

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND
RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30,
2000, AND FOR OTHER PURPOSES

OCTOBER 20, 1999.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 2466]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2466) “making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, 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 House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general ad-

funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That, in addition to the amount granted to the Commonwealth of Pennsylvania under sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act (Act), an additional \$300,000 will be specifically used for the purpose of conducting a demonstration project in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage: Provided further, That the State of Maryland may set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$1,637,444,000, to remain available until September 30, 2001 except as otherwise provided herein, of which not to exceed \$93,684,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$115,229,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2000, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed \$401,010,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2000, and shall remain available until September 30, 2001; and of which not to exceed \$51,991,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program:

Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$42,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2001, may be transferred during fiscal year 2002 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2002.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$146,884,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2000, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): Provided further, That notwithstanding any other provision of law, collections from the settlements between the United States and the Puyallup tribe concerning Chief Leschi school are made available for school construction in fiscal year 2000 and hereafter: Provided further, That in return for a quit claim deed to a school building on the Lac Courte Oreilles

Ojibwe Indian Reservation, the Secretary shall pay to U.K. Development, LLC the amount of \$375,000 from the funds made available under this heading.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS
PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$27,256,000, to remain available until expended; of which \$25,260,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101-618 and 102-575, and for implementation of other enacted water rights settlements; and of which \$1,871,000 shall be available pursuant to Public Laws 99-264, 100-383, 103-402 and 100-580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, \$4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, \$508,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

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

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

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be avail-

able to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro-rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"). Not later than June 15, 2000, the Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

The Tate Topa Tribal School, the Black Mesa Community School, the Alamo Navajo School, and other Bureau-funded schools subject to the approval of the Secretary of the Interior, may use prior year school operations funds for the replacement or repair of Bureau of Indian Affairs education facilities which are in compliance with 25 U.S.C. 2005(a) and which shall be eligible for operation and maintenance support to the same extent as other Bureau of Indian Affairs education facilities: Provided, That any additional construction costs for replacement or repair of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds.

DEPARTMENT OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$67,171,000, of which: (1) \$63,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and

STRATEGIC PETROLEUM RESERVE

The conference agreement provides \$159,000,000 for the strategic petroleum reserve as proposed by the Senate instead of \$146,000,000 as proposed by the House. The managers have included bill language dealing with borrowing authority in the event of an SPR drawdown under this account as proposed by the Senate rather than addressing this provision under Administrative Provisions, Department of Energy as proposed by the House.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides \$72,644,000 for the energy information administration as proposed by the House instead of \$70,500,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

The managers have included bill language directing the Secretary of Energy, in cooperation with the Administrator of the General Services Administration, to transfer the site of the former National Institute of Petroleum Energy Research to the city of Bartlesville, Oklahoma. The managers understand that the Department agrees that this is an appropriate way to dispose of this property that is no longer needed by the Department because of the privatization of NIPER.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides \$2,053,967,000 for Indian health services instead of \$2,085,407,000 as proposed by the House and \$2,138,001,000 as proposed by the Senate.

Changes to the House position in hospital and clinic programs include increases of \$2,440,000 for the operation of Alaska facilities and \$200,000 for epidemiology centers and decreases of \$1,000,000 for the health care improvement fund and \$110,000 for Shoalwater Bay infant mortality prevention.

There are also increases of \$1,500,000 for dental services and \$1,030,000 for public health nursing and a decrease of \$500,000 for mental health services. For contract support costs, there are decreases of \$5,000,000 for new and expanded contracts and \$30,000,000 for existing contracts.

Bill Language.—The managers have included language permitting the use of Indian Health Care Improvement Fund monies for activities typically funded under the Indian Health Facilities account. The managers expect the Service to notify the House and Senate Committees on Appropriations on the distribution and use of these funds. A total of \$10,000,000 has been provided.

The managers agree to the following:

1. The \$4,000,000 provided for the Alaska telemedicine project is for the Alaska Federal Health Care Access Network.
2. The increase provided for epidemiology centers includes a \$100,000 increase for the Portland, OR center. The managers are

pleased with the state-of-the-art work done by this center and encourage the Service to use the expertise at the Portland center to assist the other epidemiology centers.

3. At least \$1,000,000 of the program increase for dental health should be used to develop four clinical and preventive dental support centers.

4. Within the program increase for public health nursing, the Service should hire a nurse for the Havasupai, AZ clinic.

5. The managers continue to be concerned about the lack of a resolution to the contract support costs distribution disparity in IHS and the larger issue of whether tribes have an entitlement to full funding of these costs. The managers note the inherent conflict in the authorizing statute, which implies a 100 percent funding requirement while, at the same time, making these funds subject to appropriation. The Service is strongly encouraged to continue its work with the tribes and the legislative committees of jurisdiction in an effort to resolve the legislative discrepancies that exist currently and ensure that these costs can be funded fairly. The managers agree that it is irresponsible to continue to leave the Federal government vulnerable to litigation on this issue. Further, the managers believe strongly that any resolution to the issue should not be made at the expense of funding for medical services and facilities for non-contracting and non-compacting tribes.

6. With respect to the House language on distribution of funds, the managers agree that fixed cost increases should be distributed equitably across all Service-operated and tribally-operated programs. Other program increases should not automatically be distributed on a pro-rata basis. For example, a \$1,000,000 program increase distributed across all health programs would give each program an insignificant amount of additional funding. In such a case, the managers encourage the Service to select a very limited number of projects so that demonstrable results can be achieved. The managers suggest that the Service develop objective criteria for evaluating project proposals prior to the distribution of program-specific increases that are unrelated to fixed costs.

7. The managers are concerned about fetal alcohol syndrome and its impact on Indian families and Indian communities and believe there is a need for more collaborative efforts to address this important health problem. The managers suggest that the University of Washington's fetal alcohol syndrome research program should consider a partnership with the Northwest Portland Indian Health Board to provide more direct services to the American Indian and Alaska Native communities through training and consultation and collaborative analysis of the data surrounding fetal alcohol syndrome and fetal alcohol effect.

8. The managers encourage the Service to ensure that adequate funding is provided to support IHS and tribal epidemiological activities related to the surveillance and monitoring of AIDS/HIV and other communicable and infectious diseases.

INDIAN HEALTH FACILITIES

The conference agreement provides \$318,580,000 for Indian health facilities instead of \$312,478,000 as proposed by the House and \$189,252,000 as proposed by the Senate.

Changes to the House position include increases of \$1,500,000 for sanitation construction, \$2,942,000 for the Parker, AZ clinic construction and \$1,000,000 for Fort Defiance, AZ hospital construction and a decrease of \$1,745,000 for the Pawnee, OK clinic design. There is also an increase of \$2,405,000 for facilities and environmental health support.

Bill Language.—The managers have included several provisions to ensure that the facilities program is able to take advantage of certain purchase opportunities from other agencies and that construction projects can be successfully completed.

Language is included to assist the Hopi Tribe with the debt associated with the construction of staff quarters that is being financed with tribal funds.

Language is included permitting the use of up to \$500,000 to purchase equipment from the Department of Defense and permitting the use of up to \$500,000 to purchase ambulances, including medical equipment, from the General Services Administration.

Language is included permitting the use of up to \$500,000 for demolition of Federal facilities.

Language is included permitting the purchase of up to 5 acres to expand the parking facilities at the IHS hospital in Tahlequah, OK.

The managers agree to the following:

1. The funds provided for Fort Defiance, AZ, hospital construction do not include staff quarters construction which is subject to the guidance provided in item number five below.

2. The funds for staff quarters at Zuni are for uniform building code approved modular housing.

3. The program increase provided for facilities and environmental health support is not specifically earmarked for individual programs; however, it is the expectation of the managers that a portion of the total increase will be dedicated to injury prevention efforts. The Service should notify the House and Senate Committees on Appropriations on how the Service proposes to distribute these funds.

4. Within the funds provided for maintenance and improvement, \$1,000,000 is to be used for environmental remediation at Talihina, OK.

5. The Service needs to develop a standardized methodology for construction of staff quarters. That methodology should assume the use of uniform building code approved modular housing unless there is a compelling reason why such housing is not appropriate. The methodology should be applied fairly to all quarters projects on the priority list and should encourage tribal funding and alternative financing. The managers expect the Service to address the new methodology in their 2001 budget request.

6. The Service may use up to \$5,000,000 in sanitation funding for projects to clean up and replace open dumps on Indian lands pursuant to the Indian Lands Open Dump Cleanup Act of 1994.

7. The managers expect the Service to work closely with the tribes and the Administration to make needed revisions to the facilities construction priority system. Given the extreme need for new and replacement hospitals and clinics, there should be a base funding amount, which serves as a minimum annual amount in the

budget request. Issues which need to be examined in revising the current system include, but are not limited to, projects funded primarily by the tribes, anomalies such as extremely remote locations like Havasupai, recognition of projects that involve no or minimal increases in operational costs such as the Portland area pilot project, and alternative financing and modular construction options. It is the managers' intent that in asking the Service to re-examine the current system for construction of health facilities, a more flexible and responsive program can be developed that will more readily accommodate the wide variances in tribal needs and capabilities.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides \$8,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of \$13,400,000 as proposed by the House.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides \$2,125,000 for payment to the institute instead of the \$4,250,000 proposed by the Senate and zero funding as proposed by the House.

The managers have provided \$2,125,000 to the institute with the understanding that these funds are subject to a one-to-one match from non-Federal sources. In addition, the managers note that this is the last year that Federal funding will be provided for institute operations.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement provides \$372,901,000 for salaries and expenses instead of \$371,501,000 as proposed by the House and \$367,062,000 as proposed by the Senate. Included in this amount is \$18,329,000 to fund fully the estimated cost increases associated with pay and benefits, utilities, communications and postage, rental space, and implementation of the Panama Canal Treaty at the Tropical Research Institute. A revised estimate of utilities costs by the Smithsonian has resulted in a decrease of \$1,100,000 from the original budget submission and is reflected in the foregoing total. In agreement with the House, an additional amount of \$5,000,000 is provided to the National Museum of the American Indian to meet anticipated expenses that will be incurred in moving staff and collections from New York City to the Cultural Resources Center in Suitland, Maryland. An additional amount of \$2,500,000 is provided to the National Museum of Natural History's Arctic Studies Center. A provision included in the House bill

Legal services	\$33,630,000
General administration	6,566,000

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

The conference agreement provides \$26,086,000 for the Office of Inspector General as proposed by the House instead of \$26,614,000 as proposed by the Senate. The managers agree to the following distribution of funds:

Audit	\$15,266,000
Investigations	4,940,000
Administration	5,880,000

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS
FEDERAL TRUST PROGRAMS

The conference agreement provides \$90,025,000 for Federal trust programs as proposed by the House instead of \$73,836,000 as proposed by the Senate.

The managers direct that prior to the Department deploying the Trust Asset and Accounting Management System (TAAMS) in any Bureau of Indian Affairs Area Office, with the exception of locations in the Billings area, the Secretary should advise the Committees on Appropriations that, based on the Secretary's review and analysis, such systems meet TAAMS contract requirements and user requirements.

The managers have modified House proposed bill language under Title I General Provisions to allow the Department to hire individuals other than administrative law judges (ALJ) to hear Indian probate cases, and to allow the Department to secure the services of ALJs from other Federal agencies as a means of reducing the Indian probate backlog.

INDIAN LAND CONSOLIDATION PILOT

The conference agreement provides \$5,000,000 for the Indian land consolidation pilot as proposed by the House and Senate.

The managers have included a technical correction to the bill language to allow funds to be transferred to the Bureau of Indian Affairs for the administration of the consolidation pilot.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION
NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides \$5,400,000 for the natural resource damage assessment fund as proposed by the House instead of \$4,621,000 as proposed by the Senate.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 101 through 112 and sections 114 and 115 from the Senate bill which continue provisions carried in past years.

Section 113 contains a technical correction to the Senate language dealing with contract support costs paid by the Department

of the Interior on Indian self-determination contracts and self-governance compacts as proposed by the House.

Section 116 changes the name of the Steel Industry American Heritage Area to the "Rivers of Steel National Heritage Area" as proposed by the House. The Senate had no similar provision.

Section 117 retains the text of section 116 as proposed by the Senate and provides for the protection of lands of the Huron Cemetery for religious and cultural uses and as a burial ground. The House had no similar provision.

Section 118 retains the text of section 114 as proposed by the House and section 118 as proposed by the Senate which permits the retention of rebates from credit card services for deposit to the Departmental Working Capital Fund.

