

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE  
INTERIOR AND RELATED AGENCIES FOR THE FISCAL  
YEAR ENDING SEPTEMBER 30, 2001, AND FOR OTHER  
PURPOSES

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SEPTEMBER 29, 2000.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 4578]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4578) “making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, 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, 2001, 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 jurisdic-*

*amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, \$202,438,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to \$10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be \$1,600,000 per State in fiscal year 2001: Provided further, That of the funds herein provided up to \$18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed \$11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.*

#### BUREAU OF INDIAN AFFAIRS

##### OPERATION OF INDIAN PROGRAMS

*For 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, \$1,741,212,000, to remain available until September 30, 2002 except as otherwise provided herein, of which not to exceed \$93,225,000 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 \$125,485,000 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 2001, 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 up to \$5,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed \$423,056,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2001, and shall remain available until September 30, 2002; and of which not to exceed \$60,194,000 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; and of which not to exceed \$108,000 shall be for payment to the United Sioux Tribes of South Dakota Development Corporation for the purpose of providing employment assistance to Indian clients of the Corporation, including employment counseling, follow-up services, housing services, community services, day care services, and subsistence to help Indian clients become fully employed members of society: 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 \$43,160,000 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, 2002, may be transferred during fiscal year 2003 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, 2003.*

#### 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, \$357,404,000, 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 avail-*

able on a nonreimbursable basis: Provided further, That for fiscal year 2001, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS  
PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$37,526,000, to remain available until expended; of which \$25,225,000 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; of which \$8,000,000 shall be available for Tribal compact administration, economic development and future water supplies facilities under Public Law 106-163; of which \$2,127,000 shall be available pursuant to Public Laws 99-264, 100-383, 100-580 and 103-402; and of which \$2,000,000 shall be available for the consent decree entered by the U.S. District Court, Western District of Michigan in *United States v. Michigan*, Case No. 2:73 CV 26.

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, \$488,000.

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, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report 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 available 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, 2001, 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.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

*For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$75,471,000, of which: (1) \$71,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$4,395,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: Provided further, That of the amounts provided for technical assistance, not to exceed \$300,000 may be made available for transfer to the Disaster Assistance Direct Loan Program Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving a portion of the obligation of the Government of the Virgin Islands to pay interest which has accrued on Community Disaster Loan 841 during fiscal year 2000, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That of the amounts provided for technical assistance, the amount of \$700,000 shall be made available to the Prior Service Benefits Trust Fund for its program of benefit payments to individuals: Provided further, That none of this amount shall be used for administrative expenses of the Prior Service Benefits Trust Fund: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of*

*local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).*

COMPACT OF FREE ASSOCIATION

*For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, \$20,745,000, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99-658.*

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

*For necessary expenses for management of the Department of the Interior, \$64,319,000, of which not to exceed \$8,500 may be for official reception and representation expenses, of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines, and of which \$300,000 shall be for a grant to Alaska Pacific University for the development of an ANILCA training curriculum.*

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

*For necessary expenses of the Office of the Solicitor, \$40,196,000.*

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

*For necessary expenses of the Office of Inspector General, \$27,846,000.*

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

*For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$82,628,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: Provided further, That funds made avail-*

*able to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2001, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.*

#### INDIAN LAND CONSOLIDATION

*For implementation of a program for consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands by direct expenditure or cooperative agreement, \$9,000,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management, of which not to exceed \$1,000,000 shall be available for administrative expenses: Provided, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93-638, as amended, with a tribe having jurisdiction over the reservation to implement the program to acquire fractional interests on behalf of such tribe: Provided further, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: Provided further, That acquisitions shall be limited to one or more reservations as determined by the Secretary: Provided further, That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this program: Provided further, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interests shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: Provided further, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.*

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 19jj et seq.), \$5,403,000, to remain available until expended.

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 wildland 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 wildland fire operations 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 wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within thirty days: 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. Annual 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. 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. 113. 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, hereafter 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. 114. Appropriations made in this Act 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. 115. Notwithstanding any provision of law, hereafter 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. 116. A grazing permit or lease that expires (or is transferred) during fiscal year 2001 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease 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 section shall be deemed to alter the Secretary's statutory authority.*

*SEC. 117. 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 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. 118. 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 tribal 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 2001. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.*

*SEC. 119. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that*

is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 120. *The Great Marsh Trail at the Mason Neck National Wildlife Refuge in Virginia is hereby named for Joseph V. Gartlan, Jr. and shall hereafter be referred to in any law, document, or records of the United States as the "Joseph V. Gartlan, Jr. Great Marsh Trail".*

SEC. 121. *Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2001 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. 122. (a) *Notwithstanding any other provision of law, with respect to amounts made available for tribal priority allocations in Alaska, such amounts shall only be provided to tribes the membership of which on June 1, 2000 is composed of at least 25 individuals who are Natives (as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act) who reside in the area generally known as the village for such tribe.*

(b) *Amounts that would have been made available for tribal priority allocations in Alaska but for the limitation contained in subsection (a) shall be provided to the respective Alaska Native regional nonprofit corporation (as listed in section 103(a)(2) of Public Law 104-193, 110 Stat. 2159) for the respective region in which a tribe subject to subsection (a) is located, notwithstanding any resolution authorized under federal law to the contrary.*

SEC. 123. (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. 124. 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. 125. 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. 126. 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. 127. 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. 128. Section 112 of Public Law 103–138 (107 Stat. 1399) is amended by striking “permit LP–GLBA005–93” and inserting “permit LP–GLBA005–93 and in connection with a corporate reorganization plan, the entity that, after the corporate reorganization, holds entry permit CP–GLBA004–00 each”.*

*SEC. 129. Notwithstanding any other provision of law, the Secretary of the Interior shall designate Anchorage, Alaska, as a port of entry for the purpose of section 9(f)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(f)(1)).*

*SEC. 130. (a) The first section of Public Law 92–501 (86 Stat. 904) is amended by inserting after the first sentence “The park shall also include the land as generally depicted on the map entitled ‘subdivision of a portion of U.S. Survey 407, Tract B, dated May 12, 2000’”.*

*(b) Section 3 of Public Law 92–501 is amended to read as follows: “There are authorized to be appropriated such sums as are necessary to carry out the terms of this Act.”.*

*SEC. 131. (a) All proceeds, including bonuses, rents, and royalties, of Oil and Gas Lease sale 991, held by the Bureau of Land Management on May 5, 1999, or subsequent lease sales in the National Petroleum Reserve—Alaska (hereafter “proceeds”) attributable to the area subject to withdrawal for Kuukpik Corporation’s selection under section 22(j)(2) of the Alaska Native Claims Settlement Act, Public Law 92–203 (85 Stat. 688), shall be deposited into a separate fund of the Treasury (hereafter “fund”).*

(b) *Within 120 days after the date of enactment of this Act, the Secretary of the Treasury shall transfer from the General Fund to the fund an amount determined by the Secretary of the Treasury, in consultation with the Secretary of the Interior, to be equal to the amount of interest income that would have been credited in the fund between May 5, 1999 and the date of enactment of this Act. For the purposes of this subsection (b), the Secretary of the Treasury shall calculate the interest income using a yield for a 52-week Treasury bill issued on or about May 5, 1999.*

(c) *On the date of the enactment of this Act, the Secretary of the Interior shall request the Secretary of the Treasury to invest such portion of the fund as is not, in the Secretary of the Interior's judgment, required to meet current payment requirements from the fund as determined under subsection (d). Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the fund, as determined by the Secretary of the Interior, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.*

(d) *Hereafter, amounts in the fund shall be available to the Secretary of the Interior, without fiscal year limitation, and the Secretary of the Interior shall pay to Arctic Slope Regional Corporation and the State of Alaska the amount of their entitlement when determined in accordance with applicable law, together with interest, as calculated by the Secretary of the Interior, from the date of receipt of the proceeds by the United States to the date of payment on the proportionate share of the fund distributed. Any remainder shall revert to the General Fund of the Treasury.*

*SEC. 132. Notwithstanding any other provision of law, the Secretary of the Interior shall convey to Harvey R. Redmond of Girdwood, Alaska, at no cost, all right, title, and interest of the United States in and to United States Survey No. 12192, Alaska, consisting of 49.96 acres located in the vicinity of T. 9N., R., 3E., Seward Meridian, Alaska.*

*SEC. 133. CLARIFICATION OF TERMS OF CONVEYANCE TO NYE COUNTY, NEVADA. Section 132(b)(3) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A-165), is amended—*

*(1) by redesignating subparagraph (B) as subparagraph (C); and*

*(2) by inserting after subparagraph (A) the following:*

*“(B) LEASE.—Notwithstanding any provision of the Act of June 14, 1926 (commonly known as the ‘Recreation and Public Purposes Act’) (43 U.S.C. 869 et seq.), the county may enter into a long-term lease of any of the parcels described in paragraph (2) with a nonprofit organization under which the nonprofit organization would own and operate the Nevada Science and Technology Center for public, non-commercial purposes.”.*

*SEC. 134. MISSISSIPPI RIVER ISLAND NO. 228, IOWA, LAND EXCHANGE. (a) IDENTIFICATION OF LAND TO BE RECEIVED IN EXCHANGE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this*

section as the "Secretary"), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as "Dubuque"), a notice that identifies parcels of land or interests in land—

(1) that are of a value that is approximately equal to the value of a parcel comprising a 150-foot wide strip of land on the west side of the northern half of Mississippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) *LAND FOR WILDLIFE AND FISH REFUGE.*—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wildlife and Fish Refuge.

(c) *EXCHANGE.*—Not later than 180 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting at the Mississippi River island, Tract JO-4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

SEC. 135. (a) *FINDINGS.*—The Senate makes the following findings—

(1) in 1990, pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 450 et seq., a class action lawsuit was filed by Indian tribal contractors and tribal consortia against the United States, the Secretary of the Interior and others seeking money damages, injunctive relief, and declaratory relief for alleged violations of the ISDEAA (*Ramah Navajo Chapter v. Lujan*, 112 F.3d 1455 (10th Cir. 1997));

(2) the parties negotiated a partial settlement of the claim totaling \$76,200,000, plus applicable interest, which was approved by the court on May 14, 1999;

(3) the partial settlement was paid by the United States in September 1999, in the amount of \$82,000,000;

(4) the Judgment Fund was established to pay for legal judgments awarded to plaintiffs who have filed suit against the United States;

(5) the Contract Disputes Act of 1978 requires that the Judgment Fund be reimbursed by the responsible agency following the payment of an award from the Fund; and

(6) the shortfall in contract support payments found by the Court of Appeals for the 10th Circuit in Ramah resulted primarily from the non-payment or underpayment of indirect costs by agencies other than the Bureau of Indian Affairs and the Indian Health Service.

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

(1) repayment of the Judgment Fund for the partial settlement in Ramah from the accounts of the Bureau of Indian Af-

*fairs and Indian Health Service would significantly reduce funds appropriated to benefit tribes and individual Native Americans; and*

*(2) the Secretary of the Interior should work with the Director of the Office of Management and Budget to secure funding for repayment of the judgment in Ramah within the budgets of the agencies that did not pay indirect costs to plaintiffs during the period 1988 to 1993 or paid indirect costs at less than rates provided under the Indian Self-Determination Act during such period.*

*SEC. 136. In fiscal year 2001 and thereafter and notwithstanding any other provision of law, the United States Fish and Wildlife Service shall establish and implement a fee schedule to permit a return to the Service for forensic laboratory services provided to non-Department of the Interior entities. Fees shall be collected as determined appropriate by the Director of the Fish and Wildlife Service and shall be credited to this appropriation and be available for expenditure without further appropriation until expended.*

*SEC. 137. BOUNDARY ADJUSTMENT TO EXCLUDE PRIVATE LAND AND ACCESS ROAD, ARGUS RANGE WILDERNESS, CALIFORNIA DESERT CONSERVATION AREA. (a) BOUNDARY ADJUSTMENT.—The boundary of the Argus Range Wilderness in the California Desert Conservation Area, as designated by section 102(a)(1) of the California Desert Protection Act of 1994 (Public Law 103-433; 16 U.S.C. 1132 note) is adjusted to exclude from the area encompassed by the wilderness—*

*(1) a parcel of private property located in the southwest quarter of the northeast quarter of section 35, township 21 south, range 42 east, Mount Diablo meridian, Inyo County, California; and*

*(2) the roadway described in subsection (b) that is used to access the private property.*

*(b) DESCRIPTION OF ROADWAY.—The roadway referred to in subsection (a) means—*

*(1) the main stem of the road running east and west through sections 35 and 36, township 21 south, range 42 east, and section 31, township 21 south, range 43 east, Mount Diablo meridian, to the point where the main stem first divides into two branches to provide access to the parcel of private property described in subsection (a) from the east and the north; and*

*(2) each of the two branches of that road, as described in paragraph (1).*

*(c) LEGAL DESCRIPTION OF EXCLUDED AREA.—The exact acreage and legal description of the area to be excluded from the wilderness area pursuant to subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary. In connection with the main stem of the roadway described in subsection (b)(1), the Secretary shall exclude, at a minimum, all lands within 30 feet of the center line of the roadway.*

*SEC. 138. (a) Pursuant to the provisions of section 4(a)(3) of the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd(a)(3)), the Secretary of the Interior is directed to remove from the Columbia National Wildlife Refuge all right, title and interest of the United States in and to the following described properties:*

*Lots 1 and 2 of Block 144, in Othello Land Company's First Addition to Othello according to the recorded plat thereof, together with all lands presently or formerly occupied by public thoroughfares or rights of way abutting or adjoining the above described land, in the County of Adams, State of Washington, T.16 N., R.29E., W.M.*

*and to transfer said property without compensation to the City of Othello, Washington.*

*(b) The property conveyed under this section shall be used for public housing or other public purpose, and all right, title and interest in and to such property shall revert to the United States if it is used for any other purpose.*

*(c) The City of Othello shall hold the United States harmless, and shall indemnify the United States, for all claims, costs, damages, and judgements arising out of any act or omission relating to the property conveyed under this section.*

*SEC. 139. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking "2000" and inserting "2001".*

*SEC. 140. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.*

*SEC. 141. The building housing the visitors center within the boundaries of the Chincoteague National Wildlife Refuge on Assateague Island, Virginia, shall be known and designated as the "Herbert H. Bateman Educational and Administrative Center" and shall hereafter be referred to in any law, map, regulation, document, paper, or other record of the United States as the "Herbert H. Bateman Educational and Administrative Center".*

*SEC. 142. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2000, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.*

*SEC. 143. Public Law 105-83 (111 Stat. 1556) is amended as follows: Under the heading "Operation of Indian Programs" in the Bureau of Indian Affairs strike "non-Federal" in the last proviso and insert in lieu thereof "non-Department of the Interior".*

*SEC. 144. (a) Notwithstanding any other provision of law, and subject to subsections (b) and (c), all conveyances to the city of Valley City, a municipal corporation of Barnes County, North Dakota, of lands described in subsection (b), heretofore or hereafter made directly by The Burlington Northern and Santa Fe Railway Company or its successors, are hereby validated to the extent that the conveyances would be legal and valid if all right, title, and interest of the United States, except minerals, were held by The Burlington Northern and Santa Fe Railway Company.*

*(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are the land that formed part of the railroad right-of-way granted to the Northern Pacific Railroad Company, a predecessor to The Burlington Northern and Santa Fe Railway Company, by an Act of Congress on July 2, 1864, specifically a 400-foot wide right-of-way,*

being 200 feet wide on each side of the centerline of the rail track as originally located and constructed between milepost 69.05 and milepost 61.10 within Barnes County, North Dakota, as shown and described on the map entitled "City of Valley City—Railroad Parcels" dated September 1, 2000. Such map shall be placed on file and available for inspection in the offices of the Director of the Bureau of Land Management.

(c) ACCESS AND MINERAL RIGHTS.—

(1) PRESERVATION OF RIGHTS OF ACCESS.—Nothing in this section shall impair any rights of access in favor of the public or any owner of adjacent lands over, under, or across the lands described in section 2.

(2) MINERALS.—The United States reserves any federally owned mineral rights in the lands described in subsection (b), except that the United States disclaims any and all right of surface entry to the mineral estate of such lands.

