

poses, with an amendment; referred to the Committee on Science for a period ending not later than October 7, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(n), rule X. (Rept. No. 105-787, Pt. 1). Ordered to be printed.

¶103.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STUMP (for himself and Mr. EVANS) (both by request):

H.R. 4705. A bill to provide a temporary authority for the use of voluntary separation incentives by the Department of Veterans Affairs to reduce employment levels, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA:

H.R. 4706. A bill to ensure that the United States is prepared to meet the Year 2000 computer problem; to the Committee on Science, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 4707. A bill to prohibit Federal agencies from planning the sale of the Southeastern Power Administration; to the Committee on Resources.

By Mr. SANDERS (for himself, Mr. GREEN, Mr. KLECZKA, Mr. TURNER, Mr. KENNEDY of Rhode Island, Mr. ROMERO-BARCELO, Mr. ENGLISH of Pennsylvania, Ms. NORTON, Mr. UNDERWOOD, Mr. NEY, Mr. FORBES, and Mr. MANTON):

H.R. 4708. A bill to amend title 38, United States Code, to increase the allowance for burial and funeral expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mrs. THURMAN (for herself, Mr. STARK, Mr. KUCINICH, and Mr. DAVIS of Florida):

H.R. 4709. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require a health insurance issuer to notify all participants and beneficiaries if a group health plan fails to pay premiums necessary to maintain coverage, and provide a conversion option for such participants and beneficiaries if the plan is terminated; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO of New York (for himself, Mr. SOLOMON, and Mrs. LOWEY):

H.R. 4710. A bill to amend title XVIII of the Social Security Act to permit the replacement of health insurance policies for certain disabled Medicare beneficiaries notwithstanding that the replacement policies may duplicate Medicare benefits; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4711. A bill to authorize the sale of excess Department of Defense aircraft for the purpose of dispersing oil spills; to the Committee on Government Reform and Oversight, and in addition to the Committees on National Security, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶103.37 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 107: Mrs. WILSON.

H.R. 350: Mr. GOODLATTE, Mr. WATT of North Carolina, Mrs. CLAYTON, Mr. HAMILTON, Mr. MENENDEZ, Ms. SANCHEZ, and Mr. KILDEE.

H.R. 457: Mr. COBURN.

H.R. 619: Ms. MCCARTHY of Missouri.

H.R. 959: Mrs. CAPPES and Ms. KILPATRICK.

H.R. 1049: Ms. RIVERS.

H.R. 1206: Ms. RIVERS.

H.R. 1375: Mr. HILL and Ms. MCCARTHY of Missouri.

H.R. 2560: Ms. DANNER, Mr. DOYLE, Mr. GORDON, Mr. HOLDEN, Mr. MOLLOHAN, Mr. STUPAK, Mr. DINGELL, Mr. GONZALEZ, Mr. HALL of Ohio, Mr. KLECZKA, Mr. PETERSON of Minnesota, Mr. VISCLOSKEY, Mr. WISE, Ms. PRYCE of Ohio, Mr. BALLENGER, Mr. DREIER, Mr. CRAPO, Mr. TALENT, Mr. KOLBE, Mr. EWING, Mr. BILBRAY, Mr. BRYANT, Mr. STEARNS, Mr. GOODLATTE, Mr. WELDON of Florida, Mr. ROGAN, Mrs. BONO, and Mr. DEAL of Georgia.

H.R. 2847: Mr. FROST and Mr. SESSIONS.

H.R. 2948: Mr. PALLONE.

H.R. 3228: Mr. PETRI.

H.R. 3514: Mr. WISE and Mr. GREEN.

H.R. 3547: Ms. WOOLSEY.

H.R. 3572: Mr. JOHNSON of Wisconsin, Mr. BOB SCHAFFER, and Mr. DOYLE.

H.R. 3758: Mr. LUTHER.

H.R. 3779: Mr. MARKEY.

H.R. 3879: Mr. CUNNINGHAM, Mr. WOLF, Mr. PETERSON of Pennsylvania, and Mr. NEY.

H.R. 3900: Ms. MCCARTHY of Missouri.

H.R. 3949: Mr. NUSSLE.

H.R. 3954: Mrs. EMERSON.

H.R. 3991: Mr. BARRETT of Nebraska.

H.R. 4007: Mr. UNDERWOOD.

H.R. 4092: Mr. REYES, Mr. BROWN of Ohio, and Mr. ACKERMAN.

H.R. 4181: Mr. ANDREWS.

H.R. 4281: Mr. SUNUNU.

H.R. 4362: Mr. GEJDENSON and Mr. KENNEDY of Rhode Island.

H.R. 4415: Mr. YOUNG of Florida.

H.R. 4461: Mr. NORWOOD.

H.R. 4478: Mr. VENTO.

H.R. 4479: Mr. VENTO.

H.R. 4498: Mr. UNDERWOOD, Mr. LIPINSKI, Mr. HINCHEY, Mr. WAXMAN, Mr. FILNER, Mr. MARTINEZ, and Ms. SLAUGHTER.

H.R. 4567: Ms. DELAURO.

H.R. 4590: Ms. HOOLEY of Oregon and Mr. DAVIS of Florida.

H.R. 4594: Mr. CHRISTENSEN, Mr. KOLBE, and Mr. HILL.

H.R. 4621: Mr. HILLIARD.

H.R. 4623: Mr. PAXON and Mr. LAZIO of New York.

H.R. 4628: Mr. HILLIARD.

H.R. 4653: Ms. DELAURO, Mr. BALDACCIO, and Mr. MALONEY of Connecticut.

H.R. 4683: Mr. SHIMKUS.

H.R. 4692: Mr. STARK.

H. Con. Res. 52: Mr. BRYANT.

H. Con. Res. 229: Mr. GREEN, Mr. HOUGHTON, Mr. JENKINS, Mr. MCKEON, Mr. SCARBOROUGH, and Mr. TURNER.

H. Con. Res. 274: Ms. DUNN of Washington, Mr. UNDERWOOD, and Ms. BROWN of Florida.

H. Con. Res. 307: Mr. OWENS.

H. Con. Res. 328: Mr. KILDEE, Mr. HOSTETTLE, Mr. MALONEY of Connecticut, and Mr. CUMMINGS.

H. Res. 565: Mr. HILLIARD, Mr. CASTLE, Ms. BROWN of Florida, and Mr. COYNE.

¶103.38 PETITIONS, ETC.

Under clause 1 of rule XXII,

80. The SPEAKER presented a petition of Mr. Gregory D. Watson of Austin, Texas, relative to a petition to the United States Congress requesting that the House of Representatives not lend its support to any legislation that would result in the complete discontinuation by the Federal Government of the printing of paper One Dollar United States currency in favor of a One Dollar Coin; was referred to the Committee on Banking and Financial Services.

¶103.39 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 836: Mr. BARRETT of Wisconsin.

H. Res. 483: Mr. HASTINGS of Washington.

WEDNESDAY, OCTOBER 7, 1998 (104)

¶104.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order at 10:00 o'clock a.m. by the SPEAKER pro tempore, Mr. SESSIONS, who laid before the House the following communication:

WASHINGTON, DC,

October 7, 1998.

I hereby designate the Honorable PETE SESSIONS to act as Speaker pro tempore on this day.

NEWT GINGRICH,

Speaker of the House of Representatives.

¶104.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SESSIONS, announced he had examined and approved the Journal of the proceedings of Tuesday, October 6, 1998.

Pursuant to clause 1, rule I, the Journal was approved.

¶104.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

11583. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Empowerment Zones: Rule for Second Round Designations [Docket No. FR-4281-F-07] (RIN: 2506-AB97) received October 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11584. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Extension of Temporary Approval of Tungsten-Iron Shot as Nontoxic for the 1998-99 Season (RIN: 1018-AE35) received October 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11585. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Temporary Approval of Tungsten-Polymer Shot as Nontoxic for the 1998-99 Season (RIN: 1018-AE66) received October 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11586. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting: Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-AE93) received October 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11587. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Four Plants from Southwestern California and Baja California, Mexico (RIN: 1018-AD38) received October 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11588. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Endangered or Threatened Status for Three Plants from the Chaparral and Scrub of Southwestern California (RIN: 1018-AD60) received October 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11589. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Four Southwestern California Plants from Vernal Wetlands and Clay Soils (RIN: 1018-AL88) received October 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

¶104.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3790. An Act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

H.R. 4248. An Act to authorize the use of receipts from the sale of the Migratory Bird Hunting and Conservation Stamps to promote additional stamp purchases.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2614. An Act to improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes.

The message also announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 2095. An Act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

¶104.5 SUSPENSION OF THE RULES NOTICE

Mr. BLUNT, pursuant to House Resolution 575, at 10:03 a.m. announced the Speaker would recognize Members for motions to suspend the rules under clause 2 of rule XXVII with respect to the following bills and resolutions that may be considered today: S. 2094 to amend the Fish and Wildlife Improvement Act; H.R. 2886, to provide for a

demonstration project in the Stanislaus National Forest, California; H.R. 3796, to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest; H.R. 4151, to amend chapter 47 of title 18, United States Code, relating to identity fraud; S. 53, to require the general application of the antitrust laws to major league baseball; S.J. Res. 51, of the Senate granting the consent of Congress to the Potomac Highlands Airport Authority Compact; and S. 1021, to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive services.

¶104.6 INTELLIGENCE AUTHORIZATION

Mr. GOSS, pursuant to the order of the House of October 6, 1998, called up the following conference report (Rept. No. 105-780):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3694), to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, 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 proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1999".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Community Management Account.

Sec. 105. Authorization of emergency supplemental appropriations for fiscal year 1998.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. One-year extension of application of sanctions laws to intelligence activities.

Sec. 304. Sense of Congress on intelligence community contracting.

Sec. 305. Modification of national security education program.

Sec. 306. Requirement to direct competitive analysis of analytical products having National importance.

Sec. 307. Annual reports to Congress.

Sec. 308. Quadrennial intelligence review.

Sec. 309. Designation of headquarters compound of Central Intelligence Agency as the George Bush Center for Intelligence.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Enhanced protective authority for CIA personnel and family members.

Sec. 402. Authority for retroactive payment of specified special pay allowance.

Sec. 403. Technical amendments.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Extension of authority to engage in commercial activities as security for intelligence collection activities.

TITLE VI—FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

Sec. 601. Pen registers and trap and trace devices in foreign intelligence and international terrorism investigations.

Sec. 602. Access to certain business records for foreign intelligence and international terrorism investigations.

Sec. 603. Conforming and clerical amendments.

Sec. 604. Wire and electronic communications interception requirements.

Sec. 605. Authority of Attorney General to accept voluntary services.

TITLE VII—WHISTLEBLOWER PROTECTION FOR INTELLIGENCE COMMUNITY EMPLOYEES REPORTING URGENT CONCERNS TO CONGRESS

Sec. 701. Short title; findings.

Sec. 702. Protection of intelligence community employees who report urgent concerns to congress.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The National Reconnaissance Office.
- (11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.*—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1999, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 3694 of the 105th Congress.

(b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.*—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) *AUTHORITY FOR ADJUSTMENTS.*—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1999 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of

important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate upon an exercise of the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1999 the sum of \$129,123,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Advanced Technology Group shall remain available until September 30, 2000.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized 283 full-time personnel as of September 30, 1999. Personnel serving in such elements may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 1999 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2000.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 1999, there is authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 1999, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount appropriated pursuant to the authorization in subsection (a), the amount of \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2000, and funds provided for procurement purposes shall remain available until September 30, 2001.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

(f) TRANSFER AUTHORITY FOR FUNDS FOR SECURITY REQUIREMENTS AT OVERSEAS LOCATIONS.—

(1) IN GENERAL.—Of the amount appropriated pursuant to the authorization in subsection (a), the Director of Central Intelligence may transfer funds to departments or other agencies for the sole purpose of supporting certain intelligence community security requirements at overseas locations, as specified by the Director.

(2) LIMITATION.—Amounts made available for departments or agencies under paragraph (1) shall be—

(A) transferred to the specific appropriation;

(B) allocated to the specific account in the specific amount, as determined by the Director;

(C) merged with funds in such account that are available for architectural and engineering support expenses at overseas locations; and

(D) available only for the same purposes, and subject to the same terms and conditions, as the funds described in subparagraph (C).

SEC. 105. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1998.

(a) AUTHORIZATION.—Amounts authorized to be appropriated for fiscal year 1998 under section 101 of the Intelligence Authorization Act for Fiscal Year 1998 (Public Law 105-107) for the conduct of the intelligence activities of elements of the United States Government listed in such section are hereby increased, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased by the following:

(1) An emergency supplemental appropriation in title I of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105-174).

