

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

---

OCTOBER 22, 1997.—Ordered to be printed

---

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

### CONFERENCE REPORT

[To accompany H.R. 2107]

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

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

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

Amendment numbered 1:

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

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

Amendment numbered 3:

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

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

Amendment numbered 8:

BUREAU OF INDIAN AFFAIRS  
OPERATION OF INDIAN PROGRAMS

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

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

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

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

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

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

CONSTRUCTION

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

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

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

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS  
PAYMENTS TO INDIANS

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

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

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

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

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

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

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

COMPACT OF FREE ASSOCIATION

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

DEPARTMENTAL MANAGEMENT

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

## OFFICE OF INSPECTOR GENERAL

## SALARIES AND EXPENSES

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

## NATIONAL INDIAN GAMING COMMISSION

## SALARIES AND EXPENSES

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

## OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

## FEDERAL TRUST PROGRAMS

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

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

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

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. 75: Amends Title I of Public Law 96-514 under the heading "Exploration of National Petroleum Reserve in Alaska" as proposed by the Senate regarding lease operations and royalty terms. The House had no similar provision.

Amendment No. 76: Inserts language proposed by the Senate prohibiting the Secretary of the Interior from approving any class III tribal-State gaming compacts without the prior approval of a



State. It is also the sense of the Senate that the Justice Department should enforce the provisions of the Indian Gaming Regulatory Act. The House had no similar provisions.

The managers agree that this section prohibits the Secretary of the Interior during fiscal year 1998 from adoption specific procedures to authorize and govern Indian gaming activities in any particular State in the absence of a tribal-State compact approved by a State in accordance with State law.

Amendment No. 77: Inserts language which modifies a Senate provision relating to definition regulations of the National Indian Gaming Commission. The modification is intended to make clear that the Commission can gather information relating to the Advanced Notice of Proposed Rulemaking, but not issue draft or final rules. The House had no similar provision.

The managers note that this provision will have no effect on the classification of bingo games, including bingo involving electronic blowers. Such games currently are considered class II and will remain class II under this provision.

Amendment No. 78: Deletes language inserted by the Senate concerning the Youth Environmental Service program and inserts a provision providing for the U.S. Fish and Wildlife Service to continue to make payments to local entities for real Federal properties transferred to the U.S. Geological Survey. The Senate bill addressed the payment provision under the U.S. Geological Survey. The House had no similar provisions. The managers expect the Department to provide the report requested in the Senate amendment dealing with the Youth Environmental Service program not later than 120 days after enactment of this Act.

Amendment No. 79: Includes language proposed by the Senate concerning the conveyance of certain lands managed by the Bureau of Land Management to Lander County, Nevada. The House had no similar provision.

Amendment No. 80: Modifies language proposed by the Senate requiring the sale of certain BLM lands to landowners in Clark County, NV. The House had no similar provision.

Amendment No. 81: Deletes language proposed by the Senate establishing a National Parks and Environmental Improvement Fund and inserts language providing for a National Park Service land exchange of property in the District of Columbia for property in Prince Georges County, MD, for Oxon Cove Park. The managers have addressed the establishment of an environmental restoration fund in Title IV, Amendment No. 162. With respect to the Oxon Cove land exchange, the managers understand that the National Park Service is not liable for the hazardous wastes or other substances placed on the lands.

Amendment No. 82: Modifies language proposed by the Senate regarding the Stampede Mine Site in Denali NP&P, AK. The House had no similar provision.

STRATEGIC PETROLEUM RESERVE  
(INCLUDING TRANSFER OF FUNDS)

Amendment No. 105: Appropriates \$207,500,000 for operation of the strategic petroleum reserve as proposed by the Senate instead of \$209,000,000 as proposed by the House and stipulates that these funds are to be repaid from the sale of SPR oil as proposed by the House rather than potential repayment using excess receipts from the sale of the Elk Hills Naval Petroleum Reserves as proposed by the Senate.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 106: Appropriates \$66,800,000 for the Energy Information Administration as proposed by the House instead of \$62,800,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Amendment No. 107: Makes a technical correction as proposed by the Senate to correct the public law citation for the Energy Policy Act of 1992.