SEC. 145. (a) SHORT TITLE.—This section may be cited as the "First Ladies National Historic Site Act of 2000".

(b) FIRST LADIES NATIONAL HISTORIC SITE.—

(1) FINDINGS.—The Congress finds the following:

(A) Throughout the history of the United States, First Ladies have had an important impact on our Nation's history.

(B) Little attention has been paid to the role of First Ladies and their impact on our Nation's history.

(C) Establishment of the First Ladies National Historic Site will provide unique opportunities for education and study into the impact of First Ladies on our history.

(2) PURPOSES.—The purposes of this section are the following:

(A) To preserve and interpret the role and history of First Ladies for the benefit, inspiration, and education of the people of the United States.

(B) To interpret the impact of First Ladies on the history of the United States.

(C) To provide to school children and scholars access to information about the contributions of First Ladies through both a physical educational facility and an electronic virtual library.

(D) To establish the First Ladies National Historic Site in Canton, Ohio, the home of First Lady Ida Saxton McKinley.

(E) To create a public-private partnership between the National Park Service and the National First Ladies Library.

(3) ESTABLISHMENT OF FIRST LADIES NATIONAL HISTORIC SITE.—

(A) ESTABLISHMENT.—There is established in Canton, Ohio, the First Ladies National Historic Site.

(B) DESCRIPTION.—The historic site shall consist of—

(i) the land and improvements comprising the National Park Service property located at 331 Market Avenue South in Canton, Ohio, known as the Ida Saxton McKinley House; and

(ii) if acquired under subsection (b)(4), National Park Service property located at 205 Market Avenue South in Canton, Ohio, known as the City National Bank Building.

(4) ACQUISITION OF CITY NATIONAL BANK BUILDING.—The Secretary may acquire by donation, for inclusion in the historic site, the property located at 205 Market Avenue South in Canton, Ohio, known as the City National Bank Building.

(5) ADMINISTRATION OF THE HISTORIC SITE.—

(A) IN GENERAL.—The Secretary shall administer the historic site in accordance with this section and the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(B) COOPERATIVE AGREEMENTS.—

(i) To further the purposes of this section, the Secretary may enter into a cooperative agreement with the National First Ladies Library (a nonprofit corporation established under the laws of the District of Columbia) under which the National First Ladies Library may operate and maintain the site.

(ii) To further the purposes of this section, the Secretary may enter into cooperative agreements with other public and private organizations.

(C) ASSISTANCE.—The Secretary may provide to the National First Ladies Library—

(i) technical assistance for the preservation of historic structures of, the maintenance of the cultural landscape of, and local preservation planning for, the historic site; and

(ii) subject to the availability of appropriations, financial assistance for the operation and maintenance of the historic site.

(D) ADMISSION FEES.—The Secretary may authorize the National First Ladies Library to—

(i) charge fees for admission to the historic site; and

(ii) retain and use for the historic site amounts paid as such fees.

(E) MANAGEMENT OF PROPERTY.—The Secretary may authorize the National First Ladies Library—

(i) to manage any property within the historic site;

(ii) to lease to other public or private entities any property managed under subparagraph (i) by the National First Ladies Library; and

(iii) to retain and use for the historic site amounts received under such leases.

(6) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than the last day of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall, in consultation with the officials described in paragraph (B), prepare a general management plan for the historic site.

(B) *CONSULTATION.*—*In preparing the general management plan, the Secretary shall consult with an appropriate official of—*

- (i) *the National First Ladies Library; and*
- (ii) *appropriate political subdivisions of the State of Ohio that have jurisdiction over the area where the historic site is located.*

(C) *SUBMISSION OF PLAN TO CONGRESS.*—*Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.*

(7) *DEFINITIONS.*—*In this section:*

(A) *HISTORIC SITE.*—*The term “historic site” means the First Ladies National Historic Site established by subsection (b)(3).*

(B) *SECRETARY.*—*The term “Secretary” means the Secretary of the Interior.*

**SEC. 146. (a) CONTRIBUTIONS TOWARD ESTABLISHMENT OF ABRAHAM LINCOLN INTERPRETIVE CENTER.—**

(1) *GRANTS AUTHORIZED.*—*Subject to subsections (a)(2) and (a)(3), the Secretary of the Interior shall make grants to contribute funds for the establishment in Springfield, Illinois, of an interpretive center to preserve and make available to the public materials related to the life of President Abraham Lincoln and to provide interpretive and educational services which communicate the meaning of the life of Abraham Lincoln.*

(2) *PLAN AND DESIGN.*—

(A) *SUBMISSION.*—*Not later than 18 months after the date of the enactment of this Act, the entity selected by the Secretary of the Interior to receive grants under subsection (a)(1) shall submit to the Secretary a plan and design for the interpretive center, including a description of the following:*

- (i) *The design of the facility and site.*
- (ii) *The method of acquisition.*
- (iii) *The estimated cost of acquisition, construction, operation, and maintenance.*
- (iv) *The manner and extent to which non-Federal entities will participate in the acquisition, construction, operation, and maintenance of the center.*

(B) *CONSULTATION AND COOPERATION.*—*The plan and design for the interpretive center shall be prepared in consultation with the Secretary of the Interior and the Governor of Illinois and in cooperation with such other public, municipal, and private entities as the Secretary considers appropriate.*

(3) *CONDITIONS ON GRANT.*—

(A) *MATCHING REQUIREMENT.*—*A grant under subsection (a)(1) may not be made until such time as the entity selected to receive the grant certifies to the Secretary of the Interior that funds have been contributed by the State of Illinois or raised from non-Federal sources for use to establish the interpretive center in an amount equal to at least double the amount of that grant.*

(B) *RELATION TO OTHER LINCOLN-RELATED SITES AND MUSEUMS.*—The Secretary of the Interior shall further condition the grant under subsection (a)(1) on the agreement of the grant recipient to operate the resulting interpretive center in cooperation with other Federal and non-Federal historic sites, parks, and museums that represent significant locations or events in the life of Abraham Lincoln. Cooperative efforts to promote and interpret the life of Abraham Lincoln may include the use of cooperative agreements, cross references, cross promotion, and shared exhibits.

(4) *PROHIBITION ON CONTRIBUTION OF OPERATING FUNDS.*—Grant amounts may not be used for the maintenance or operation of the interpretive center.

(5) *NON-FEDERAL OPERATION.*—The Secretary of the Interior shall have no involvement in the actual operation of the interpretive center, except at the request of the non-Federal entity responsible for the operation of the center.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Secretary of the Interior a total of \$50,000,000 to make grants under subsection (a)(1). Amounts so appropriated shall remain available for expenditure through fiscal year 2006.

*SEC. 147. (a) SHORT TITLE.*—This section may be cited as the “Palace of the Governors Annex Act”.

(b) *CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.*—

(1) *FINDINGS.*—Congress finds that—

(A) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(B) the Palace of the Governors—

(i) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico’s second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(ii) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(iii) has been designated as a National Historic Landmark;

(C) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(D) the Palace of the Governors houses the history division of the Museum of New Mexico;

(E) the Museum has an extensive, priceless, and irreplaceable collection of—

(i) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(ii) pre-Columbian Art; and

(iii) historic artifacts, including—

(I) helmets and armor worn by the Don Juan de Onate expedition conquistadors who established the first capital in the territory that is now the

*United States, San Juan de los Caballeros, in July 1598;*

*(II) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;*

*(III) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;*

*(IV) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and*

*(V) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;*

*(F) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;*

*(G) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and*

*(H) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (E), because—*

*(i) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and*

*(ii) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.*

*(2) DEFINITIONS.—In this section:*

*(A) ANNEX.—The term "Annex" means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.*

*(B) OFFICE.—The term "Office" means the State Office of Cultural Affairs.*

*(C) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(D) STATE.—The term "State" means the State of New Mexico.*

*(3) GRANT.—*

*(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.*

*(B) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (A), the Office shall—*

(i) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(ii) enter into a memorandum of understanding with the Secretary under subsection (b)(4).

(4) *MEMORANDUM OF UNDERSTANDING.*—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(A) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(B) specifies a date for completion of the Annex.

(5) *NON-FEDERAL SHARE.*—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(A) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(B) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(i) design;

(ii) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(iii) acquisitions for and renovation of the library;

(iv) conservation of the Palace of the Governors;

(v) construction, management, inspection, furnishing, and equipping of the Annex; and

(vi) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this section.

(6) *USE OF FUNDS.*—The funds received under a grant awarded under subsection (b)(3) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(7) *AUTHORIZATION OF APPROPRIATIONS.*—

(A) *IN GENERAL.*—Subject to paragraph (B), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section \$15,000,000, to remain available until expended.

(B) *CONDITION.*—Paragraph (A) authorizes sums to be appropriated on the condition that—

(i) after the date of enactment of this section and before January 1, 2010, the State appropriate at least \$8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(ii) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

*SEC. 148. (a) Section 104 of the Act entitled “An Act to establish in the Department of the Interior the Southwestern Pennsylvania*

*Heritage Preservation Commission, and for other purposes*", approved November 19, 1988 (Public Law 100-698) is amended—

(1) *in the flush material at the end of subsection (a), by striking "10 years" and inserting "20 years"; and*

(2) *in subsection (e), by striking "10 years" and inserting "20 years"*.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—*Section 105 of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (Public Law 100-698) is amended by inserting "for each of fiscal years 2001 through 2010" after "\$3,000,000".*

(c) **EFFECTIVE DATE.**—*The amendment made by section 1 shall be deemed to have taken effect on November 18, 1998.*

**SEC. 149. REDESIGNATION OF CUYAHOGA VALLEY NATIONAL RECREATION AREA AS CUYAHOGA VALLEY NATIONAL PARK.** (a) **REDESIGNATION.**—*The Cuyahoga Valley National Recreation Area is redesignated as Cuyahoga Valley National Park.*

(b) **REFERENCES.**—*Any reference in a law, map, regulation, document, paper, or other record of the United States to the Cuyahoga Valley National Recreation Area is deemed to be a reference to Cuyahoga Valley National Park.*

(c) **CONFORMING AMENDMENTS.**—*The Act entitled "An Act to provide for the establishment of the Cuyahoga Valley National Recreation Area" (Public Law 93-555; 16 U.S.C. 460ff et seq.), approved December 27, 1974, is amended—*

(1) *in section 1 by striking "National Recreation Area" and inserting "National Park"; and*

(2) *by striking "recreation area" each place it appears and inserting "park"*.

(d) **CLERICAL AMENDMENTS.**—*Section 5 of such Act (16 U.S.C. 460ff-4) is repealed, and section 6 of such Act (16 U.S.C. 460ff-5) is redesignated as section 5.*

**Sec. 150. (a) SHORT TITLE.**—*This section may be cited as the "National Underground Railroad Freedom Center Act".*

(b) **FINDINGS AND PURPOSES.**—

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

(A) *the National Underground Railroad Freedom Center (hereinafter "Freedom Center") is a nonprofit organization incorporated under the laws of the State of Ohio in 1995;*

(B) *the objectives of the Freedom Center are to interpret the history of the Underground Railroad through development of a national cultural institution in Cincinnati, Ohio, that will house an interpretive center, including museum, educational, and research facilities, all dedicated to communicating to the public the importance of the quest for human freedom which provided the foundation for the historic and inspiring story of the Underground Railroad;*

(C) *the city of Cincinnati has granted exclusive development rights for a prime riverfront location to the Freedom Center;*

(D) *the Freedom Center will be a national center linked through state-of-the-art technology to Underground Railroad sites and facilities throughout the United States and*

to a constituency that reaches across the United States, Canada, Mexico, the Caribbean and beyond; and

(E) the Freedom Center has reached an agreement with the National Park Service to pursue a range of historical and educational cooperative activities related to the Underground Railroad, including but not limited to assisting the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act.

(2) PURPOSES.—The purposes of this section are—

(A) to promote preservation and public awareness of the history of the Underground Railroad;

(B) to assist the Freedom Center in the development of its programs and facilities in Cincinnati, Ohio; and

(C) to assist the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (112 Stat. 679; 16 U.S.C. 469l and following).

(c) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) PROJECT BUDGET.—The term “project budget” means the total amount of funds expended by the Freedom Center on construction of its facility, development of its programs and exhibits, research, collection of informative and educational activities related to the history of the Underground Railroad, and any administrative activities necessary to the operation of the Freedom Center, prior to the opening of the Freedom Center facility in Cincinnati, Ohio.

(3) FEDERAL SHARE.—The term “Federal share” means an amount not to exceed 20 percent of the project budget and shall include all amounts received from the Federal Government under this legislation and any other Federal programs.

(4) NON-FEDERAL SHARE.—The term “non-Federal share” means all amounts obtained by the Freedom Center for the implementation of its facilities and programs from any source other than the Federal Government, and shall not be less than 80 percent of the project budget.

(5) THE FREEDOM CENTER FACILITY.—The term “the Freedom Center facility” means the facility, including the building and surrounding site, which will house the museum and research institute to be constructed and developed in Cincinnati, Ohio, on the site described in subsection (d)(3).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROGRAM AUTHORIZED.—From sums appropriated pursuant to the authority of subsection (d)(4) in any fiscal year, the Secretary is authorized and directed to provide financial assistance to the Freedom Center, in order to pay the Federal share of the cost of authorized activities described in subsection (e).

(2) EXPENDITURE ON NON-FEDERAL PROPERTY.—The Secretary is authorized to expend appropriated funds under subsection (d)(1) of this section to assist in the construction of the Freedom Center facility and the development of programs and exhibits for that facility which will be funded primarily through private and non-Federal funds, on property owned by the city of Cincinnati, Hamilton County, and the State of Ohio.

(3) *DESCRIPTION OF THE FREEDOM CENTER FACILITY SITE.*—The facility referred to in subsections (d)(1) and (d)(2) will be located on a site described as follows: a 2-block area south of new South Second, west of Walnut Street, north of relocated Theodore M. Berry Way, and east of Vine Street in Cincinnati, Ohio.

(4) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated \$16,000,000 for the 4 fiscal year period beginning October 1, 1999. Funds not to exceed that total amount may be appropriated in 1 or more of such fiscal years. Funds shall not be disbursed until the Freedom Center has commitments for a minimum of 50 percent of the non-Federal share.

(5) *AVAILABILITY OF FUNDS.*—Notwithstanding any other provision of law, funds appropriated to carry out the provisions of this section shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which the funds were appropriated.

(6) *OTHER PROVISIONS.*—Any grant made under this section shall provide that—

(A) no change or alteration may be made in the Freedom Center facility except with the agreement of the property owner and the Secretary;

(B) the Secretary shall have the right of access at reasonable times to the public portions of the Freedom Center facility for interpretive and other purposes; and

(C) conversion, use, or disposal of the Freedom Center facility for purposes contrary to the purposes of this section, as determined by the Secretary, shall result in a right of the United States to compensation equal to the greater of—

(i) all Federal funds made available to the grantee under this section; or

(ii) the proportion of the increased value of the Freedom Center facility attributable to such funds, as determined at the time of such conversion, use, or disposal.

(e) *AUTHORIZED ACTIVITIES.*—

(1) *IN GENERAL.*—The Freedom Center may engage in any activity related to its objectives addressed in subsection (b)(1), including, but not limited to, construction of the Freedom Center facility, development of programs and exhibits related to the history of the Underground Railroad, research, collection of information and artifacts and educational activities related to the history of the Underground Railroad, and any administrative activities necessary to the operation of the Freedom Center.

(2) *PRIORITIES.*—The Freedom Center shall give priority to—

(A) construction of the Freedom Center facility;

(B) development of programs and exhibits to be presented in or from the Freedom Center facility; and

(C) providing assistance to the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (16 U.S.C. 469l).

(f) *APPLICATION.*—

(1) *IN GENERAL.*—The Freedom Center shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each application shall—

(A) describe the activities for which assistance is sought;

(B) provide assurances that the non-Federal share of the cost of activities of the Freedom Center shall be paid from non-Federal sources, together with an accounting of costs expended by the Freedom Center to date, a budget of costs to be incurred prior to the opening of the Freedom Center facility, an accounting of funds raised to date, both Federal and non-Federal, and a projection of funds to be raised through the completion of the Freedom Center facility.