(2) An emergency supplemental appropriation in a supplemental appropriations Act for fiscal year 1998 that is enacted after September 28, 1998, for such amounts as are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) RATIFICATION.—For purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414), any obligation or expenditure of those amounts deemed to have been specifically authorized by Congress in the Act referred to in subsection (a)(1) and in the supplemental appropriations Act referred to in subsection (a)(2) is hereby ratified and confirmed.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1999 the sum of \$201,500,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. ONE-YEAR EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out

“January 6, 1999” and inserting in lieu thereof “January 6, 2000”.

SEC. 304. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 305. MODIFICATION OF NATIONAL SECURITY EDUCATION PROGRAM.

(a) ASSISTANCE FOR COUNTERPROLIFERATION STUDIES.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended as follows:

(1) Section 801 (50 U.S.C. 1901) is amended by inserting “counterproliferation studies,” after “area studies,” in subsections (b)(7) and (c)(2).

(2) Section 802 (50 U.S.C. 1902) is amended—

(A) in subsection (a), by inserting “counterproliferation studies,” after “area studies,” in paragraphs (1)(B)(i), (1)(C), and (4); and

(B) in subsection (b)(2), by inserting “counterproliferation study,” after “area study,” in subparagraphs (A)(ii) and (B)(ii).

(3) Section 803 (50 U.S.C. 1903) is amended by striking out “and area” in subsections (b)(8) and (d)(4) and inserting in lieu thereof “area, and counterproliferation”.

(4) Section 806(b)(1) (50 U.S.C. 1906(b)(1)) is amended by striking out “and area” and inserting in lieu thereof “area, and counterproliferation”.

(b) REVISION OF MEMBERSHIP OF NATIONAL SECURITY EDUCATION BOARD.—Section 803(b)(6) of such Act (50 U.S.C. 1903(b)(6)) is amended to read as follows:

“(6) The Secretary of Energy.”.

SEC. 306. REQUIREMENT TO DIRECT COMPETITIVE ANALYSIS OF ANALYTICAL PRODUCTS HAVING NATIONAL IMPORTANCE.

Section 102(g)(2) of the National Security Act of 1947 (50 U.S.C. 403(g)(2)) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) direct competitive analysis of analytical products having National importance;”.

SEC. 307. ANNUAL REPORTS TO CONGRESS.

(a) ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF CENTRAL INTELLIGENCE.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

“ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF CENTRAL INTELLIGENCE

“SEC. 114. (a) REPORT ON INTELLIGENCE COMMUNITY COOPERATION WITH FEDERAL LAW ENFORCEMENT AGENCIES.—(1) Not later than December 31 of each year, the Director of Central Intelligence shall submit to the congressional intelligence committees and the congressional leadership a report describing the nature and extent of cooperation and assistance provided by the intelligence community to Federal law enforcement agencies with respect to efforts to stop the illegal importation into the United States of controlled substances (as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) that are included in schedule I or II under part B of such Act.

“(2) Each such report shall include a discussion of the following:

“(A) Illegal importation of such controlled substances through transit zones such as the Caribbean Sea and across the southwest and northern borders of the United States.

“(B) Methodologies used for such illegal importation.

“(C) Additional routes used for such illegal importation.

“(D) Quantities of such controlled substances transported through each route.

“(3) Each such report may be prepared in classified form, unclassified form, or unclassified form with a classified annex.

“(b) ANNUAL REPORT ON THE SAFETY AND SECURITY OF RUSSIAN NUCLEAR FACILITIES AND NUCLEAR MILITARY FORCES.—(1) The Director of Central Intelligence shall, on an annual basis, submit to the congressional intelligence committees and the congressional leadership an intelligence report assessing the safety and security of the nuclear facilities and nuclear military forces in Russia.

“(2) Each such report shall include a discussion of the following:

“(A) The ability of the Government of Russia to maintain its nuclear military forces.

“(B) The security arrangements at civilian and military nuclear facilities in Russia.

“(C) The reliability of controls and safety systems at civilian nuclear facilities in Russia.

“(D) The reliability of command and control systems and procedures of the nuclear military forces in Russia.

“(3) Each such report shall be submitted in unclassified form, but may contain a classified annex.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘congressional intelligence committees’ means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(2) The term ‘congressional leadership’ means the Speaker and the minority leader of the House of Representatives and the majority leader and the minority leader of the Senate.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 113 the following new item:

“Sec. 114. Additional annual reports from the Director of Central Intelligence.”.

(c) DATE FOR FIRST REPORT ON COOPERATION WITH CIVILIAN LAW ENFORCEMENT AGENCIES.—The first report under section 114(a) of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than December 31, 1999.

SEC. 308. QUADRENNIAL INTELLIGENCE REVIEW.
(a) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the Director of Central Intelligence and the Secretary of Defense should jointly complete, in 1999 and every four years thereafter, a comprehensive review of United States intelligence programs and activities, with each such review—

(A) to include assessments of intelligence policy, resources, manpower, organization, and related matters; and

(B) to encompass the programs and activities funded under the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) accounts;

(2) that the results of each review should be shared with the appropriate committees of Congress and the congressional leadership; and

(3) that the Director, in conjunction with the Secretary, should establish a nonpartisan, independent panel (with members chosen in consultation with the appropriate committees of Congress and the congressional leadership from individuals in the private sector) in order to—

(A) assess each review under paragraph (1);

(B) conduct an assessment of alternative intelligence structures to meet the anticipated intelligence requirements for the national security and foreign policy of the United States through the year 2010; and

(C) make recommendations to the Director and the Secretary regarding the optimal intelligence

structure for the United States in light of the assessment under subparagraph (B).

(b) REPORT.—(1) Not later than December 1, 1998, the Director of Central Intelligence and the Secretary of Defense shall jointly submit to the committees specified in paragraph (2) the views of the Director and the Secretary regarding—

(A) the potential value of conducting quadrennial intelligence reviews as described in subsection (a)(1); and

(B) the potential value of assessments of such reviews as described in subsection (a)(3)(A).

(2) The committees referred to in paragraph (1) are the following:

(A) The Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(B) The Permanent Select Committee on Intelligence, the Committee on National Security, and the Committee on Appropriations of the House of Representatives.

SEC. 309. DESIGNATION OF HEADQUARTERS COMPOUND OF CENTRAL INTELLIGENCE AGENCY AS THE GEORGE BUSH CENTER FOR INTELLIGENCE.

(a) DESIGNATION.—The headquarters compound of the Central Intelligence Agency located in Langley, Virginia, shall be known and designated as the “George Bush Center for Intelligence”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the headquarters compound referred to in subsection (a) shall be deemed to be a reference to the “George Bush Center for Intelligence”.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. ENHANCED PROTECTIVE AUTHORITY FOR CIA PERSONNEL AND FAMILY MEMBERS.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended by striking out “and the protection of Agency personnel and of defectors, their families,” and inserting in lieu thereof “and the protection of current and former Agency personnel and their immediate families, defectors and their immediate families.”.

SEC. 402. AUTHORITY FOR RETROACTIVE PAYMENT OF SPECIFIED SPECIAL PAY ALLOWANCE.

(a) AUTHORIZATION.—The Director of Central Intelligence may make payments with respect to the period beginning on January 30, 1998, and ending on April 7, 1998, of the special pay allowance described in the Central Intelligence Agency notice dated April 7, 1998 (notwithstanding the otherwise applicable effective date for such payments of April 7, 1998).

(b) FUNDS AVAILABLE.—Payments authorized by subsection (a) may be made from amounts appropriated for the Central Intelligence Agency for fiscal year 1998 or for fiscal year 1999.

SEC. 403. TECHNICAL AMENDMENTS.

(a) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—The Central Intelligence Agency Act of 1949 is amended as follows:

(1) Section 5(a)(1) (50 U.S.C. 403f(a)(1)) is amended—

(A) by striking out “subparagraphs (B) and (C) of section 102(a)(2)” and inserting in lieu thereof “paragraphs (2) and (3) of section 102(a)”;

(B) by striking out “(c)(5)” and inserting in lieu thereof “(c)(6)”;

(C) by inserting “(3),” after “403(a)(2),”;

(D) by inserting “(c)(6), (d)” after “403-3”;

and

(E) by inserting “(a), (g)” after “403-4”.

(2) Section 6 (50 U.S.C. 403g) is amended by striking out “(c)(5)” each place it appears and inserting in lieu thereof “(c)(6)”.

(b) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended by striking out “section

103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5))” and inserting in lieu thereof “paragraph (6) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 403-3(c))”.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended by striking out “December 31, 1998” and inserting in lieu thereof “December 31, 2000”.

TITLE VI—FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

SEC. 601. PEN REGISTERS AND TRAP AND TRACE DEVICES IN FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by redesignating title IV as title VI and section 401 as section 601, respectively; and

(2) by inserting after title III the following new title:

“TITLE IV—PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES

“DEFINITIONS

“SEC. 401. As used in this title:

“(1) The terms ‘foreign power’, ‘agent of a foreign power’, ‘international terrorism’, ‘foreign intelligence information’, ‘Attorney General’, ‘United States person’, ‘United States’, ‘person’, and ‘State’ shall have the same meanings as in section 101 of this Act.

“(2) The terms ‘pen register’ and ‘trap and trace device’ have the meanings given such terms in section 3127 of title 18, United States Code.

“(3) The term ‘aggrieved person’ means any person—

“(A) whose telephone line was subject to the installation or use of a pen register or trap and trace device authorized by this title; or

“(B) whose communication instrument or device was subject to the use of a pen register or trap and trace device authorized by this title to capture incoming electronic or other communications impulses.

“PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

“SEC. 402. (a)(1) Notwithstanding any other provision of law, the Attorney General or a designated attorney for the Government may make an application for an order or an extension of an order authorizing or approving the installation and use of a pen register or trap and trace device for any investigation to gather foreign intelligence information or information concerning international terrorism which is being conducted by the Federal Bureau of Investigation under such guidelines as the Attorney General approves pursuant to Executive Order No. 12333, or a successor order.

“(2) The authority under paragraph (1) is in addition to the authority under title I of this Act to conduct the electronic surveillance referred to in that paragraph.

“(b) Each application under this section shall be in writing under oath or affirmation to—

“(1) a judge of the court established by section 103(a) of this Act; or

“(2) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications for and grant orders approving the installation and use of a pen register or trap and trace device on behalf of a judge of that court.

“(c) Each application under this section shall require the approval of the Attorney General, or a designated attorney for the Government, and shall include—

“(1) the identity of the Federal officer seeking to use the pen register or trap and trace device covered by the application;

“(2) a certification by the applicant that the information likely to be obtained is relevant to an ongoing foreign intelligence or international terrorism investigation being conducted by the Federal Bureau of Investigation under guidelines approved by the Attorney General; and

“(3) information which demonstrates that there is reason to believe that the telephone line to which the pen register or trap and trace device is to be attached, or the communication instrument or device to be covered by the pen register or trap and trace device, has been or is about to be used in communication with—

“(A) an individual who is engaging or has engaged in international terrorism or clandestine intelligence activities that involve or may involve a violation of the criminal laws of the United States; or

“(B) a foreign power or agent of a foreign power under circumstances giving reason to believe that the communication concerns or concerned international terrorism or clandestine intelligence activities that involve or may involve a violation of the criminal laws of the United States.

“(d)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the installation and use of a pen register or trap and trace device if the judge finds that the application satisfies the requirements of this section.

“(2) An order issued under this section—

“(A) shall specify—

“(i) the identity, if known, of the person who is the subject of the foreign intelligence or international terrorism investigation;

“(ii) in the case of an application for the installation and use of a pen register or trap and trace device with respect to a telephone line—

“(I) the identity, if known, of the person to whom is leased or in whose name the telephone line is listed; and

“(II) the number and, if known, physical location of the telephone line; and

“(iii) in the case of an application for the use of a pen register or trap and trace device with respect to a communication instrument or device not covered by clause (ii)—

“(I) the identity, if known, of the person who owns or leases the instrument or device or in whose name the instrument or device is listed; and

“(II) the number of the instrument or device; and

“(B) shall direct that—

“(i) upon request of the applicant, the provider of a wire or electronic communication service, landlord, custodian, or other person shall furnish any information, facilities, or technical assistance necessary to accomplish the installation and operation of the pen register or trap and trace device in such a manner as will protect its secrecy and produce a minimum amount of interference with the services that such provider, landlord, custodian, or other person is providing the person concerned;

“(ii) such provider, landlord, custodian, or other person—

“(I) shall not disclose the existence of the investigation or of the pen register or trap and trace device to any person unless or until ordered by the court; and

“(II) shall maintain, under security procedures approved by the Attorney General and the Director of Central Intelligence pursuant to section 105(b)(2)(C) of this Act, any records concerning the pen register or trap and trace device or the aid furnished; and

“(iii) the applicant shall compensate such provider, landlord, custodian, or other person for reasonable expenses incurred by such provider, landlord, custodian, or other person in providing such information, facilities, or technical assistance.