Section 119 retains the text of section 115 as proposed by the House and section 119 as proposed by the Senate which permits the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians for the Trust Management Improvement Project High Level Implementation Plan.

Section 120 makes permanent the exemption from certain taxes and special assessments for properties at Fort Baker, Golden Gate National Recreation Area. The Senate had provided the exemption for one year.

Section 121 retains the text of section 117 as proposed by the House and section 121 as proposed by the Senate which permits the retention of proceeds from agreements and leases at Fort Baker, Golden Gate National Recreation Area for preservation, restoration, operation, maintenance, interpretation and related activities.

Section 122 retains the text of section 118 of the House bill which requires the renewal of grazing permits in the Lake Roosevelt National Recreation Area and directs the National Park Service to manage grazing use to protect recreational, natural and cultural resources. Senate section 124 contained a similar provision.

Section 123 modifies language of the House and Senate regarding the issuance of grazing permits. This modification requires analysis of grazing activities using sound, proven science. The managers are concerned with the existing backlog incurred from the renewal process of expiring permits and leases. The managers expect the Department to develop and implement a schedule to address and alleviate this backlog as soon as possible, and have provided an additional \$2,500,000 to expedite the grazing permit and lease renewal process. The managers expect these renewals to be completed so that they will not need to continue to address this issue on an annual basis.

Section 124 modifies House section 120 and allows the Department to hire individuals other than administrative law judges and to secure the services of administrative law judges from other Federal agencies to address the Indian probate backlog. The Senate had no similar provision.

Section 125 retains the text of section 121 as proposed by the House allowing American Samoa to receive a loan which will be repaid from its proceeds from a settlement agreement with tobacco manufacturers. The Senate had no similar provision. The managers

remain very concerned about the fiscal situation in American Samoa. The managers have agreed to the Senate proposal that the Secretary should not release certain funds withheld in fiscal year 1999 until the Secretary certifies that American Samoa implements activities regarding repayment for health care in Hawaii. The managers expect that the substantial loan will be used effectively by American Samoa to provide a long-lasting fiscal remedy and economic development. The managers strongly encourage the government to use some of these new funds for health care repayments which remain outstanding. The managers direct the Secretary to craft the final loan agreement so that the principal of \$18,600,000, and interest calculated at the Congressional Budget Office's estimate of 5.4 percent, be fully repaid through the assignment of the tobacco lawsuit settlement funds over the next 26 years. At such time as these costs have been fully repaid the Secretary should act promptly to restore the tobacco settlement payments directly to American Samoa. The managers also encourage the Secretary and the American Samoa government to work cooperatively to identify and bring economic development to the Territory. The managers encourage the Secretary to consult with other Federal departments and agencies in this effort and make use of the recently established President's Interagency Group on Insular Areas to help achieve this goal.

The managers have not agreed to language proposed by the Senate in section 122 prohibiting the use of funds for the removal of the Elwha and Glines Canyon dams.

Section 126 modifies language as proposed by the Senate on a feasibility study for designating Midway Atoll as a National Memorial. The modification directs the Secretary, acting through the Fish and Wildlife Service in coordination with the National Park Service, to pursue designation of Midway Atoll as a National Memorial to the Battle of Midway. It requires no study before establishment of the designation. The House had no similar provision. The managers note that the Fish and Wildlife Service has an aggressive program underway at Midway relating to historic site protection, restoration and interpretation, and the managers fully support that effort.

Section 127 modifies section 125 as proposed by the Senate and provides the Secretary one year to redistribute Tribal Priority Allocation funds to address unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. The House had no similar provision.

Section 128 retains the text of section 126 as proposed by the Senate prohibiting the use of funds to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, until the tribe and county reach agreement on development issues. The House had no similar provision.

Section 129 modifies section 127 as proposed by the Senate and limits the use of funds to implement Secretarial Order 3206 regarding the administration of the Endangered Species Act on Indian tribal lands. The modification permits implementation of the order except for two provisions. The first provision, which may not be implemented, would give preferential treatment to Indian activities at the expense of non-Indian activities in determining conservation re-

restrictions to species listed under the Endangered Species Act. The second would give preferential treatment to tribal lands at the expense of other privately owned lands in designating critical habitat under the Endangered Species Act. The House had no similar provision.

Section 130 retains the text of section 128 as proposed by the Senate providing authority for the Bureau of Land Management to provide land acquisition grants to two local governments in Alaska. The House had no similar provision.

The managers have not included section 129 as proposed by the Senate dealing with alternatives for the modification of Weber Dam. The projects listed in the section, however, have been funded and incorporated in the appropriate accounts. The House had no similar provision.

Section 131 retains the text of section 130 as proposed by the Senate redirecting \$1,000,000 from fiscal year 1999 appropriated funds for acquisition of the Howard Farm near Metzger Marsh, Ohio. The House had no similar provision.

The managers have not included language proposed in section 131 of the Senate bill to place a moratorium on the issuance of final procedures for class III Indian gaming. The managers have taken this action based on assurances from the Secretary that he will not implement final procedures until the Federal courts have ruled on this issue.

Section 132 retains the text of section 132 as proposed by the Senate conveying certain lands to Nye County, Nevada. The House had no similar provision.

Section 133 retains the text of section 133 as proposed by the Senate conveying certain lands to the City of Mesquite, Nevada. The House had no similar provision.

Section 134 clarifies that section 134 as proposed by the Senate expresses the Sense of the Senate regarding exhibits commemorating the quadricentennial of European settlement at St. Croix Island IHS.

Section 135 retains the text of section 135 as proposed by the Senate prohibiting the Department of the Interior from studying or implementing any plan to drain Lake Powell or reduce water levels below levels required for the operation of Glen Canyon Dam. The House had no similar provision.

Section 136 modifies section 136 as proposed by the Senate dealing with the prohibition of inspection fees on certain exported hides and skins. The modification specifies that the prohibition on fees does not apply to any person who ships more than 2,500 hides, skins or parts during the course of one year. The House had no similar provision.

Section 137 retains the text of section 138 as proposed by the Senate prohibiting the implementation of sound thresholds at Grand Canyon National Park until 90 days after the National Park Service has provided a report detailing the scientific basis for such thresholds. The House had no similar provision.

Section 138 modifies language as proposed by the Senate regarding funds appropriated in fiscal year 1998 for land acquisition in Haines Borough, Alaska.

Section 139 modifies section 142 as proposed by the Senate so that funds appropriated for Bureau of Indian Affairs Post Secondary Schools for fiscal year 2000 shall be allocated by the Post Secondary Funding Formula adopted by the Office of Indian Education Programs. The House had no similar provision.

Section 140 clarifies section 143 as proposed by the Senate that land and other reimbursement the Secretary may receive in the conveyance of the Twin Cities Research Center must be used for the benefit of the National Wildlife Refuge System in Minnesota and for activities authorized by Public Law 104-134. The House had no similar provision.

Section 141 modifies section 144 as proposed by the Senate regarding oil valuation regulations. The managers instruct the Comptroller General to review the issues raised by the Minerals Management Service oil valuation rule-making and to issue a report within six months. The section also requires that the rule be consistent with existing statutory requirements (Mineral Lands Leasing Act, 30 U.S.C. Sec. 226(b) and Outer Continental Shelf Lands Act, 43 U.S.C. Sec. 1337).

The managers expect that the GAO report will examine and evaluate the proposed rule and its consistency with statutory requirements, lease agreements, and historic practices of valuing oil for royalty purposes at the lease. The managers intend that the Comptroller General will take into consideration all official comments submitted during the rule-making. Specifically, the managers expect the following issues to be examined and reported upon: criteria for arms length transactions for valuation purposes; methodologies for determining values in non-arms length transactions; proper adjustments and allowances of expenses when the valuation process begins away from the lease; and acceptance of arms length market transactions.

The managers urge and expect the MMS to review thoroughly the Comptroller General's report and to ensure that oil royalty valuation rules are consistent with existing law. Nothing in this conference report would prevent MMS from reproposing the rule. In fact, the managers encourage them to do so.

Section 142 extends through 2003 the authority of the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia.

Section 143 provides new contract authority regarding transportation concessions at Zion NP, Utah.

Section 144 provides an extension of the deadline for Red Rock Canyon National Conservation Area to allow the Bureau of Land Management sufficient time to process a pending rights-of-way application.

Section 145 increases to 15 percent the amount of funds that may be used by the National Park Foundation to administer the National Park Passport program.

designate \$300,000 for the western Pennsylvania water quality demonstration project. The managers have also agreed to authorize up to \$8,000,000 for the Appalachian clean streams initiative as proposed by the House. The agreement includes the Senate proposed language allowing all funds from Title IV of the Surface Mining Control and Reclamation Act to be used as non-Federal cost shares.

BUREAU OF INDIAN AFFAIRS
OPERATION OF INDIAN PROGRAMS

The conference agreement provides \$1,637,444,000 for the operation of Indian programs instead of \$1,631,050,000 as proposed by the House and \$1,633,296,000 as proposed by the Senate.

Increases above the House include \$320,000 for new tribes, \$1,000,000 for student transportation, \$1,000,000 for fisheries enhancement, \$500,000 for tribal resource management, \$3,000,000 for environmental management, \$10,000,000 for law enforcement, \$250,000 for the Crownpoint Institute of Technology, and \$600,000 for post secondary schools.

Decreases below the House include \$5,000,000 for the Indian self determination fund, \$100,000 for Alaska legal services, \$108,000 for the United Sioux Tribe Development Corporation, \$3,573,000 for probate backlog, and \$1,495,000 for land records improvement.

Over the past several years, the House and Senate Committees on Appropriations and the Department of the Interior have been concerned with improving the management of the Bureau of Indian Affairs which has consistently been criticized for organizational shortcomings. During this period, a number of reforms have been put in place which were designed to improve the Bureau's effectiveness and accountability. To the Bureau's credit it has made substantial progress in addressing its management problems. However, to truly address these issues one needs an analysis of the structure of the Bureau, how its management has changed over time due to increased tribal contracting and compacting, and the lack of concurrent shifts in the Bureau's management structure to these changing circumstances. To this end, the House and Senate Appropriations Committees working with the Department of the Interior commissioned a study of the Bureau by the National Academy of Public Administration (NAPA). The NAPA study was tasked with providing recommendations for improving the quality, efficiency, and cost-effectiveness of the Bureau's operations.

The managers have received copies of the NAPA report titled, "A Study of Management and Administration: the Bureau of Indian Affairs". The managers believe that the report provides some excellent recommendations to improve the administrative activities of the Bureau and managerial control over the Bureau. The most startling finding of the NAPA study was that some of the basic administrative functions that are necessary for effective management, and that exist in other organizations, are absent in the Bureau. This finding led NAPA to conclude that Bureau personnel are hard working dedicated employees who are not provided with the tools to effectively do their jobs. For example, NAPA concluded that,

“there is no existing capability to provide budget, human resources, policy, and other types of assistance to the Assistant Secretary—Indian Affairs and the Bureau.” Even prior to the NAPA report, the managers were aware that the Office of the Assistant Secretary—Indian Affairs did not have the capability to develop and analyze policy recommendations. Therefore, the managers have provided \$250,000 under central office general administration as part of the fiscal year 2000 budget for the establishment of an office of policy analysis and planning in support of NAPA-related program reform efforts.

Consequently, it is the recommendation of the managers that the Bureau proceed with implementation of the NAPA report. In addition, the Bureau should incorporate the NAPA recommendations as part of the Bureau’s fiscal year 2001 budget. The managers understand that implementation of the NAPA recommendations will likely result in the transfer of functions from Central Office West to Central Office East. Before this reorganization is implemented, the Bureau should coordinate this reorganization with the appropriate Congressional delegation. The managers recognize that implementation of the NAPA recommendations may require a reprogramming of funds. The Committees on Appropriations will look favorably on such requests and will try to expedite their approval. Lastly, the managers direct the Bureau and the Department to keep the Committees on Appropriations fully informed as to the progress being made in implementing the NAPA recommendations.

The managers have provided \$592,000 for the Gila River Farms project with the understanding that the funding completes this multi-year agriculture project.

The managers direct that within the funds provided for the Indian Arts and Crafts Board \$290,000 is earmarked for enforcement and compliance activities.

In recognition of the many pressing needs in public safety and justice and in order to allow the tribes and the Bureau to determine the priorities among those needs, the managers have not earmarked funds for animal welfare and control efforts within the funds provided for law enforcement. The managers are concerned, however, about the growing problems related to animal welfare and control on reservations and encourage the Bureau and the tribes to work with the Indian Health Service to determine if funding to address these problems should be included in future budget requests.