(2) *APPROVAL.*—The Secretary shall approve the application submitted pursuant to subsection (f)(1) unless such application fails to comply with the provisions of this section.

(g) *REPORTS.*—The Freedom Center shall submit an annual report to the appropriate committees of the Congress not later than January 31, 2000, and each succeeding year thereafter for any fiscal year in which Federal funds are expended pursuant to this section. The report shall—

(1) include a financial statement addressing the Freedom Center's costs incurred to date and projected costs, and funds raised to date and projected fundraising goals;

(2) include a comprehensive and detailed description of the Freedom Center's activities for the preceding and succeeding fiscal years; and

(3) include a description of the activities taken to assure compliance with this section.

(h) *AMENDMENT TO THE NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM ACT OF 1998.*—The National Underground Railroad Network to Freedom Act of 1998 (112 Stat. 679; 16 U.S.C. 469l and following) is amended by adding at the end the following:

**“SEC. 4. PRESERVATION OF HISTORIC SITES OR STRUCTURES.**

“(a) *AUTHORITY TO MAKE GRANTS.*—The Secretary of the Interior may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.

“(b) *GRANT CONDITIONS.*—Any grant made under this section shall provide that—

“(1) no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;

“(2) the Secretary shall have the right of access at reasonable times to the public portions of such property for interpretive and other purposes; and

“(3) conversion, use, or disposal of such property for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under this Act.

“(c) *MATCHING REQUIREMENT.*—The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement of the preceding sentence with respect to a grant if the Secretary determines that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

“(d) *FUNDING.*—There are authorized to be appropriated to the Secretary for purposes of this section \$2,500,000 for fiscal year 2001 and each subsequent fiscal year. Amounts authorized but not appropriated in a fiscal year shall be available for appropriation in subsequent fiscal years.”.

**SEC. 151. PRIORITY ABANDONED MINE AND ACID MINE REMEDIATION.** For expenses necessary to reclaim abandoned coal mine sites and for acid mine drainage remediation caused by past coal mining practices in the anthracite region of Pennsylvania and other purposes consistent with title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, to be granted to the Commonwealth of Pennsylvania in addition to the amount granted under sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act, \$12,600,000, to be derived from funds pursuant to section 402(g)(2) of the Surface Mining Control and Reclamation Act, to remain available until expended: Provided, That of these funds, \$600,000 will be specifically used to continue a demonstration project funded in Public Law 106–113, 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.

**SEC. 152.** Notwithstanding any other provision of law, from the unobligated balances derived from the Land and Water Conservation Fund appropriated in fiscal year 2000 for acquisition of land at Nisqually National Wildlife Refuge (Black River), \$850,000, together with other sums as may become available, is for the Nisqually Indian Tribe to acquire the fee title to the Kenneth W. Braget farm under the terms and conditions of the existing Purchase and Sale Agreement. The Nisqually Indian Tribe shall enter into a 25 year cooperative agreement/renewable lease with the U.S. Fish and Wildlife Service to manage those lands within the approved refuge boundary as part of the Nisqually National Wildlife Refuge. Such lands within the approved refuge boundary shall be managed in perpetuity for refuge purposes.

**SEC. 153. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM.** (a) *DEFINITIONS.*—In this section:

(1) *CONSTRUCTION.*—The term “construction”, with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) *INDIAN TRIBE.*—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) *SECRETARY.*—The term “secretary” means the Secretary of the Interior.

(4) *TRIBALLY CONTROLLED SCHOOL.*—The term “tribally controlled school” has the meaning given that term in section

5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) *DEPARTMENT.*—The term “Department” means the Department of the Interior.

(6) *DEMONSTRATION PROGRAM.*—The term “demonstration program” means the Tribal School Construction Demonstration Program.

(b) *IN GENERAL.*—The Secretary shall carry out a demonstration program to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) *IN GENERAL.*—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department’s priority list for constructing of replacement educational facilities receives the highest priority for a grant under this section.

(2) *GRANT APPLICATIONS.*—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) *GRANT AGREEMENT.*—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) *ELIGIBILITY.*—Grants awarded under the demonstration program shall only be for construction on replacement tribally controlled schools.

(c) *EFFECT OF GRANT.*—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

*SEC. 154. WHITE RIVER OIL SHALE MINE, UTAH.* (a) *SALE.*—The Administrator of General Services (referred to in this section as the “Administrator”) shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the “Mine”).

(b) *DESCRIPTION OF IMPROVEMENTS AND EQUIPMENT.*—The improvements and equipment referred to in subsection (a) are the following improvements and equipment associated with the Mine:

(1) Mine Service Building.

- (2) Sewage Treatment Building.
  - (3) Electrical Switchgear Building.
  - (4) Water Treatment Building/Plant.
  - (5) Ventilation/Fan Building.
  - (6) Water Storage Tanks.
  - (7) Mine Hoist Cage and Headframe.
  - (8) Miscellaneous Mine-related equipment.
- (c) *DESCRIPTION OF LAND.*—The land referred to in subsection (a) is the land located in Uintah County, Utah, known as the “White River Oil Shale Mine” and described as follows:
- (1) T. 10 S., R. 24 E., Salt Lake Meridian, sections 12 through 14, 19 through 30, 33, and 34.
  - (2) T. 10 S., R. 25 E., Salt Lake Meridian, sections 18 and 19.
- (d) *USE OF PROCEEDS.*—The proceeds of the sale under subsection (a)—
- (1) shall be deposited in a special account in the Treasury of the United States; and
  - (2) shall be available until expended, without further Act of appropriation—
    - (A) first, to reimburse the Administrator for the direct costs of the sale; and
    - (B) second, to reimburse the Bureau of Land Management Utah State Office for the costs of closing and rehabilitating the Mine.
- (e) *MINE CLOSURE AND REHABILITATION.*—The closing and rehabilitation of the Mine (including closing of the mine shafts, site grading, and surface revegetation) shall be conducted in accordance with—
- (1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and
  - (2) other applicable law.
- SEC. 155. BLUE RIDGE PARKWAY.* (a) The Blue Ridge Parkway headquarters building located at 199 Hemphill Knob in Asheville, North Carolina, shall be known and designated as the “Gary E. Everhardt Headquarters Building”.
- (b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the headquarters building referred to in subsection (a) shall be deemed to be a reference to the “Gary E. Everhardt Headquarters Building”.
- SEC. 156.* None of the funds in this Act or any other Act shall be used, by the Secretary of the Interior to promulgate final rules to revise 43 C.F.R. subpart 3809, except that the Secretary, following the public comment period required by section 3002 of Public Law 106–31, may issue final rules to amend 43 C.F.R. subpart 3809 which are not inconsistent with the recommendations contained in the National Research Council report entitled “Hardrock Mining on Federal Lands” so long as these regulations are also not inconsistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.
- SEC. 157. (a) SHORT TITLE.*—This section may be cited as the “Wheeling National Heritage Area Act of 2000”.
- (b) *FINDINGS AND PURPOSES.*—
- (1) *FINDINGS.*—The Congress finds that—

(A) *the area in and around Wheeling, West Virginia, possesses important historical, cultural, and natural resources, representing major heritage themes of transportation, commerce and industry, and Victorian culture in the United States;*

(B) *the City of Wheeling has played an important part in the settlement of this country by serving as—*

*(i) the western terminus of the National Road of the early 1800's;*

*(ii) the "Crossroads of America" throughout the nineteenth century;*

*(iii) one of the few major inland ports in the nineteenth century; and*

*(iv) the site for the establishment of the Restored State of Virginia, and later the State of West Virginia, during the Civil War and as the first capital of the new State of West Virginia;*

(C) *the City of Wheeling has also played an important role in the industrial and commercial heritage of the United States, through the development and maintenance of many industries crucial to the Nation's expansion, including iron and steel, textile manufacturing, boat building, glass manufacturing, and stogie and chewing tobacco manufacturing facilities, many of which are industries that continue to play an important role in the national economy;*

(D) *the city of Wheeling has retained its national heritage themes with the designations of the old custom house (now Independence Hall) and the historic suspension bridge as National Historic Landmarks; with five historic districts; and many individual properties in the Wheeling area listed or eligible for nomination to the National Register of Historic Places;*

(E) *the heritage themes and number and diversity of Wheeling's remaining resources should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States; and*

(F) *in 1992 a comprehensive plan for the development and administration of the Wheeling National Heritage Area was completed for the National Park Service, the City of Wheeling, and the Wheeling National Task Force, including—*

*(i) an inventory of the national and cultural resources in the City of Wheeling;*

*(ii) criteria for preserving and interpreting significant natural and historic resources;*

*(iii) a strategy for the conservation, preservation, and reuse of the historical and cultural resources in the City of Wheeling and the surrounding region; and*

*(iv) an implementation agenda by which the State of West Virginia and local governments can coordinate their resources as well as a complete description of the management entity responsible for implementing the comprehensive plan.*

(2) *PURPOSES.—The purposes of this section are—*

(A) to recognize the special importance of the history and development of the Wheeling area in the cultural heritage of the Nation;

(B) to provide a framework to assist the City of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of significant resources in the Wheeling area emblematic of Wheeling's contributions to the Nation's cultural heritage;

(C) to allow for limited Federal, State and local capital contributions for planning and infrastructure investments to complete the Wheeling National Heritage Area, in partnership with the State of West Virginia, the City of Wheeling, and other appropriate public and private entities; and

(D) to provide for an economically self-sustaining National Heritage Area not dependent on Federal financial assistance beyond the initial years necessary to establish the heritage area.

(c) **DEFINITIONS.**—As used in this section—

(1) the term “city” means the City of Wheeling;

(2) the term “heritage area” means the Wheeling National Heritage Area established in subsection (d);

(3) the term “plan” means the “Plan for the Wheeling National Heritage Area” dated August, 1992;

(4) the term “Secretary” means the Secretary of the Interior; and

(5) the term “State” means the State of West Virginia.

(d) **WHEELING NATIONAL HERITAGE AREA.**—

(1) **ESTABLISHMENT.**—In furtherance of the purposes of this section, there is established in the State of West Virginia the Wheeling National Heritage Area, as generally depicted on the map entitled “Boundary Map, Wheeling National Heritage Area, Wheeling, West Virginia” and dated March, 1994. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) **MANAGEMENT ENTITY.**—

(A) The management entity for the heritage area shall be the Wheeling National Heritage Corporation, a non-profit corporation chartered in the State of West Virginia.

(B) To the extent consistent with this section, the management entity shall manage the heritage area in accordance with the plan.

(e) **DUTIES OF THE MANAGEMENT ENTITY.**—

(1) **MISSION.**—

(A) The primary mission of the management entity shall be—

(i) to implement and coordinate the recommendations contained in the plan;

(ii) ensure integrated operation of the heritage area; and

(iii) conserve and interpret the historic and cultural resources of the heritage area.

(B) The management entity shall also direct and coordinate the diverse conservation, development, program-

ming, educational, and interpretive activities within the heritage area.

(2) *RECOGNITION OF PLAN.*—The management entity shall work with the State of West Virginia and local governments to ensure that the plan is formally adopted by the City and recognized by the State.

(3) *IMPLEMENTATION.*—To the extent practicable, the management entity shall—

(A) implement the recommendations contained in the plan in a timely manner pursuant to the schedule identified in the plan;

(B) coordinate its activities with the City, the State, and the Secretary;

(C) ensure the conservation and interpretation of the heritage area's historical, cultural, and natural resources, including—

(i) assisting the City and the State in the preservation of sites, buildings, and objects within the heritage area which are listed or eligible for listing on the National Register of Historic Places;

(ii) assisting the City, the State, or a nonprofit organization in the restoration of any historic building in the heritage area;

(iii) increasing public awareness of and appreciation for the natural, cultural, and historic resources of the heritage area;

(iv) assisting the State or City in designing, establishing, and maintaining appropriate interpretive facilities and exhibits in the heritage area;

(v) assisting in the enhancement of public awareness and appreciation for the historical, archaeological, and geologic resources and sites in the heritage area; and

(vi) encouraging the City and other local governments to adopt land use policies consistent with the goals of the plan, and to take actions to implement those policies;

(D) encourage intergovernmental cooperation in the achievement of these objectives;

(E) develop recommendations for design standards within the heritage area; and

(F) seek to create public-private partnerships to finance projects and initiatives within the heritage area.

(4) *AUTHORITIES.*—The management entity may, for the purposes of implementing the plan, use Federal funds made available by this section to—

(A) make grants to the State, City, or other appropriate public or private organizations, entities, or persons;

(B) enter into cooperative agreements with, or provide technical assistance to Federal agencies, the State, City or other appropriate public or private organizations, entities, or persons;

(C) hire and compensate such staff as the management entity deems necessary;

(D) obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money;

(E) spend funds on promotion and marketing consistent with the resources and associated values of the heritage area in order to promote increased visitation; and

(F) contract for goods and services.

(5) ACQUISITION OF REAL PROPERTY.—

(A) Except as provided in paragraph (B), the management entity may not acquire any real property or interest therein within the heritage area, other than the leasing of facilities.

(B)(i) Subject to subparagraph (ii), the management entity may acquire real property, or an interest therein, within the heritage area by gift or devise, or by purchase from a willing seller with money which was donated, bequeathed, appropriated, or otherwise made available to the management entity on the condition that such money be used to purchase real property, or interest therein, within the heritage area.

(ii) Any real property or interest therein acquired by the management entity pursuant to this paragraph shall be conveyed in perpetuity by the management entity to an appropriate public or private entity, as determined by the management entity. Any such conveyance shall be made as soon as practicable after acquisition, without consideration, and on the condition that the real property or interest therein so conveyed shall be used for public purposes.

(6) REVISION OF PLAN.—Within 18 months after the date of enactment, the management entity shall submit to the Secretary a revised plan. Such revision shall include, but not be limited to—

(A) a review of the implementation agenda for the heritage area;

(B) projected capital costs; and

(C) plans for partnership initiatives and expansion of community support.

(f) DUTIES OF THE SECRETARY.—

(1) INTERPRETIVE SUPPORT.—The Secretary may, upon request of the management entity, provide appropriate interpretive, planning, educational, staffing, exhibits, and other material or support for the heritage area, consistent with the plan and as appropriate to the resources and associated values of the heritage area.

(2) TECHNICAL ASSISTANCE.—The Secretary may upon request of the management entity and consistent with the plan, provide technical assistance to the management entity.

(3) COOPERATIVE AGREEMENTS AND GRANTS.—The Secretary may, in consultation with the management entity and consistent with the management plan, make grants to, and enter into cooperative agreements with the management entity, the State, City, non-profit organization or any person.

(4) PLAN AMENDMENTS.—No amendments to the plan may be made unless approved by the Secretary. The Secretary shall

crease above the House level includes \$4,632,000 to continue core programs and \$675,000 for petroleum data improvements, of which \$150,000 is for an outlet level sampling frame for gasoline and diesel fuels, \$125,000 is to expand the current gasoline sample to allow the weekly publication of gasoline prices for key States and cities, \$100,000 is to upgrade the weekly petroleum information system to improve the reliability and accuracy of the data and \$300,000 is to institute a biweekly survey of companies during the heating season to monitor interruptible natural gas contracts.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

The conference agreement provides \$2,240,658,000 for Indian health services instead of \$2,106,178,000 as proposed by the House and \$2,184,421,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In hospital and clinic programs there are increases of \$32,106,000 for pay costs, \$8,100,000 for staffing of new facilities, \$30,000,000 for the Indian health care improvement fund, \$225,000 for the Shoalwater Bay infant mortality prevention program, \$500,000 for technology improvements and AIDS research at epidemiology centers, \$5,000,000 for loan repayment with emphasis on critical shortage specialties such as pharmacists, dentists and podiatrists, \$220,000 for the pharmacy residents program, \$1,000,000 for emergency medical services, \$1,000,000 to hire podiatrists and \$3,000,000 for technology upgrades.