“(e) An order issued under this section shall authorize the installation and use of a pen reg-

ister or trap and trace device for a period not to exceed 90 days. Extensions of such an order may be granted, but only upon an application for an order under this section and upon the judicial finding required by subsection (d). The period of extension shall be for a period not to exceed 90 days.

“(f) No cause of action shall lie in any court against any provider of a wire or electronic communication service, landlord, custodian, or other person (including any officer, employee, agent, or other specified person thereof) that furnishes any information, facilities, or technical assistance under subsection (d) in accordance with the terms of a court under this section.

“(g) Unless otherwise ordered by the judge, the results of a pen register or trap and trace device shall be furnished at reasonable intervals during regular business hours for the duration of the order to the authorized Government official or officials.

AUTHORIZATION DURING EMERGENCIES

“SEC. 403. (a) Notwithstanding any other provision of this title, when the Attorney General makes a determination described in subsection (b), the Attorney General may authorize the installation and use of a pen register or trap and trace device on an emergency basis to gather foreign intelligence information or information concerning international terrorism if—

“(1) a judge referred to in section 402(b) of this Act is informed by the Attorney General or his designee at the time of such authorization that the decision has been made to install and use the pen register or trap and trace device, as the case may be, on an emergency basis; and

“(2) an application in accordance with section 402 of this Act is made to such judge as soon as practicable, but not more than 48 hours, after the Attorney General authorizes the installation and use of the pen register or trap and trace device, as the case may be, under this section.

“(b) A determination under this subsection is a reasonable determination by the Attorney General that—

“(1) an emergency requires the installation and use of a pen register or trap and trace device to obtain foreign intelligence information or information concerning international terrorism before an order authorizing the installation and use of the pen register or trap and trace device, as the case may be, can with due diligence be obtained under section 402 of this Act; and

“(2) the factual basis for issuance of an order under such section 402 to approve the installation and use of the pen register or trap and trace device, as the case may be, exists.

“(c)(1) In the absence of an order applied for under subsection (a)(2) approving the installation and use of a pen register or trap and trace device authorized under this section, the installation and use of the pen register or trap and trace device, as the case may be, shall terminate at the earlier of—

“(A) when the information sought is obtained;

“(B) when the application for the order is denied under section 402 of this Act; or

“(C) 48 hours after the time of the authorization by the Attorney General.

“(2) In the event that an application for an order applied for under subsection (a)(2) is denied, or in any other case where the installation and use of a pen register or trap and trace device under this section is terminated and no order under section 402 of this Act is issued approving the installation and use of the pen register or trap and trace device, as the case may be, no information obtained or evidence derived from the use of the pen register or trap and trace device, as the case may be, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired

from the use of the pen register or trap and trace device, as the case may be, shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

AUTHORIZATION DURING TIME OF WAR

“SEC. 404. Notwithstanding any other provision of law, the President, through the Attorney General, may authorize the use of a pen register or trap and trace device without a court order under this title to acquire foreign intelligence information for a period not to exceed 15 calendar days following a declaration of war by Congress.

USE OF INFORMATION

“SEC. 405. (a)(1) Information acquired from the use of a pen register or trap and trace device installed pursuant to this title concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the provisions of this section.

“(2) No information acquired from a pen register or trap and trace device installed and used pursuant to this title may be used or disclosed by Federal officers or employees except for lawful purposes.

“(b) No information acquired pursuant to this title shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

“(c) Whenever the United States intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States against an aggrieved person any information obtained or derived from the use of a pen register or trap and trace device pursuant to this title, the United States shall, before the trial, hearing, or the other proceeding or at a reasonable time before an effort to so disclose or so use that information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the United States intends to so disclose or so use such information.

“(d) Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the State or political subdivision thereof against an aggrieved person any information obtained or derived from the use of a pen register or trap and trace device pursuant to this title, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

“(e)(1) Any aggrieved person against whom evidence obtained or derived from the use of a pen register or trap and trace device is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, or a State or political subdivision thereof, may move to suppress the evidence obtained or derived from the use of the pen register or trap and trace device, as the case may be, on the grounds that—

“(A) the information was unlawfully acquired; or

“(B) the use of the pen register or trap and trace device, as the case may be, was not made in conformity with an order of authorization or approval under this title.

“(2) A motion under paragraph (1) shall be made before the trial, hearing, or other pro-

ceeding unless there was no opportunity to make such a motion or the aggrieved person concerned was not aware of the grounds of the motion.

“(f)(1) Whenever a court or other authority is notified pursuant to subsection (c) or (d), whenever a motion is made pursuant to subsection (e), or whenever any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to discover or obtain applications or orders or other materials relating to the use of a pen register or trap and trace device authorized by this title or to discover, obtain, or suppress evidence or information obtained or derived from the use of a pen register or trap and trace device authorized by this title, the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority shall, notwithstanding any other provision of law and if the Attorney General files an affidavit under oath that disclosure or any adversary hearing would harm the national security of the United States, review in camera and ex parte the application, order, and such other materials relating to the use of the pen register or trap and trace device, as the case may be, as may be necessary to determine whether the use of the pen register or trap and trace device, as the case may be, was lawfully authorized and conducted.

“(2) In making a determination under paragraph (1), the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the application, order, or other materials relating to the use of the pen register or trap and trace device, as the case may be, or may require the Attorney General to provide to the aggrieved person a summary of such materials, only where such disclosure is necessary to make an accurate determination of the legality of the use of the pen register or trap and trace device, as the case may be.

“(g)(1) If the United States district court determines pursuant to subsection (f) that the use of a pen register or trap and trace device was not lawfully authorized or conducted, the court may, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from the use of the pen register or trap and trace device, as the case may be, or otherwise grant the motion of the aggrieved person.

“(2) If the court determines that the use of the pen register or trap and trace device, as the case may be, was lawfully authorized or conducted, it may deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

“(h) Orders granting motions or requests under subsection (g), decisions under this section that the use of a pen register or trap and trace device was not lawfully authorized or conducted, and orders of the United States district court requiring review or granting disclosure of applications, orders, or other materials relating to the installation and use of a pen register or trap and trace device shall be final orders and binding upon all courts of the United States and the several States except a United States Court of Appeals or the Supreme Court.

“CONGRESSIONAL OVERSIGHT

“SEC. 406. (a) On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all uses of pen registers and trap and trace devices pursuant to this title.

“(b) On a semiannual basis, the Attorney General shall also provide to the committees referred to in subsection (a) and to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding six-month period—

“(1) the total number of applications made for orders approving the use of pen registers or trap and trace devices under this title; and

“(2) the total number of such orders either granted, modified, or denied.”.

SEC. 602. ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 601 of this Act, is further amended by inserting after title IV, as added by such section 601, the following new title:

“TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE PURPOSES

“DEFINITIONS

“SEC. 501. As used in this title:

“(1) The terms ‘foreign power’, ‘agent of a foreign power’, ‘foreign intelligence information’, ‘international terrorism’, and ‘Attorney General’ shall have the same meanings as in section 101 of this Act.

“(2) The term ‘common carrier’ means any person or entity transporting people or property by land, rail, water, or air for compensation.

“(3) The term ‘physical storage facility’ means any business or entity that provides space for the storage of goods or materials, or services related to the storage of goods or materials, to the public or any segment thereof.

“(4) The term ‘public accommodation facility’ means any inn, hotel, motel, or other establishment that provides lodging to transient guests.

“(5) The term ‘vehicle rental facility’ means any person or entity that provides vehicles for rent, lease, loan, or other similar use to the public or any segment thereof.

“ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

“SEC. 502. (a) The Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order authorizing a common carrier, public accommodation facility, physical storage facility, or vehicle rental facility to release records in its possession for an investigation to gather foreign intelligence information or an investigation concerning international terrorism which investigation is being conducted by the Federal Bureau of Investigation under such guidelines as the Attorney General approves pursuant to Executive Order No. 12333, or a successor order.

“(b) Each application under this section—

“(1) shall be made to—

“(A) a judge of the court established by section 103(a) of this Act; or

“(B) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the release of records under this section on behalf of a judge of that court; and

“(2) shall specify that—

“(A) the records concerned are sought for an investigation described in subsection (a); and

“(B) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or an agent of a foreign power.

“(c)(1) Upon application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application satisfies the requirements of this section.

“(2) An order under this subsection shall not disclose that it is issued for purposes of an investigation described in subsection (a).

“(d)(1) Any common carrier, public accommodation facility, physical storage facility, or vehicle rental facility shall comply with an order under subsection (c).

“(2) No common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, or officer, employee, or agent thereof, shall disclose to any person (other than those officers, agents, or employees of such common carrier, public accommodation facility, physical storage facility, or vehicle rental facility necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section) that the Federal Bureau of Investigation has sought or obtained records pursuant to an order under this section.

“CONGRESSIONAL OVERSIGHT

“SEC. 503. (a) On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests for records under this title.

“(b) On a semiannual basis, the Attorney General shall provide to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding six-month period—

“(1) the total number of applications made for orders approving requests for records under this title; and

“(2) the total number of such orders either granted, modified, or denied.”.

SEC. 603. CONFORMING AND CLERICAL AMENDMENTS.

(a) CONFORMING AMENDMENT.—Section 601 of the Foreign Intelligence Surveillance Act of 1978, as redesignated by section 601(1) of this Act, is amended by striking out “other than title III” and inserting in lieu thereof “other than titles III, IV, and V”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Foreign Intelligence Surveillance Act of 1978 is amended by striking out the items relating to title IV and section 401 and inserting in lieu thereof the following:

“TITLE IV—PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES

“401. Definitions.

“402. Pen registers and trap and trace devices for foreign intelligence and international terrorism investigations.

“403. Authorization during emergencies.

“404. Authorization during time of war.

“405. Use of information.

“406. Congressional oversight.

“TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE PURPOSES

“501. Definitions.

“502. Access to certain business records for foreign intelligence and international terrorism investigations.

“503. Congressional oversight.

“TITLE VI—EFFECTIVE DATE

“601. Effective date.”.

SEC. 604. WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION REQUIREMENTS.

(a) IN GENERAL.—Section 2518(11)(b) of title 18, United States Code, is amended—

(1) in clause (ii), by striking “of a purpose” and all that follows through the end of such clause and inserting “that there is probable cause to believe that the person’s actions could have the effect of thwarting interception from a specified facility.”;

(2) in clause (iii), by striking “such purpose” and all that follows through the end of such clause and inserting “such showing has been adequately made; and”;

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

“(iv) the order authorizing or approving the interception is limited to interception only for such time as it is reasonable to presume that the person identified in the application is or was reasonably proximate to the instrument through which such communication will be or was transmitted.”.

(b) CONFORMING AMENDMENTS.—Section 2518(12) of title 18, United States Code, is amended—

(1) by inserting “(a)” after “by reason of subsection (11)”;

(2) by striking “the facilities from which, or”; and

(3) by striking the comma following “where”.

SEC. 605. AUTHORITY OF ATTORNEY GENERAL TO ACCEPT VOLUNTARY SERVICES.

Section 524(d)(1) of title 28, United States Code, is amended by inserting “or services” after “property”.

TITLE VII—WHISTLEBLOWER PROTECTION FOR INTELLIGENCE COMMUNITY EMPLOYEES REPORTING URGENT CONCERNS TO CONGRESS

SEC. 701. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the “Intelligence Community Whistleblower Protection Act of 1998”.

(b) FINDINGS.—The Congress finds that—

(1) national security is a shared responsibility, requiring joint efforts and mutual respect by Congress and the President;

(2) the principles of comity between the Branches of Government apply to the handling of national security information;

(3) Congress, as a co-equal Branch of Government, is empowered by the Constitution to serve as a check on the Executive Branch; in that capacity, it has a “need to know” of allegations of wrongdoing within the Executive Branch, including allegations of wrongdoing in the Intelligence Community;

(4) no basis in law exists for requiring prior authorization of disclosures to the intelligence committees of Congress by employees of the Executive Branch of classified information about wrongdoing within the Intelligence Community;

(5) the risk of reprisal perceived by employees and contractors of the Intelligence Community for reporting serious or flagrant problems to Congress may have impaired the flow of information needed by the intelligence committees to carry out oversight responsibilities; and

(6) to encourage such reporting, an additional procedure should be established that provides a means for such employees and contractors to report to Congress while safeguarding the classified information involved in such reporting.