CONSTRUCTION

The conference agreement provides \$146,884,000 for construction as proposed by the Senate instead of \$126,023,000 as proposed by the House.

Changes to the House number include an increase of \$22,374,000 for replacement school construction and decreases of \$500,000 for employee housing and \$1,013,000 from the safety of dams program. For replacement school construction, the managers agree to the distribution stated on page 54 of Senate Report 106–99.

The managers remain troubled over the growing number of requests to use unobligated prior year school operations funds for replacement or repair of Bureau funded schools. The Congress has

increased school operations funding every year for the past five years based on analysis by the Department, the Bureau, and the tribes showing that school operation funds remain well below the per student national average. Based on this analysis the managers are not convinced that any school should have carryover operations funds at the end of the school year. Nevertheless, the managers have included bill language to allow the Tate Topa Tribal School, the Black Mesa Community School, and the Alamo Navajo School to use prior year operations funds for repair and replacement purposes. However, to ensure that the additional flexibility provided by this language does not create an incentive for schools to divert scarce operations dollars, any future requests require approval by the Secretary of the Interior. In addition, the managers direct that if this authority is used, the Secretary should certify in writing to the House and Senate Committees on Appropriations that this request will not negatively impact the school's academic standards.

The managers have included bill language as proposed by the Senate to provide \$375,000 to the U.K. Development L.L.C. in return for a quit claim deed to the Lac Courte Oreilles Ojibwe school.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides \$27,256,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of \$25,901,000 as proposed by the House and \$27,131,000 as proposed by the Senate.

Increases above the House level include \$1,000,000 for Aleutian Pribilof church repairs, \$230,000 for the Truckee River, and \$125,000 for the Walker River Paiute Tribe.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides \$5,008,000 for the Indian guaranteed loan program as proposed by the House instead of \$5,004,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

The managers have included bill language under the Bureau of Indian Affairs Administrative Provisions as proposed by the Senate that allows the use of prior year school operations funds to be used for replacement or repair of Bureau schools if approved by the Secretary.

The managers have modified Senate proposed bill language included under the Bureau of Indian Affairs Administrative Provisions which clarifies that Bureau funded schools may share their campus with other schools that do not receive Bureau funding and have expanded grades, provided that any additional costs be provided by non-Federal sources.

The managers have modified Senate proposed bill language under Title I General Provisions to direct that the allocation of funds to post secondary schools during fiscal year 2000 be determined by the post secondary funding formula adopted by the Office of Indian Education.

The managers have modified Senate proposed bill language under Title I General Provisions to allow the Secretary to redistribute Tribal Priority Allocation funds to address unmet needs, dual enrollment, overlapping service areas, or inaccurate distribution methodologies.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides \$67,171,000 for assistance to territories instead of \$62,320,000 as proposed by the House and \$67,325,000 as proposed by the Senate. The managers have agreed to follow the funding levels proposed by the Senate for the activities, except that the managers have included a decrease of \$154,000 from the level proposed by the Senate for the Office of Insular Affairs. The managers have included funding, as suggested by the Senate, for the Compact renegotiation process. The conference agreement also includes the language proposed by the Senate deferring part of the Covenant mandatory payment to the Commonwealth of the Northern Mariana Islands. The deferred funds are allocated to the Virgin Islands for federal mandates as directed by the Senate report. The managers agree that the Secretary should ensure that representatives of Hawaii are consulted during the upcoming compact renegotiation process so the impact to Hawaii of migrating citizens from the freely associated states is appropriately considered.

COMPACT OF FREE ASSOCIATION

The conference agreement provides \$20,545,000 for the Compact of Free Association as proposed by both the House and the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides \$62,864,000 for Departmental Management as proposed by the House instead of \$62,203,000 as proposed by the Senate. The managers agree to the following distribution of funds:

Departmental direction	\$11,665,000
Management and coordination	22,780,000
Hearings and appeals	8,047,000
Central services	19,527,000
Bureau of Mines workers compensation/unemployment	845,000

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides \$40,196,000 for the Office of the Solicitor instead of \$36,784,000 as proposed by the House and the Senate. The managers agree to the following distribution of funds:

of which up to \$1,040,000 may be for the cost of guaranteed loans, as authorized by section 104(d) of the Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$200,000,000. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed \$20,000,000.

TITLE III—GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

(d) *EFFECTIVE DATE.*—The provisions of this section are applicable in fiscal year 2000 and thereafter.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1999.

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

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

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

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

(b) *EXCEPTIONS.*—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29

and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) *REPORT.*—On September 30, 2000, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

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

SEC. 313. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, and 105–277 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 1999 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2000 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the “Jobs in the Woods” component of the President’s Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 315. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds \$500,000.

SEC. 316. (a) None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior, the Forest Service or the Smithsonian Institution may be

used to submit nominations for the designation of Biosphere Reserves pursuant to the Man and Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization.

(b) The provisions of this section shall be repealed upon the enactment of subsequent legislation specifically authorizing United States participation in the Man and Biosphere program.

SEC. 317. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 318. Of the funds provided to the National Endowment for the Arts—

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

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

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

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 320. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

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

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the 15 year legally mandated date to revise before or during calendar year 2000; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 322. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 323. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 324. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President’s Council on Sustainable Development.

SEC. 325. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Ave-

nue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 326. Notwithstanding any other provision of law, none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs may be used to enter into any new or expanded self-determination contract or grant or self-governance compact pursuant to the Indian Self-Determination Act of 1975, as amended, for any activities not previously covered by such contracts, compacts or grants. Nothing in this section precludes the continuation of those specific activities for which self-determination and self-governance contracts, compacts and grants currently exist or the renewal of contracts, compacts and grants for those activities; implementation of section 325 of Public Law 105-83 (111 Stat. 1597); or compliance with 25 U.S.C. 2005.

SEC. 327. Amounts deposited during fiscal year 1999 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2000, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 328. None of the funds made available in this Act may be used to establish a national wildlife refuge in the Kankakee River watershed in northwestern Indiana and northeastern Illinois.

SEC. 329. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be transferred to or used to support the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.

SEC. 330. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 331. ENHANCING FOREST SERVICE ADMINISTRATION OF RIGHTS-OF-WAY AND LAND USES. (a) The Secretary of Agriculture shall develop and implement a pilot program for the purpose of enhancing forest service administration of rights-of-way and other land uses. The authority for this program shall be for fiscal years 2000 through 2004. Prior to the expiration of the authority for this

pilot program, the Secretary shall submit a report to the House and Senate Committees on Appropriations, and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that evaluates whether the use of funds under this section resulted in more expeditious approval of rights-of-way and special use authorizations. This report shall include the Secretary's recommendation for statutory or regulatory changes to reduce the average processing time for rights-of-way and special use permit applications.

(b) DEPOSIT OF FEES.—Subject to subsections (a) and (f), during fiscal years 2000 through 2004, the Secretary of Agriculture shall deposit into a special account established in the Treasury all fees collected by the Secretary to recover the costs of processing applications for, and monitoring compliance with, authorizations to use and occupy National Forest System lands pursuant to section 28(l) of the Mineral Leasing Act (30 U.S.C. 185(l)), section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), section 9701 of title 31, United States Code, and section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h-2(g)).

(c) USE OF RETAINED AMOUNTS.—Amounts deposited pursuant to subsection (b) shall be available, without further appropriation, for expenditure by the Secretary of Agriculture to cover costs incurred by the Forest Service for the processing of applications for special use authorizations and for monitoring activities undertaken in connection with such authorizations. Amounts in the special account shall remain available for such purposes until expended.

(d) REPORTING REQUIREMENT.—In the budget justification documents submitted by the Secretary of Agriculture in support of the President's budget for a fiscal year under section 1105 of title 31, United States Code, the Secretary shall include a description of the purposes for which amounts were expended from the special account during the preceding fiscal year, including the amounts expended for each purpose, and a description of the purposes for which amounts are proposed to be expended from the special account during the next fiscal year, including the amounts proposed to be expended for each purpose.

(e) DEFINITION OF AUTHORIZATION.—For purposes of this section, the term "authorizations" means special use authorizations issued under subpart B of part 251 of title 36, Code of Federal Regulations.

(f) IMPLEMENTATION.—This section shall take effect upon promulgation of Forest Service regulations for the collection of fees for processing of special use authorizations and for related monitoring activities.

SEC. 332. HARDWOOD TECHNOLOGY TRANSFER AND APPLIED RESEARCH. *(a) The Secretary of Agriculture (hereinafter the "Secretary") is hereby and hereafter authorized to conduct technology transfer and development, training, dissemination of information and applied research in the management, processing and utilization of the hardwood forest resource. This authority is in addition to any other authorities which may be available to the Secretary including, but not limited to, the Cooperative Forestry Assistance Act of 1978, as amended (16 U.S.C. 2101 et seq.), and the Forest and Rangeland*

Renewable Resources Act of 1978, as amended (16 U.S.C. 1600–1614).

(b) In carrying out this authority, the Secretary may enter into grants, contracts, and cooperative agreements with public and private agencies, organizations, corporations, institutions and individuals. The Secretary may accept gifts and donations pursuant to the Act of October 10, 1978 (7 U.S.C. 2269) including gifts and donations from a donor that conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(c) The Secretary is hereby and hereafter authorized to operate and utilize the assets of the Wood Education and Resource Center (previously named the Robert C. Byrd Hardwood Technology Center in West Virginia) as part of a newly formed “Institute of Hardwood Technology Transfer and Applied Research” (hereinafter the “Institute”). The Institute, in addition to the Wood Education and Resource Center, will consist of a Director, technology transfer specialists from State and Private Forestry, the Forestry Sciences Laboratory in Princeton, West Virginia, and any other organizational unit of the Department of Agriculture as the Secretary deems appropriate. The overall management of the Institute will be the responsibility of the Forest Service, State and Private Forestry.

(d) The Secretary is hereby and hereafter authorized to generate revenue using the authorities provided herein. Any revenue received as part of the operation of the Institute shall be deposited into a special fund in the Treasury of the United States, known as the “Hardwood Technology Transfer and Applied Research Fund”, which shall be available to the Secretary until expended, without further appropriation, in furtherance of the purposes of this section, including upkeep, management, and operation of the Institute and the payment of salaries and expenses.

(e) There are hereby and hereafter authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 333. No timber in Region 10 of the Forest Service shall be advertised for sale which, when using domestic Alaska western red cedar selling values and manufacturing costs, fails to provide at least 60 percent of normal profit and risk of the appraised timber, except at the written request by a prospective bidder. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2000, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan which provides greater than 60 percent of normal profit and risk at the time of the sale advertisement, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States based on values in the Pacific Northwest as determined by the Forest Service and stated in the timber sale contract. Should Region 10 sell, in fiscal year 2000, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan meeting the 60 percent of normal profit and risk standard at the time of sale advertisement, the volume of western red cedar timber available to domestic processors at rates specified

in the timber sale contract in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 334. For fiscal year 2000, with respect to inventorying, monitoring, or surveying requirements for planning or management activities on Federal land, the Secretary of Agriculture may comply with part 219 of volume 36 of the Code of Federal Regulations and a land and resource management plan, and the Secretary of the Interior may comply with a resource management plan by using currently available scientific data concerning any fish, wildlife, or plants not subject to the Endangered Species Act, and by considering the availability of habitat suitable for the particular species: Provided, That the Secretaries may at their discretion determine whether additional species population surveys should also be collected: Provided further, That a project subject to the Northwest Forest Plan for which the record of decision was signed by an agency official prior to the date of the enactment of this Act may, at the discretion of the Secretaries, be deemed to be implemented on the date the decision was signed.

SEC. 335. The Secretary of Agriculture and the Secretary of the Interior shall:

(1) prepare the report required of them by section 323(a) of the Fiscal Year 1998 Interior and Related Agencies Appropriations Act (Public Law 105-83; 111 Stat. 1543, 1596-7);

(2) distribute the report and make such report available for public comment for a minimum of 120 days; and

(3) include detailed responses to the public comment in any final environmental impact statement associated with the Interior Columbia Basin Ecosystem Management Project.

SEC. 336. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification

pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 337. (a) MILLSITES OPINION.—No funds shall be expended by the Department of the Interior or the Department of Agriculture, for fiscal years 2000 and 2001, to limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to any patent application grandfathered pursuant to section 113 of the Department of the Interior and Related Agencies, Appropriations Act, 1995; any operation or property for which a plan of operations has been previously approved; or any operation or property for which a plan of operations has been submitted to the Bureau of Land Management or Forest Service prior to May 21, 1999.