For dental health programs, increases include \$2,365,000 for pay costs, \$792,000 for staffing of new facilities and \$8,000,000 for increased dental services. Increases in mental health programs include \$1,488,000 for pay costs and \$384,000 for staffing of new facilities. There is an increase of \$3,717,000 for pay costs associated with alcohol and substance abuse programs and a program increase of \$40,000,000 for contract health services. Increases of \$1,099,000 for pay costs and \$643,000 for staffing of new facilities are provided for public health nursing.

Health education programs are increased by \$326,000 for pay costs and \$134,000 for staffing of new facilities. The community health representative program is increased by \$1,787,000 for pay costs. Increases for the Alaska immunization program include \$70,000 for pay costs and \$2,000 for additional immunizations.

Increases for urban health programs include \$1,096,000 for pay costs and \$1,000,000 to incorporate the Southwest Indian Polytechnic Institute dental program into the urban Indian health program in the Albuquerque, NM, area. The urban program for that area is funded pursuant to title V of the Indian Health Care Improvement Act and run by First Nations Community HealthSources. With these additional funds, dental services will be available for the large urban Indian population in the Albuquerque, NM, area.

Other pay cost increases include \$62,000 for Indian health professions, \$2,075,000 for direct operations and \$294,000 for self-gov-

ernance. Contract support costs increases include up to \$10,000,000 for new and expanded contracts and \$10,000,000 for existing contracts.

Finally, there are decreases of \$10,005,000 for staffing of new facilities because these costs have been spread among the appropriate accounts and \$22,000,000, which was a general increase in House floor action that has been spread among various accounts in the conference agreement.

The managers agree to the following:

1. The Service needs to do a better job of estimating costs, including the distribution of pay cost increases. These numbers should not be a "moving target" that changes substantially and continuously after the budget submission as was the case this year.

2. The Service should distribute the Indian health care improvement fund in accordance with the level of need methodology to ensure that the most underfunded tribes are funded at more equitable levels. There should be no set-aside of a portion of these funds to be distributed under an alternative methodology. The managers recognize that the LNF methodology may need some improvements and the Service should continue to make the necessary refinements.

3. The Service should report to the House and Senate Committees on Appropriations prior to finalizing any policy on the distribution of the Indian health care improvement fund for fiscal year 2001. The managers urge the Service to establish a minimum level of funds to be provided to individual service units. The Service also should provide a report on how the fiscal year 2000 funds were used to improve services to Indians and Alaska Natives.

4. Despite the reprimand in the House report, the Service has still not provided the required plan of action to augment and strengthen its podiatric care program. Because of the pressing need in this area, the managers have taken actions in this conference report to address the problem. The report is still required as requested last year, and the managers expect that the directed consultation with outside groups will be fully and clearly explained in that report.

5. The Service should accept the offer from the American Podiatric Medical Association to assist in the recruitment and screening of candidates to fill podiatry positions in the Service. The APMA deserves credit for pursuing much needed improvements in the podiatry programs at IHS and has an excellent record with respect to prevention of diabetic amputations. The Service should consult with APMA on both the use of the \$1,000,000 increase provided to hire additional podiatrists and the use of the loan repayment program for podiatrists.

6. The Senate-required report on the proposed distribution of the general funding increase is not necessary because the increase has been distributed across the various programs in the conference agreement.

7. The Senate requirement to investigate possible inequities in funding allocations applies not only to the Ponca and the Salish and Kootenai tribes but to all tribes. The House has received several complaints from Oklahoma tribes. This investigation should be done in the context of the Indian Health Care Improvement Fund

and the level of need methodology and does not require a separate report.

8. Within the funding provided for contract health services, the Indian Health Service should allocate an increase to the Ketchikan Indian Corporation's (KIC) recurring budget for hospital-related services for patients of KIC and the Organized Village of Saxman (OVS) to help implement the agreement reached by the Indian Health Service, KIC, OVS and the Southeast Alaska Regional Health Corporation on September 12, 2000. The additional funding will enable KIC to purchase additional related services at the local Ketchikan General Hospital. The managers remain concerned that the viability of Alaska Native regional entities must be preserved. The accommodation by the managers of the September 12, 2000 agreement in no way is intended to imply that similar requests for similar arrangements will be encouraged or supported elsewhere in Alaska.

*Bill Language.*—The conference agreement does not include language proposed by the Senate preventing contract health payments in excess of Medicare and Medicaid rates. The Secretary of Health and Human Services has authority to address this issue through the regulatory process. The conference agreement does not include language proposed by the Senate giving tribes access to prime vendor rates that are available to the Service. This authority was enacted earlier this year. Language is included raising the amount for the Catastrophic Health Emergency Fund from \$12,000,000 to \$15,000,000 and raising the cap for the loan repayment program from \$17,000,000 to \$22,000,000.

The conference agreement includes language proposed by the Senate providing up to \$10,000,000 for contract support costs associated with new and expanded self-determination contracts and self-governance compacts. The managers note that, unlike the Bureau of Indian Affairs, that funds all contract support cost requirements at the same rate, the Service has a varying scale. The managers urge the Office of Management and Budget to work with the BIA and the IHS to address discrepancies between the two bureaus with respect to the calculation and distribution of contract support costs. At present, the IHS pays many more categories of costs than does BIA, and the rate of contract support cost payments relative to the level of need is higher in IHS than in BIA. These discrepancies should be addressed, and the managers suggest that the Office of Management and Budget is the appropriate organization to do so.

#### INDIAN HEALTH FACILITIES

The conference agreement provides \$363,904,000 for Indian health facilities instead of \$336,423,000 as proposed by the House and \$349,350,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In maintenance and improvement, increases include \$2,000,000 to address the maintenance backlog and \$1,000,000 for the Northwest Portland area AMEX program with the understanding that AMEX includes cost sharing in excess of 50 percent and there will be no increase for base funding requirements for

these projects. Increases for sanitation facilities include \$206,000 for pay costs and a program increase of \$1,500,000.

For hospital and clinic construction, there are increases of \$118,000 for the Parker, AZ, clinic, \$5,000,000 for small ambulatory facilities with the understanding that there will be no additional operating funds associated with these projects, \$5,000,000 for staff quarters in Bethel, AK, \$5,000,000 for joint ventures and \$2,000,000 for Hopi, AZ, staff quarters.

For facilities and environmental health support, increases include \$3,657,000 for pay costs and \$1,665,000 for staffing of new facilities. There is also an increase of \$2,000,000 for equipment to raise the total annual funding available for equipment at tribally built facilities from \$3 million to \$5 million and a decrease of \$1,665,000 for staffing of new facilities because this amount has been included in the facilities and environmental health support activity.

The managers agree to the following:

1. The Service is urged to package together several staff quarters projects whenever possible to attract more bidders for construction projects and to lower costs. The various projects on the priority list for Navajo and other tribes in the area should be reviewed as potential candidates for packaging as should staff quarters projects in other areas where such projects can be combined to attract additional interest and achieve savings.

2. For the joint venture program, up to 3 projects may be funded, at least 2 of which are replacement facilities.

3. Any funds not needed for completion of individual construction projects should be reported to the House and Senate Committees on Appropriations as soon as identified. These funds should subsequently be used to offset requirements for other projects on the priority list. To the extent that such funds become available in fiscal year 2001, they may be used for clinic design for the next three facilities on the outpatient priority list.

*Bill Language.*—The conference agreement includes language, as proposed by the Senate, directing funds to the Yukon-Kuskokwim Health Corporation for construction of the Bethel, AK, staff quarters and earmarking \$5,000,000 for the joint venture program with specific instructions on program implementation. The House had no similar provisions. Language also is included increasing the earmark for funds to be provided to the Hopi Tribe from \$240,000 to \$2,240,000 to reduce the debt incurred by the Tribe in providing staff quarters associated with the new Hopi Health Center. Language also is included permitting the use of contracts for small ambulatory facilities.

## OTHER RELATED AGENCIES

### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

#### SALARIES AND EXPENSES

The conference agreement provides \$15,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of \$8,000,000 as proposed by the House.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND  
ARTS DEVELOPMENT

## PAYMENT TO THE INSTITUTE

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

## SMITHSONIAN INSTITUTION

## SALARIES AND EXPENSES

The conference agreement provides \$387,755,000 for salaries and expenses of the Smithsonian Institution as proposed by the Senate instead of \$375,230,000 as proposed by the House.

## REPAIR, RESTORATION AND ALTERATION OF FACILITIES

The conference agreement provides \$57,600,000 for repair, restoration and alteration of facilities as proposed by the Senate instead of \$47,900,000 as proposed by the House. Of this amount, \$50,000,000 is provided to address repair and rehabilitation work required throughout the Smithsonian complex and \$7,600,000 is provided for similar activities at the National Zoo. In addition, the managers instruct the Zoo to dedicate the remainder of funds previously designated for an aquatics exhibit to higher priority safety and security work referred to in the fiscal year 2001 budget estimate.

In 1995, the Smithsonian's Commission on the Future issued a report indicating that an amount of \$50,000,000 annually, applied to repair and renovation work over the next decade, would eliminate the Institution's \$500,000,000 maintenance backlog. In the five fiscal years following the issuance of that report, Congress appropriated approximately \$200,000,000 for repair and rehabilitation.

In recent months, as Smithsonian officials have brought renewed attention to the poor physical condition of their buildings, the managers have been concerned by statements that still point to a \$500,000,000 maintenance backlog despite an increased appropriation. Further, the agency has now pointed to the need for a funding level in the neighborhood of \$100 million annually—approximately twice the current amount—although the House and Senate Committees on Appropriations have received no additional documentation to substantiate this request. The managers do not doubt that there is a considerable maintenance backlog at the Smithsonian and have made a significant effort to assist the Institution in this area. However, the apparent lack of progress, the large unobligated carryover balances in past years, a commitment of funds to projects of lower priority, the absence of a detailed plan for implementation of a coordinated maintenance program and grossly underestimated projects such as the Patent Office Building, which has tripled in cost, all are issues that should be explained prior to any substantial increase in funding.

In light of the above, the managers direct the Smithsonian to contract with the National Academy of Public Administration (NAPA) in order to provide the House and Senate Committees on

Appropriations with a better understanding of the expenditure of Federal funds to date, the strides that have been made since 1996 and the task that lies ahead. In addition, the Academy is directed to review carefully any future plan submitted by the Smithsonian to the House and Senate Committees on Appropriations for additional dollars for critical maintenance backlog. This should be done on a building-by-building basis for the needed facilities improvements during the next eight to ten years. Any planned expenditures for building maintenance in conjunction with the National Museum of the American Indian, the Patent Office Building and the extension of the Air and Space Museum should also be reviewed by the Academy.

#### CONSTRUCTION

The conference agreement provides \$9,500,000 for construction instead of \$4,500,000 as proposed by the Senate and no funding as proposed by the House. Within the amount recommended, \$4,500,000 is provided for construction of the Smithsonian Astrophysical Observatory's facility at Hilo, Hawaii and \$5,000,000 is provided for construction of an American Agriculture exhibit at the National Zoo. This exhibit has been in the planning stages for several years. The Hilo funds are subject to authorization.

#### NATIONAL GALLERY OF ART

##### SALARIES AND EXPENSES

The conference agreement provides \$64,781,000 for salaries and expenses of the National Gallery of Art as proposed by the Senate instead of \$61,279,000 as proposed by the House. The managers agree that the government-wide reduction in fiscal year 2000 should be spread appropriately across the various Gallery programs in future budget submissions.

##### REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides \$10,871,000 for repair, restoration and renovation of buildings as proposed by the Senate instead of \$8,903,000 as proposed by the House.

#### JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

##### OPERATIONS AND MAINTENANCE

The conference agreement provides \$14,000,000 for operations and maintenance of the Kennedy Center as proposed by the Senate instead of \$13,947,000 as proposed by the House.

#### CONSTRUCTION

The conference agreement provides \$20,000,000 for construction as proposed by the Senate instead of \$19,924,000 as proposed by the House.

thereby improve management and accountability for the Department's infrastructure, and focus maintenance and construction funding on the highest priority health and safety and resource protection needs.

The managers are pleased that the National Park Service has made progress in developing a comprehensive maintenance management system that will provide consistent and reliable maintenance information tools for local staff to carry out day-to-day maintenance of public assets efficiently as well as to provide information to managers and Congress. To that end, the managers have provided the requested funds to continue this initiative.

In addition, the Secretary is directed to work with the Bureau of Land Management, the U.S. Geological Survey, and the Fish and Wildlife Service to evaluate the adoption and implementation of the core system used by NPS. The Managers believe that it is critical that the Department coordinate the development and use of consistent facilities management and condition assessment systems Department-wide.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides \$40,196,000 for salaries and expenses of the Office of the Solicitor as proposed by the House instead of \$39,206,000 as proposed by the Senate. Funds should be distributed as follows:

Legal services .....	\$33,630,000
General administration .....	6,566,000
Total .....	40,196,000

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides \$27,846,000 for salaries and expenses of the Office of Inspector General as proposed by the Senate instead of \$26,086,000 as proposed by the House. Funds should be distributed as follows:

Audit .....	\$15,809,000
Investigations .....	5,566,000
Administration .....	6,471,000
Total .....	27,846,000

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides \$82,628,000 for Federal trust programs as proposed by the Senate instead of \$82,428,000 as proposed by the House.

The managers have provided \$27,600,000 in emergency appropriations (in title V) to address trust fund reform issues that could not be anticipated prior to the submission of the fiscal year 2001 budget request. These funds will: support work to address the breaches of trust identified in the recent District Court decision;

allow the government to begin preparation for the second trial relating to an accounting for Individual Indian Money Accounts (IIM); and address critical trust fund reform shortfalls.

The Department of the Interior has announced its intention to explore the use of sampling as the best, most cost effective approach to provide an accounting for IIM beneficiaries. While the Indian Trust Fund Reform Act contemplated that such an accounting would sometime occur, the managers have been concerned for years about the potential cost and effectiveness of any approach that might be used. After investing \$20 million over five years in a tribal account reconciliation process, there has been no resolution of issues surrounding tribal accounts. The cost of a similar accounting for the approximately three hundred thousand IIM account holders could conceivably cost hundreds of millions of dollars.

Therefore while approving the request to begin an IIM sampling approach, the managers direct the Department to develop a detailed plan for the sampling methodology it adopts, its costs and benefits, and the degree of confidence that can be placed on the likely results. This plan must be provided to the House and Senate Committees on Appropriations prior to commencing a full sampling project. Finally, the determination of the use of funds for sampling or any other approach for reconciling a historical IIM accounting must be done within the limits of funds made available by the Congress for such purposes.

Ultimately, the managers believe that resolution of the long standing issues of the performance of the Department of the Interior's management of Indian trusts is best worked out through a negotiation and settlement process, and not by spending millions of dollars for accountants to reconcile relatively small sums of funds over decades. If the sampling approach provides a reasonable basis for settlement of these claims or can provide a basis for a greater level of confidence on the part of beneficiaries about the past, this investment will be useful. Given the tremendous needs in Indian country for public services from education to health care, the managers will be extremely judicious in allocating funds for an historical accounting or sampling study.

#### INDIAN LAND CONSOLIDATION

The conference agreement provides \$9,000,000 for Indian land consolidation programs instead of \$5,000,000 as proposed by the House and \$10,000,000 as proposed by the Senate.

#### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides \$5,403,000 for the natural resource damage assessment fund as proposed by the Senate instead of \$5,374,000 as proposed by the House.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 101 through 112 and section 117 which were identical in both the House and the

Senate bills. These sections continue provisions carried in past years.

Section 113 retains the text of section 113 as proposed by the House which makes permanent a provision permitting the retention of rebates from credit card services for deposit to the Department Working Capital Fund. Section 113 proposed by the Senate continued the provision carried last year providing the exemption for one year.

Section 114 modifies the text of section 114 as proposed by both the House and the Senate to make a technical correction for funds transfer authority.

Section 115 retains the text of section 115 as proposed by the House which makes permanent a provision permitting the retention of proceeds from agreements and leases at Fort Baker, Golden Gate National Recreation Area. Section 115 proposed by the Senate continued the provision carried last year providing the exemption for one year.

Section 116 retains the language included in last year's Interior Appropriations Act regarding grazing permit extensions as proposed by the Senate. The House had identical language with the exception of the use of the word "may" in the House bill versus "shall" in the Senate bill.