The managers note that the Department of Energy, especially in the energy conservation program activity, has been lax in following the reprogramming guidelines prescribed by the Committees. The managers expect the Department to adhere strictly to those guidelines in fiscal year 1998 and thereafter. Quarterly reporting of accounting data is no longer sufficient.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 108: Appropriates \$1,841,074,000 for Indian health services instead of \$1,829,008,000 as proposed by the House and \$1,958,235,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of \$5,036,000 for fixed costs in the hospital and clinic programs and a \$3,000,000 program increase for the diabetes program; \$480,000 for fixed costs in dental health, \$245,000 for fixed costs in the mental health program, \$105,000 for fixed costs in the alcohol and substance abuse program, \$27,000 for fixed costs and a \$2,000,000 program increase in contract care, \$204,000 for fixed costs in public health nursing, \$77,000 for fixed costs in health education, \$1,000 for fixed costs for community health representatives, \$11,000 for fixed costs for urban health, \$27,000 for fixed costs and a \$400,000 program increase in Indian health professions for the Indians in psychology program, \$462,000 for fixed costs in direct operations, and \$9,000 for fixed costs for self governance. A decrease of \$18,000 below the proposed House level is applied to contract support costs related to a transfer of funds to the facilities account.

Within the \$400,000 increase for the Indians in psychology program, \$200,000 is earmarked for the University of Montana.

Amendment No. 109: Earmarks \$361,375,000 to remain available for two fiscal years for contract medical care instead of

\$359,348,000 as proposed by the House and \$362,375,000 as proposed by the Senate.

Amendment No. 110: Deletes the Senate earmark for the Office of Navajo Uranium Workers and inserts language placing a cap of \$168,702,000 on contract support costs in the Indian Health Service, services account. The House had no similar provision.

#### INDIAN HEALTH FACILITIES

Amendment No. 111: Appropriates \$257,538,000 for Indian health facilities instead of \$257,310,000 as proposed by the House and \$168,501,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of \$100,000 for the Montezuma Creek health clinic in Utah, \$40,000 for fixed costs for sanitation facilities and \$588,000 for fixed costs for facilities and environmental health support; and a decrease of \$500,000 for modular dental units. Bill language related to the environmental health and facilities support activities included in the House bill but stricken in the Senate bill is retained.

The managers understand that additional funds may be necessary to complete design for three health facility projects that are in the preconstruction phase, and encourage IHS, HHS and OMB to include funding in the fiscal year 1999 budget submission to complete design for the Winnebago Hospital, NE, and the outpatient facilities at Parker, AZ, and Pinon, AZ.

In the fiscal year 1994 Interior Appropriations conference report, the managers agreed that the \$465,000 unobligated balance remaining from the Phoenix area regional youth treatment center project was to be used for planning and construction of a satellite facility at an alternate site in Nevada. The managers are concerned about delays in reaching agreement on the issues associated with further progress on this project, and urge the IHS to work with the Washoe Tribe. The managers are aware of the Washoe Tribe's proposal to locate this facility in Gardnerville, Nevada, which has been determined as the alternate site for the treatment center, and encourage IHS to reach closure with the tribe so that services can be provided as soon as possible.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Amendment No. 112: Strikes House language and inserts Senate language on the disposition of funds for transferred functions which tribal contractors no longer wish to retain.

#### OTHER RELATED AGENCIES

##### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

##### SALARIES AND EXPENSES

Amendment No. 113: Appropriates \$15,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of \$18,345,000 as proposed by the House.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND  
ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

Amendment No. 114: Appropriates \$4,250,000 for payment to the Institute of American Indian and Alaska Native Culture and Arts Development instead of \$3,000,000 as proposed by the House and \$5,500,000 as proposed by the Senate.