(b) NO RATIFICATION.—Nothing in this Act or the Emergency Supplemental Act of 1999 shall be construed as an explicit or tacit adoption, ratification, endorsement or approval of the opinion dated November 7, 1997, by the solicitor of the Department of the Interior concerning millsites.

SEC. 338. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2000 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 339. PILOT PROGRAM OF CHARGES AND FEES FOR HARVEST OF FOREST BOTANICAL PRODUCTS. (a) DEFINITION OF FOREST BOTANICAL PRODUCT.—For purposes of this section, the term “forest botanical product” means any naturally occurring mushrooms, fungi, flowers, seeds, roots, bark, leaves, and other vegetation (or portion thereof) that grow on National Forest System lands. The term does not include trees, except as provided in regulations issued under this section by the Secretary of Agriculture.

(b) RECOVERY OF FAIR MARKET VALUE FOR PRODUCTS.—The Secretary of Agriculture shall develop and implement a pilot program to charge and collect not less than the fair market value for forest botanical products harvested on National Forest System lands. The Secretary shall establish appraisal methods and bidding procedures to ensure that the amounts collected for forest botanical products are not less than fair market value.

(c) FEES.—

(1) IMPOSITION AND COLLECTION.—Under the pilot program, the Secretary of Agriculture shall also charge and collect fees from persons who harvest forest botanical products on National Forest System lands to recover all costs to the Department of Agriculture associated with the granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.

(2) *SECURITY.*—The Secretary may require a person assessed a fee under this subsection to provide security to ensure that the Secretary receives the fees imposed under this subsection from the person.

(d) *SUSTAINABLE HARVEST LEVELS FOR FOREST BOTANICAL PRODUCTS.*—The Secretary of Agriculture shall conduct appropriate analyses to determine whether and how the harvest of forest botanical products on National Forest System lands can be conducted on a sustainable basis. The Secretary may not permit under the pilot program the harvest of forest botanical products at levels in excess of sustainable harvest levels, as defined pursuant to the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.). The Secretary shall establish procedures and timeframes to monitor and revise the harvest levels established for forest botanical products.

(e) *WAIVER AUTHORITY.*—

(1) *PERSONAL USE.*—The Secretary of Agriculture shall establish a personal use harvest level for each forest botanical product, and the harvest of a forest botanical product below that level by a person for personal use shall not be subject to charges and fees under subsections (b) and (c).

(2) *OTHER EXCEPTIONS.*—The Secretary may also waive the application of subsection (b) or (c) pursuant to such regulations as the Secretary may prescribe.

(f) *DEPOSIT AND USE OF FUNDS.*—

(1) *DEPOSIT.*—Funds collected under the pilot program in accordance with subsections (b) and (c) shall be deposited into a special account in the Treasury of the United States.

(2) *FUNDS AVAILABLE.*—Funds deposited into the special account in accordance with paragraph (1) in excess of the amounts collected for forest botanical products during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture under paragraph (3) without further appropriation, and shall remain available for expenditure until the date specified in subsection (h)(2).

(3) *AUTHORIZED USES.*—The funds made available under paragraph (2) shall be expended at units of the National Forest System in proportion to the charges and fees collected at that unit under the pilot program to pay for—

(A) in the case of funds collected under subsection (b), the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, and for restoration activities, including any necessary vegetation; and

(B) in the case of fees collected under subsection (c), the costs described in paragraph (1) of such subsection.

(4) *TREATMENT OF FEES.*—Funds collected under subsections (b) and (c) shall not be taken into account for the purposes of the following laws:

(A) The sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

(B) *The fourteenth paragraph under the heading "FOREST SERVICE" in the Act of March 4, 1913 (16 U.S.C. 501).*

(C) *Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).*

(D) *The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).*

(E) *Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869-4).*

(F) *Chapter 69 of title 31, United States Code.*

(G) *Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).*

(H) *Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a).*

(I) *Any other provision of law relating to revenue allocation.*

(g) *REPORTING REQUIREMENTS.—As soon as practicable after the end of each fiscal year in which the Secretary of Agriculture collects charges and fees under subsections (b) and (c) or expends funds from the special account under subsection (f), the Secretary shall submit to the Congress a report summarizing the activities of the Secretary under the pilot program, including the funds generated under subsections (b) and (c), the expenses incurred to carry out the pilot program, and the expenditures made from the special account during that fiscal year.*

(h) *DURATION OF PILOT PROGRAM.—*

(1) *CHARGES AND FEES.—The Secretary of Agriculture may collect charges and fees under the authority of subsections (b) and (c) only during fiscal years 2000 through 2004.*

(2) *USE OF SPECIAL ACCOUNT.—The Secretary may make expenditures from the special account under subsection (f) until September 30 of the fiscal year following the last fiscal year specified in paragraph (1). After that date, amounts remaining in the special account shall be transferred to the general fund of the Treasury.*

SEC. 340. Title III, section 3001 of Public Law 106-31 is amended by inserting after "Alabama," the following: "in fiscal year 1999 or 2000".

SEC. 341. (a) The authority to enter into stewardship contracting demonstration pilot projects provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105-277 is hereby expanded to authorize the Forest Service to enter into an additional nine projects in Region One.

(b) Section 347 of title III of section 101(e) of division A of Public Law 105-277 is hereby amended—

(1) in subsection (a)—

(A) by inserting " , via agreement or contract as appropriate," before "may enter into"; and

(B) by striking "(28) contracts with private persons and" and inserting "(28) stewardship contracting demonstration pilot projects with private persons or other public or private";

(2) in subsection (b), by striking “contract” and inserting “project”;

(3) in subsection (c)—

(A) in the heading, by inserting “Agreements or” before “Contracts”;

(B) in paragraph (1)—

(i) by striking “a contract” and inserting “an agreement or contract”; and

(ii) by striking “private contracts” and inserting “private agreements or contracts”;

(C) in paragraph (3), by inserting “agreement or” before “contracts”; and

(D) in paragraph (4), by inserting “agreement or” before “contracts”;

(4) in subsection (d)—

(A) in paragraph (1), by striking “a contract” and inserting “an agreement or contract”; and

(B) in paragraph (2), by striking “a contract” and inserting “an agreement or contract”; and

(5) in subsection (g)—

(A) in the first sentence by striking “contract” and inserting “pilot project”; and

(B) in the last sentence—

(i) by inserting “agreements or” before “contracts”; and

(ii) by inserting “agreements or” before “contract”.

SEC. 342. Notwithstanding section 343 of Public Law 105–83, increases in recreation residence fees shall be implemented in fiscal year 2000 only to the extent that the fiscal year 2000 fees do not exceed the fiscal year 1999 fee by more than \$2,000.

SEC. 343. Federal monies appropriated for the purchase of land or interests in land by the United States Forest Service (“Forest Service”) in the Columbia River Gorge National Scenic Area (“CRGNSA”) shall be used by the Forest Service in compliance with the acquisition protocol set out in this section.

(a)(1) ACQUISITIONS.—The Secretary of Agriculture (“the Secretary”) is directed to make every reasonable effort to acquire on or before March 15, 2000, pursuant to his existing authority, land acquisition projects which the Forest Service has determined to have been delayed for a significant time or which have not yet been completed despite past direction through report language from either the House or Senate Appropriations Committee (“the Committees”).

(2) For the purposes of appraising the value of the lands or interests in land the Forest Service may, at its discretion, apply the standard found in A–10 of the Uniform Standards of Appraisal for Federal Land Acquisitions as required by Public Law 91–646, as amended, even if the lands or interests in land were purchased by the current title holder subsequent to the enactment of the Columbia River Gorge National Scenic Area Act (Public Law 99–663) and before the effective date of this Act.

(b) REPORT TO CONGRESS.—On or before February 15, 2000, the Secretary shall submit to the Senate and House Appropriations Committees a report detailing the status of the po-

tential land acquisitions referenced above as well as any other pending purchases of land or interests in land in the CRGNSA. If any of the lands or interests in land referenced above have not been acquired by February 15, 2000, the report should detail the specific issue or issues preventing the acquisition or acquisitions from being completed.

(c) *MEDIATION.*—If the Secretary’s report, as described in subsection (b) details issues other than disagreement over fair market value which are preventing acquisitions from occurring, the Secretary is directed to immediately make available to the prospective seller or sellers non-binding mediation in an attempt to resolve these non-fair market value issues. The Secretary shall submit to the Committees a report on the status of any mediation on or before April 15, 2000. The Secretary and prospective seller may mediate any disagreement over fair market value if both the Secretary and prospective seller agree mediation has the potential to resolve the fair market value disagreement.

(d) *ARBITRATION REQUIREMENT.*—Any issues concerning differences between the Secretary and the owners of the land or interest in land referenced in subsection (a)(1) over the fair market value of these lands or interests in land not resolved before April 15, 2000, shall be resolved using the arbitration process set out in subsections (e) through (g) of this section.

(e) *SELECTION OF ARBITRATION PANEL.*—On or before April 15, 2000, the Secretary and the prospective seller each shall designate one arbitrator, and instruct these two arbitrator designees to appoint before May 1, 2000, a third arbitrator upon whom the arbitrator designees mutually agree. At least two of the three arbitrators shall be State certified appraisers possessing qualifications consistent with State regulatory requirements that meet the intent of title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall not be employed by the United States of America, the prospective seller, or the prospective seller’s current or former legal counsel. The third arbitrator shall be a member in good standing of either the bars of Washington or Oregon and shall not be employed by the United States of America, the prospective seller, or the prospective seller’s current or former legal counsel. Total compensation for the arbitration panel shall not exceed \$15,000.

(f) *WRITTEN MATERIAL.*—The Secretary and prospective seller each may submit a maximum of 20 pages of argument to the arbitration panel, in a format consistent with the format for submitting written arguments established by the Ninth Circuit Court of Appeals. Exhibits, affidavit, or declarations shall not be submitted. No other written material may be submitted to the arbitration panel except a copy of this legislation and copies of qualified appraisals. The term “qualified appraisals” shall be limited to appraisals prepared by State-certified appraisers possessing qualifications consistent with the State regulatory requirements that meet the intent of title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989, and complying with the Uniform Appraisal Standards for Federal Land Acquisitions, which were submitted to the Secretary or prepared

at the direction of the Secretary either prior to the effective date of this legislation or between the effective date and February 15, 2000. The Secretary and the prospective seller may submit no more than one qualified appraisal each to the arbitration panel. Neither the Secretary nor the prospective seller may submit to the arbitration panel any qualified appraisal not provided to the Secretary or the prospective seller on or before February 15, 2000. All written materials must be submitted to the arbitration panel on or before May 15, 2000.

(g) *DECISION OF THE ARBITRATION PANEL.*—On or before July 15, 2000, the arbitration panel shall convey to the prospective seller and the Secretary one of the following findings: (1) that neither qualified appraisal complies with Public Law 91–646 and with the Uniform Appraisal Standards for Federal Land Acquisition (1992); or (2) that at least one of the qualified appraisals complies with Public Law 91–646 and with the Uniform Appraisal Standards for Federal Land Acquisitions (1992), together with an advisory decision recommending an amount the Secretary should offer the prospective seller for his or her interest in real property. Upon receipt of a recommendation by the arbitration panel, the Secretary shall immediately notify the prospective seller and the CRGNSA of the day the recommendation was received. The Secretary shall make a determination to adopt or reject the arbitration panel’s advisory decision and notify the prospective seller and the CRGNSA of his determination within 45 days of receipt of the advisory decision. If at least one of the appraisals complies with Public Law 91–646, and with the Uniform Appraisal Standards for Federal Land Acquisition, the arbitration panel shall also make an advisory finding on what portion of the arbitration panel’s fees should be paid by the Secretary and what portion of the arbitration panel’s fees should be paid by the prospective seller. The arbitration panel is authorized to recommend these fees be borne entirely by either the Secretary or the prospective seller.

(h) *ADMISSIBILITY.*—Neither the fact that arbitration pursuant to this section has occurred nor the recommendation of the arbitration panel shall be admissible in any court or administrative hearing.

(i) *EXPIRATION DATE.*—This section shall remain in effect without respect to fiscal year limitations and expire on December 31, 2000.

