administra-
21 tive jurisdiction over the Recreation Area under this
22 title; and

23 (2) administer the Recreation Area area as a
24 unit of the National Forest System.

Calendar No. 440

105TH CONGRESS
2^D SESSION

S. 2237

[Report No. 105-227]

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

JUNE 26, 1998

Read twice and placed on the calendar