The managers agree that fiscal year 1999 will be the last year Federal funding will be provided.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 115: Appropriates \$333,408,000 for salaries and expenses of the Smithsonian Institution instead of \$334,557,000 as proposed by the House and \$333,708,000 as proposed by the Senate. The difference from the amount proposed by the House consists of decreases of \$138,000 for museums and research institutes and \$1,011,000 for facilities services, which includes a reduction of \$300,000 for utilities.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 116: Appropriates \$32,000,000 for repair and restoration of buildings as proposed by the Senate instead of \$50,000,000 as proposed by the House.

CONSTRUCTION

Amendment No. 117: Appropriates \$33,000,000 for construction as proposed by the Senate. The House proposed no funding. This amount includes \$4,000,000 to complete funding for planning and design of the Dulles extension of the National Air and Space Museum and \$29,000,000 to begin the first phase of construction for the National Museum of the American Indian Mall Museum.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 118: Appropriates \$6,192,000 for repair, restoration and renovation of buildings instead of \$6,442,000 as proposed by the House and \$5,942,000 as proposed by the Senate. The reduction from the House level is to be taken from the increase provided for backlog maintenance needs.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 119: Appropriates \$5,840,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars as proposed by the Senate instead of \$1,000,000 as proposed by the House. The managers agree to the following distribution of funds:

Fellowships .....	\$920,000
Scholar support .....	634,000
Public service .....	1,516,000

istrative costs. From services to the profession, the managers provide \$1,000,000 for National Leadership Projects that are collaborative museum/library endeavors.

#### COMMISSION OF FINE ARTS

##### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

Amendment No. 125: Appropriates \$7,000,000 for National capital arts and cultural affairs grants as proposed by the Senate instead of \$6,000,000 as proposed by the House.

##### ADVISORY COUNCIL ON HISTORIC PRESERVATION

###### SALARIES AND EXPENSES

Amendment No. 126: Appropriates \$2,745,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by the Senate instead of \$2,700,000 as proposed by the House.

##### NATIONAL CAPITAL PLANNING COMMISSION

###### SALARIES AND EXPENSES

Amendment No. 127: Appropriates \$5,740,000 for salaries and expenses of the National Capital Planning Commission (NCPC) as proposed by the Senate instead of \$5,700,000 as proposed by the House. The managers agree that the Commission should participate in the operation of the Washington Geographic Information System project. However, the managers do not intend for the NCPC to become the primary operator of this system nor should funds appropriated under this Act be used to promote that purpose. If funds are available from other sources, the NCPC is encouraged to apply its special planning expertise to the project and collaborate in the operation of such a system.

#### TITLE III—GENERAL PROVISIONS

Amendment No. 128: Modifies language proposed by the House and stricken by the Senate continuing the moratorium on the use of funds for preparing, promulgating, implementing or enforcing interim or final rules or regulations dealing with the management of subsistence fishing in Alaska waters. The modification continues the moratorium through December 1, 1998, and amends the Alaska National Interest Lands Conservation Act.

The language contains four subsections. Subsection (a) prohibits the Federal government from asserting jurisdiction, management or control prior to December 1, 1998, over the navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act or Alaska Statehood Act.

Subsection (b) amends the Alaska National Interest Lands Conservation Act (ANILCA) in a number of ways. Subsection (2) clarifies that the term "Federal land" in ANILCA does not include lands owned by the State of Alaska, or Native Corporations or other private owners. Neither subsection (2) nor any other provision of this section overturns, or shall be construed to overturn the

decision of the Ninth Court of Appeals in *State of Alaska v. Babbitt* (73 F.3d 698) (commonly known as the Katie John case).

Subsection (c) contains a savings clause specifying that neither this section nor amendments made by this section in any way affect assertions of Native governmental authority over lands or persons, the existence or nonexistence of Indian country, whether or not ANILCA is Indian Law, or the Secretary of the Interior's authority under section 1314(c) of ANILCA.

Subsection (d) specifies that amendments made by subsection (b) shall only be effective for the purposes of determining whether the State of Alaska's laws provide for the definition, preference, and participation required in sections 803, 804, and 805 of ANILCA, including as amended by this section, unless and until laws are adopted in the State of Alaska which provide these things. Subsection (d) specifies that the amendments made to ANILCA by subsection (b) will be repealed on December 1, 1998, unless such laws are adopted in Alaska by December 1, 1998.