SEC. 344. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 345. NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES ECONOMIC DIVERSIFICATION. (a) **FINDINGS AND PURPOSES.**—Section 2373 of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6611) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “national forests” and inserting “National Forest System land”;

(B) in paragraph (4), by striking “the national forests” and inserting “National Forest System land”;

(C) in paragraph (5), by striking “forest resources” and inserting “natural resources”; and

(D) in paragraph (6), by striking “national forest resources” and inserting “National Forest System land resources”; and

(2) in subsection (b)(1)—

(A) by striking “national forests” and inserting “National Forest System land”; and

(B) by striking “forest resources” and inserting “natural resources”.

(b) **DEFINITIONS.**—Section 2374(1) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6612(1)) is amended by striking “forestry” and inserting “natural resources”.

(c) **RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.**—Section 2375(b) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6613(b)) is amended—

(1) in the first sentence, by striking “forestry” and inserting “natural resources”; and

(2) in the second and third sentences, by striking “national forest resources” and inserting “National Forest System land resources”.

(d) **ACTION PLAN IMPLEMENTATION.**—Section 2376(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6614(a)) is amended—

(1) by striking “forest resources” and inserting “natural resources”; and

(2) by striking “national forest resources” and inserting “National Forest System land resources”.

(e) **TRAINING AND EDUCATION.**—Paragraphs (3) and (4) of section 2377(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6615(a)) are amend-

ed by striking “national forest resources” and inserting “National Forest System land resources”.

(f) *LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.*—Paragraphs (2) and (3) of section 2378(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6616(a)) are amended by striking “national forest resources” and inserting “National Forest System land resources”.

SEC. 346. INTERSTATE 90 LAND EXCHANGE. (a) Section 604(a) of the Interstate 90 Land Exchange Act of 1998 (Public Law 105–277; 112 Stat. 2681–326 (1998)) is hereby amended by adding at the end of the first sentence: “except title to offered lands and interests in lands described in subparagraphs (Q), (R), (S), and (T) of section 605(c)(2) must be placed in escrow by Plum Creek, according to terms and conditions acceptable to the Secretary and Plum Creek, for a 3-year period beginning on the later of the date of the enactment of this Act or consummation of the exchange. During the period the lands are held in escrow, Plum Creek shall not undertake any activities on these lands, except for fire suppression and road maintenance, without the approval of the Secretary, which shall not be unreasonably withheld”.

(b) Section 604(b) of the Interstate 90 Land Exchange Act of 1998 (Public Law 105–277; 112 Stat. 2681–326 (1998)) is hereby amended by inserting after “offered land” the following: “as provided in section 604(a), and placement in escrow of acceptable title to the offered lands described in subparagraphs (Q), (R), (S), and (T) of section 605(c)(2)”.

(c) Section 604(b) is further amended by adding the following at the end of the first sentence: “except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M., $W^{1/2}W^{1/2}$ of Section 16, which shall be retained by the United States”. The appraisal approved by the Secretary of Agriculture on July 14, 1999 (the “Appraisal”) shall be adjusted by subtracting the values determined for Township 19 North, Range 10 East, W.M., Section 4 and Township 20 North, Range 10 East, W.M., Section 32 during the Appraisal process in the context of the whole estate to be conveyed.

(d) After adjustment of the Appraisal, the values of the offered and selected lands, including the offered lands held in escrow, shall be equalized as provided in section 605(c) except that the Secretary also may equalize values through the following, including any combination thereof—

(1) conveyance of any other lands under the jurisdiction of the Secretary acceptable to Plum Creek and the Secretary after compliance with all applicable Federal environmental and other laws; and

(2) to the extent sufficient acceptable lands are not available pursuant to paragraph (1) of this subsection, cash payments as and to the extent funds become available through appropriations, private sources, or, if necessary, by reprogramming.

(e) The Secretary shall promptly seek to identify lands acceptable for conveyance to equalize values under paragraph (1) of subsection (d) and shall, not later than May 1, 2000, provide a report to the Congress outlining the results of such efforts.

(f) As funds or lands are provided to Plum Creek by the Secretary, Plum Creek shall release to the United States deeds for lands and interests in land held in escrow based on the values determined during the Appraisal process in the context of the whole estate to be conveyed. Deeds shall be released for lands and interests in lands in the exact reverse order listed in section 605(c)(2).

(g) Section 606(d) is hereby amended to read as follows: "the Secretary and Plum Creek shall make the adjustments directed in section 604(b) and consummate the land exchange within 30 days of the enactment of the Interstate 90 Land Exchange Amendment, unless the Secretary and Plum Creek mutually agree to extend the consummation date".

SEC. 347. THE SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1999. (a) IN GENERAL.—The boundary of the Snoqualmie National Forest is hereby adjusted as generally depicted on a map entitled "Snoqualmie National Forest 1999 Boundary Adjustment" dated June 30, 1999. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia. Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundary of the Snoqualmie National Forest, as adjusted by subsection (a), shall be considered to be the boundary of the Forest as of January 1, 1965.

SEC. 348. Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e));".

SEC. 349. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order No. 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof.

SEC. 350. None of the funds made available by this Act may be used for the physical relocation of grizzly bears into the Selway-Bitterroot Wilderness of Idaho and Montana.

SEC. 351. YOUTH CONSERVATION CORPS AND RELATED PARTNERSHIPS. (a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91–378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, up to \$1,000,000 of the funds available to the Bureau of Land Management under this Act, in order to increase the number of summer jobs available for youths, ages 15 through 22, on Federal lands.

(b) Within 6 months after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall

jointly submit a report to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that includes the following—

(1) the number of youths, ages 15 through 22, employed during the summer of 1999, and the number estimated to be employed during the summer of 2000, through the Youth Conservation Corps, the Public Land Corps, or a related partnership with a State, local or nonprofit youth conservation corps or other entities such as the Student Conservation Association;

(2) a description of the different types of work accomplished by youths during the summer of 1999;

(3) identification of any problems that prevent or limit the use of the Youth Conservation Corps, the Public Land Corps, or related partnerships to accomplish projects described in subsection (a);

(4) recommendations to improve the use and effectiveness of partnerships described in subsection (a); and

(5) an analysis of the maintenance backlog that identifies the types of projects that the Youth Conservation Corps, the Public Land Corps, or related partnerships are qualified to complete.

SEC. 352. (a) NORTH PACIFIC RESEARCH BOARD.—Section 401 of Public Law 105–83 is amended as follows:

(1) In subsection (c)—

(A) by striking “available for appropriation, to the extent provided in the subsequent appropriations Acts,” and inserting “made available”;

(B) by inserting “To the extent provided in the subsequent appropriations Acts,” at the beginning of paragraph (1);

(C) by inserting “without further appropriation” after “20 percent of such amounts shall be made available”; and

(2) by striking subsection (f).

SEC. 353. None of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack’s Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of the enactment of this Act): Provided, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

SEC. 354. Public Law 105–83, the Department of the Interior and Related Agencies Appropriations Act of November 17, 1997, title III, section 331 is hereby amended by adding before the period: “: Provided further, That to carryout the provisions of this section, the Bureau of Land Management and the Forest Service may establish Transfer Appropriation Accounts (also known as allocation accounts) as needed”.

SEC. 355. WHITE RIVER NATIONAL FOREST.—The Forest Service shall extend the public comment period on the White River National Forest plan revision for 90 days beyond February 9, 2000.

SEC. 356. The first section of Public Law 99–215 (99 Stat. 1724), as amended by section 597 of the Water Resources Development Act of 1999 (Public Law 106–53), is further amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

“(c) The National Capital Planning Commission shall vacate and terminate an Easement and Declaration of Covenants, dated February 2, 1989, conveyed by the owner of the adjacent real property pursuant to subsection (b)(1)(D) in exchange for, and not later than 30 days after, the vacation and termination of the Deed of Easement, dated January 4, 1989, conveyed by the Maryland National Capital Park and Planning Commission pursuant to subsection (b)(1).

“(d) Effective on the date of the enactment of this subsection, the memorandum of May 7, 1985, and any amendments thereto, shall terminate.”

SEC. 357. (a) The Secretary of the Interior, as part of the President’s budget submittal for fiscal year 2001, shall include a detailed plan for implementing the recommendations of the National Academy of Sciences/National Research Council’s study entitled “Hardrock Mining on Federal Lands”, including information on the levels of funding and personnel utilized to administer the existing hardrock mining environmental and reclamation regulations of the Bureau of Land Management in fiscal years 1999 and 2000, as well as recommended appropriations for fiscal year 2001 and thereafter to achieve the improvements in the implementation of those regulations recommended by the study. The Secretary’s plan shall also include proposed legislation deemed necessary to implement any of the study’s recommendations including proposals addressing: (1) statutory authorities for Federal land managing agencies to issue administrative penalties for violations of their regulatory requirements, subject to appropriate due process; and (2) appropriate modifications to existing environmental laws to allow and promote the clean-up of abandoned mine sites in or adjacent to new mine areas.

(b) None of the funds in this Act may be used by the Secretary of the Interior to promulgate final rules to revise 43 CFR subpart 3809, or to finalize the accompanying draft environmental impact statement.

TITLE IV—MISSISSIPPI NATIONAL FOREST IMPROVEMENT ACT OF 1999

SEC. 401. SHORT TITLE.

This title may be cited as the “Mississippi National Forest Improvement Act of 1999”.

SEC. 402. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term “Agreement” means the Agreement described in section 405(a).

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

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

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

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

The Secretary of Energy in cooperation with the Administrator of General Services Administration shall convey to the City of Bartlesville, Oklahoma, for no consideration, the approximately 15.644 acres of land comprising the former site of the National Institute of Petroleum Energy Research (including all improvements on the land) described as follows: All of Block 1, Keeler's Second Addition, all of Block 2, Keeler's Fourth Addition, all of Blocks 9 and 10, Mountain View Addition, all in the City of Bartlesville, Washington County, Oklahoma.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,053,967,000, together with payments received during the fiscal

year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That \$12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That \$395,290,000 for contract medical care shall remain available for obligation until September 30, 2001: Provided further, That of the funds provided, up to \$17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2001: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$203,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2000: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental

health and facilities support activities of the Indian Health Service, \$318,580,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That notwithstanding any provision of law governing Federal construction, \$3,000,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: Provided further, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed \$500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That from within existing funds, the Indian Health Service may purchase up to 5 acres of land for expanding the parking facilities at the Indian Health Service hospital in Tahlequah, Oklahoma.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction pur-

poses, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on

the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$2,125,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, \$372,901,000, of which not to exceed \$43,318,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and of which \$2,500,000 shall remain available until expended for the National Museum of Natural History's Arctic Studies Center to include assistance to other museums for the planning and development of institutions and facilities that enhance the display of collections, and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be

construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, REHABILITATION AND ALTERATION OF FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of repair, rehabilitation and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$47,900,000, to remain available until expended, of which \$6,000,000 is provided for repair, rehabilitation and alteration of facilities at the National Zoological Park: Provided, That contracts awarded for environmental systems, protection systems, and repair or rehabilitation of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That funds previously appropriated to the "Construction and Improvements, National Zoological Park" account and the "Repair and Restoration of Buildings" account may be transferred to and merged with this "Repair, Rehabilitation and Alteration of Facilities" account.

CONSTRUCTION

For necessary expenses for construction, \$19,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101-185 for the construction of the National Museum of the American Indian.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library,

ADMINISTRATIVE PROVISIONS

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

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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

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

to appropriations currently available at the time of receipt thereof: Provided further, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

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

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

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

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of

Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

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

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

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

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

SEC. 112. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

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

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

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in

accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

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

(f) This section shall remain in effect through fiscal year 2002.

SEC. 113. Notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, hereafter funds available to the Department of the Interior for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act of 1975 and hereafter funds appropriated in this title shall not be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact or funding agreement entered into between an Indian tribe or tribal organization and any entity other than an agency of the Department of the Interior.

SEC. 114. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 115. Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C. for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the oper-

ation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

SEC. 116. Notwithstanding any other provision of law, the Steel Industry American Heritage Area, authorized by Public Law 104-333, is hereby renamed the Rivers of Steel National Heritage Area.

SEC. 117. (a) In this section—

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

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

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

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

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

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

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

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

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

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

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

“Thence West 11 and one-half poles;

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

SEC. 118. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior’s charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior’s bureaus and offices as determined by the Secretary or his designee.

SEC. 119. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 120. All properties administered by the National Park Service at Fort Baker, Golden Gate National Recreation Area, and leases, concessions, permits and other agreements associated with those properties, hereafter shall be exempt from all taxes and special assessments, except sales tax, by the State of California and its political subdivisions, including the County of Marin and the City of

Sausalito. Such areas of Fort Baker shall remain under exclusive Federal jurisdiction.