Section 118 retains the text of section 118 as proposed by the House which permits the redistribution of Tribal Priority Allocation and tribal base funds to alleviate funding inequities. The Senate had no similar provision.

Section 119 retains the text of section 119 as proposed by the House which requires a written certification of consistency from the Corps of Engineers prior to establishment of a Kankakee National Wildlife Refuge in Indiana and Illinois. This language is identical to that included in last year's Interior Appropriations Act. The Senate language on this issue required submission of a plan consistent with an April 16, 1999 partnership agreement between the Service and the Corps prior to refuge establishment.

Section 120 retains the text of section 120 as proposed by the House which renames the Great Marsh Trail at the Mason Neck National Wildlife Refuge in Virginia the "Joseph V. Gartlan, Jr. Great Marsh Trail." The Senate had no similar provision.

Section 121 retains the text of section 121 as proposed by the House and section 124 as proposed by the Senate which continues a provision carried last year requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs.

Section 122 modifies the text of section 118 as proposed by the Senate which prohibits distribution of Tribal Priority Allocation (TPA) funds to tribes in the State of Alaska with memberships of less than 25 individuals living in the village and provides for the redistribution of funds that would have been provided to such tribes. The modification adds the requirement that at least 25 members reside in the service area of any tribe which remains eligible to receive TPA funding directly.

Section 123 retains the text of section 120 as proposed by the Senate which continues a provision carried last year protecting

lands at Huron Cemetery in Kansas for religious and cultural uses and as a burial ground. The House had no similar provision.

Section 124 retains the text of section 121 as proposed by the Senate which continues a provision carried last year 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 the county reach agreement on development issues. The House had no similar provision.

Section 125 retains the text of section 122 as proposed by the Senate, which continues a provision from last year's Interior Appropriations Act with regard to two provisions in Secretarial Order 3206 regarding Indian tribes and the Endangered Species Act. The House had no similar provision.

Section 126 retains the text of section 123 as proposed by the Senate which continues a provision carried last year prohibiting studies or implementation of a plan to drain Lake Powell in Arizona and Utah. The House had no similar provision.

Section 127 retains the text of section 126 as proposed by the Senate which permits the Secretary of the Interior to retain and use land and other forms of reimbursement associated with the previously authorized conveyance of the Twin Cities Research Center for the benefit of the National Wildlife Refuge System in Minnesota. The House had no similar provision. This is a repetition of language included in last year's Interior Appropriations Act.

Section 128 retains the text of section 127 as proposed by the Senate which protects historic rights associated with pre-ANILCA entry permits. The House had no similar provision.

Section 129 retains the text of section 128 as proposed by the Senate which designates Anchorage, Alaska, as a port of entry for purposes of the Endangered Species Act. The House had no similar provision. Funding for operation of this port of entry is included under the Fish and Wildlife Service resource management account.

Section 130 retains the text of section 129 as proposed by the Senate which adjusts the boundaries of Sitka National Historic Park in Alaska. The House had no similar provision.

Section 131 makes technical changes to language proposed by the Senate in section 130 regarding the treatment of proceeds from certain lease sales in the National Petroleum Reserve-Alaska. The House had no similar provision.

Section 132 retains the text of section 131 as proposed by the Senate which conveys land in Alaska to Harvey R. Redmond. The House had no similar provision.

Section 133 modifies the text of section 132 as proposed by the Senate, which clarifies the terms and conditions of a land conveyance to Nye County, Nevada, which was authorized in the FY 2000 Interior and Related Agencies Appropriations Act. This section allows the County, notwithstanding any provision of the Recreation and Public Purposes Act, to lease the land to a non-profit organization, so that the organization could then construct, own, and operate the Nevada Science and Technology Center. The County would retain title to the conveyed lands and the organization would own the facilities, but could only build facilities for public, non-commercial purposes. In effect, the lands would still be used for a public function, consistent with the purposes of the Recreation and Public

Purposes Act, but the County would be contracting this function out to the non-profit organization.

Section 134 modifies the text of section 133 as proposed by the Senate which requires a land exchange regarding the Mississippi River Wildlife and Fish Refuge. The House had no similar provision. The modification extends the time period by 60 days and specifies that the area in question is a 150 foot wide strip.

Section 135 retains the text of section 134 as proposed by the Senate which expresses the sense of the Senate regarding repayment of Indian judgment claims. The House had no similar provision.

Section 136 provides authority for the Fish and Wildlife Service to charge fees including, as appropriate, fees to foreign countries for forensics services provided by the National Fish and Wildlife Forensics Laboratory in Oregon. These fees are to be retained for operational expenses of the lab.

Section 137 adjusts the boundaries of the Argus Wilderness Area in California.

Section 138 authorizes a land exchange in Washington between the Fish and Wildlife Service and the Othello Housing Authority.

Section 139 continues a provision carried last year providing contract authority regarding transportation at Zion National Park in Utah.

Section 140 authorizes the National Park Service to enter into a cooperative agreement with the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

Section 141 names the visitor's center and administrative building at the Chincoteague National Wildlife Refuge in Virginia the "Herbert H. Bateman Educational and Administrative Center".

Section 142 allows the Bureau of Land Management to retain revenues derived from the sale of surplus seedlings.

Section 143 makes a technical change to P.L. 105-83 to allow the completion of construction of the Cibecue Community School in Arizona.

Section 144 clarifies title conveyances of land transfers related to abandoned railroad rights-of-way in Valley City, ND.

Section 145 authorizes the establishment of the First Ladies National Historic Site in Canton, Ohio, to provide unique opportunities for education and study into the impact of first ladies on our nation's history.

Section 146 authorizes the establishment of an interpretive center in Springfield, Illinois, to preserve and make available to the public materials related to the life of President Abraham Lincoln.

Section 147 authorizes the Palace of the Governors in New Mexico.

Section 148 authorizes the Southwestern Pennsylvania Heritage Preservation Commission, which provides the region with the ability to tell its nationally significant stories to a broad audience.

Section 149 renames the Cuyahoga Valley National Recreation Area in Ohio the Cuyahoga Valley National Park.

Section 150 authorizes the establishment of the National Underground Railroad Freedom Center in Cincinnati, Ohio, that will house an interpretive center, museum, educational and research facilities all dedicated to communicating the importance of the quest for human freedom which provided the foundation of the Underground Railroad.

Section 151 provides for priority abandoned mine reclamation and acid mine remediation activities. Funding of \$12,000,000 is provided to the Commonwealth of Pennsylvania for its large backlog in the anthracite region. Projects should use the standard cost-sharing mechanisms of the Surface Mining Control and Reclamation Act of 1977, as amended. These funds are derived from the portion of AML fees allocated to the RAMP program and will not affect other normal State allocations for abandoned mine reclamation. The provision also provides \$600,000 to continue a priority demonstration project in Pennsylvania to determine the efficacy of improving water quality by removing metals from waters polluted by acid mine drainage.

Section 152 provides for the use of previously appropriated funds for the Nisqually Indian Tribe to acquire land for the Nisqually NWR, WA, and to manage those lands for refuge purposes.

Section 153 establishes a cost-shared tribal school construction program. This item is discussed in more detail under the Bureau of Indian Affairs construction account.

Section 154 permits the sale of improvements and equipment at the White River Oil Shale Mine in Utah, and the retention and use of those funds by the Bureau of Land Management and the General Services Administration.

Section 155 names the Blue Ridge Parkway headquarters building the "Gary E. Everhardt Headquarters Building".

Section 156 allows the Bureau of Land Management to promulgate new hardrock mining regulations that are not inconsistent with the National Research Council Report entitled "Hardrock Mining on Federal Lands." This provision reinstates a requirement that was included in Public Law 106-113. In that Act, Congress authorized changes to the hardrock mining regulations that are "not inconsistent with" the Report. The statutory requirement was based on a consensus reached among Committee Members and the Administration. On December 8, 1999, the Interior Solicitor wrote an opinion concluding that this requirement applies only to a few lines of the Report, and that it imposes no significant restrictions on the Bureau's rulemaking authority. The Committee does not agree with the solicitor's opinion, and does not intend the language in this section to constitute any ratification of or agreement with that opinion.

Section 157 authorizes the Wheeling National Heritage Area in West Virginia.

The conference agreement does not include language proposed by the House in section 122 regarding National Park Service construction in Florida and in section 123 regarding limitations in Title III general provisions, and by the Senate in section 125 regarding Caspian Tern nesting at Rice Island. The managers how-

to \$10,000,000. The managers have also included the Senate proposed bill language for minimum program States and bill language included in previous years dealing with certain aspects of the State of Maryland program. The conference agreement does not provide the Senate recommended funding in this appropriation for a reforestation demonstration in Kentucky although funding for this activity is included in the Forest Service, State and Private forestry appropriation. The managers have also provided separate funding for the House recommended program on priority abandoned mine reclamation and acid mine remediation in the anthracite region of Pennsylvania in the Title I general provisions.

BUREAU OF INDIAN AFFAIRS  
OPERATION OF INDIAN PROGRAMS

The conference agreement provides \$1,741,212,000 for the operation of Indian programs instead of \$1,657,446,000 as proposed by the House and \$1,704,620,000 as proposed by the Senate.

Increases above the House for tribal priority allocations include \$11,175,000 for uncontrollable costs, \$5,000,000 for the Indian self determination fund, \$11,000,000 for the housing improvement program \$1,600,000 for general trust revenues, \$2,571,000 for real estate services, and \$1,089,000 for real estate appraisals.

Increases above the House for other recurring programs include \$10,910,000 for uncontrollable costs, \$3,575,000 for the FACE program, \$2,925,000 for the model, therapeutic residential \$1,000,000 for administrative cost grants, \$500,000 for Alaska subsistence, \$176,000 for the Reindeer Herders Association, and \$1,891,000 for the tribally controlled community colleges.

Increases above the House for non recurring programs include \$555,000 for uncontrollable costs, \$2,300,000 for real estates services, \$1,000,000 for a distance learning, telemedicine, fiber optic pilot program in Montana, \$146,000 for Alaska legal services, \$200,000 for forest inventory for the Uintah and Ouray tribes, and \$300,000 for a tribal guiding program in Alaska.

Increases above the House for central office operations include \$727,000 for uncontrollable costs and \$500,000 for trust services.

Increases above the House for regional office operations include \$899,000 for uncontrollable costs \$1,400,000 for general trust services, \$2,500,000 for real estate services, \$1,040,000 for land title records, \$1,000,000 for land record improvements, and \$500,000 for general trust services.

Increases above the House for special programs and pooled overhead include \$7,637,000 for uncontrollable costs, \$9,000,000 for the law enforcement initiative, and \$650,000 for the Crownpoint Institute.

The managers continue to support the Tribally Controlled Community Colleges (TCCC) and the technical schools of United Tribes Technical College (UTTC) and the Crownpoint Institute of Technology (CIT). To understand better how the House and Senate Committees on Appropriations can further assist the TCCCs and technical schools, the managers direct the TCCCs, UTTC, and CIT to provide a report that describes the programs and services of each institution. The report will also include all sources of funding

that support each institution's operations and facilities, and the amount of funding by source for the school's most recent fiscal year, the past fiscal year, and any proposed program expansion or changes in operations for the budget year. This report should be submitted to the Bureau of Indian Affairs by December 31st each year. The Bureau is directed to provide a consolidated summary of the reports in conjunction with its annual budget submission to the Congress.

The managers have provided \$1,000,000 for the distance learning project on the Crow, Fort Peck, and Northern Cheyenne reservations. These funds are for a fiber optic system to benefit these communities in a broad array of areas from health care to education and will eventually provide many new opportunities for reservation residents. The Rocky Mountain Technology Foundation will oversee the expenditure of these funds and is expected to provide a cost share to the project using in-kind or monetary donations from private and public sources. The Foundation is directed to provide an annual report to the House and Senate Committees on Appropriations through the Bureau of Indian Affairs. The report will describe the complete proposal for this Distance Learning Project, its relationship to other similar projects, and what has been accomplished to date with these funds.

The managers have been informed that severe seepage may occur when the Shoshone and Arapaho tribes complete the first fill protocols on the reservation's newly renovated Washaki Dam next spring. The managers direct the Bureau to assess the condition of the dam by February 1, 2001, and determine whether funds are needed to pro-actively address the situation. If it is determined that funds are needed, the Bureau should submit a reprogramming request if funds are available.

A number of concerns have been raised concerning whether tribes have been complying with the Single Audit Act. To address this potentially serious issue, the managers direct the Department to report back to the House and Senate Committees on Appropriations detailing to what extent tribes in the lower 48 States, as well as those tribes in Alaska, have been in compliance with the requirements of this Act. If it is found that the tribes are not conforming with these audit requirements, the Secretary shall provide recommendations to the Committees that could be put in place to ensure that tribes comply with the Single Audit Act.

The managers have restored funding for the housing improvement program as proposed by the Senate. The managers direct the Bureau to maintain the current distribution of funds between repair and rehabilitation and construction of new housing stock.

#### CONSTRUCTION

The conference agreement provides \$357,404,000 for construction instead of \$184,404,000 as proposed by the House and \$341,004,000 as proposed by the Senate.

Increases above the House for education construction include \$395,000 for uncontrollable costs, \$79,690,000 for replacement school construction, \$7,000,000 for a new tribal school construction demonstration program as discussed below, \$5,000,000 for advance

planning and design, \$593,000 for employee housing, and \$80,109,000 for facilities improvement and repair.

Changes to the House for public safety and justice include an increase of \$4,000 for uncontrollable costs.

Changes to the House for resources management include an increase of \$72,000 for uncontrollable costs.

Changes to the House for general administration include an increase of \$137,000 for uncontrollable costs.

The Administration's request for replacement school construction assumed full funding for all school replacement construction projects in the budget year based on guidance from the Office of Management and Budget. The managers note that the Lummi Tribal school was short funded by \$8,400,000 in the President's budget. The managers have corrected this error. The conference agreement provides full funding for the next six schools on the BIA priority list.

As mentioned above, the managers provide an additional \$7,000,000 to establish a new tribal school construction demonstration program. This new program will allow tribes to cost share 50 percent of the cost for replacement schools. Under this new demonstration program the Secretary is directed to give priority consideration to those tribes that are on the BIA priority list for construction of a replacement school.

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides \$37,526,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of \$34,026,000 as proposed by the House and \$35,276,000 as proposed by the Senate.

Increases above the House include \$1,250,000 for Aleutian Pribilof church repairs, which completes this program as authorized, \$50,000 for Walker River (Weber Dam), \$200,000 for Pyramid Lake and \$2,000,000 for the Great Lakes Fishing Settlement.

The managers understand that an agreement has finally been reached between the tribes, the State of Michigan and the Federal government in *United States v. Michigan*, Case No. 2:73 CV 26. Pursuant to the consent agreement entered by the Court in this case, the managers provide \$2,000,000 as part of the Federal government's obligation. The managers direct the Bureau to include the Great Lakes Fisheries settlement agreement in its fiscal year 2002 budget request. The managers intend to address the remaining Federal government obligations under the consent agreement in the fiscal year 2002 appropriation.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides \$4,988,000 for the Indian guaranteed loan program account as proposed by the Senate instead of \$4,985,000 as proposed by the House.

#### ADMINISTRATIVE PROVISIONS

The managers have agreed to a technical change in language relating to charter schools as proposed by the Senate.

DEPARTMENTAL OFFICES  
 INSULAR AFFAIRS  
 ASSISTANCE TO TERRITORIES

The conference agreement provides \$75,471,000 for assistance to territories, instead of \$69,471,000 proposed by the House and \$68,471,000 as proposed by the Senate. The managers have agreed to follow the funding levels proposed by the House for the activities except additional funds which have been provided for compact input in the technical assistance activity. The managers have also included bill language recommended by the House directing a \$300,000 payment to the Virgin Islands for disaster assistance loans and \$700,000 for the Prior Service Benefits Fund. The managers direct that funding for the Close-Up Foundation activities should be maintained at least at the fiscal year 1999 level. The managers have added compact impact assistance funding of \$5,000,000 for Guam and \$1,000,000 for the Commonwealth of the Northern Marian Islands.