SEC. 702. PROTECTION OF INTELLIGENCE COMMUNITY EMPLOYEES WHO REPORT URGENT CONCERNS TO CONGRESS.

(a) INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.—

(1) IN GENERAL.—Subsection (d) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended by adding at the end the following new paragraph:

“(5)(A) An employee of the Agency, or of a contractor to the Agency, who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

“(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. If the Inspector General determines that the complaint or information appears credible, the Inspector General shall, before the end of such period, transmit the complaint or information to the Director.

“(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the intelligence committees, together with any comments the Director considers appropriate.

“(D)(i) If the Inspector General does not transmit, or does not transmit in an accurate form, the complaint or information described in subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

“(ii) The employee may contact the intelligence committees directly as described in clause (i) only if the employee—

“(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee’s complaint or information and notice of the employee’s intent to contact the intelligence committees directly; and

“(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

“(iii) A member or employee of one of the intelligence committees who receives a complaint or information under clause (i) does so in that member or employee’s official capacity as a member or employee of that committee.

“(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

“(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

“(G) In this paragraph:

“(i) The term ‘urgent concern’ means any of the following:

“(I) A serious or flagrant problem, abuse, violation of law or executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

“(II) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

“(III) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (e)(3)(B) in response to an employee’s reporting an urgent concern in accordance with this paragraph.

“(ii) The term ‘intelligence committees’ means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.”

(2) CLERICAL AMENDMENT.—The heading to subsection (d) of such section is amended by inserting “; REPORTS TO CONGRESS ON URGENT CONCERNS” before the period.

(b) ADDITIONAL PROVISIONS WITH RESPECT TO INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating section 8H as section 8I and by inserting after section 8G the following new section:

“SEC. 8H. (a)(1)(A) An employee of the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, or the National Security Agency, or of a contractor of any of those Agencies, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the Department of Defense (or designee).

“(B) An employee of the Federal Bureau of Investigation, or of a contractor of the Bureau, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the Department of Justice (or designee).

“(C) Any other employee of, or contractor to, an executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or informa-

tion to the appropriate Inspector General (or designee) under this Act or section 17 of the Central Intelligence Agency Act of 1949.

“(2) If a designee of an Inspector General under this section receives a complaint or information of an employee with respect to an urgent concern, that designee shall report the complaint or information to the Inspector General within 7 calendar days of receipt.

“(b) Not later than the end of the 14-calendar day period beginning on the date of receipt of an employee complaint or information under subsection (a), the Inspector General shall determine whether the complaint or information appears credible. If the Inspector General determines that the complaint or information appears credible, the Inspector General shall, before the end of such period, transmit the complaint or information to the head of the establishment.

“(c) Upon receipt of a transmittal from the Inspector General under subsection (b), the head of the establishment shall, within 7 calendar days of such receipt, forward such transmittal to the intelligence committees, together with any comments the head of the establishment considers appropriate.

“(d)(1) If the Inspector General does not transmit, or does not transmit in an accurate form, the complaint or information described in subsection (b), the employee (subject to paragraph (2)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

“(2) The employee may contact the intelligence committees directly as described in paragraph (1) only if the employee—

“(A) before making such a contact, furnishes to the head of the establishment, through the Inspector General, a statement of the employee’s complaint or information and notice of the employee’s intent to contact the intelligence committees directly; and

“(B) obtains and follows from the head of the establishment, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

“(3) A member or employee of one of the intelligence committees who receives a complaint or information under paragraph (1) does so in that member or employee’s official capacity as a member or employee of that committee.

“(e) The Inspector General shall notify an employee who reports a complaint or information under this section of each action taken under this section with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

“(f) An action taken by the head of an establishment or an Inspector General under this section shall not be subject to judicial review.

“(g) In this section:

“(1) The term ‘urgent concern’ means any of the following:

“(A) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

“(B) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

“(C) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under section 7(c) in response to an employee’s reporting an urgent concern in accordance with this section.

“(2) The term ‘intelligence committees’ means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.”

(2) CONFORMING AMENDMENT.—Section 8I of such Act (as redesignated by paragraph (1)) is amended by striking out “or 8E” and inserting in lieu thereof “8E, or 8H”.

And the Senate agree to the same. From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PORTER GOSS, BILL YOUNG, JERRY LEWIS, BUD SHUSTER, BILL MCCOLLUM, MICHAEL N. CASTLE, SHERWOOD BOEHLERT, CHARLES F. BASS, JIM GIBBONS, NORMAN D. DICKS, JULIAN C. DIXON, DAVID E. SKAGGS, NANCY PELOSI, JANE HARMAN, IKE SKELTON, SANFORD D. BISHOP, Jr.,

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

FLOYD SPENCE, BOB STUMP, LORETTA SANCHEZ,

Managers on the Part of the House.

RICHARD SHELBY, JOHN H. CHAFEE, DICK LUGAR, MIKE DEWINE, JON KYL, JIM INHOFE, ORRIN G. HATCH, PAT ROBERTS, WAYNE ALLARD, DAN COATS, BOB KERREY, JOHN GLENN, RICHARD H. BRYAN, BOB GRAHAM, JOHN F. KERRY, MAX BAUCUS, CHUCK ROBB, FRANK R. LAUTENBERG, CARL LEVIN,

From the Committee on Armed Services, STROM THURMOND,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. GOSS, the previous question was ordered on the conference report to its adoption or rejection.

Mr. BARR moved to recommit the conference report on H.R. 3694 to the committee of conference with instructions to the managers on the part of the House to remove section 604.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said conference report?

The SPEAKER pro tempore, Mr. SESSIONS, announced that the yeas had it.

Mr. BARR objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 148 Nays 267

¶104.7

[Roll No. 486]

YEAS—148

Abercrombie Goodlatte Parker Aderholt Gutknecht Pastor Bachus Hayworth Paul Ballenger Hefley Payne Barcia Herger Petri Barr Hill Pickering Hill Hilleary Pitts Hilliard Hilliard Pombo Hinchey Radanovich Hostettler Rangel Inglis Redmond Istook Riley Rivers Jackson (IL) Jackson-Lee Rohrabacher Jackson-Lee (TX) Royce Jenkins Ryun Johnson (WI) Salmon Jones Sanders Kanjorski Sanford Kilpatrick Scarborough Kingston Schaffer, Bob Klink Scott Largent Sensenbrenner Lee Serrano Lewis (GA) Smith (MI) Lewis (KY) Smith, Linda Lofgren Snowbarger Lucas Stark Stearns Manullo Stokes Matsui Sununu McDade Talent McGovern Thompson McInnis Thornberry McIntosh Thurman McKinney Tiahrt Meek (FL) Torres Meeke (NY) Towns Metcalf Traficant Mica Velazquez Mink Wamp Mollohan Waters Moran (KS) Myrick Neal Neumann Ney Norwood Owens Pappas

NAYS—267

Ackerman Chambliss Frelinghuysen Allen Clement Frost Archer Colbe Gallegly Armye Collins Ganske Baesler Combest Gejdenson Baker Condit Gekas Baldacci Cook Gephardt Barrett (NE) Costello Gibbons Barton Cramer Gilchrest Bass Crane Gilman Bateman Cunningham Gonzalez Bentsen Danner Gordon Bereuter Davis (FL) Goss Berman Davis (VA) Granger Berry DeGette Green Bilbray DeLauro Greenwood Bilirakis Deutsch Gutierrez Bishop Diaz-Balart Hall (OH) Blagojevich Dickey Hall (TX) Bliley Dicks Hamilton Blumenauer Dingell Hansen Blunt Dixon Harman Boehlert Dooley Hastert Boehner Doyle Hastings (FL) Bono Dreier Hastings (WA) Borski Dunn Hefner Boswell Edwards Hinojosa Boucher Ehlers Hobson Boyd Engel Hoekstra Brady (PA) Eshoo Holden Allen Brady (TX) Etheridge Hooley Brown (CA) Evans Horn Brown (FL) Ewing Houghton Brown (OH) Farr Hoyer Bunning Fawell Hulshof Burr Fazio Hunter Buyer Foley Hutchinson Callahan Forbes Hyde Calvert Fowler Jefferson Canady Fox John Capps Frank (MA) Johnson (CT) Castle Franks (NJ) Johnson, E.B.

Johnson, Sam Moran (VA) Shays Kaptur Morella Sherman Kasich Murtha Shimkus Kelly Nadler Shuster Kennedy (RI) Nethercutt Sisisky Kildee Northup Skaggs Kim Nussle Skeen King (NY) Oberstar Skelton Kleczka Obey Slaughter Klug Olver Smith (NJ) Knollenberg Ortiz Smith (OR) Kolbe Oxley Smith (TX) Kucinich Packard Smith, Adam LaHood Pallone Snyder Lampson Pascrell Spence Lantos Paxon Spratt Latham Pease Stabenow LaTourette Pelosi Stenholm Lazio Peterson (MN) Strickland Leach Pickett Stump Levin Pomeroy Stupak Lewis (CA) Porter Tanner Linder Portman Tauscher Lipinski Price (NC) Tauzin Livingston Quinn Taylor (MS) LoBiondo Rahall Taylor (NC) Lowey Ramstad Thomas Luther Regula Thune Maloney (NY) Reyes Tierney Manton Riggs Turner Markey Rodriguez Upton Mascara Roemer Vento McCarthy (MO) Rogan Visclosky McCarthy (NY) Rogers Walsh McCollum Ros-Lehtinen Waxman McDermott Rothman Weldon (FL) McHale Roybal-Allard Weldon (PA) McHugh Rush Wexler McIntyre Sabo Weygand McNulty Sanchez Wicker Meehan Sandlin Wise Menendez Sawyer Wolf Millender Saxton Woolsey McDonald Schaefer, Dan Wynn Miller (CA) Schumer Young (AK) Miller (FL) Sessions Young (FL) Minge Shadegg Shaw

NOT VOTING—19

Andrews Kind (WI) Pryce (OH) Clay LaFalce Roukema Fattah Martinez Solomon Goodling McCrery Souder Graham McKeon White Kennedy (MA) Peterson (PA) Kennelly Poshard

So the motion to recommit the conference report with instructions was not agreed to.

The question being put, viva voce, Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. SESSIONS, announced that the yeas had it.

Mr. DICKS demanded a recorded vote on agreeing to said conference report, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 337 affirmative Nays 83

¶104.8

[Roll No. 487]

AYES—337

Abercrombie Bass Bono Ackerman Bateman Borski Aderholt Becerra Boswell Allen Bentsen Boucher Andrews Bereuter Boyd Archer Berman Brady (PA) Armye Berry Brady (TX) Baesler Bilbray Brown (CA) Baker Bilirakis Brown (FL) Baldacci Bishop Bryant Blalinger Blagojevich Bunning Barcia Bliley Burr Barrett (NE) Blumenauer Buyer Barrett (WI) Blunt Callahan Bartlett Boehlert Calvert Barton Boehner Campbell

Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combust
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Herger
Hinojosa
Hobson
Hoekstra
Holden
Horn
Houghton

Hoyer
Hulshof
Hunter
Hyde
Inglis
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourrette
Lazio
Leach
Levin
Lewis (CA)
Linder
Lipinski
Livingston
LoBiondo
Lowe
Luther
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McNulty
Meehan
Menendez
Millender-
McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett

Pitts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Linder
Sisisky
Skaggs
Skeean
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Watkins
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—83

Bachus
Barr
Bonilla
Bonior
Brown (OH)
Burton
Chenoweth
Christensen
Clay
Clayton
Coburn
Conyers
Crane
Crapo
Cubin
Deal
DeFazio
Doolittle
Duncan
Ensign
Filner
Furse
Goode
Gordon
Graham
Green
Hayworth
Hill

Hilleary
Hilliard
Hinchey
Hooley
Hostettler
Istook
Jones
Kilpatrick
Kingston
Kucinich
Lee
Lewis (KY)
Lofgren
Lucas
Manzullo
Martinez
McDermott
McIntosh
McKinney
Meek (FL)
Meeks (NY)
Metcalf
Mica
Miller (CA)
Myrick
Neumann
Norwood
Owens

Paul
Payne
Petri
Pombo
Redmond
Roemer
Rohrabacher
Ryun
Sanders
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Smith, Linda
Stark
Stearns
Talent
Tiahrt
Tierney
Towns
Velazquez
Wamp
Waters
Watt (NC)
Watts (OK)
Woolsey
Yates

NOT VOTING—14

Camp
Dunn
Fattah
Gephardt
Hutchinson

Kennedy (MA)
Kennelly
LaFalce
Lewis (GA)
Maloney (CT)

McCrery
McKeon
Poshard
Pryce (OH)

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶104.9 SUSPENSION OF THE RULES NOTICE

Mr. MCINNIS, pursuant to House Resolution 575, at 12:28 p.m. announced the Speaker would recognize Members for motions to suspend the rules under clause 2 of rule XXVII with respect to the following bills and resolutions that may be considered today: H.R. 4712, regarding music licensing and copyright protection; S. 1892, to provide that a person closely related to a judge of a court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court; to be added to the list of suspensions previously announced today following S. 1021, veterans' employment opportunity.