SEC. 121. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 122. Where any Federal lands included in the boundary of Lake Roosevelt National Recreational Area for grazing purposes, pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands shall be entitled to renew said permit. The National Park Service is further directed to manage the Lake Roosevelt National Recreational Area subject to grazing use in a manner that will protect the recreational, natural (including water quality) and cultural resources of the Lake Roosevelt National Recreational Area.

SEC. 123. Grazing permits and leases that expire or are transferred, shall be renewed on the same terms and conditions as contained in the expiring permits or leases until the Secretary of the Interior completes processing these permits and leases in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this language shall be deemed to alter the Secretary's statutory authority.

SEC. 124. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the Secretary may only appoint such Indian probate judges if, by January 1, 2000, the Secretary is unable to secure the services of at least 10 qualified Administrative Law Judges on a temporary basis from other agencies and/or through appointing retired Administrative Law Judges: Provided further, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 125. (a) LOAN TO BE GRANTED.—Notwithstanding any other provision of law or of this Act, the Secretary of the Interior

(hereinafter the “Secretary”), in consultation with the Secretary of the Treasury, shall make available to the Government of American Samoa (hereinafter “ASG”), the benefits of a loan in the amount of \$18,600,000 bearing interest at a rate equal to the United States Treasury cost of borrowing for obligations of similar duration. Repayment of the loan shall be secured and accomplished pursuant to this section with funds, as they become due and payable to ASG from the Escrow Account established under the terms and conditions of the Tobacco Master Settlement Agreement (and the subsequent Enforcing Consent Decree) (hereinafter collectively referred to as “the Agreement”) entered into by the parties November 23, 1998, and judgment granted by the High Court of American Samoa on January 5, 1999 (Civil Action 119–98, American Samoa Government v. Philip Morris Tobacco Co., et al.).

(b) **CONDITIONS REGARDING LOAN PROCEEDS.**—Except as provided under subsection (e), no proceeds of the loan described in this section shall become available until ASG—

(1) has enacted legislation, or has taken such other or additional official action as the Secretary may deem satisfactory to secure and ensure repayment of the loan, irrevocably transferring and assigning for payment to the Department of the Interior (or to the Department of the Treasury, upon agreement between the Secretaries of such departments) all amounts due and payable to ASG under the terms and conditions of the Agreement for a period of 26 years with the first payment beginning in 2000, such repayment to be further secured by a pledge of the full faith and credit of ASG;

(2) has entered into an agreement or memorandum of understanding described in subsection (c) with the Secretary identifying with specificity the manner in which approximately \$14,300,000 of the loan proceeds will be used to pay debts of ASG incurred prior to April 15, 1999; and

(3) has provided to the Secretary an initial plan of fiscal and managerial reform as described in subsection (d) designed to bring the ASG’s annual operating expenses into balance with projected revenues for the years 2003 and beyond, and identifying the manner in which approximately \$4,300,000 of the loan proceeds will be utilized to facilitate implementation of the plan.

(c) **PROCEDURE AND PRIORITIES FOR DEBT PAYMENTS.**—

(1) In structuring the agreement or memorandum of understanding identified in subsection (b)(2), the ASG and the Secretary shall include provisions, which create priorities for the payment of creditors in the following order—

(A) debts incurred for services, supplies, facilities, equipment and materials directly connected with the provision of health, safety and welfare functions for the benefit of the general population of American Samoa (including, but not limited to, health care, fire and police protection, educational programs grades K–12, and utility services for facilities belonging to or utilized by ASG and its agencies), wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 75 percent of the

amount owed, shall be given the highest priority for payment from the loan proceeds under this section;

(B) debts not exceeding a total amount of \$200,000 owed to a single provider and incurred for any legitimate governmental purpose for the benefit of the general population of American Samoa, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 70 percent of the amount owed, shall be given the second highest priority for payment from the loan proceeds under this section;

(C) debts exceeding a total amount of \$200,000 owed to a single provider and incurred for any legitimate governmental purpose for the benefit of the general population of American Samoa, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 65 percent of the amount owed, shall be given the third highest priority for payment from the loan proceeds under this section;

(D) other debts regardless of total amount owed or purpose for which incurred, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 60 percent of the amount owed, shall be given the fourth highest priority for payment from the loan proceeds under this section;

(E) debts described in subparagraphs (A), (B), (C), and (D) of this paragraph, wherein the creditor declines to compromise and settle the debt for the percentage of the amount owed as specified under the applicable subparagraph, shall be given the lowest priority for payment from the loan proceeds under this section.

(2) The agreement described in subsection (b)(2) shall also generally provide a framework whereby the Governor of American Samoa shall, from time-to-time, be required to give 10 business days notice to the Secretary that ASG will make payment in accordance with this section to specified creditors and the amount which will be paid to each of such creditors. Upon issuance of payments in accordance with the notice, the Governor shall immediately confirm such payments to the Secretary, and the Secretary shall within three business days following receipt of such confirmation transfer from the loan proceeds an amount sufficient to reimburse ASG for the payments made to creditors.

(3) The agreement may contain such other provisions as are mutually agreeable, and which are calculated to simplify and expedite the payment of existing debt under this section and ensure the greatest level of compromise and settlement with creditors in order to maximize the retirement of ASG debt.

(d) FISCAL AND MANAGERIAL REFORM PROGRAM.—

(1) The initial plan of fiscal and managerial reform, designed to bring ASG's annual operating expenses into balance with projected revenues for the years 2003 and beyond as required under subsection (b)(3), should identify specific measures which will be implemented by ASG to accomplish such goal, the anticipated reduction in government operating expense which

will be achieved by each measure, and should include a timetable for attainment of each reform measure identified therein.

(2) The initial plan should also identify with specificity the manner in which approximately \$4,300,000 of the loan proceeds will be utilized to assist in meeting the reform plan's targets within the timetable specified through the use of incentives for early retirement, severance pay packages, outsourcing services, or any other expenditures for program elements reasonably calculated to result in reduced future operating expenses for ASG on a long term basis.

(3) Upon receipt of the initial plan, the Secretary shall consult with the Governor of American Samoa, and shall make any recommendations deemed reasonable and prudent to ensure the goals of reform are achieved. The reform plan shall contain objective criteria that can be documented by a competent third party, mutually agreeable to the Governor and the Secretary. The plan shall include specific targets for reducing the amounts of ASG local revenues expended on government payroll and overhead (including contracts for consulting services), and may include provisions which allow modest increases in support of the LBJ Hospital Authority reasonably calculated to assist the Authority implement reforms which will lead to an independent audit indicating annual expenditures at or below annual Authority receipts.

(4) The Secretary shall enter into an agreement with the Governor similar to that specified in subsection (c)(2) of this section, enabling ASG to make payments as contemplated in the reform plan and then to receive reimbursement from the Secretary out of the portion of loan proceeds allocated for the implementation of fiscal reforms.

(5) Within 60 days following receipt of the initial plan, the Secretary shall approve an interim final plan reasonably calculated to make substantial progress toward overall reform. The Secretary shall provide copies of the plan, and any subsequent modifications, to the House Committee on Resources, the House Committee on Appropriations Subcommittee on the Department of the Interior and Related Agencies, the Senate Committee on Energy and Natural Resources, and the Senate Committee on Appropriations Subcommittee on the Department of the Interior and Related Agencies.

(6) From time-to-time as deemed necessary, the Secretary shall consult further with the Governor of American Samoa, and shall approve such mutually agreeable modifications to the interim final plan as circumstances warrant in order to achieve the overall goals of ASG fiscal and managerial reforms.

(e) **RELEASE OF LOAN PROCEEDS.**—From the total proceeds of the loan described in this section, the Secretary shall make available—

(1) upon compliance by ASG with paragraphs (b)(1) and (b)(2) of this section and in accordance with subsection (c), approximately \$14,300,000 in reimbursements as requested from time-to-time by the Governor for payments to creditors;

(2) upon compliance by ASG with paragraphs (b)(1) and (b)(3) of this section and in accordance with subsection (d), ap-

proximately \$4,300,000 in reimbursements as requested from time-to-time by the Governor for payments associated with implementation of the interim final reform plan; and

(3) notwithstanding paragraphs (1) and (2) of this subsection, at any time the Secretary and the Governor mutually determine that the amount necessary to fund payments under paragraph (2) will total less than \$4,300,000 then the Secretary may approve the amount of any unused portion of such sum for additional payments against ASG debt under paragraph (1).

(f) EXCEPTION.—Proceeds from the loan under this section shall be used solely for the purposes of debt payments and reform plan implementation as specified herein, except that the Secretary may provide an amount equal to not more than 2 percent of the total loan proceeds for the purpose of retaining the services of an individual or business entity to provide direct assistance and management expertise in carrying out the purposes of this section. Such individual or business entity shall be mutually agreeable to the Governor and the Secretary, may not be a current or former employee of, or contractor for, and may not be a creditor of ASG. Notwithstanding the preceding two sentences, the Governor and the Secretary may agree to also retain the services of any semi-autonomous agency of ASG which has established a record of sound management and fiscal responsibility, as evidenced by audited financial reports for at least three of the past 5 years, to coordinate with and assist any individual or entity retained under this subsection.

(g) CONSTRUCTION.—The provisions of this section are expressly applicable only to the utilization of proceeds from the loan described in this section, and nothing herein shall be construed to relieve ASG from any lawful debt or obligation except to the extent a creditor shall voluntarily enter into an arms length agreement to compromise and settle outstanding amounts under subsection (c).

(h) TERMINATION.—The payment of debt and the payments associated with implementation of the interim final reform plan shall be completed not later than October 1, 2003. On such date, any unused loan proceeds totaling \$1,000,000 or less shall be transferred by the Secretary directly to ASG. If the amount of unused loan proceeds exceeds \$1,000,000, then such amount shall be credited to the total of loan repayments specified in paragraph (b)(1). With approval of the Secretary, ASG may designate additional payments from time-to-time from funds available from any source, without regard to the original purpose of such funds.

SEC. 126. The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and in consultation with the Director of the National Park Service, shall undertake the necessary activities to designate Midway Atoll as a National Memorial to the Battle of Midway. In pursuing such a designation the Secretary shall consult with organizations with an interest in Midway Atoll. The Secretary shall consult on a regular basis with such organizations, including the International Midway Memorial Foundation, Inc. on the management of the National Memorial.

SEC. 127. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate trib-

al funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2000. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 128. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 129. None of the funds provided in this Act may be used by the Department of the Interior to implement the provisions of Principle 3(C)ii and Appendix section 3(B)(4) in Secretarial Order 3206, entitled "American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act".

SEC. 130. Of the funds appropriated in title V of the Fiscal Year 1998 Interior and Related Agencies Appropriation Act, Public Law 105-83, the Secretary shall provide up to \$2,000,000 in the form of a grant to the Fairbanks North Star Borough for acquisition of undeveloped parcels along the banks of the Chena River for the purpose of establishing an urban greenbelt within the Borough. The Secretary shall further provide from the funds appropriated in title V up to \$1,000,000 in the form of a grant to the Municipality of Anchorage for the acquisition of approximately 34 acres of wetlands adjacent to a municipal park in Anchorage (the Jewel Lake Wetlands).

SEC. 131. FUNDING FOR THE OTTAWA NATIONAL WILDLIFE REFUGE AND CERTAIN PROJECTS IN THE STATE OF OHIO. Notwithstanding any other provision of law, from the unobligated balances appropriated for a grant to the State of Ohio for the acquisition of the Howard Farm near Metzger Marsh, Ohio—

(1) \$500,000 shall be derived by transfer and made available for the acquisition of land in the Ottawa National Wildlife Refuge;

(2) \$302,000 shall be derived by transfer and made available for the Dayton Aviation Heritage Commission, Ohio; and

(3) \$198,000 shall be derived by transfer and made available for a grant to the State of Ohio for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant.

SEC. 132. CONVEYANCE TO NYE COUNTY, NEVADA. (a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Nye County, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) *IN GENERAL.*—For no consideration and at no other cost to the County, the Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

(2) *LAND DESCRIPTION.*—The parcels of public land referred to in paragraph (1) are the following:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S., R. 49 E., Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i) $W\ \frac{1}{2}\ W\ \frac{1}{2}\ NW\ \frac{1}{4}$.

(ii) The portion of the $W\ \frac{1}{2}\ W\ \frac{1}{2}\ SW\ \frac{1}{4}$ north of United States Route 95.