In fiscal year 1999, language was included in the conference agreement concerning the withholding of American Samoa construction funds in the amount of \$2,000,000. These funds were to be withheld until issues associated with unpaid island medical bills were resolved. The managers understand that the American Samoa government has taken significant steps to address this problem and, therefore, direct the Department to release these funds.

COMPACT OF FREE ASSOCIATION

The conference agreement provides \$20,745,000 for the Compact of Free Association as proposed by the House instead of \$20,545,000 as proposed by the Senate.

DEPARTMENTAL MANAGEMENT  
 SALARIES AND EXPENSES

The conference agreement provides \$64,319,000 for salaries and expenses for departmental management, instead of \$62,406,000 as proposed by the House and \$64,019,000 as proposed by the Senate. Funds should be distributed as follows:

Departmental direction .....	\$12,241,000
Management and coordination .....	23,798,000
Hearings and appeals .....	8,288,000
Central services .....	19,104,000
Bureau of Mines workers compensation/unemployment .....	888,000
Total .....	64,319,000

Language is included in the bill directing that funds be provided to Alaska Pacific University for development of an ANILCA training curriculum as described in section 347 of the Senate bill. Within the total for Departmental direction, \$300,000 is included to implement this provision.

One of the highest priorities of the Department and the managers has been reducing the backlog of maintenance needs in the Department. Congress and the Department have worked together to institute an aggressive Safe Visits to Public Lands Initiative and

## NATIONAL PARK SERVICE

## CONSTRUCTION

*For an additional amount for "Construction", \$5,300,000, to remain available until expended, to repair or replace visitor facilities, equipment, roads and trails, and cultural sites and artifacts at national park units damaged by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## UNITED STATES GEOLOGICAL SURVEY

## SURVEYS, INVESTIGATIONS, AND RESEARCH

*For an additional amount for "Surveys, Investigations, and Research", \$2,700,000, to remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## BUREAU OF INDIAN AFFAIRS

## OPERATION OF INDIAN PROGRAMS

*For an additional amount for "Operation of Indian Programs", \$1,200,000, to remain available until expended, for repair of the portions of the Yakama Nation's Signal Peak Road that have the most severe damage: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

## FEDERAL TRUST PROGRAMS

*For an additional amount for "Federal Trust Programs" for unanticipated trust reform projects and costs related to the ongoing Cobell litigation, \$27,600,000, to remain available until expended: Provided, That funds provided herein for trust management improvements and litigation support may, as needed, be transferred to or merged with the "Operations of Indian Programs" account in the Bureau of Indian Affairs, the "Salaries and Expenses" account in the Office of the Solicitor, the "Salaries and Expenses" account in Departmental Management, the "Royalty and Offshore Minerals Management" account in the Minerals Management Service, and the "Management of Lands and Resources" account in the Bureau of Land Management: Provided further, That the entire amount provided under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## PRESIDIO TRUST

## PRESIDIO TRUST FUND

*For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$23,400,000 shall be available to the Presidio Trust, to remain available until expended. 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 \$10,000,000.*

## 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. 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 2000.*

*SEC. 308. 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. 309. 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, 2001, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.*

*SEC. 310. 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. 311. (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, 2001, 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. 312. 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, 105–277, and 106–113 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 2000 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. 313. Notwithstanding any other provision of law, for fiscal year 2001 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. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 314. 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. 315. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

SEC. 316. 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. 317. 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. 318. 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. 319. (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. 320. ADVISORY COMMITTEE ON FOREST COUNTIES PAYMENTS.*

*(a) DEFINITIONS.—In this section:*

*(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Forest Counties Payments Committee established by this section.*

*(2) COMMITTEES OF JURISDICTION.—The term "committees of jurisdiction" means the Committee on Agriculture, the Committee on Resources, and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture,*

*Nutrition, and Forestry, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate.*

(3) *ELIGIBLE COUNTY.*—*The term “eligible county” means a county that, for one or more of the fiscal years 1986 through 1999, received—*

(A) *a payment under title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), or the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.); or*

(B) *a portion of an eligible State’s payment, as described in paragraph (4).*

(4) *ELIGIBLE STATE.*—*The term “eligible State” means a State that, for one or more of the fiscal years 1986 through 1999, received a payment under the sixth paragraph under the heading of “FOREST SERVICE” in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), or section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).*

(5) *FEDERAL LANDS.*—*The term “Federal lands” means the following:*

(A) *Lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010-1012).*

(B) *Such portions of the Oregon and California Railroad grant lands revested in the United States by the Act of June 9, 1916 (chapter 137; 39 Stat. 218), and the Coos Bay Wagon Road grant lands reconveyed to the United States by the Act of February 26, 1919 (chapter 47; 40 Stat. 1179), as are or may hereafter come under the jurisdiction of the Secretary of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.*

(6) *SUSTAINABLE FORESTRY.*—*The term “sustainable forestry” means the practice of meeting the forest resource needs and values of the present without compromising the similar capability of future generations.*

(b) *ESTABLISHMENT OF ADVISORY COMMITTEE.*—

(1) *ESTABLISHMENT REQUIRED.*—*There is hereby established an advisory committee, to be known as the Forest Counties Payments Committee, to develop recommendations, consistent with sustainable forestry, regarding methods to ensure that States and counties in which Federal lands are situated receive adequate Federal payments to be used for the benefit of public education and other public purposes.*

(2) *MEMBERS.*—*The Advisory Committee shall be composed of the following members:*

(A) *The Chief of the Forest Service, or a designee of the Chief who has significant expertise in sustainable forestry.*

(B) *The Director of the Bureau of Land Management, or a designee of the Director who has significant expertise in sustainable forestry.*

(C) *The Director of the Office of Management and Budget, or the Director's designee.*

(D) *Two members who are elected members of the governing branches of eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the committees of jurisdiction of the Senate) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the committees of jurisdiction of the House of Representatives) within 60 days of the date of the enactment of this Act.*

(E) *Two members who are elected members of school boards for, superintendents from, or teachers employed by, school districts in eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the committees of jurisdiction of the Senate) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the committees of jurisdiction of the House of Representatives) within 60 days of the date of the enactment of this Act.*

(3) *GEOGRAPHIC REPRESENTATION.—In making appointments under subparagraphs (D) and (E) of paragraph (2), the President pro tempore of the Senate and the Speaker of the House of Representatives shall seek to ensure that the Advisory Committee members are selected from geographically diverse locations.*

(4) *ORGANIZATION OF ADVISORY COMMITTEE.—*

(A) *CHAIRPERSON.—The Chairperson of the Advisory Committee shall be selected from among the members appointed pursuant to subparagraphs (D) and (E) of paragraph (2).*

(B) *VACANCIES.—Any vacancy in the membership of the Advisory Committee shall be filled in the same manner as required by paragraph (2). A vacancy shall not impair the authority of the remaining members to perform the functions of the Advisory Committee under this section.*

(C) *COMPENSATION.—The members of the Advisory Committee who are not officers or employees of the United States, while attending meetings or other events held by the Advisory Committee or at which the members serve as representatives of the Advisory Committee or while otherwise serving at the request of the Chairperson of the Advisory Committee, shall each be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-15, as provided in the General Schedule, including traveltime, and while away from their homes or regular places of business, shall each be reimbursed for travel expenses, including per diem in lieu of subsistence as author-*

ized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(5) STAFF AND RULES.—

(A) EXECUTIVE DIRECTOR.—The Advisory Committee shall have an Executive Director, who shall be appointed by the Advisory Committee and serve at the pleasure of the Advisory Committee. The Executive Director shall report to the Advisory Committee and assume such duties as the Advisory Committee may assign. The Executive Director shall be paid at a rate not in excess of the maximum rate of pay for grade GS-15, as provided in the General Schedule.

(B) OTHER STAFF.—In addition to authority to appoint personnel subject to the provisions of title 5, United States Code, governing appointments to the competitive service, and to pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, the Advisory Committee shall have authority to enter into contracts with private or public organizations which may furnish the Advisory Committee with such administrative and technical personnel as may be necessary to carry out the functions of the Advisory Committee under this section. To the extent practicable, such administrative and technical personnel, and other necessary support services, shall be provided for the Advisory Committee by the Chief of the Forest Service and the Director of the Bureau of Land Management.

(C) COMMITTEE RULES.—The Advisory Committee may establish such procedural and administrative rules as are necessary for the performance of its functions under this section.

(6) FEDERAL AGENCY COOPERATION.—The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Advisory Committee in the performance of its functions under this section and should furnish, as practicable, to the Advisory Committee information which the Advisory Committee deems necessary to carry out such functions.

(c) FUNCTIONS OF ADVISORY COMMITTEE.—

(1) DEVELOPMENT OF RECOMMENDATIONS.—

(A) IN GENERAL.—The Advisory Committee shall develop recommendations for policy or legislative initiatives (or both) regarding alternatives for, or substitutes to, the payments required to be made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a) in order to provide a long-term method to generate annual payments to eligible States and eligible counties.

(B) REPORTING REQUIREMENTS.—Not later than 18 months after the date of the enactment of this Act, the Advisory Committee shall submit to the committees of jurisdiction a final report containing the recommendations developed under this subsection. The Advisory Committee shall submit semiannual progress reports on its activities and ex-

penditures to the committees of jurisdiction until the final report has been submitted.

(2) *GUIDANCE FOR COMMITTEE.*—In developing the recommendations required by paragraph (1), the Advisory Committee shall—

(A) evaluate the method by which payments are made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a), and related laws, and the use of such payments;

(B) consider the impact on eligible States and eligible counties of revenues derived from the historic multiple use of the Federal lands.

(C) evaluate the economic, environmental, and social benefits which accrue to counties containing Federal lands, including recreation, natural resources industries, and the value of environmental services that result from Federal lands; and

(D) evaluate the expenditures by counties on activities on Federal lands which are Federal responsibilities.

(3) *MONITORING AND RELATED REPORTING ACTIVITIES.*—The Advisory Committee shall monitor the payments made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a), and related laws, and submit to the committees of jurisdiction an annual report describing the amounts and sources of such payments and containing such comments as the Advisory Committee may have regarding such payments.

(4) *TESTIMONY.*—The Advisory Committee shall make itself available for testimony or comments on the reports required to be submitted by the Advisory Committee and on any legislation or regulations to implement any recommendations made in such reports in any congressional hearings or any rulemaking or other administrative decision process.

(d) *FEDERAL ADVISORY COMMITTEE ACT REQUIREMENTS.*—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(e) *TERMINATION OF ADVISORY COMMITTEE.*—The Advisory Committee shall terminate three years after the date of the enactment of this Act.

(f) *FUNDING SOURCE.*—At the request of the Executive Director of the Advisory Committee, the Secretary of Agriculture shall provide funds from any account available to the Secretary, not to exceed \$200,000 in fiscal year 2001, for the work of the Advisory Committee necessary to meet the requirements of this section.

*SEC. 321.* 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. 322.* 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. 323.* 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. 324. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.*

*SEC. 325. Amounts deposited during fiscal year 2000 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 2001, 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. 326. 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 and used to fund personnel, training, or other administrative activities of 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. 327. 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. 328. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: Provided, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2001, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, 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 at prevailing domestic prices. Should Region 10 sell, in fiscal year 2001, less than the annual average portion of the decadal allowable sale*

quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) 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 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. 329. 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. 330. In fiscal years 2001 through 2005, the Secretaries of the Interior and Agriculture may pilot test agency-wide joint permitting and leasing programs, subject to annual review of Congress, and promulgate special rules as needed to test the feasibility of issuing unified permits, applications, and leases. The Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of the "Service First" initiative agency-wide to promote customer service and efficiency. Nothing herein shall alter, expand or limit the applicability of any public law or regulation to lands administered by the Bureau of Land Management or the Forest Service.

SEC. 331. FEDERAL AND STATE COOPERATIVE WATERSHED RESTORATION AND PROTECTION IN COLORADO. (a) USE OF COLORADO STATE FOREST SERVICE.—Until September 30, 2004, the Secretary of Agriculture, via cooperative agreement or contract (including sole source contract) as appropriate, may permit the Colorado State Forest Service to perform watershed restoration and protection services on National Forest System lands in the State of Colorado when similar and complementary watershed restoration and protection services are being performed by the State Forest Service on adjacent

*State or private lands. The types of services that may be extended to National Forest System lands include treatment of insect infected trees, reduction of hazardous fuels, and other activities to restore or improve watersheds or fish and wildlife habitat across ownership boundaries.*

*(b) STATE AS AGENT.—Except as provided in subsection (c), a cooperative agreement or contract under subsection (a) may authorize the State Forester of Colorado to serve as the agent for the Forest Service in providing all services necessary to facilitate the performance of watershed restoration and protection services under subsection (a). The services to be performed by the Colorado State Forest Service may be conducted with subcontracts utilizing State contract procedures. Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract under subsection (a).*

*(c) RETENTION OF NEPA RESPONSIBILITIES.—With respect to any watershed restoration and protection services on National Forest System lands proposed for performance by the Colorado State Forest Service under subsection (a), any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) may not be delegated to the State Forester of Colorado or any other officer or employee of the Colorado State Forest Service.*

*SEC. 332. None of the funds appropriated or otherwise made available by this Act may be used to issue a record of decision implementing the Interior Columbia Basin Ecosystem Management Project until the Secretaries of Agriculture and the Interior submit to Congress a report evaluating, for the area to be covered by the project, both the effect of the year 2000 wildfires and the President's initiative for managing the impact of wildfires on communities and the environment.*

*SEC. 333. 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 2001 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. 334. 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. 335. Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)(iii)) is amended by striking “\$750,000” and inserting “\$10,000,000”.

SEC. 336. In section 315(f) of title III of section 101(c) of Public Law 104–134 (16 U.S.C. 460l–6a note), as amended, strike “September 30, 2001” and insert “September 30, 2002”, and strike “September 30, 2004” and insert “September 30, 2005”.

SEC. 337. 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. 338. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–825 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

SEC. 339. Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A–25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 340. None of the funds made available in this Act may be used by the Secretary of the Interior or the Secretary of Agriculture to implement a final rule for estimating fair market value land use rental fees for fiberoptic communications rights-of-way on Federal lands that amends or replaces the linear right-of-way rental fee schedule published on July 8, 1987 (43 CFR 2803.1–2(c)(1)(I)). In determining rental fees for fiberoptic rights-of-way, the Secretaries

shall use the rates contained in the linear right-of-way rental fee schedules in place on May 1, 2000.

SEC. 341. Notwithstanding any other provision of law, for fiscal year 2001, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

SEC. 344. From funds previously appropriated under the heading "DEPARTMENT OF ENERGY, FOSSIL ENERGY RESEARCH AND DEVELOPMENT", \$4,000,000 is available for computational services at the National Energy Technology Laboratory.

SEC. 345. BACKCOUNTRY LANDING STRIP ACCESS. (a) IN GENERAL.—Funds made available by this Act shall not be used to permanently close aircraft landing strips, officially recognized by State or Federal aviation officials, without public notice, consultation with cognizant State and Federal aviation officials and the consent of the Federal Aviation Administration.

(b) AIRCRAFT LANDING STRIPS.—An aircraft landing strip referred to in subsection (a) is a landing strip on Federal land administered by the Secretary of the Interior or the Secretary of Agriculture that is commonly known, and is consistently used for aircraft landing and departure activities.

(c) PERMANENT CLOSURE.—For the purposes of subsection (a), an aircraft landing strip shall be considered to be closed permanently if the intended duration of the closure is more than 180 days in any calendar year.

SEC. 346. COLUMBIA RIVER GORGE NATIONAL SCENIC AREA. (a) LAND ACQUISITION.—Section 9 of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g) is amended:

- (1) by redesignating subsection (e) as subsection (g); and
- (2) by inserting after subsection (d) the following:

“(e) APPRAISALS.—

“(1) DEFINITION OF LANDOWNER.—In this subsection, the term ‘landowner’ means the owner of legal or equitable title as of September 1, 2000.