Amendment No. 129: Deletes language proposed by the House and stricken by the Senate regarding the export of timber from the western United States and inserts language making a technical correction to the Hudson River Valley National Heritage Area legislation.

Amendment No. 130: Modifies language proposed by the House and modified by the Senate regarding funding for the office of western director and special assistant to the Secretary of Agriculture to provide that funding from this Act for the office is allowed up to the amount provided from this appropriation in fiscal year 1997.

Amendment No. 131: Retains language proposed by the House limiting competition on watershed restoration contracts for the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest in fiscal year 1998. The Senate proposed making the provision permanent.

Amendment No. 132: Modifies language proposed by the House and stricken by the Senate which permits all fees collected through the recreation fee demonstration program to be used by the collecting agency. The modification adds language stipulating that the National Park Service should pay administrative costs for collecting fees from the funds that are retained by each collecting unit.

Amendment No. 133: Modifies House language as proposed by the Senate limiting the use of recreation fees to construct visitor centers or other permanent structures, to permit such construction if the total estimated cost does not exceed \$500,000.

Amendment No. 134: Modifies language proposed by the House and stricken by the Senate on the Interior Columbia River Basin. The modified language instructs the Secretaries of Agriculture and the Interior concerning the Interior Columbia River Basin draft environmental impact statements (DEIS). The managers remain extremely concerned about the huge cost and time involved in this project, but the managers want to see the project come to a conclusion. The managers also are concerned that additional social and economic analyses are required and that the Administration has not been forthcoming regarding the potential impacts that the implementation of the projects may eventually have on this large area of the West. The bill language provides that the Secretaries will re-

port to the Congress on the estimated impacts of the proposed project. As a result of the revised bill language concerning additional analysis to be conducted for the projects, the managers expect that additional time will be required for public comment on the DEIS but the managers do not specify a time for the comment period. However, the managers expect the agencies to address fully the implementation of these projects in their fiscal year 1999 budget justifications and convey to the Congress a sense of the scope, impact and cost for implementation.

Amendment No. 135: Deletes language proposed by the House and inserts alternative language proposed by the Senate that establishes a framework for Alaska native governance of the Alaska Native Medical Center.

Amendment No. 136: Inserts language which modifies a Senate provision precluding Alaska native villages from entering into a compact or contract which would withdraw funds out of the Alaska native regional health care corporations, changes a date in the provision, and amends the Coast Guard Authorization Act of 1996 to reflect a change in the use of property transferred to a native village. The House had no similar provision.

The managers have changed the effective date in this section to permit an existing contract with the Indian Health Service to be executed. The managers also have added a subsection making changes in a land conveyance to the Ketchikan Indian Corporation to reflect agreed to changes regarding the use of the property.

Amendment No. 137: Amends language inserted by the House and stricken by the Senate regarding the eviction of certain people from property in Sleeping Bear Dunes National Lakeshore. The revision allows the National Park Service to pursue such evictions provided that 90 days notice is given and provided that funds are available for the removal of the structures to be vacated. Fair market value rates will be charged while any occupancy continues beyond an expired reservation.

Amendment No. 138: Amends language included by the House and stricken by the Senate to prohibit agencies funded in this bill from expending funds for the nomination of sites under the Man and Biosphere Program until legislation specifically authorizing this program is enacted. With regard to both the World Heritage and Man and Biosphere programs, the managers agree that designation of U.S. sites under these programs cedes absolutely no authority to the United Nations or other international organizations, and should not be construed as imposing any new land use restrictions on lands included in either program. The managers further agree that agencies involved in both of these programs should redouble efforts to involve the public fully in deliberations over possible designations.

Amendment No. 139: Includes language proposed by the Senate restricting grant making to individuals, sub-granting, and seasonal support by the National Endowment for the Arts. The House had no similar provision.