(3) *USE.*—

(A) *IN GENERAL.*—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exposition center, and related facilities and activities.

(B) *REVERSION.*—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

(c) *PARCELS CONVEYED FOR OTHER USE FOR A COMMERCIAL PURPOSE.*—

(1) *RIGHT TO PURCHASE.*—For a period of 5 years beginning on the date of the enactment of this Act, the County shall have the exclusive right to purchase the parcels of public land described in paragraph (2) for the fair market value of the parcels, as determined by the Secretary.

(2) *LAND DESCRIPTION.*—The parcels of public land referred to in paragraph (1) are the following parcels in Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(A) $E\ \frac{1}{2}\ NW\ \frac{1}{4}$.

(B) $E\ \frac{1}{2}\ W\ \frac{1}{2}\ NW\ \frac{1}{4}$.

(C) The portion of the $E\ \frac{1}{2}\ SW\ \frac{1}{4}$ north of United States Route 95.

(D) The portion of the $E\ \frac{1}{2}\ W\ \frac{1}{2}\ SW\ \frac{1}{4}$ north of United States Route 95.

(E) The portion of the $SE\ \frac{1}{4}$ north of United States Route 95.

(3) *USE OF PROCEEDS.*—Proceeds of a sale of a parcel described in paragraph (2)—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available for use by the Secretary—

(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

SEC. 133. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA. Section 3 of Public Law 99-548 (100 Stat. 3061; 110 Stat. 3009-202) is amended by adding at the end the following:

“(e) FIFTH AREA.—

“(1) RIGHT TO PURCHASE.—For a period of 12 years after the date of the enactment of this Act, the City of Mesquite, Nevada, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

“(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

“(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

“(i) The portion of sec. 27 north of Interstate Route 15.

“(ii) Sec. 28: NE $\frac{1}{4}$, S $\frac{1}{2}$ (except the Interstate Route 15 right-of-way).

“(iii) Sec. 29: E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

“(iv) The portion of sec. 30 south of Interstate Route 15.

“(v) The portion of sec. 31 south of Interstate Route 15.

“(vi) Sec. 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$ (except the Interstate Route 15 right-of-way), the portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ south of Interstate Route 15, and the portion of W $\frac{1}{2}$ south of Interstate Route 15.

“(vii) The portion of sec. 33 north of Interstate Route 15.

“(B) In T. 14 S., R. 70 E., Mount Diablo Meridian, Nevada:

“(i) Sec. 5: NW $\frac{1}{4}$.

“(ii) Sec. 6: N $\frac{1}{2}$.

“(C) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

“(i) The portion of sec. 25 south of Interstate Route 15.

“(ii) The portion of sec. 26 south of Interstate Route 15.

“(iii) The portion of sec. 27 south of Interstate Route 15.

“(iv) Sec. 28: SW $\frac{1}{4}$ SE $\frac{1}{4}$.

“(v) Sec. 33: E $\frac{1}{2}$.

“(vi) Sec. 34.

“(vii) Sec. 35.

“(viii) Sec. 36.

“(3) NOTIFICATION.—Not later than 10 years after the date of the enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

“(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

“(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph

(2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

“(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

“(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

“(B) shall be available for use by the Secretary—

“(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

“(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

“(f) SIXTH AREA.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall convey to the City of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

“(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

“(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

“(i) The portion of sec. 28 south of Interstate Route 15 (except S $\frac{1}{2}$ SE $\frac{1}{4}$).

“(ii) The portion of sec. 29 south of Interstate Route 15.

“(iii) The portion of sec. 30 south of Interstate Route 15.

“(iv) The portion of sec. 31 south of Interstate Route 15.

“(v) Sec. 32.

“(vi) Sec. 33: W $\frac{1}{2}$.

“(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

“(i) Sec. 4.

“(ii) Sec. 5.

“(iii) Sec. 6.

“(iv) Sec. 8.

“(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

“(i) Sec. 1.

“(ii) Sec. 12.

“(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.”.

SEC. 134. QUADRICENTENNIAL COMMEMORATION OF THE SAINT CROIX ISLAND INTERNATIONAL HISTORIC SITE. (a) FINDINGS.—*The Senate finds that—*

(1) *in 1604, one of the first European colonization efforts was attempted at St. Croix Island in Calais, Maine;*

(2) *St. Croix Island settlement predated both the Jamestown and Plymouth colonies;*

(3) *St. Croix Island offers a rare opportunity to preserve and interpret early interactions between European explorers and colonists and Native Americans;*

(4) *St. Croix Island is one of only two international historic sites comprised of land administered by the National Park Service;*

(5) *the quadricentennial commemorative celebration honoring the importance of the St. Croix Island settlement to the countries and people of both Canada and the United States is rapidly approaching;*

(6) *the 1998 National Park Service management plans and long-range interpretive plan call for enhancing visitor facilities at both Red Beach and downtown Calais;*

(7) *in 1982, the Department of the Interior and Canadian Department of the Environment signed a memorandum of understanding to recognize the international significance of St. Croix Island and, in an amendment memorandum, agreed to conduct joint strategic planning for the international commemoration with a special focus on the 400th anniversary of settlement in 2004;*

(8) *the Department of Canadian Heritage has installed extensive interpretive sites on the Canadian side of the border; and*

(9) *current facilities at Red Beach and Calais are extremely limited or nonexistent for a site of this historic and cultural importance.*

(b) SENSE OF THE SENATE.—*It is the sense of the Senate that—*

(1) *using funds made available by this Act, the National Park Service should expeditiously pursue planning for exhibits at Red Beach and the town of Calais, Maine; and*

(2) *the National Park Service should take what steps are necessary, including consulting with the people of Calais, to ensure that appropriate exhibits at Red Beach and the town of Calais are completed by 2004.*

SEC. 135. *No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.*

SEC. 136. *None of the funds appropriated or otherwise made available in this Act or any other provision of law, may be used by any officer, employee, department or agency of the United States to impose or require payment of an inspection fee in connection with the export of shipments of fur-bearing wildlife containing 1,000 or fewer raw, crusted, salted or tanned hides or fur skins, or separate parts thereof, including species listed under the Convention on International Trade in Endangered Species of Wild Fauna and*

Flora done at Washington, March 3, 1973 (27 UST 1027): Provided, That this provision shall for the duration of the calendar year in which the shipment occurs, not apply to any person who ships more than 2,500 of such hides, fur skins or parts thereof during the course of such year.

SEC. 137. No funds appropriated under this Act shall be expended to implement sound thresholds or standards in the Grand Canyon National Park until 90 days after the National Park Service has provided to the Congress a report describing: (1) the reasonable scientific basis for such sound thresholds or standard; and (2) the peer review process used to validate such sound thresholds or standard.

SEC. 138. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands from the Haines Borough, Alaska, consisting of approximately 20 acres, more or less, in four tracts identified for this purpose by the Borough, and contained in an area formerly known as "Duncan's Camp"; the Secretary shall use \$340,000 previously allocated from funds appropriated for the Department of the Interior for fiscal year 1998 for acquisition of lands; the Secretary is authorized to convey in fee all land and interests in land acquired pursuant to this section without compensation to the heirs of Peter Duncan in settlement of a claim filed by them against the United States: Provided, That the Secretary shall not convey the lands acquired pursuant to this section unless and until a signed release of all claims is executed.

SEC. 139. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2000 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 140. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 141. None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes until the Comptroller General reviews the issues presented by the rulemaking and issues a report to the Congress. Such report shall be issued no later than 180 days after the date of the enactment of this Act. The rulemaking must be consistent with existing statutory requirements.

SEC. 142. EXTENSION OF AUTHORITY FOR ESTABLISHMENT OF THOMAS PAINE MEMORIAL. (a) IN GENERAL.—Public Law 102-407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended by adding at the end the following:

"SEC. 4. EXPIRATION OF AUTHORITY.

"Notwithstanding the time period limitation specified in section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)) or any other provision of law, the authority for the Thomas Paine National

Historical Association to establish a memorial to Thomas Paine in the District of Columbia under this Act shall expire on December 31, 2003."

(b) *CONFORMING AMENDMENTS.*—

(1) *APPLICABLE LAW.*—Section 1(b) of Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended by striking “The establishment” and inserting “Except as provided in section 4, the establishment”.

(2) *EXPIRATION OF AUTHORITY.*—Section 3 of Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended—

(A) by striking “or upon expiration of the authority for the memorial under section 10(b) of that Act,” and inserting “or on expiration of the authority for the memorial under section 4,”; and

(B) by striking “section 8(b)(1) of that Act” and inserting “section 8(b)(1) of the Commemorative Works Act (40 U.S.C. 1008(b)(1))”.

SEC. 143. USE OF NATIONAL PARK SERVICE TRANSPORTATION SERVICE CONTRACT FEES. Section 412 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5961) is amended—

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

(2) by adding at the end the following:

“(b) *OBLIGATION OF FUNDS.*—Notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park, the Secretary may obligate the expenditure of fees received in fiscal year 2000 under section 501 before the fees are received.”.

SEC. 144. EXTENSION OF DEADLINE FOR RED ROCK CANYON NATIONAL CONSERVATION AREA. (a) *IN GENERAL.*—Section 3(c)(1) of Public Law 103–450 (108 Stat. 4767) is amended by striking “the date 1 year after the date of enactment of this Act” and inserting “May 2, 2000”.

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) takes effect on November 1, 1999.

SEC. 145. NATIONAL PARK PASSPORT PROGRAM. Section 603(c)(1) of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5993(c)(1)) is amended by striking “10” and inserting “15”.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$202,700,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and

NATIONAL CAPITAL PLANNING COMMISSION
SALARIES AND EXPENSES

The conference agreement provides \$6,312,000 as proposed by both the House and the Senate. The managers have agreed to the Senate proposal to provide one-year authority for appointed members of the Commission to be compensated in a manner similar to other Federal boards and commissions.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL
HOLOCAUST MEMORIAL COUNCIL

The conference agreement provides \$33,286,000 for the Holocaust Memorial Council as proposed by both the House and the Senate.

The United States Holocaust Memorial Council was established in 1980 to support the planning and construction of a permanent, living memorial museum to the victims of the Holocaust. Having opened in 1993, the United States Holocaust Memorial Museum has achieved remarkable success. Following these first six years of operation, the House Appropriations Committee requested the National Academy of Public Administration (NAPA) to conduct a review of the Council and the Museum. NAPA has completed its report and included a number of recommendations to improve the operation and management of the two entities that will set them on a strong course to ensure future success. The managers strongly support the NAPA findings and recommendations and urge the entities to include those reforms that require statutory changes in a reauthorization bill to the Congress by the opening of the second session of the 106th Congress. Further, the managers expect the organizations to implement fully the administrative changes recommended in the report by February 15, 2000 and to report to the Committees on Appropriations on the completion of their implementation by March 1, 2000.

PRESIDIO TRUST
PRESIDIO TRUST FUND

The conference agreement provides \$44,400,000 for the Presidio Trust as proposed by both the House and the Senate.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301 through 306, sections 308 through 319, section 321 and section 325 from the Senate bill, which continue provisions carried in past years. Section 314 adds a reference to Alaska for the Jobs-in-the-Woods program as proposed by the Senate.

Section 307 makes permanent the provision on compliance with the Buy American Act, which was included in the House bill as section 306. The Senate had extended the provision for one year.

Section 320 continues the provision contained in the bill in previous years regarding outreach efforts to rural and underserved

communities by the NEA, as amended by the House to include urban minorities.

Section 322 continues the limitation on funding for completion and issuance of the five-year program under the Forest and Rangeland Renewable Resources Planning Act as proposed by the Senate. The House had no similar provision.

Section 323 prohibits the use of funds to support government-wide administrative functions unless they are in the budget justification and approved by the House and Senate Committees on Appropriations as proposed by the House. The Senate had no similar provision.

Section 324 modifies a provision proposed by the House prohibiting the use of funds for certain programs. The modification retains the limitation on the use of funds for General Services Administration Telecommunications Centers and for the President's Council on Sustainable Development and deletes the limitation dealing with the National Telecommunications and Information Administration. The Senate had no similar provision.

Section 326 continues the moratorium on new or expanded Indian self-determination and self-governance contracts and compacts with the Bureau of Indian Affairs and Indian Health Service as proposed by the Senate in section 324. The House had no similar provision.

Section 327 retains the text of section 324 as proposed by the House and section 325 as proposed by the Senate which permits the Forest Service to use the roads and trails fund for backlog maintenance and priority forest health treatments.