“(2) APPRAISAL STANDARDS.—Except as provided in paragraph (3), land acquired or conveyed by purchase or exchange under this section shall be appraised in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

“(3) SPECIAL MANAGEMENT AREAS.—

“(A) BEFORE APRIL 1, 2001.—Land within a special management area for which the landowner, before April 1, 2001, makes a written bona fide offer to convey to the Secretary for fair market value shall be appraised—

“(i) without regard to the effect of any zoning or land use restriction made in response to this Act; but

“(ii) subject to any other current zoning or land use restriction imposed by the State or locality in which the land is located on the date of the offer.

“(B) ON OR AFTER APRIL 1, 2001.—Land within a special management area for which the landowner, on or after April 1, 2001, makes a written bona fide offer to convey to

the Secretary for fair market value shall be appraised subject to—

“(i) any zoning or land use restriction made in response to this Act; and

“(ii) any other current zoning or land use restriction that applies to the land on the date of the offer.

“(f) AUTHORIZATION FOR CERTAIN LAND EXCHANGES.—

“(1) IN GENERAL.—To facilitate priority land exchanges through which land within the boundaries of the White Salmon Wild and Scenic River or within the scenic area is conveyed to the United States, the Secretary may accept title to such land as the Secretary determines to be appropriate within the States, regardless of the State in which the land conveyed by the Secretary in exchange is located, in accordance with land exchange authorities available to the Secretary under applicable law.

“(2) SPECIAL RULE FOR LAND CERTAIN EXCHANGES.—Notwithstanding any other provision of law—

“(A) any exchange described in paragraph (1) for which an agreement to initiate has been executed as of September 30, 2000, shall continue; and

“(B) any timber stumpage proceeds collected under the exchange shall be retained by the Forest Service to complete the exchange.”.

(b) ADMINISTRATION OF SPECIAL MANAGEMENT AREAS.—Section 8(o) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544f) is amended—

(1) by striking “Any ordinance” and inserting the following:

“(1) IN GENERAL.—Any ordinance”;

(2) in the first sentence, by striking “the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 1973).” and inserting “section 9(e).”; and

(3) by adding at the end the following:

“(2) APPLICABILITY.—This subsection shall not apply to any land offered to the Secretary for acquisition after March 31, 2001.”.

(c) PUBLICATION OF NOTICE.—

(1) Not later than November 1, 2000, the Secretary of Agriculture shall provide notice of the provisions contained in the amendments made by subsections (a) and (b) through—

(A) publication of a notice in the Federal Register and in newspapers of general circulation in the counties in the Columbia River Gorge National Scenic Area; and

(B) posting of a notice in each facility of the United States Postal Service located in those counties.

(2) If the counties wherein special management areas are located provide the Forest Service administrator of the Columbia River Gorge National Scenic Area lists of the names and addresses of landowners within the special management areas as of September 1, 2000, the Forest Service shall send to such names and addresses by certified first class mail notice of the provisions contained in the amendments made by subsections (a) and (b);

(A) The mailing shall occur within twenty working days of the receipt of the list; and

(B) *The mailing shall constitute constructive notice to landowners, and proof of receipt by the addressee shall not be required.*

(d) *DESIGNATION OF SPECIAL MANAGEMENT AREAS.—Section 4(b)(2) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544b(b)(2)) is amended—*

(1) *in paragraph (2), by striking “in this section” and inserting “by paragraph (1)”;* and

(2) *by adding at the end the following:*

“(3) *MODIFICATION OF BOUNDARIES.—The boundaries of the special management areas are modified as depicted on a map dated September 20, 2000, which shall be on file and available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia, and copies shall be available in the office of the Commission, and the headquarters of the scenic area.”.*

(e) *PAYMENTS TO LOCAL GOVERNMENTS.—Section 14(c)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544l(c)(3)) is amended—*

(1) *by striking “(3) No payment” and inserting the following:*

“(3) *LIMITATION.—*

“(A) *IN GENERAL.—Except as provided in subparagraph*

(B), *no payment”;*

(2) *by striking “fifth” and inserting “eighth”;* and

(3) *by adding at the end the following:*

“(B) *CONTINUATION OF CERTAIN PAYMENTS.—For any land or interest in land for which the Secretary is making a payment in fiscal year 2000, such payment shall be continued for a total of eight fiscal years.”.*

*SEC. 347. (a) EXCHANGE REQUIRED.—In exchange for the non-Federal lands and the additional consideration described in subsection (b), the Secretary of Agriculture shall convey to Kern County, California, all right, title, and interest of the United States in and to four parcels of land under the jurisdiction of the Forest Service in Kern County, as follows:*

(1) *Approximately 70 acres known as Camp Owen as depicted on the map entitled “Camp Owen”, dated June 15, 2000.*

(2) *Approximately 4 acres known as Wofford Heights Park as depicted on the map entitled “Wofford Heights Park”, dated June 15, 2000.*

(3) *Approximately 4 acres known as the French Gulch maintenance yard as depicted on the map entitled “French Gulch Maintenance Yard”, dated June 15, 2000.*

(4) *Approximately 14 acres known as the Kernville Fish Hatchery as depicted on the map entitled “Kernville Fish Hatchery”, dated June 15, 2000.*

(b) *CONSIDERATION.—*

(1) *CONVEYANCE OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a), Kern County shall convey to the Secretary a parcel of land for fair market value consisting of approximately 52 acres as depicted on the map entitled “Greenhorn Mountain Park”, located in Kern County, California, dated June 18, 2000.*

(2) *REPLACEMENT FACILITY.*—As additional consideration for the conveyance of the storage facility located at the maintenance yard referred to in subsection (a)(3), Kern County shall provide a replacement storage facility of comparable size and condition, as acceptable to the Secretary, at the Greenhorn Ranger District Lake Isabella Maintenance Yard property.

(3) *CASH EQUALIZATION PAYMENT.*—As additional consideration for the conveyance of the Federal lands referred to in subsection (a), Kern County shall tender a cash equalization payment specified by the Secretary. The cash equalization payment shall be based upon an appraisal performed at the option of the Forest Service pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(c) *CONDITIONS ON ACCEPTANCE.*—Title to the non-Federal lands to be conveyed under this section must be acceptable to the Secretary, and the conveyance shall be subject to valid existing rights of record. The non-Federal lands shall conform with the title approval standards applicable to Federal land acquisitions.

(d) *TIME FOR CONVEYANCE.*—Subject to subsection (c), the Secretary shall complete the conveyance of the Federal lands under subsection (a) within 3 months after Kern County tenders to the Secretary the consideration required by subsection (b).

(e) *STATUS OF ACQUIRED LANDS.*—Upon approval and acceptance of title by the Secretary, the non-Federal lands conveyed to the United States under this section shall become part of Sequoia National Forest, and the boundaries of the national forest shall be adjusted to include the acquired lands. The Secretary shall manage the acquired lands for recreational purposes in accordance with the laws and regulations pertaining to the National Forest System. For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the national forest, as adjusted pursuant to this section, shall be considered to be the boundaries of the national forest as of January 1, 1965.

(f) *RELATIONSHIP TO ENVIRONMENTAL LIABILITY.*—In connection with the conveyances under this section, the Secretary may require such additional terms and conditions related to environmental liability as the Secretary considers appropriate to protect the interests of the United States.

(g) *LEGAL DESCRIPTIONS.*—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey or surveys satisfactory to the Secretary. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange (other than costs incurred by Kern County to comply with subsection (h)), shall be divided equally between the Secretary and Kern County.

(h) *TREATMENT OF EXISTING UTILITY LINES AT CAMP OWEN.*—Upon receipt of the Federal lands described in subsection (a)(1), Kern County shall grant an easement, and record the easement in the appropriate office, for permitted or licensed uses of those lands that are unrecorded as of the date of the conveyance.

(i) *APPLICABLE LAW.*—Except as otherwise provided in this section, any exchange of National Forest System land under this section shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

*SEC. 348. (a) ESTABLISHMENT.—Not later than March 1, 2001, the Secretary shall cause to be established an advisory group to provide continuing expert advice and counsel to the Director of the National Energy Technology Laboratory (NETL) with respect to the research and development activities NETL conducts and manages.*

*(b) MEMBERSHIP.—*

*(1) IN GENERAL.—The advisory group shall be composed of—*

*(A) a balanced group of—*

*(i) representatives of academia;*

*(ii) representatives of industry;*

*(iii) representatives of non-governmental organizations; and*

*(iv) representatives of energy regulatory agencies;*

*(B) a representative of the DOE's Office of Fossil Energy;*

*(C) a representative of the DOE's Office of Energy Efficiency and Renewable Energy;*

*(D) a representative of the DOE's Office of Science; and*

*(E) others, as appropriate.*

*(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Director—*

*(1) on management and strategic issues affecting the laboratory; and*

*(2) on the scientific and technical direction of the laboratory's R&D program;*

*(d) COMPENSATION; SUPPORT; PROCEDURES.—*

*(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.*

*(2) ADMINISTRATIVE SUPPORT.—The NETL shall furnish to the advisory group clerical and administrative support.*

*(3) PROCEDURES AND REQUIREMENTS.—In carrying out its functions, the advisory group shall comply with the procedures and requirements that apply to similar groups providing advice and counsel to entities operating other Department of Energy laboratories rather than the procedures and requirements that apply to such a group providing advice directly to a Federal entity.*

*SEC. 349. (a) In furtherance of the purposes of the Umpqua Land Exchange Project (ULEP) and previous Congressional appropriations therefor, there is hereby appropriated the sum of \$4,300,000 to be derived from the Land and Water Conservation Fund. Such amount shall be available to the Foundation for Voluntary Land Exchanges ("Foundation") working in conjunction with the Secretary of the Interior, and with the U.S. Bureau of Land Management as the lead Federal agency, to complete a Final Land Ownership Adjustment Plan ("Plan") for the area ("Basin"), comprising approximately 675,000 acres, as generally depicted on a map entitled "Coast Range-Umpqua River Basin," dated August*

2000. No more than 15 percent of this appropriation shall be used by the agency for defraying administrative overhead.

(b) In preparing the Plan, the Secretary shall identify, no later than March 31, 2001, those lands or interests in land with willing sellers which merit emergency purchase by the United States due to critical environmental values or possibility of imminent development. For lands or interests in land so identified, the Secretary and the Foundation shall arrange with landowners to complete appraisals and purchase clearances required by law so that the Secretary may thereafter consummate purchases as soon as funds therefor are appropriated by the Congress.

(c) Pursuant to the funding and direction of subsection (a), the Secretary shall, in cooperation with the Foundation, no later than December 31, 2002, complete the Plan utilizing the Multi-Resource Land Allocation Model ("Model") developed for the ULEP. The Plan shall identify: (1) non-Federal Lands or interests in land in the Basin which, with the concurrence of willing non-Federal landowners, are recommended for acquisition or exchange by the United States; (2) Federal lands or interests in land in the Basin recommended for disposal into non-Federal ownership in exchange for the acquired lands of equal value; and (3) specific land exchanges or purchases to implement the Plan. In addition, no later than December 31, 2002, the Secretary, in cooperation with the Foundation, shall complete a draft Habitat Conservation Plan ("HCP") covering the lands to be disposed of by the United States and consistent with the Plan, a comprehensive Final Environmental Impact Statement covering the Plan, and a comprehensive Biological Opinion analyzing the net impacts of the Plan at Plan scale over time in 5 year increments, taking into consideration all expected benefits to be achieved by the Plan and HCP, and any consistency determinations or amendments to any applicable Federal land management plans. The HCP shall cover all species analyzed in the Model (including species under the jurisdiction of the Secretary of Commerce).

(d) No later than March 31, 2002, the Secretary and the Foundation shall submit to the Committee on Resources of the U.S. House of Representatives, Committee on Energy and Natural Resources of the United States Senate, and the House and Senate Committees on Appropriations, a joint report summarizing the Plan and the land exchanges or purchases identified to implement the Plan, and outlining: (1) any Fiscal Year 2003 funding needed for land purchases; (2) any recommendations for actions to expedite or facilitate the specific land exchanges or purchases identified to implement the Plan, or the HCP; and (3) an action Plan for making the Model publicly available for additional land exchanges or other purposes upon completion of the exchanges.

(e) No later than June 15, 2003: (1) the Secretary with the Foundation and the financial participation and commitment of willing private landowners shall complete appraisals and other land purchase or exchange clearances required by law, including those pertaining to cultural and historic resources and hazardous materials and (2) the Secretary shall consummate with willing non-Federal landowners the specific land exchanges previously identified in subsection (c) to implement the Plan, and together with the Secretary of Commerce, shall issue the HCP.

*SEC. 350. Notwithstanding section 351 of section 101(e) of division A, Public Law 105–277, the Indian Health Service is authorized to provide additional contract health service funds to Ketchikan Indian Corporation’s recurring budget for hospital-related services for patients of Ketchikan Indian Corporation and the Organized Village of Saxman.*

*SEC. 351. (a) SHORT TITLE.—This section may be cited as the “Boise Laboratory Replacement Act of 2000”.*

*(b) FINDINGS AND PURPOSE.—*

*(1) FINDINGS.—Congress finds that—*

*(A) the existing facilities of the Rocky Mountain Research Station Boise laboratory are outdated and no longer serve as a modern research facility;*

*(B) the Boise laboratory site is in the heart of a Boise city redevelopment zone, and the existing laboratory facilities detract from community improvement efforts;*

*(C) it is desirable to colocate the Boise laboratory with 1 of the State institutions of higher learning in the Boise metropolitan area—*

*(i) to facilitate communications and sharing of research data between the agency and the Idaho scientific community;*

*(ii) to facilitate development and maintenance of the Boise laboratory as a modern, high quality research facility; and*

*(iii) to reduce costs, better use assets, and better serve the public; and*

*(D) it is desirable to make the Boise laboratory site available for inclusion in a planned facility that is being developed on adjacent property by the University of Idaho or the University of Idaho Foundation, a not-for-profit corporation acting on behalf of the University of Idaho, as a multiagency research and education facility to serve various agencies and educational institutions of the United States and the State.*

*(2) PURPOSE.—The purpose of this section is to authorize the Secretary—*

*(A) to sell or exchange the land and improvements currently occupied by the Boise laboratory site; and*

*(B) to acquire land, facilities, or interests in land and facilities, including condominium interests, to colocate the Rocky Mountain Research Station Boise laboratory with 1 of the State institutions of higher learning in the Boise metropolitan area, using—*

*(i) funds derived from sale or exchange of the existing Boise laboratory site; and*

*(ii) to the extent the funds received are insufficient to carry out the acquisition of replacement research facilities, funds subsequently made available by appropriation for the acquisition, construction, or improvement of the Rocky Mountain Research Station Boise laboratory.*

*(c) DEFINITIONS.—In this section:*

*(1) BOISE LABORATORY SITE.—The term “Boise laboratory site” means the approximately 3.26 acres of land and all im-*

provements in section 10, T. 3 N., R. 2 E., Boise Meridian, as depicted on that Plat of Park View Addition to Boise, Ada County, Idaho, labeled "Boise Lab Site—May 22, 2000", located at 316 East Myrtle Street, Boise, Idaho.

(2) **CONDOMINIUM INTEREST.**—The term "condominium interest" means an estate in land consisting of (in accordance with law of the State)—

(A) an undivided interest in common of a portion of a parcel of real property; and

(B) a separate fee simple interest in another portion of the parcel.

(3) **FAIR MARKET VALUE.**—The term "fair market value" means the cash value of land on a specific date, as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

(5) **STATE.**—The term "State" means the State of Idaho.

(d) **SALE OR EXCHANGE OF BOISE LABORATORY SITE.**—

(1) **IN GENERAL.**—The Secretary may, under such terms and conditions as the Secretary may prescribe and subject to valid existing rights, sell or exchange any or all right, title, and interest of the United States in and to the Boise laboratory site.

(2) **RIGHT OF FIRST REFUSAL.**—

(A) **IN GENERAL.**—After a determination of fair market value of the Boise laboratory site is approved by the Secretary, the University of Idaho or the University of Idaho Foundation, a not-for-profit organization acting on behalf of the University of Idaho, shall be allowed 210 days from the effective date of value to exercise a right of first refusal to purchase the Boise laboratory site at fair market value.

(B) **COOPERATIVE DEVELOPMENT.**—If the University of Idaho or the University of Idaho Foundation exercises the right of first refusal under paragraph (A), to accomplish the purpose described in section (b)(2)(B), the Secretary shall, to the maximum extent practicable, cooperate with the University of Idaho in the development of a multi-agency research and education facility on the Boise laboratory site and adjacent property.