¶104.10 PROVIDING FOR THE CONSIDERATION OF H.R. 4570

Mr. MCINNIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 573):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of the rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4570) to provide for certain boundary adjustments and conveyances involving public lands, to establish and improve the management of certain heritage areas, historic areas, National Parks, wild and scenic rivers, and national trails, to protect communities by reducing hazardous fuels levels on public lands, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minor-

ity member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment to the bill shall be in order except those specified in section 2 of this resolution. Each amendment may be offered only in the order specified, may be offered only by a Member specified or his designee, shall be considered as read, shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the first amendment specified in section 2 are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendments described in the first section of this resolution are as follows:

- (1) the amendments by Representative Hansen of Utah printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII, which shall be debatable for twenty minutes; and
- (2) an amendment by Representative Miller of California if printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII on October 5, 1998, which shall be debatable for one hour.

When said resolution was considered. After debate,

On motion of Mr. MCINNIS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce, Will the House agree to said resolution?

THE SPEAKER pro tempore, Mrs. EMERSON, announced that the yeas had it.

Mr. HALL of Ohio objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 225
Nays 198

¶104.11 [Roll No. 488] YEAS—225

| | | |
|--------------|------------|-------------|
| Aderholt | Bilbray | Callahan |
| Archer | Bilirakis | Calvert |
| Armey | Bliley | Camp |
| Bachus | Blunt | Campbell |
| Baker | Boehler | Canady |
| Ballenger | Boehner | Cannon |
| Barcia | Bonilla | Castle |
| Barr | Bono | Chabot |
| Barrett (NE) | Brady (TX) | Chambliss |
| Bartlett | Bryant | Chenoweth |
| Barton | Bunning | Christensen |
| Bass | Burr | Coble |
| Bateman | Burton | Coburn |
| Bereuter | Buyer | Collins |

| | | |
|---------------|---------------|---------------|
| Combest | Hyde | Radanovich |
| Cook | Inglis | Ramstad |
| Cooksey | Istook | Redmond |
| Cox | Jenkins | Regula |
| Crane | Johnson (CT) | Riggs |
| Crapo | Johnson, Sam | Riley |
| Cubin | Jones | Rogan |
| Cunningham | Kasich | Rogers |
| Deal | Kelly | Rohrabacher |
| DeLay | Kim | Ros-Lehtinen |
| Diaz-Balart | King (NY) | Roukema |
| Dickey | Kingston | Royce |
| Dingell | Klug | Ryun |
| Doolittle | Knollenberg | Salmon |
| Dreier | Kolbe | Sanford |
| Duncan | LaHood | Saxton |
| Dunn | Largent | Scarborough |
| Ehlers | Latham | Schaefer, Dan |
| Ehrlich | LaTourrette | Schaffer, Bob |
| Emerson | Lazio | Sensenbrenner |
| English | Leach | Sessions |
| Ensign | Lewis (CA) | Shadegg |
| Everett | Lewis (KY) | Shaw |
| Ewing | Linder | Shays |
| Fawell | Livingston | Shimkus |
| Foley | LoBiondo | Shuster |
| Forbes | Lucas | Skeen |
| Fossella | Manzullo | Smith (MI) |
| Fowler | McCollum | Smith (NJ) |
| Fox | McDade | Smith (OR) |
| Franks (NJ) | McHugh | Smith (TX) |
| Frelinghuysen | McInnis | Smith, Linda |
| Galleghy | McIntosh | Snowbarger |
| Ganske | McKeon | Solomon |
| Gekas | Metcalf | Souder |
| Gibbons | Mica | Spence |
| Gilchrest | Miller (FL) | Stearns |
| Gillmor | Moran (KS) | Stump |
| Goodlatte | Morella | Stupak |
| Goodling | Myrick | Sununu |
| Goss | Nethercutt | Talent |
| Graham | Neumann | Tauzin |
| Granger | Ney | Taylor (NC) |
| Greenwood | Northup | Thomas |
| Gutknecht | Norwood | Thornberry |
| Hansen | Nussle | Thune |
| Hastert | Oxley | Tiahrt |
| Hastings (WA) | Packard | Upton |
| Hayworth | Pappas | Walsh |
| Hefley | Parker | Wamp |
| Herger | Paul | Watkins |
| Hill | Paxon | Watts (OK) |
| Hilleary | Pease | Weldon (FL) |
| Hobson | Peterson (PA) | Weller |
| Hoekstra | Petri | White |
| Horn | Pickering | Whitfield |
| Hostettler | Pitts | Wicker |
| Houghton | Pombo | Wilson |
| Hulshof | Porter | Wolf |
| Hunter | Portman | Young (AK) |
| Hutchinson | Quinn | Young (FL) |

NAYS—198

| | | |
|--------------|---------------|----------------|
| Abercrombie | Davis (FL) | Hilliard |
| Ackerman | Davis (IL) | Hinchey |
| Allen | DeFazio | Hinojosa |
| Andrews | DeGette | Holden |
| Baessler | Delahunt | Hooley |
| Baldacci | DeLauro | Hoyer |
| Barrett (WI) | Deutsch | Jackson (IL) |
| Becerra | Dicks | Jackson-Lee |
| Bentsen | Dixon | (TX) |
| Berman | Doggett | Jefferson |
| Berry | Dooley | John |
| Bishop | Doyle | Johnson (WI) |
| Blagojevich | Edwards | Johnson, E. B. |
| Blumenauer | Engel | Kanjorski |
| Bonior | Eshoo | Kaptur |
| Borski | Etheridge | Kennedy (RI) |
| Boswell | Evans | Kildee |
| Boucher | Farr | Kilpatrick |
| Boyd | Fattah | Kind (WI) |
| Brady (PA) | Fazio | Kleczka |
| Brown (CA) | Filner | Klink |
| Brown (FL) | Ford | Kucinich |
| Brown (OH) | Frank (MA) | Lampson |
| Capps | Frost | Lantos |
| Cardin | Gejdenson | Lee |
| Carson | Gephardt | Levin |
| Clay | Gonzalez | Lewis (GA) |
| Clayton | Goode | Lipinski |
| Clement | Gordon | Lofgren |
| Clyburn | Green | Lowe |
| Condit | Gutierrez | Luther |
| Conyers | Hall (OH) | Maloney (CT) |
| Costello | Hall (TX) | Maloney (NY) |
| Coyne | Hamilton | Manton |
| Cramer | Harman | Markey |
| Cummings | Hastings (FL) | Martinez |
| Danner | Hefner | Mascara |

| | | |
|---------------|---------------|-------------|
| Matsui | Pascrell | Snyder |
| McCarthy (MO) | Pastor | Spratt |
| McCarthy (NY) | Payne | Stabenow |
| McDermott | Pelosi | Stark |
| McGovern | Peterson (MN) | Stenholm |
| McHale | Pickett | Stokes |
| McIntyre | Pomeroy | Strickland |
| McKinney | Price (NC) | Tanner |
| Rahall | Rahall | Tauscher |
| Meehan | Rangel | Taylor (MS) |
| Meek (FL) | Reyes | Thompson |
| Meeks (NY) | Rivers | Thurman |
| Menendez | Rodriguez | Tierney |
| Millender | Roemer | Torres |
| McDonald | Rothman | Towns |
| Miller (CA) | Roybal-Allard | Traficant |
| Minge | Rush | Turner |
| Mink | Sabo | Velazquez |
| Moakley | Sanchez | Vento |
| Mollohan | Sanders | Visclosky |
| Moran (VA) | Sandlin | Waters |
| Murtha | Sawyer | Watt (NC) |
| Nadler | Schumer | Waxman |
| Neal | Scott | Wexler |
| Oberstar | Sherman | Weygand |
| Obey | Sisisky | Wise |
| Olver | Skaggs | Woolsey |
| Ortiz | Skelton | Wynn |
| Owens | Slaughter | Yates |
| Pallone | Smith, Adam | |

NOT VOTING—11

| | | |
|--------------|----------|-------------|
| Davis (VA) | Kennelly | Pryce (OH) |
| Furse | LaFarcy | Serrano |
| Gilman | McCrery | Weldon (PA) |
| Kennedy (MA) | Poshard | |

So the resolution was agreed to.
A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

104.12 OMNIBUS NATIONAL PARKS AND PUBLIC LANDS

The SPEAKER pro tempore, Mr. UPTON, pursuant to House Resolution 573 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4570) to provide for certain boundary adjustments and conveyances involving public lands, to establish and improve the management of certain heritage areas, historic areas, National Parks, wild and scenic rivers, and national trails, to protect communities by reducing hazardous fuels levels on public, and for other purposes.

The Acting Chairman, Mrs. EMERSON assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. HASTERT, assumed the Chair.

When Mr. NEY, Chairman, pursuant to House Resolution 573, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus National Parks and Public Lands Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—BOUNDARY ADJUSTMENTS AND RELATED CONVEYANCES

Sec. 101. Fort Davis Historic Site, Fort Davis, Texas.

- Sec. 102. Abraham Lincoln Birthplace National Historic Site, Kentucky.
- Sec. 103. Grand Staircase-Escalante National Monument, Utah.
- Sec. 104. George Washington Birthplace National Monument, Virginia.
- Sec. 105. Wasatch-Cache National Forest and Mount Naomi Wilderness, Utah.
- Sec. 106. Bandelier National Monument, New Mexico.

TITLE II—OTHER LAND CONVEYANCES AND MANAGEMENT

Subtitle A—Southern Nevada Public Land Management

Sec. 201. Conveyance to Clark County Department of Aviation.

Subtitle B—Conveyance of Canyon Ferry Reservoir Properties

- Sec. 221. Findings.
- Sec. 222. Purpose.
- Sec. 223. Definitions.
- Sec. 224. Sale of Properties.
- Sec. 225. Management of Bureau of Reclamation recreation area.
- Sec. 226. Use of proceeds.
- Sec. 227. Montana Fish and Wildlife Conservation Trust.

Sec. 228. Canyon Ferry-Broadwater County Trust.

Sec. 229. Canyon Ferry Cabin Site Transfer Trust.

Subtitle C—Conveyance of National Forest Lands for Public School Purposes

Sec. 231. Authorization of use of National Forest lands for public school purposes.

Subtitle D—Other Conveyances

- Sec. 241. Land exchange, El Portal Administrative Site, California.
- Sec. 242. Authorization to use land in Merced County, California, for elementary school.
- Sec. 243. Issuance of quitclaim deed, Steffens family property, Big Horn County, Wyoming.
- Sec. 244. Issuance of quitclaim deed, Lowe family property, Big Horn County, Wyoming.
- Sec. 245. Utah schools and lands exchange.
- Sec. 246. Land exchange, Routt National Forest, Colorado.
- Sec. 247. Hart Mountain jurisdictional transfers, Oregon.
- Sec. 248. Sale, lease, or exchange of Idaho school land.
- Sec. 249. Transfer of jurisdiction of certain property in San Joaquin County, California, to Bureau of Land Management.
- Sec. 250. Conveyance, Camp Owen and related parcels, Kern County, California.
- Sec. 251. Treatment of certain land acquired by exchange, Red Cliffs Desert Reserve, Utah.
- Sec. 252. Land conveyance, Yavapai County, Arizona.
- Sec. 253. Conveyance, Old Coyote Administrative Site, Rio Arriba County, New Mexico.
- Sec. 254. Acquisition of real property interests for addition to Chickamauga-Chattanooga National Military Park.
- Sec. 255. Land transfers involving Rogue River National Forest and other public lands in Oregon.
- Sec. 256. Protection of Oregon and California Railroad grant lands.