Section 328 prohibits the establishment of a national wildlife refuge in the Kankakee watershed in northwestern Indiana and northeastern Illinois as proposed by the House in section 325. The Senate had no similar provision.

Section 329 modifies language proposed by the House in Section 326 concerning the American Heritage Rivers initiative. The modified language still specifically prevents funds from being transferred or used to support the Council on Environmental Quality for purposes related to this program, but the language no longer prevents headquarters or departmental activities for these purposes. The managers note that the Council on Environmental Quality, as part of the Executive Office of the President, is funded through a different appropriations bill to cover all of its program needs, including those associated with the American Heritage Rivers initiative. The managers do not object to the agencies covered by this bill from participating in this initiative if it is a normal part of their programs. In fact, the technical assistance programs funded in this bill are intended to help respond to local initiatives and needs. The managers encourage maximum cost-sharing and expect the agencies to emphasize field-level accomplishments rather than headquarters or regional office bureaucratic efforts.

Section 330 modifies language proposed by the House in section 327 restricting the use of answering machines during core business hours except in case of emergency. The modification requires that there be an option that permits the caller to reach immediately another individual. The American taxpayer deserves to

receive personal attention from public servants. The Senate had no similar provision.

Section 331 modifies a provision proposed by the House concerning Forest Service administration of rights-of-way and land uses. The Senate had no similar provision. The modification retains most of the language proposed by the House, with technical modifications, but the provision now makes this a five-year pilot program and requires annual reports to the House and Senate Committees on Appropriations summarizing activities and funds involved during the previous year. The managers direct the Forest Service to follow the instructions proposed by the House regarding this provision. The managers and the authorizing committees of jurisdiction will review this pilot program and determine subsequently if it warrants permanent authority.

Section 332 modifies a provision included in the fiscal year 1999 act regarding the Institute of Hardwood Technology Transfer and Applied Research to make the related authorities permanent as proposed by the Senate in section 326. The House had no similar provision.

Section 333 continues a program by which Alaska's surplus western red cedar is made available preferentially to U.S. domestic mills outside Alaska, prior to export abroad as proposed by the Senate in section 327. The House had no similar provision.

Section 334 modifies the Senate-proposed section 328 concerning Forest Service and Bureau of Land Management inventorying, monitoring and surveying requirements. The House had no similar provision. The modification makes it clear that the extent of inventory, monitoring and surveying required for the Forest Service and the Bureau of Land Management to comply with their planning regulations is solely at the discretion of the respective Secretaries. The modified language does not require either agency to engage in any particular activities. The modified language concerning the definition of record-of-decision implementation is consistent with the arguments made by this Administration in recent litigation.

Section 335 includes language regarding reports on the feasibility and cost of implementing the Interior Columbia Basin Ecosystem Management Project as proposed by the House in section 329. The Senate proposed similar language in section 330.

The conference agreement does not include section 330 as proposed by the House which would have provided authority for breastfeeding in the National Park Service, the Smithsonian, the John F. Kennedy Center, the Holocaust Memorial Museum and the National Gallery of Art. A separate appropriations bill funding general government programs includes a similar provision, but one that is broader in its application. The Senate bill had no similar provision.

Section 336 prohibits the use of funds to propose or issue rules, regulations, decrees or orders for implementing the Kyoto Protocol prior to Senate ratification as proposed by the House in section 331. The Senate had no similar provision.

The conference agreement does not include House proposed bill language included under section 333 prohibiting the use of funds

to directly construct timber access roads in the National Forest System. The Senate had no similar provision.

The conference agreement does not include either the across the board cut proposed by the House in section 333 or the across the board cut proposed by the Senate in section 348.

Section 337 modifies language proposed by the House in section 334 and the Senate in section 335 regarding patent applications. The modification exempts from the Solicitor's opinion of November 7, 1997 grandfathered patent applications, mining operations with approved plans of operation, and operations with approved plans that are seeking modifications or amendment to those plans. The managers strongly feel that it is inequitable to apply the Solicitor's millsite opinion to those properties since the Department of the Interior and the Forest Service have been approving and modifying plans of operations routinely for years without raising an issue with operators about the ratio of millsites to claims. The Departments of the Interior and Agriculture may not implement the millsite opinion for existing or planned operations that need to amend or modify their plans of operation. Further, the managers direct that the Departments of the Interior and Agriculture not reopen decisions already made and relied upon by stakeholders when approving these plans. Lastly, for clarity, the managers note that the term property as used in this section is intended to encompass the specific geographic area included within a plan of operation that has been approved on, or submitted prior to May 21, 1999, regardless of the type of claim or millsite.

The managers have not included language proposed by the House in section 335 prohibiting certain uses of leghold traps and neck snares within the National Wildlife Refuge system.

The managers have not included language as proposed by the House in section 336 that would prohibit implementation of certain portions of the Gettysburg NMP general management plan.

Section 338 modifies a Senate provision in section 330 concerning consistency among federal land managing agencies for the exemption to the Service Contract Act for concession contracts. The modified language deals only with the Forest Service and applies only in fiscal year 2000. The House had no similar provision.

Section 339 modifies section 331 as proposed by the Senate regarding the establishment of a five-year pilot program for the Forest Service to collect fair market value for forest botanical products. The House had no similar provision. The provision is modified to clarify the definition of forest botanical products, to ensure that the harvest of such products will be sustainable, to exempt some personal use harvest from fee collection at the discretion of the agency, and to return a portion of the funds collected to the national forest unit at which they are generated. The managers want to encourage the development of appropriate small-scale industries but also ensure that the Forest Service carefully manages this program so that plants and fungi are not over-collected. This provision has been modified so that the funds which exceed the level collected in fiscal year 1999 can be used right away rather than delaying expenditure of the funds until fiscal year 2001 as proposed by the Administration and the Senate. Fees will be returned to the forest unit where they are generated and will be used to provide for pro-

gram administration, inventory, monitoring, sustainable harvest level and impact of harvest determination and restoration activities. The Forest Service is encouraged to develop harvest guidelines that cover species ranges so sharing of fees among units may be required to properly deal with wide-ranging species.

Section 340 includes the Senate-proposed section extending the authorization for the Forest Service to provide funds to Auburn University, AL, for construction of a non-federal building. The House bill had no similar provision.

Section 341 modifies the Senate-proposed section 333 dealing with Forest Service stewardship end-results contracting. The modification retains the Senate proposal to provide the Northern region with nine additional projects. The modified provision also includes technical changes to the language which authorized the pilot program. These changes make it clear that the Forest Service can enter into a contract or agreement with either a public or private entity; that an agreement as opposed to a contract can be the primary vehicle for implementing a pilot project; and there is a national limit on projects, as opposed to contracts. This will allow, if necessary, use of more than one contract to implement a project. The House bill had no similar provision.

The conference agreement does not include Senate proposed bill language included under section 335 that provides that residents living within the boundaries of the White Mountain National Forest are exempt from certain user fees. The House bill had no similar provision.

Section 342 modifies the Senate-proposed section 336 dealing with special use fees paid for recreation residences on Forest Service managed lands. This provision supersedes section 343 of P.L. 105-83 and limits fee increases during fiscal year 2000 to \$2,000 per permit. The House had no similar provision.

Section 343 modifies language in section 337 of the Senate bill to provide a protocol designed to facilitate the acquisition of lands within the Columbia River Gorge National Scenic Area by encouraging the Secretary of Agriculture to consummate certain land acquisitions that have been delayed by issues other than disagreement over fair market value. On potential acquisitions that have been delayed because of a disagreement over fair market value, the Secretary shall engage willing landowners in an arbitration process that is designed to be completed before July 15, 2000.

Section 344 provides that the Forest Service may not use the Recreation Fee Demonstration program to supplant existing recreation contracts on the national forests as proposed by the Senate in section 338. The House bill had no similar provision.

Section 345 amends the National Forest-Dependent Rural Communities Economic Diversification Act, as proposed by the Senate in section 339, to make Forest Service grasslands eligible for economic recovery funding. The House bill had no similar provision.

Section 346 amends the Interstate 90 Land Exchange Act of 1998 to place the title to certain lands in Plum Creek, Washington, in escrow for a three-year period pending the outcome of an appraisal process as proposed by the Senate in section 340. The House had no similar provision.

Section 347 adjusts the boundary of the Snoqualmie National Forest as proposed by the Senate in section 341. The House had no similar provision.

Section 348 amends the Food Security Act to protect the confidentiality of Forest Inventory and Analysis data on private lands as proposed by the Senate in section 342. The House bill had no similar provision.

Section 349 provides, as proposed by the Senate in section 343, that none of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof. The managers expect the Department to adhere to existing law governing energy conservation and efficiency in implementing the Federal Energy Management Program. The House had no similar provision.

The conference agreement does not include Senate proposed bill language included under section 344 directing the Forest Service to use funds to improve the control or eradication of pine beetles in the Rocky Mountain region of the United States. The managers have provided direction on this matter under the Forest Service heading.

The conference agreement does not include Senate proposed bill language included under section 346 prohibiting the use of funds for certain activities on the Shawnee National Forest, IL.

Section 350 prohibits the use of funds made available by the act for the physical relocation of grizzly bears into the Selway-Bitterroot Wilderness of Idaho and Montana as proposed by the Senate in section 345. The House bill had no similar provision. The managers understand that this provision will not interfere with the Fish and Wildlife Service's plans for the program in fiscal year 2000.

Section 351 directs that up to \$1,000,000 of Bureau of Land Management funds be used to fund high priority projects to be conducted by the Youth Conservation Corps as proposed by the Senate in section 347. The House bill had no similar provision.

Section 352 makes a permanent appropriation for the North Pacific Research Board. To date, these funds have been subject to appropriation.

Section 353 prohibits the withdrawal of certain lands on the Mark Twain NF, MO, from mining activities and prohibits the issuance of new prospecting permits. The House had no similar provision.

Section 354 makes a minor technical modification to a previously established pilot program; this modification authorizes the Bureau of Land Management and the Forest Service to establish transfer appropriation accounts in order to facilitate efficient inter-agency fund transfers. The managers support the pilot effort of the two agencies to accomplish mutually beneficial management of respective lands and request that the agencies provide a combined report to the House and Senate Committees on Appropriations on the use of these accounts by June 30, 2000.

Section 355 provides for an extension of the public comment period for the White River National Forest, CO, forest plan revision for ninety days past the February 9, 2000, deadline currently in place.

Section 356 provides direction to the National Capital Planning Commission concerning a certain easement and other matters regarding the National Harbor project, MD.

Section 357 directs the Department of the Interior to provide a detailed plan for implementation of the National Academy of Sciences report on hard rock mining regulations, and continues the moratorium on issuing final hard rock mining regulations through fiscal year 2000.

TITLE IV

The conference agreement includes the Mississippi National Forest Improvement Act of 1999. This new bill language provides for the sale of surplus Forest Service research property and other surplus administrative sites in Mississippi; facilitates a cooperative agreement between the Forest Service and the University of Mississippi; and facilitates a land exchange on the Homochitto National Forest for the Franklin County Dam.

TITLE V

UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND

Title V provides an emergency transfer of interest earned by the Abandoned Mine Reclamation Fund to the United Mine Workers of America Combined Benefit Fund. The Abandoned Mine Reclamation Fund was established by the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231). The Abandoned Mine Land Reclamation Act of 1990 provides for the investment of the unappropriated balances of the fund and the crediting of earned interest to the Abandoned Mine Reclamation Fund. The Coal Industry Retiree Health Benefit Act of 1992 (26 U.S.C. 9701-9722) was included as part of the Energy Policy Act of 1992 and provides for an annual transfer of part of the interest earned by the Abandoned Mine Reclamation Fund to the United Mine Workers of America Combined Benefit Fund.

The transfer of funds provided by this title is in response to rising health care costs and recent court decisions which have combined to seriously erode the solvency of the United Mine Workers of America Combined Benefit Fund. Consequently, the Trustees of the Fund have determined that without the relief provided by this section, cuts in health care benefits to the more than 66,000 retired miners and their dependents throughout the nation are imminent.

The managers recognize that the emergency transfer provided by this title is not the long-term answer to the financial problems associated with the United Mine Workers of America Combined Benefit Fund. The managers expect that the legislation necessary to remedy the financial problems of the United Mine Workers of America Combined Benefit Fund will be taken up by the legislative committees of jurisdiction and will be enacted into law in a timely manner. The managers urge the committees of jurisdiction to work