(3) **SOLICITATION OF OFFERS.**—If the right of first refusal described in subsection (d)(2) is not exercised, the Secretary may solicit offers for purchase through sale or competitive exchange of any and all right, title, and interest of the United States in and to the Boise laboratory site.

(4) **CONSIDERATION.**—Consideration for sale or exchange of land under this subsection—

(A) shall be at least equal to the fair market value of the Boise laboratory site; and

(B) may include land, existing improvements, or improvements to be constructed to the specifications of the Secretary, including condominium interests, and cash, notwithstanding section 206(b) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

*the State is demonstrably engaged in continuing activities to secure non-federal resources and that such waiver is limited to one fiscal year and that no state may be granted such waiver more than twice: Provided further, That, hereafter, Indian tribal direct grantees of weatherization assistance shall not be required to provide matching funds.*

*ECONOMIC REGULATION*

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

*STRATEGIC PETROLEUM RESERVE*

*(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$165,000,000, to remain available until expended, of which \$4,000,000 shall be derived by transfer of unobligated balances of funds previously appropriated under the heading "SPR Petroleum Account", and of which \$8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.*

*ENERGY INFORMATION ADMINISTRATION*

*For necessary expenses in carrying out the activities of the Energy Information Administration, \$75,675,000, to remain available until expended.*

*ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY*

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

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

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

*The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after*

*the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.*

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

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

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

*For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,240,658,000, 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 \$15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That \$431,756,000 for contract medical care shall remain available for obligation until September 30, 2002: Provided further, That of the funds provided, up to \$22,000,000 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 one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That 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, 2002: 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 \$248,781,000 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 2001, of which not to exceed \$10,000,000 may be used for such costs associated with new and expanded contracts, grants, self-governance compacts or annual funding agreements: 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, \$363,904,000, 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 from the funds appropriated herein, \$5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, subject to a negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That notwithstanding any provision of law governing Federal construction, \$2,240,000 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 \$5,000,000 shall remain available until expended for the purpose of funding joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: Provided further, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2001, the financial capability necessary to provide an appropriate facility: Provided further, That joint venture funds unallocated after March 1, 2001, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: Provided further, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: 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 notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94-437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract.*

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

*Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of*

*those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That 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, \$15,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.*

## INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

## PAYMENT TO THE INSTITUTE

*For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$4,125,000.*

## 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, \$387,755,000, of which not to exceed \$47,088,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American*

## PRESIDIO TRUST

## PRESIDIO TRUST FUND

The conference agreement provides \$33,400,000 for the Presidio Trust Fund as proposed by both the House and the Senate.

## TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301 through 306 that were identical in both the House and the Senate bills. These sections continue provisions carried in past years.

The conference agreement does not include language proposed by the House in section 307 concerning compliance with “Buy American” procedures. This provision was made permanent in the fiscal year 2000 Interior Appropriations Act.

The conference agreement includes sections 307 through 310, 314, 316 through 319, 321 through 327, and 329 as proposed by the Senate. Identical language was proposed by the House in sections 308 through 311, 315, 317 through 320, 322 through 328, and 330. These sections continue provisions carried in past years.

Section 311 retains the text of section 312 as proposed by the House, which continues the mining patent moratorium provision carried last year. The text of section 311 as proposed by the Senate differed only in the use of capitalization.

Section 312 retains the text of section 313 as proposed by the House which continues a provision carried last year limiting BIA and IHS liability for prior year contract support costs through 2000. Section 312 proposed by the Senate continued this provision through 2001.

Section 313 modifies the text of section 313 as proposed by the Senate and section 314 as proposed by the House which continues a provision carried last year concerning the Jobs-in-the-Woods program. The modified text encourages the agencies to consider various factors when awarding contracts.

Section 315 retains the text of section 316 as proposed by the House, which makes permanent a provision exempting the Presidio Trust from State and local taxes and assessments. Section 315 proposed by the Senate continued the provision for one year.

Section 320 establishes an advisory commission to provide recommendations concerning payments to counties having Federal forest lands. This section was in neither the House or Senate passed bills. The commission will have 18 months after enactment to provide to the Congress recommendations concerning long-term funding for forest counties and other matters. The commission will terminate three years after enactment.

Section 328 retains the text of section 328 as proposed by the Senate, which continues a provision carried last year regulating the export of Western red cedar from National Forest System lands in Alaska. The text of section 329 as proposed by the House differed only in the numbering convention used.

Section 330 modifies the text of section 332 as proposed by the House which allows the Forest Service and the Bureau of Land Management to pilot test the “Service First” initiative. The Senate had no similar provision. The managers are encouraged by these

interdepartmental efforts and expect that this provision will assist the expansion of these efforts in many more areas of the agencies involved. The managers have clarified the language proposed by the House to make it clear that this authority may be used agency-wide.

Section 331 retains the text of section 333 as proposed by the House establishing a four-year program between the Forest Service and the State of Colorado for cooperative watershed protection and restoration. The Senate had no similar provision. The managers will watch the implementation of this program carefully to determine if this authority provides enhanced coordination and cooperation between Federal and State interests. A cooperative effort will greatly enhance efforts to reduce fuel loadings and provide greater safety to communities in the wildland urban interface.

Section 332 modifies the text of section 334 as proposed by the House addressing the Interior Columbia Basin Ecosystem Management Project. The managers instruct the agencies to review the environmental analyses and documents regarding the Interior Columbia Basin Ecosystem Management Project and bring this analysis and documentation into full conformance with the requirements of the National Environmental Policy Act requirements when new information or conditions arise, including procedures when there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. Such analysis and documentation should include the summer 2000 wildfires and the President's initiative for managing the impact of wildfires on communities and the environment. None of the funds appropriated or otherwise made available by this Act may be used to issue a record of decision for the Interior Columbia Basin Ecosystem Management Plan until this analysis is completed and included in a report submitted to the House and Senate Committees on Appropriations.

Section 333 retains the text of section 330 as proposed by the Senate allowing the Forest Service, in consultation with the Department of Labor, to modify concession contracts for campgrounds. The House had no similar provision.

Section 334 retains the text of section 331 as proposed by the Senate prohibiting the Forest Service from using the recreation fee demonstration program to supplant existing recreation concessions.

Section 335 retains the text of section 332 as proposed by the Senate raising the reporting threshold for energy savings performance contracts through the Department of Energy's Federal Energy Management Program. The House had no similar provision.

Section 336 retains the text of section 334 as proposed by the Senate extending the Recreation Fee Demonstration Program for one additional year. The managers are greatly encouraged by the progress being made in this effort and expect the four land management agencies to continue emphasis on this program. The House had no similar provision.

Section 337 retains the text of section 335 as proposed by the Senate which continues a provision carried last year limiting mining and prospecting on the Mark Twain National Forest in Missouri. The House had no similar provision.

Section 338 retains the text of section 336 as proposed by the Senate authorizing the Forest Service to enter into additional stewardship contracts in Regions 1 and 6. The House had no similar provision.

Section 339 retains the text of section 337 as proposed by the Senate which limits cost recovery for special use permits issued by the Bureau of Land Management and the Forest Service. The House had no similar provision.

Section 340 modifies the text of section 339 as proposed by the Senate prohibiting fee increases for fiberoptic cable rights-of-way. The House had no similar provision. The managers are concerned that the Forest Service needs to work closely with the Department of the Interior to establish common practices concerning the determination of rental fees for fiberoptic cable rights-of-way uses on Federal lands. The conference agreement stops the Forest Service from implementing rental fee direction in a letter issued on May 2, 2000, which, in some cases, resulted in large increases in rental fees by using a case-by-case appraisal process. The conference agreement prevents the issuance of a final rule during fiscal year 2001 although the managers expect the Secretaries to continue their work on a common, updated rental fee schedule and procedure. The managers encourage the two departments to issue common regulations using the accepted rule-making process. This will ensure full opportunity for public comment and allow time for appropriate Congressional attention to this important issue.

Section 341 includes the text of section 340 as proposed by the Senate limiting competition for fire and fuel treatment and watershed restoration contracts in California. The House had no similar provision.

Section 344 retains the text of section 345 as proposed by the Senate, which makes available \$4 million in prior year funding for the National Energy Technology Laboratory. The House had no similar provision.

Section 345 modifies the text of section 348 as proposed by the Senate prohibiting the closure of backcountry landing strips. The House had no similar provision. The managers have modified the Senate proposed language so that public notice and consent of the Federal Aviation Administration, in consultation with appropriate State and Federal aviation officials, is made before permanently closing aircraft landing strips. Landing strips, which are deemed hazardous for use by general aviation, may be closed temporarily until repairs are made; landing strips which are known to contribute to illegal activities may be closed temporarily as deemed necessary to support law enforcement efforts; landing strips damaging soil and water resources or impeding agency compliance with existing laws and/or regulations may be closed following appropriate public notice, consultation and consent. Short-term closures are not affected by this provision.

Section 346 amends the Columbia River Gorge National Scenic Area Act (CRGNSA) to expedite the acquisition of critical lands within the NSA. The purpose of this section is to address the land appraisal assumptions utilized by the Forest Service to acquire land within the Columbia River Gorge National Scenic Area. Among other things, Public Law 99-663 authorized the Forest

Service to acquire land within the CRGNSA for the fair market value of the land as determined by an appraisal. In the CRGNSA, the application of zoning to the determination of value has led to local anomalies in the Federal appraisal process.

The practical effect of this section is that privately-held property in the CRGNSA offered for Federal acquisition after March 31, 2001, will be appraised taking into account all zoning and other land use restrictions in the affected States and counties. For lands offered for sale to the Forest Service on or before March 31, 2001, fair market value will be appraised as set out in section 9(e)(2) by not considering the impacts on value of zoning enacted pursuant to Public Law 99-663. This will take into account land use restrictions that would be in effect but for the passage of the scenic area act, including but not limited to land use restrictions resulting from the Washington State Growth Management Act or Oregon state-wide land use program.

The language used in this section is prospective only and intended to address explicitly the question of appraisal procedures to be used for future CRGNSA land acquisitions by the Forest Service in a way that provides an administrative framework for important land acquisitions to occur. Given the managers' intent, this language should not be construed to apply generally to Federal land acquisitions elsewhere in the Nation, nor change the intent and interpretation of the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (Public Law 91-646).

The section also modifies the application of section 8(o) of Public Law 99-663 which provides, in part, for landowners to offer their land for purchase by the Forest Service and the nonapplicability of certain zoning restrictions if the land is not purchased after three years. As modified by this section, persons who own land as of September 1, 2000, may offer to sell their land to the Forest Service by March 31, 2001, and still be afforded the rights under section 8(o). The Secretary should continue the practice to treat all landowners' written offers to sell as bona fide and, therefore, as efforts to initiate the three-year period for Forest Service acquisition unless a landowner refuses to cooperate with the Forest Service. Examples of refusing to cooperate would be withholding permission for Forest Service staff to access the offered property or rejecting a purchase for fair market value. Another example would be an attempt by a landowner to revoke a previously provided written offer to initiate the three-year section 8(o) process.

Nothing in this section is intended to modify the basic structure or operation of the land use regime established with the 1986 enactment of Public Law 99-663, nor is anything intended to affect any exposure of the Federal, State or local governments to claims arising under the Fifth Amendment of the Constitution for the taking of private property for public purposes. The managers believe that the Gorge Commission and the Secretary should exercise their administrative authorities in a manner which reduces the possibility of taking claims including modifications of the management plan if necessary.

Subsection (c) of this section provides for the Forest Service to provide notice to the communities and landowners of the amendments to the CRGNSA Act contained in this section. Specifically,

the Forest Service will contact private landowners in the Special Management Areas by first-class mail based on ownership records provided by the counties located in the CRGNSA. The counties are urged to provide such records to the Forest Service as soon as possible. Such cooperation will provide private landowners the opportunity to consider the acquisition opportunities made available by these amendments. The mailing by the Forest Service to those landowners listed by the counties will provide constructive notice to landowners, but the Forest Service is not required to provide proof of receipt by addressee.

The managers expect a considerable, but temporary, increase in the workload of the Columbia River Gorge National Scenic Area office of the Forest Service as a result of this amendment. The managers expect the Secretary to dedicate the requisite level of resources to this office to process section 8(o) offers. Further, the managers understand the Secretary has adequate appropriated funds to clear the current backlog of properties ready for acquisition in FY 2001. The managers are aware, however, that the demand for appropriations for acquisitions may increase on a temporary basis over the next three years to respond to offers made under the auspices of this section.

Section 347 authorizes a land exchange, which conveys Forest Service property in Kern County in California in exchange for county lands suitable for inclusion in the Sequoia National Forest.

Section 348 requires the Department of Energy to establish an advisory committee for the National Energy Technology Laboratory under the same terms and conditions as such groups at other National laboratories.

Section 349 provides the framework for the development of an Environmental Impact Statement and Habitat Conservation Plan for the Umpqua Land Exchange Project, comprising 675,000 acres in the Coast Range-Umpqua Basin in Douglas County, Oregon. The project will be managed by the Voluntary Land Exchanges Foundation in cooperation with the Bureau of Land Management. The conference agreement provides \$4,300,000 for the development of the EIS and HCP, and the managers expect the private landowners to bear their full cost of any future supplemental EIS.

Section 350 provides authority for contract health services funding increases in the Indian Health Service for the Ketchikan Indian Corporation and the Organized Village of Saxman in Alaska.

Section 351 permits the sale of the Forest Service Boise, ID, laboratory site, occupied by the Rocky Mountain Research Station, and the use of the proceeds to purchase interests in a multi-agency facility at the University of Idaho.

The conference agreement does not include language proposed by the House in section 331 prohibiting new or expanded Indian self-determination contracts or self-governance compacts, nor does it include section 335 as proposed by the House concerning national monuments (superseded by House section 123). The Senate had no similar provisions.

The conference agreement does not include language proposed by the Senate in section 320 restricting National Forest planning, in section 333 rescinding funding for the Beartooth Highway in

Montana, in section 338 exempting residents in the White Mountain National Forest in New Hampshire from the recreation fee demonstration program, in section 341 concerning the White River National Forest in Colorado, in section 342 concerning roadless area in the White Mountain National Forest in New Hampshire, in section 343 concerning the release of funds appropriated in fiscal year 1999 for the Department of Energy, in section 344 concerning funding for tribally controlled community colleges, in section 346 concerning Indian gaming procedures, in section 347 concerning providing a grant to Alaska Pacific University, and in section 349 prohibiting the use of certain pesticides by the Department of the Interior. The House had no similar provisions.

The conference agreement does not include language proposed by the House in section 501 regarding the color of Forest Service vehicles, in section 502 concerning the Federal wildland fire policy and controlled burns, and in section 503 concerning national monuments. The Senate had no similar provisions. The painting issue is addressed in detail under the Forest Service Administrative Provisions heading. The wildland fire policy is discussed in detail, along with other urgent hazardous fuels management issues, in title IV.

#### TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

##### DEPARTMENT OF THE INTERIOR

##### BUREAU OF LAND MANAGEMENT

##### WILDLAND FIRE MANAGEMENT

The conference agreement provides \$353,740,000 for wildland fire management instead of \$120,300,000 as proposed by the Senate. Detailed instructions for these funds are provided below under the Forest Service heading and also under the title I heading for this account.

##### RELATED AGENCY

##### DEPARTMENT OF AGRICULTURE

##### FOREST SERVICE

##### WILDLAND FIRE MANAGEMENT

The conference agreement provides \$619,274,000 for wildland fire management instead of \$120,000,000 as proposed by the Senate. Detailed instructions for these funds are provided below and also under the title II heading for this account.

*General instructions.*—The following instructions apply to both the Department of the Interior and the Forest Service. The managers are providing substantial resources for priority emergency needs. The Administration has submitted a report including requests for an additional \$1,578,376,000 for activities at both the Forest Service and the Department of the Interior. The conference agreement includes \$1,803,116,000 responding to these needs by protecting communities and lands.

The following table summarizes the funding provided under this Title. Additional funds are provided under title I and title II.