TITLE III—HERITAGE AREAS

Subtitle A—Delaware and Lehigh National Heritage Corridor of Pennsylvania

- Sec. 301. Change in name of Heritage Corridor.
- Sec. 302. Purpose.
- Sec. 303. Corridor Commission.

- Sec. 304. Powers of Corridor Commission.
 Sec. 305. Duties of Corridor Commission.
 Sec. 306. Termination of Corridor Commission.
 Sec. 307. Duties of other Federal entities.
 Sec. 308. Authorization of appropriations.
 Sec. 309. Local authority and private property.
 Sec. 310. Duties of the Secretary.
 Subtitle B—Automobile National Heritage Area of Michigan
 Sec. 311. Findings and purposes.
 Sec. 312. Definitions.
 Sec. 313. Automobile National Heritage Area.
 Sec. 314. Designation of partnership as management entity.
 Sec. 315. Management duties of the Automobile National Heritage Area Partnership.
 Sec. 316. Duties and authorities of Federal agencies.
 Sec. 317. Lack of effect on land use regulation and private property.
 Sec. 318. Sunset.
 Sec. 319. Authorization of appropriations.
 Subtitle C—Lackawanna Heritage Valley American Heritage Area of Pennsylvania
 Sec. 321. Findings and purpose.
 Sec. 322. Lackawanna Heritage Valley American Heritage Area.
 Sec. 323. Compact.
 Sec. 324. Authorities and duties of management entity.
 Sec. 325. Duties and authorities of Federal agencies.
 Sec. 326. Sunset.
 Sec. 327. Authorization of appropriations.
 Subtitle D—Miscellaneous Provisions
 Sec. 331. Blackstone River Valley National Heritage Corridor, Massachusetts and Rhode Island.
 Sec. 332. Illinois and Michigan Canal National Heritage Corridor, Illinois.
 TITLE IV—HISTORIC AREAS
 Sec. 401. Battle of Midway National Memorial study.
 Sec. 402. Historic lighthouse preservation.
 Sec. 403. Thomas Cole National Historic Site, New York.
 Sec. 404. Addition of the Paoli Battlefield to the Valley Forge National Historical Park.
 Sec. 405. Casa Malpais National Historic Landmark, Arizona.
 Sec. 406. Lower East Side Tenement National Historic Site, New York.
 Sec. 407. Gateway Visitor Center authorization, Independence National Historical Park.
 Sec. 408. Tuskegee Airmen National Historic Site, Alabama.
 Sec. 409. Little Rock Central High School National Historic Site, Arkansas.
 Sec. 410. Weir Farm National Historic Site, Connecticut.
 Sec. 411. Kate Mullany National Historic Site, New York.
 Sec. 412. Route 66 National Historic Highway.
 Sec. 413. Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, Pennsylvania.
 TITLE V—SAN RAFAEL SWELL
 Sec. 501. Short title.
 Sec. 502. Definitions.
 Subtitle A—San Rafael Swell National Heritage Area
 Sec. 511. Short title; findings; purposes.
 Sec. 512. Designation.
 Sec. 513. Definitions.
 Sec. 514. Grants, technical assistance, and other duties and authorities of Federal agencies.
 Sec. 515. Compact and heritage plan.
 Sec. 516. Heritage Council.
 Sec. 517. Lack of effect on land use regulation.
 Sec. 518. Authorization of appropriations.
 Subtitle B—San Rafael Swell National Conservation Area
 Sec. 521. Definition of plan.
 Sec. 522. Establishment of national conservation area.
 Sec. 523. Management.
 Sec. 524. Additions.
 Sec. 525. Advisory Council.
 Sec. 526. Relationship to other laws and administrative provisions.
 Sec. 527. Communications equipment.
 Subtitle C—Wilderness Areas Within Conservation Area
 Sec. 531. Designation of wilderness.
 Sec. 532. Administration of wilderness areas.
 Sec. 533. Livestock.
 Sec. 534. Wilderness release.
 Subtitle D—Other Special Management Areas Within Conservation Area
 Sec. 541. San Rafael Swell Desert Bighorn Sheep Management Area.
 Sec. 542. Semi-primitive nonmotorized use areas.
 Sec. 543. Scenic visual area of critical environmental concern.
 Subtitle E—General Management Provisions
 Sec. 551. Livestock grazing.
 Sec. 552. Cultural and paleontological resources.
 Sec. 553. Land exchanges relating to school and institutional trust lands.
 Sec. 554. Water rights.
 Sec. 555. Miscellaneous.
 TITLE VI—NATIONAL PARKS
 Sec. 601. Provision for roads in Pictured Rocks National Lakeshore.
 Sec. 602. Expansion of Arches National Park, Utah.
 Sec. 603. Cumberland Island National Seashore, Georgia.
 Sec. 604. Studies of potential National Park System units in Hawaii.
 Sec. 605. Santa Cruz Island, additional rights of use and occupancy.
 Sec. 606. Acquisition of Warren Property for Morristown National Historical Park.
 Sec. 607. Amendment of Land and Water Conservation Fund Act of 1965 regarding treatment of receipts at certain parks.
 Sec. 608. Chattahoochee River National Recreation Area.
 Sec. 609. Protection of lodges in Grand Canyon National Park.
 TITLE VII—REAUTHORIZATIONS
 Sec. 701. Reauthorization of National Historic Preservation Act.
 Sec. 702. Reauthorization of Delaware Water Gap National Recreation Area Citizen Advisory Commission.
 Sec. 703. Coastal Heritage Trail Route in New Jersey.
 Sec. 704. Extension of authorization for Upper Delaware Citizens Advisory Council.
 TITLE VIII—RIVERS AND TRAILS
 Sec. 801. National discovery trails.
 Sec. 802. Sudbury, Assabet, and Concord Wild and Scenic Rivers.
 Sec. 803. Assistance to the National Historic Trails Interpretive Center.
 TITLE IX—HAZARDOUS FUELS REDUCTION
 Sec. 901. Short title.
 Sec. 902. Findings and purpose.
 Sec. 903. Definitions.
 Subtitle A—Management of Wildland/Urban Interface Areas
 Sec. 911. Identification of wildland/urban interface areas.
 Sec. 912. Contracting to reduce hazardous fuels and undertake forest management projects in wildland/urban interface areas.
 Sec. 913. Monitoring requirements.
 Sec. 914. Reporting requirements.
 Sec. 915. Special funds.
 Sec. 916. Termination of authority.
 Subtitle B—Miscellaneous Provisions
 Sec. 921. Regulations.
 Sec. 922. Authorization of appropriations.
 TITLE X—MISCELLANEOUS PROVISIONS
 Sec. 1001. Authority to establish Mahatma Gandhi memorial.
 Sec. 1002. Establishment of the National Cave and Karst Research Institute in New Mexico.
 Sec. 1003. Guadalupe-Hidalgo Treaty land claims.
 Sec. 1004. Otay Mountain Wilderness.
 Sec. 1005. Acquisition and management of Wilcox Ranch, Utah, for wildlife habitat.
 Sec. 1006. Acquisition of mineral and geothermal interests within Mount St. Helens National Volcanic Monument.
 Sec. 1007. Operation and Maintenance of Certain Water Impoundment Structures in the Emigrant Wilderness, Stanislaus National Forest, California.
 Sec. 1008. East Texas blowdown-NEPA parity.
 Sec. 1009. Exemption for certain right-of-way holders from strict liability for recovery of fire suppression costs.
 Sec. 1010. Study of improved outdoor recreational access for persons with disabilities.
 Sec. 1011. Communication site.
 Sec. 1012. Amendment of the Outer Continental Shelf Lands Act.
 Sec. 1013. Leasing of certain reserved mineral interests.
 Sec. 1014. Oil and gas wells in Wayne National Forest, Ohio.
 Sec. 1015. Memorial to Mr. Benjamin Banneker in the District of Columbia.
 Sec. 1016. Protection of sanctity of contracts and leases of surface patent holders with respect to coalbed methane gas.
 TITLE XI—AMENDMENTS AND TECHNICAL CORRECTIONS TO 1996 OMNIBUS PARKS ACT
 Sec. 1100. Reference to Omnibus Parks and Public Lands Management Act of 1996.
 Subtitle A—Technical Corrections to the Omnibus Parks Act
 Sec. 1101. Presidio of San Francisco.
 Sec. 1102. Colonial National Historical Park.
 Sec. 1103. Merced Irrigation District.
 Sec. 1104. Big Thicket National Preserve.
 Sec. 1105. Kenai Natives Association land exchange.
 Sec. 1106. Lamprey Wild and Scenic River.
 Sec. 1107. Vancouver National Historic Reserve.
 Sec. 1108. Memorial to Martin Luther King, Jr.
 Sec. 1109. Advisory Council on Historic Preservation.
 Sec. 1110. Great Falls Historic District, New Jersey.
 Sec. 1111. New Bedford Whaling National Historical Park.
 Sec. 1112. Nicodemus National Historic Site.
 Sec. 1113. Unalaska.
 Sec. 1114. Revolutionary War and War of 1812 historic preservation study.
 Sec. 1115. Shenandoah Valley battlefields.
 Sec. 1116. Washita Battlefield.
 Sec. 1117. Ski area permit rental charge.

- Sec. 1118. Glacier Bay National Park.
 Sec. 1119. Robert J. Lagomarsino Visitor Center.
 Sec. 1120. National Park Service administrative reform.
 Sec. 1121. Blackstone River Valley National Heritage Corridor.
 Sec. 1122. Tallgrass Prairie National Preserve.
 Sec. 1123. Recreation lakes.
 Sec. 1124. Fossil forest protection.
 Sec. 1125. Opal Creek Wilderness and Scenic Recreation Area.
 Sec. 1126. Boston Harbor Islands National Recreation Area.
 Sec. 1127. Natchez National Historical Park.
 Sec. 1128. Regulation of fishing in certain waters of Alaska.
 Sec. 1129. National Coal Heritage Area.
 Sec. 1130. Tennessee Civil War Heritage Area.
 Sec. 1131. Augusta Canal National Heritage Area.
 Sec. 1132. Essex National Heritage Area.
 Sec. 1133. Ohio & Erie Canal National Heritage Corridor.
 Sec. 1134. Hudson River Valley National Heritage Area.
- Subtitle B—Other Amendments to Omnibus Parks Act
- Sec. 1151. Black Revolutionary War Patriots Memorial extension.
 Sec. 1152. Land acquisition, Boston Harbor Islands National Recreation Area.

TITLE XII—DUTCH JOHN FEDERAL PROPERTY DISPOSITION AND ASSISTANCE

- Sec. 1201. Short title.
 Sec. 1202. Findings and purposes.
 Sec. 1203. Definitions.
 Sec. 1204. Disposition of certain lands and properties.
 Sec. 1205. Revocation of withdrawals.
 Sec. 1206. Transfers of jurisdiction.
 Sec. 1207. Surveys.
 Sec. 1208. Planning.
 Sec. 1209. Appraisals.
 Sec. 1210. Disposal of properties.
 Sec. 1211. Valid existing rights.
 Sec. 1212. Cultural resources.
 Sec. 1213. Transition of services to local government control.

TITLE XIII—RECLAMATION PROJECT CONVEYANCES AND MISCELLANEOUS PROVISIONS

- Subtitle A—Sly Park Dam and Reservoir, California
- Sec. 1311. Short title.
 Sec. 1312. Definitions.
 Sec. 1313. Conveyance of project.
 Sec. 1314. Relationship to existing operations.
 Sec. 1315. Relationship to certain contract obligations.
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 Sec. 1317. Liability.
- Subtitle B—Minidoka Project, Idaho
- Sec. 1321. Short title.
 Sec. 1322. Definitions.
 Sec. 1323. Conveyance.
 Sec. 1324. Relationship to existing operations.
 Sec. 1325. Relationship to certain contract obligations.
 Sec. 1326. Liability.
- Subtitle C—Carlsbad Irrigation Project, New Mexico
- Sec. 1331. Short title.
 Sec. 1332. Definitions.
 Sec. 1333. Conveyance of project.
 Sec. 1334. Relationship to existing operations.
 Sec. 1335. Relationship to certain contract obligations.
 Sec. 1336. Lease management and past revenues collected from the acquired lands.