Amendment No. 140: Inserts language proposed by the Senate authorizing the National Endowment for the Arts and the National Endowment for the Humanities to raise funds and deposit them in special interest bearing accounts for future use. The House had no

similar provision. The managers believe that it is appropriate to provide the agencies with this ability, particularly in light of recent program reductions and discussions within Congress to establish a supplemental endowment fund. The managers intend that this new authority be used to augment the Federal contribution to the endowments. The managers also recognize that there is a potential for traditional arts and humanities fundraising efforts to be affected by NEA and NEH's use of this authority. Thus, the endowments should seek to tap new sources of support for the arts and humanities and not pursue a shift of private giving from the non-Federal to the Federal arts and humanities communities.

Amendment No. 141: Inserts language proposed by the Senate providing for reciprocal delegations of authorities between the Secretaries of the Interior and Agriculture for the management of public lands and forests. The House had no similar provision.

Amendment No. 142: Modifies language proposed by the Senate concerning a limitation of funding for any activities associated with national forest land management planning. The modification allows those plans currently in the revision process or under court order to proceed. The House had no similar provision.

The managers agree that the forest planning regulations which the Forest Service has written, but not implemented, are long overdue. The managers are concerned that the Secretary's decision to appoint a panel of scientists to study further the land management planning process will result in continued and unacceptable delay, and therefore the managers strongly urge the Secretary to issue new rules in at least an interim form while the panel conducts its review. The managers agree that a final rule should be published promptly and that the forest planning revision process should proceed in an orderly and efficient manner so that forest plans reflect current social, economic and resource conditions. Consequently, the managers have provided bill language which requires that no funding for new forest plan revisions be provided until a new rule is published. The new planning rule may be either interim or final. National forests which published a Notice of Intent to Revise their plan by October 1, 1997, or are court ordered, are exempt from this restriction. The managers agree that national forests may continue to amend existing forest plans following established procedures.

Amendment No. 143: Modifies language proposed by the Senate that prevents funding from being used to complete or issue the five year program under the Forest and Rangeland Renewable Resources Planning Act (RPA review). The House had no similar provision.

The managers are concerned about the duplication between the requirements for developing a strategic plan under the Government Performance Results Act (GPRA) and the RPA review. The managers encourage the Forest Service to work diligently to make the GPRA process successful, and to more efficiently use resources which otherwise may have been spent on the duplicative RPA review.

Amendment No. 144: Modifies language proposed by the Senate concerning cooperative agreements for watershed restoration and enhancement by limiting the application of the provision to fiscal year 1998 rather than making the provision permanent as pro-



posed by the Senate. The House had no similar provision. The managers encourage the Forest Service to use this authority carefully for new projects so that they do not displace higher priority work on national forest system lands.

Amendment No. 145: Amends the Franklin Delano Roosevelt commission statute (69 Stat. 694) as proposed by the Senate to provide for the termination of the commission and for the use of unexpended funds for maintenance, repair, interpretation, and education. The House had no similar provision.

Amendment No. 146: Modifies language inserted by the Senate concerning priority land exchanges within the White Salmon Wild and Scenic River boundaries and within the Columbia River Gorge National Scenic Area by limiting the Secretary's authority to facilitate the transfers to September 30, 2000. The Senate proposed permanent authority. The House had no similar provision.

Amendment No. 147: Adjusts the boundaries of the Wenatchee National Forest in Chelan County, Washington, as proposed by the Senate. The House had no similar provision.

Amendment No. 148: Inserts language proposed by the Senate restricting the use of funds by the Department of Energy for the Center of Excellence for Sustainable Development without the approval of the House and Senate Committees on Appropriations. The House had no similar provision.

The managers are concerned that the Department of Energy established the Center of Excellence for Sustainable Development without justification and approval through the budget process. The information provided in response to Committee questions on the center has been slow in coming and less than candid. The Committees will review the merits of this program in the context of fiscal year 1999 budget priorities. In the meantime the managers expect the Department to use the funds and staffing devoted to this effort to work on the programs approved in the fiscal year 1998 budget. The Department should report to the Committees by October 30, 1997, on how it intends to comply with this direction. The managers caution the Department that incomplete and inaccurate information in this regard is unacceptable. The managers further expect the Department to disclose fully any other instances in which programs have been started without approval through the budget process. The fiscal year 1999 budget request must clearly identify each program to be funded in the appropriate activity. Initiatives by the Assistant Secretary should be clearly identified and justified in the policy and management account.