- Sec. 1337. Water conservation practices.
 Sec. 1338. Liability.
 Sec. 1339. Future reclamation benefits.
- Subtitle D—Palmetto Bend Project, Texas
- Sec. 1341. Short title.
 Sec. 1342. Definitions.
 Sec. 1343. Conveyance of project.
 Sec. 1344. Relationship to existing operations.
 Sec. 1345. Relationship to certain contract obligations.
 Sec. 1346. Relationship to other laws.
 Sec. 1347. Liability.
- Subtitle E—Wellton-Mohawk Division, Gila Project, Arizona
- Sec. 1351. Short title.
 Sec. 1352. Definitions.
 Sec. 1353. Conveyance of project.
 Sec. 1354. Relationship to existing operations.
 Sec. 1355. Liability.
 Sec. 1356. Lands transfer.
 Sec. 1357. Water and power contracts.

- Subtitle F—Canadian River Project, Texas
- Sec. 1361. Short title.
 Sec. 1362. Definitions.
 Sec. 1363. Prepayment and conveyance of project.
 Sec. 1364. Relationship to existing operations.
 Sec. 1365. Relationship to certain contract obligations.
 Sec. 1366. Relationship to other laws.
 Sec. 1367. Liability.

Subtitle G—Clear Creek Distribution System, California

- Sec. 1371. Short title.
 Sec. 1372. Definitions.
 Sec. 1373. Conveyance of project.
 Sec. 1374. Relationship to existing operations.
 Sec. 1375. Relationship to certain contract obligations.
 Sec. 1376. Liability.
- Subtitle H—Pine River Project, Colorado
- Sec. 1381. Short title.
 Sec. 1382. Definitions.
 Sec. 1383. Conveyance of project.
 Sec. 1384. Relationship to existing operations.
 Sec. 1385. Relationship to other laws.
 Sec. 1386. Liability.

Subtitle I—Technical Corrections and Miscellaneous Provisions

- Sec. 1391. Technical corrections.
 Sec. 1392. Authorization to construct temperature control devices.
 Sec. 1393. Colusa Basin watershed integrated resources management.
 Sec. 1394. Limitation on statutory construction.

TITLE XIV—PROVISIONS SPECIFIC TO ALASKA

- Sec. 1401. Automatic land bank protection.
 Sec. 1402. Development by third-party trespassers.
 Sec. 1403. Retained mineral estate.
 Sec. 1404. Amendment to Public Law 102-415.
 Sec. 1405. Clarification on treatment of bonds from a Native Corporation.
 Sec. 1406. Mining claims.
 Sec. 1407. Sale, disposition, or other use of common varieties of sand, gravel, stone, pumice, peat, clay, or cinder resources.
 Sec. 1408. Alaska Native allotment applications.
 Sec. 1409. Visitor services.
 Sec. 1410. Local hire report.
 Sec. 1411. Shareholder benefits.
 Sec. 1412. Shareholder homesite program.
 Sec. 1413. Moratorium on Federal management.
 Sec. 1414. Easement for Chugach Alaska Corporation.

- Sec. 1415. Calista Native Corporation land exchange.

TITLE XV—OTHER PROVISIONS

- Sec. 1501. Adams National Historical Park.
 Sec. 1502. Acquisition of lands for Frederick Law Olmstead National Historic Site.
 Sec. 1503. Designation of Dante Fascell Visitor Center at Biscayne National Park.
 Sec. 1504. Designation of California Coastal Rocks and Islands Wilderness Area to be administered by Bureau of Land Management.
 Sec. 1505. Spanish Peaks Wilderness.
 Sec. 1506. Rosie the Riveter National Park Service affiliated site.

TITLE I—BOUNDARY ADJUSTMENTS AND RELATED CONVEYANCES

SEC. 101. FORT DAVIS HISTORIC SITE, FORT DAVIS, TEXAS.

The Act entitled "An Act Authorizing the establishment of a national historic site at Fort Davis, Jeff Davis County, Texas", approved September 8, 1961 (75 Stat. 488; 16 U.S.C. 461 note), is amended in the first section by striking "not to exceed four hundred and sixty acres" and inserting "not to exceed 476 acres".

SEC. 102. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE, KENTUCKY.

(a) **IN GENERAL.**—Upon acquisition of the land known as Knob Creek Farm pursuant to subsection (b), the boundary of the Abraham Lincoln Birthplace National Historic Site, established by the Act of July 17, 1916 (39 Stat. 385, chapter 247; 16 U.S.C. 211 et seq.), is revised to include such land. Lands acquired pursuant to this section shall be administered by the Secretary of the Interior as part of the historic site.

(b) **ACQUISITION OF KNOB CREEK FARM.**—The Secretary of the Interior may acquire, by donation only, the approximately 228 acres of land known as Knob Creek Farm in Larue County, Kentucky, as generally depicted on a map entitled "Knob Creek Farm Unit, Abraham Lincoln National Historic Site", numbered 338/80,077, and dated October 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) **STUDY AND REPORT.**—The Secretary of the Interior shall study the Knob Creek Farm in Larue County, Kentucky, and not later than 1 year after the date of enactment of this Act, submit a report to the Congress containing the results of the study. The purpose of the study shall be to:

(1) Identify significant resources associated with the Knob Creek Farm and the early boyhood of Abraham Lincoln.

(2) Evaluate the threats to the long-term protection of the Knob Creek Farm's cultural, recreational, and natural resources.

(3) Examine the incorporation of the Knob Creek Farm into the operations of the Abraham Lincoln Birthplace National Historic Site and establish a strategic management plan for implementing such incorporation. In developing the plan, the Secretary shall—

(A) determine infrastructure requirements and property improvements needed at Knob Creek Farm to meet National Park Service standards;

(B) identify current and potential uses of Knob Creek Farm for recreational, interpretive, and educational opportunities; and

(C) project costs and potential revenues associated with acquisition, development, and operation of Knob Creek Farm.

(d) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary to carry out subsection (c).

SEC. 103. GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT, UTAH.

(a) **EXCLUSION OF CERTAIN LANDS.**—The boundaries of the Grand Staircase-Escalante

National Monument in the State of Utah are hereby modified to exclude the following lands:

(1) The parcel known as Henrieville Town, Utah, as generally depicted on the map entitled "Henrieville Town Exclusion, Garfield County, Utah", dated March 25, 1998.

(2) The parcel known as Cannonville Town, Utah, as generally depicted on the map entitled "Cannonville Town Exclusion, Garfield County, Utah", dated March 25, 1998.

(3) The parcel known as Tropic Town, Utah, as generally depicted on the map entitled "Tropic Town Parcel", dated July 21, 1998.

(4) The parcel known as Boulder Town, Utah, as generally depicted on the map entitled "Boulder Town Exclusion, Garfield County, Utah", dated March 25, 1998.

(b) INCLUSION OF CERTAIN ADDITIONAL LANDS.—The boundaries of the Grand Staircase-Escalante National Monument are hereby modified to include the parcel known as East Clark Bench, as generally depicted on the map entitled "East Clark Bench Inclusion, Kane County, Utah", dated March 25, 1998.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for public inspection in the office of the Grand Staircase-Escalante National Monument in the State of Utah and in the office of the Director of the Bureau of Land Management.

(d) LAND CONVEYANCE, TROPIC TOWN, UTAH.—The Secretary of the Interior shall convey to Garfield County School District, Utah, all right, title, and interest of the United States in and to the lands shown on the map entitled "Tropic Town Parcel" and dated July 21, 1998, in accordance with section 1 of the Act of June 14, 1926 (43 U.S.C. 869; commonly known as the Recreation and Public Purposes Act), for use as the location for a school and for other education purposes.

(e) LAND CONVEYANCE, KODACHROME BASIN STATE PARK, UTAH.—The Secretary shall transfer to the State of Utah all right, title, and interest of the United States in and to the lands shown on the map entitled "Kodachrome Basin Conveyance No. 1 and No. 2" and dated July 21, 1998, in accordance with section 1 of the Act of June 14, 1926 (43 U.S.C. 869; commonly known as the Recreation and Public Purposes Act), for inclusion of the lands in Kodachrome Basin State Park.

(f) UTILITY CORRIDOR DESIGNATION, U.S. ROUTE 89, KANE COUNTY, UTAH.—There is hereby designated a utility corridor with regard to U.S. Route 89, in Kane County, Utah. The utility corridor shall run from the boundary of Glen Canyon Recreation Area easterly to Mount Carmel Jct. and shall consist of the following:

(1) Bureau of Land Management lands located on the north side of U.S. Route 89 within 240 feet of the center line of the highway.

(2) Bureau of Land Management lands located on the south side of U.S. Route 89 within 500 feet of the center line of the highway.

SEC. 104. GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT, VIRGINIA.

(a) ADDITION.—The boundaries of the George Washington Birthplace National Monument are modified to include the property generally known as George Washington's Boyhood Home, Ferry Farm, located in Stafford County, Virginia, across the Rappahannock River from Fredericksburg, Virginia, comprising approximately 85 acres. The boundary modification is generally depicted on the map entitled "George Washington Birthplace National Monument Boundary Map", numbered 322/80,020 and dated April 1998. The Secretary of the Inte-

rior shall keep the map on file and available for public inspection in appropriate offices of the National Park Service.

(b) ACQUISITION OF EASEMENT.—After enactment of this section, the Secretary of the Interior may acquire no more than a less than fee interest in the property described in subsection (a) to ensure the preservation of the important cultural and natural resources associated with Ferry Farm.

(c) RESOURCE STUDY.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the property described in subsection (a). The study shall—

(1) identify the full range of resources and historic themes associated with Ferry Farm, including those associated with George Washington's tenure at the property described in subsection (a) and those associated with the Civil War period;

(2) identify alternatives for further National Park Service involvement at the property described in subsection (a) beyond those that may be provided for in the acquisition authorized under subsection (b); and

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

(d) AGREEMENTS.—Upon completion of the resource study under subsection (c), the Secretary of the Interior may enter into agreements with the owner of the property described in subsection (a) or other entities for the purpose of providing programs, services, facilities, or technical assistance that further the preservation and public use of the property.

SEC. 105. WASATCH-CACHE NATIONAL FOREST AND MOUNT NAOMI WILDERNESS, UTAH.

(a) BOUNDARY ADJUSTMENT.—To correct a faulty land survey, the boundaries of the Wasatch-Cache National Forest in the State of Utah and the boundaries of the Mount Naomi Wilderness, which is located within the Wasatch-Cache National Forest and was established as a component of the National Wilderness Preservation System in section 102(a)(1) of the Utah Wilderness Act of 1984 (Public Law 98-428; 98 Stat. 1657), are hereby modified to exclude the parcel of land known as the D. Hyde property, which encompasses an area of cultivation and private use, as generally depicted on the map entitled "D. Hyde Property Section 7 Township 12 North Range 2 East SLB & M", dated July 23, 1998.

(b) LAND CONVEYANCE.—The Secretary of Agriculture shall convey to Darrell Edward Hyde of Cache County, Utah, all right, title, and interest of the United States in and to the parcel of land identified in subsection (a). As part of the conveyance, the Secretary shall release, on behalf of the United States, any claims of the United States against Darrell Edward Hyde for trespass or unauthorized use of the parcel before its conveyance.

(c) WILDERNESS ADDITION.—To prevent any net loss of wilderness within the State of Utah, the boundaries of the Mount Naomi Wilderness are hereby modified to include a parcel of land comprising approximately 7.25 acres, identified as the "Mount Naomi Wilderness Boundary Realignment Consideration" on the map entitled "Mount Naomi Wilderness Addition", dated September 25, 1998.

SEC. 106. BANDELIER NATIONAL MONUMENT, NEW MEXICO.

(a) FINDINGS.—Congress finds the following:

(1) Bandelier National Monument (in this section referred to as the "Monument") was

established by Presidential proclamation on February 11, 1916, to preserve the archaeological resources of a "vanished people, with as much land as may be necessary for the proper protection thereof. . ." (Presidential Proclamation No. 1322; 39 Stat. 1764).

(2) At various times since the establishment of the Monument, the Congress and the President have adjusted the boundaries and purpose of the Monument to further preservation of archaeological and natural resources within the Monument:

(A) On February 25, 1932, the Otowi Section of the Santa Fe National Forest (some 4,699 acres of land) was transferred to the Monument from the Santa Fe National Forest (Presidential Proclamation No. 1991; 47 Stat. 2503).

(B) On December 9, 1959, 3,600 acres of Frijoles Mesa were transferred to the National Park Service from the Atomic Energy Commission, and such lands were subsequently added to the Monument on January 9, 1961, because of "pueblo-type archeological ruins germane to those in the monument area" (Presidential Proclamation No. 3388; 75 Stat. 1014).

(C) On May 27, 1963, Upper Canyon, consisting of 2,882 acres of land previously administered by the Atomic Energy Commission, was added to the Monument to preserve the lands "unusual scenic character together with geologic and topographic features, the preservation of which would implement the purposes of such monument (Presidential Proclamation No. 3539; 77 Stat. 1006).