Amendment No. 149: Limits the use of funds to amend or replace Bureau of Land Management regulations on surface mining as proposed by the Senate. The House had no similar provision.

Amendment No. 150: Modifies language inserted by the Senate conveying the Wind River Nursery site to Skamania County, Washington, in exchange for approximately 120 acres of county land. The House had no similar provision. The new language authorizes the Secretary of Agriculture to negotiate with Skamania County for the exchange of the Wind River Nursery site for county owned lands in the Columbia River Gorge National Scenic Area. During a two-year period ending September 30, 1999, the nursery is not to be conveyed to another party and is to be maintained in a

tenantable condition by the Forest Service. The exchange is to be for equal value, however, the Secretary may accept services from the County in lieu of cash as the Secretary deems appropriate and the County may make cash payments in installments not to exceed a period of 25 years. The managers expect that future agreements should protect natural, cultural and historic values, the existing administrative sites, and a scenic corridor for the Pacific Crest National Scenic Trail as well as the continued research on the Wind River Experimental Forest and the T.T. Munger Research Natural Area. If the Secretary and the County fail to reach an agreement on an equal value exchange as defined in the section, the nursery site shall remain under Forest Service ownership and be maintained by the Forest Service in a tenantable condition.

Amendment No. 151: Deletes language inserted by the Senate exempting residents in communities which receive lower-than-authorized PILT payments from paying user fees under the recreation fee demonstration program for the White Mountain National Forest in New Hampshire and inserts language renaming Walnut Creek NWR, IA as the Neal Smith National Wildlife Refuge.

Amendment No. 152: Modifies language proposed by the Senate restricting the use of funds for introduction of grizzly bears in the Selway-Bitterroot area of Idaho and Montana and for certain consultations under section 7(b)(2) of the Endangered Species Act. The House had no similar provision. The modification to the Senate language allows the Fish and Wildlife Service to publish a Record of Decision on the Environmental Impact Statement.

The managers understand that the Fish and Wildlife Service will not introduce any grizzly bears into the Selway-Bitterroot area in fiscal year 1998 and expect the Service to continue and intensify its public outreach and consultation efforts in the area.

Amendment No. 153: Modifies language proposed by the Senate concerning increases in fees charged by the Forest Service for recreation residence special use permit holders. The modification provides that fee increases which are in excess of 100% of the previous year's fees should be phased in over a three-year period in equal annual installments. The House had no similar provision.

Amendment No. 154: States the Sense of the Senate that Civil War battlefields should be preserved and should be given special priority in land acquisition. The House had no similar provision.

Amendment No. 155: States the Sense of the Senate that hearings should be conducted and legislation brought forward during this Congress addressing the issues of Federal and private sector funding for the arts and any needed modifications to the current funding mechanism. The House had no similar provision.

Amendment No. 156: Amends language proposed by the Senate to include additional reforms to the National Endowment for the Arts. The section provides, as proposed by the Senate, that the Endowment should give priority in making grants and awards to underserved populations. The House had no similar provision. In addition, the conference agreement has added a provision that gives priority to grants which encourage public knowledge, education, understanding and appreciation of the arts. The amendment also limits funding for any one State to no more than 15% of the total grants available during the fiscal year. Grants with a national im-

pact, or which are applicable to several States, are exempted from the calculation.

Finally, the conference agreement revises the current size and composition of the National Council of the Arts. The reform reduces the total of Presidential appointments to the Council from 26 to 14 and adds 2 Representatives appointed by the Speaker of the House, 1 Representative appointed by the Minority Leader of the House, 2 Senators appointed by the Majority Leader of the Senate and 1 Senator appointed by the Minority Leader of the Senate. To allow a smooth transition to this new Council, existing members are allowed to serve out their terms. Congressionally appointed members are to serve in an ex officio capacity for two-year terms beginning in odd numbered years; however, initial appointments shall be made by December 31, 1997, with terms expiring December 31, 1998. The managers agree that Congressional members of the Council shall be non-voting on matters involving application review and grant selection, but may provide advice and counsel on broader issues of policy and procedure. As Presidentially appointed members' terms expire, new members may not be appointed by the President until the Council membership falls below 14. The managers intend that the newly comprised Council work diligently with the Chairperson of the NEA to foster public service that is more sensitive to the needs and desires of the nation.

Amendment No. 157: Modifies language proposed by the Senate directing the Forest Service to develop export policy and procedures on the use of Alaskan western red cedar and domestic processing. The House had no similar provision. The managers are very concerned that Alaska western red cedar is being exported despite significant domestic processing demand within the contiguous United States. The new language specifies conditions under which Alaska western red cedar will be made available for domestic processors in the contiguous United States at domestic rates. The managers are hopeful that these changes will allow greater use of western red cedar from Alaska in the contiguous 48 States. The managers have also included language which specifies that Forest Service timber sale accomplishments in Alaska will be based on volume sold and that all Alaska yellow cedar may be sold at export rates at the election of the timber sale holder. The managers direct the Forest Service to implement this policy no later than January 1, 1999.

Amendment No. 158: Deletes Senate language providing that \$4,000,000 from previously appropriated emergency funds be used for reconstructing the Oakridge Ranger Station in Oregon, contingent upon a Presidential declaration and Congressional designation of an emergency, and inserts language restricting the use of funds for redevelopment of Pennsylvania Avenue. Funding for reconstructing the Oakridge Ranger Station has been included in the Forest Service reconstruction and construction account.

The amendment inserts language prohibiting the expenditure of any funds related to the redevelopment of Pennsylvania Avenue, including planning, without prior approval from the Committees. The managers believe that this project should not be initiated in fiscal year 1998 without the concurrence of Congress. The managers understand that this project will cost some \$40,000,000 and

are not inclined to provide additional resources at this time even for planning. The managers also are concerned that funds previously expended for planning on this project which were to be reimbursed by other Federal agencies have never been repaid. Given the significant backlog in critical repair and maintenance needs that the National Park Service has identified, this project should not commence until it has been carefully considered against other National Park Service priorities.

Amendment No. 159: Limits the use of funds as proposed by the Senate to implement guidelines or adjust plans for National Forests in Arizona and New Mexico. The House had no similar provision.

Amendment No. 160: Amends section 6901(2)(A)(i) of title 31, United States Code as proposed by the Senate to include populations of cities within unorganized boroughs of Alaska for the purposes of PILT. The House had no similar provision.

Amendment No. 161: Amends section 103(c)(7) of Public Law 104-333 as proposed by the Senate to provide for the appointment and compensation of officers of the Presidio Trust. The House had no similar provision.

#### TITLE IV

Amendment No. 162: Deletes language proposed by the House and stricken by the Senate which would have established a deficit reduction lock-box ledger in the Congressional Budget Office and inserts language establishing an environmental restoration fund.

The managers have agreed to establish an environmental restoration fund with the interest accrued to such fund to be used, subject to appropriation, to address deferred maintenance needs of the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service and the Forest Service; to provide for payments to the State of Louisiana and its lessees for oil and gas drainage in the West Delta field; and to carry out marine research activities in the North Pacific. The fund is a modification of the National Parks and Environmental Improvement Fund proposed by the Senate in Amendment No. 81. The land acquisition element in the original proposal has been removed.

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

Amendment No. 163: Modifies language proposed by the Senate that provides funding for priority land acquisitions and exchanges. The House had no similar provision. The modifications to the Senate language provide for a total fund of \$699,000,000 and make a portion of these moneys available for critical maintenance needs.

The managers have provided funds for high priority land acquisitions and exchanges as requested by the Administration despite serious reservations about two particular acquisitions—the Headwaters Forest in California and the Crown Butte/New World Mine in Montana (near Yellowstone National Park). Because of the many uncertainties surrounding these acquisitions, the managers