(D) In 1976, concerned about upstream land management activities that could result in flooding and erosion in the Monument, Congress enacted Public Law 94-578 (90 Stat. 2732, 2736) to include the headwaters of the Rito de los Frijoles and the Canada de Cochiti Grant (a total of 7,310 acres) within the boundaries of the Monument.

(E) In 1976, Congress enacted Public Law 94-567 (90 Stat. 2692), which created the Bandelier Wilderness, a 23,267 acres area that covers over 70 percent of the Monument.

(3) The Monument still has potential threats from flooding, erosion, and water quality deterioration because of the mixed ownership of the upper watersheds, along its western border, particularly in Alamo Canyon.

(b) PURPOSE.—The purpose of this section is to modify the boundaries of the Monument to allow for acquisition and enhanced protection of the lands within the Monument's upper watershed.

(c) BOUNDARY MODIFICATION.—Effective on the date of enactment of this Act, the boundaries of the Monument are hereby modified to include approximately 935 acres of land, comprised of the Elk Meadows subdivision, the Gardner parcel, the Clark parcel, and the Baca Land & Cattle Co. lands within the Upper Alamo watershed, as depicted on the National Park Service map entitled "Proposed Boundary Expansion Map Bandelier National Monument" dated July 1997. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

(d) ACQUISITION AUTHORITY.—

(1) ACQUISITION METHODS.—Subject to paragraphs (2), (3), and (4), the Secretary of the Interior may acquire lands and interests therein within the boundaries of the area added to the Monument by this section by donation, purchase with donated or appropriated funds, transfer with another Federal agency, or exchange.

(2) CONSENT OF OWNER REQUIRED.—Lands or interests therein may be acquired under paragraph (1) only with the consent of the owner of the lands.

(3) STATE AND LOCAL LANDS.—Lands or interests therein owned by the State of New

Mexico, or a political subdivision thereof, may be acquired under paragraph (1) only by donation or exchange.

(4) ACQUISITION OF LESS THAN FEE INTERESTS IN LAND.—The Secretary may acquire less than fee interests in land only if the Secretary determines that such less than fee acquisition will adequately protect the Monument from flooding, erosion, and degradation of its drainage waters.

(e) ADMINISTRATION.—The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the Monument, including lands added to the Monument by this section, in accordance with this section, the provisions of law generally applicable to units of National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.; commonly known as the National Park Service Organic Act), and such specific laws as heretofore have been enacted regarding the Monument.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the purpose of this section.

TITLE II—OTHER LAND CONVEYANCES AND MANAGEMENT

Subtitle A—Southern Nevada Public Land Management

SEC. 201. CONVEYANCE TO CLARK COUNTY DEPARTMENT OF AVIATION.

(a) CONVEYANCE REQUIRED.—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), but subject to subsection (b) of this section, the Secretary of the Interior shall convey to the Department of Aviation of Clark County, Nevada (in this section referred to as the "Aviation Department"), all right, title, and interest of the United States in and to the public lands identified for disposition on the map entitled "Ivanpah Valley Airport Selections, #1" and dated September 30, 1998, for the purpose of developing an airport facility and related infrastructure. Such map shall be on file and available for public inspection in the offices of the Director and the Las Vegas District of the Bureau of Land Management.

(b) AIRSPACE STUDY AND MITIGATION OF ADVERSE EFFECTS.—The conveyance identified in subsection (a) shall not occur unless each of the following occur:

(1) The Aviation Department conducts an airspace assessment to identify any adverse effect on access to the Las Vegas Basin under visual flight rules that would result from the construction and operation of a commercial or primary airport, or both, on the land to be conveyed.

(2) The Federal Aviation Administration certifies to the Secretary that the Aviation Department's assessment is thorough and that alternatives have been developed to address each adverse effect identified in the assessment, including alternatives that ensure access to the Las Vegas Basin under visual flight rules at a level that is equal to or better than existing access.

(3) The Aviation Department enters into an agreement with the Secretary to retain ownership of nearby Jean Airport and to maintain and develop Jean Airport as a general aviation airport.

(c) PHASED CONVEYANCES.—The Secretary shall convey the lands identified in subsection (a) in smaller parcels over a period of up to 20 years, as may be required to carry out the phased construction and development of the airport facility and infrastructure on the lands to be conveyed. As consideration for the conveyance of each parcel, the Aviation Department shall pay to the United States an amount equal to the fair market value of the parcel.

(d) DETERMINATIONS OF FAIR MARKET VALUE.—During the 3-year period beginning

on the date of the enactment of this Act, the fair market value of a parcel to be conveyed under subsection (a) shall be based on an appraisal of the fair market value as of a date not later than 6 months after the date of the enactment of this Act. The fair market value of each parcel conveyed after the end of such period shall be based on a subsequent appraisal. An appraisal conducted after such period shall consider the parcel in its unimproved state and shall not reflect any enhancement in value to the parcel based upon the existence or planned construction of infrastructure on or near the parcel.

(e) REVERSIONARY INTEREST.—During the 5-year period beginning 20 years after the date on which the Secretary conveys the first parcel under subsection (a), if the Secretary determines that the Aviation Department is not developing or progressing toward the development of the conveyed lands as an airport facility, the Secretary may exercise a right to reenter the conveyed lands. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing. If the Secretary exercises a right to reenter the conveyed lands under this subsection, the Secretary shall reimburse the Aviation Department for all payments made to the United States under subsection (c).

(f) WITHDRAWAL.—The public lands referred to in subsection (a) are hereby withdrawn from mineral entry under the Act of May 10, 1872 (30 U.S.C. 22 et seq.; popularly known as the Mining Law of 1872), and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(g) MOJAVE NATIONAL PRESERVE OVERFLIGHTS.—The Secretary of Transportation shall consult with the Secretary in the preparation of an airspace management plan for the Ivanpah Airport which avoids, to the maximum extent practicable, overflights of the Mojave National Preserve in California consistent with Federal Aviation Administration recommendations for safety.

Subtitle B—Conveyance of Canyon Ferry Reservoir Properties

SEC. 221. FINDINGS.

The Congress finds that the conveyance of the Properties described in section 224(b) to the Lessees of those Properties for fair market value would have the beneficial results of—

(1) reducing Pick-Sloan project debt for the Canyon Ferry Reservoir;

(2) providing a permanent source of funding to acquire and improve public access, to conserve fish and wildlife, and to enhance public hunting, fishing, and recreational opportunities in the State of Montana;

(3) eliminating Federal payments in lieu of taxes and associated management expenditures in connection with the Federal Government's ownership of the Properties while increasing local tax revenues from the new owners of the Properties; and

(4) eliminating expensive and contentious disputes between the Secretary of the Interior and Lessees while ensuring that the Federal Government receives full and fair value for the conveyance of the Properties.

SEC. 222. PURPOSE.

The purpose of this subtitle is to establish terms and conditions under which the Secretary of the Interior shall convey, for fair market value, certain Properties around Canyon Ferry Reservoir in the State of Montana, to the Lessees of the Properties.

SEC. 223. DEFINITIONS.

In this subtitle:

(1) CABIN TRUST.—The terms "Cabin Trust" and "Canyon Ferry Cabin Site Transfer Trust" mean the Canyon Ferry Cabin Site Transfer Trust established pursuant to section 229.

(2) CFRA.—The term "CFRA" means the Canyon Ferry Recreation Association, Incorporated, a Montana corporation.

(3) COMMISSIONERS.—The term "Commissioners" means the Board of Commissioners for Broadwater County, Montana.

(4) COUNTY TRUST.—The terms "County Trust" and "Canyon Ferry-Broadwater County Trust" mean the Canyon Ferry-Broadwater County Trust established pursuant to section 228.

(5) LESSEE.—The term "Lessee" means the leaseholder (or permit holder) of any one of the cabin sites described in section 224(b) on the date of the enactment of this subtitle and the heirs, executors, and assigns of the leaseholder's (or permit holder's) interest in that cabin site.

(6) PROPERTY.—The term "Property" means any one of the cabin sites described in section 224(b).

(7) PROPERTIES.—The term "Properties" means all 265 of the cabin sites (and related parcels) described in section 224(b).

(8) PURCHASER.—The term "Purchaser" means a person or entity, excluding CFRA or a Lessee, that purchases the Properties under section 224.

(9) RESERVOIR.—The terms "Reservoir" and "Canyon Ferry Reservoir" mean the Canyon Ferry Reservoir in the State of Montana.

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

(11) STATE TRUST.—The terms "State Trust" and "Montana Fish and Wildlife Conservation Trust" mean the Montana Fish and Wildlife Conservation Trust established pursuant to section 227.

SEC. 224. SALE OF PROPERTIES.

(a) SALE REQUIRED.—Subject to subsection (c) and section 228(a), and notwithstanding any other provision of law, the Secretary shall sell at fair market value—

(1) all right, title, and interest of the United States in and to all (but not fewer than all) of the Properties, subject to valid existing rights; and

(2) perpetual easements for—

(A) vehicular access to each Property;

(B) access to and the use of one dock per Property; and

(C) access to and the use of all boathouses, ramps, retaining walls, and other improvements for which access is provided in the Property leases as of the date of the enactment of this subtitle.

(b) DESCRIPTION OF PROPERTIES.—

(1) IN GENERAL.—The Properties to be conveyed are—

(A) the 265 cabin sites of the Bureau of Reclamation located along the northern end of the Reservoir in portions of sections 2, 11, 12, 13, 15, 22, 23, and 26, Township 10 North, Range 1 West; and

(B) any small parcels contiguous to the Property (not including shoreline or land needed to provide public access to the shoreline of the Reservoir) that the Secretary determines should be conveyed in order to eliminate inholdings and facilitate administration of surrounding land remaining in Federal ownership.

(2) ACREAGE; LEGAL DESCRIPTION.—The acreage and legal description of each Property and of each parcel determined by the Secretary under paragraph (1)(B) shall be determined by agreement between the Secretary and CFRA.

(c) PURCHASE PROCESS.—

(1) IN GENERAL.—The Secretary shall—

(A) solicit sealed bids for the Properties;

(B) subject to paragraph (2), sell the Properties to the bidder that submits the highest bid above the minimum bid determined under paragraph (2); and

(C) only accept bids that provide for the purchase of all of the Properties in one bundle.

(2) **MINIMUM BID.**—Before accepting bids, the Secretary, in consultation with CFRA, shall establish a minimum bid based on an appraisal of the fair market value of the Properties, exclusive of the value of private improvements made by leaseholders of the Properties before the date of the conveyance. The appraisal shall be conducted in conformance with the Uniform Standards of Professional Appraisal Practice.

(3) **RIGHT OF FIRST REFUSAL.**—If the highest bidder is a person other than CFRA, CFRA shall have the right to match the highest bid and purchase the Properties at a price equal to the amount of that other person's bid.

(d) **TERMS OF CONVEYANCE FOR PURCHASER OTHER THAN CFRA.**—

(1) **APPLICATION OF SUBSECTION.**—This subsection applies in the event that the highest bidder for the Properties is other than CFRA, and CFRA does not match the highest bid as authorized in subsection (c)(3).

(2) **PAYMENT AND CONVEYANCE.**—The Secretary shall convey the Properties to the Purchaser upon the payment by the Purchaser of the bid amount. The Secretary shall use the proceeds as provided in section 226.

(3) **PURCHASER TO EXTEND OPTION TO PURCHASE OR TO CONTINUE LEASING.**—

(A) **PURCHASE OPTION.**—The Purchaser shall give each Lessee of a Property conveyed under this section an option to purchase the Property at fair market value as determined under subsection (c)(2).

(B) **RIGHT TO CONTINUE LEASE.**—A Lessee that is unable or unwilling to purchase a Property shall be provided the opportunity to continue to lease the Property for fair market value rent under the same terms and conditions as apply under the existing lease for the Property, including the right to renew the term of the existing lease for two consecutive five-year terms.

(C) **COMPENSATION FOR IMPROVEMENTS.**—If a Lessee declines to purchase a Property, the Purchaser shall compensate the Lessee for the fair market value, as determined pursuant to customary appraisal procedures, of all improvements made to the Property. The Lessee may sell the improvements to the Purchaser at any time, but the sale shall be completed by the final termination of the lease, after all renewals as provided in subparagraph (B).

(4) **PROPERTY DESCRIPTIONS AND HISTORICAL USE.**—The Purchaser shall honor the existing descriptions of the Properties and historical use restrictions for the Properties.

(e) **TERMS OF CONVEYANCE FOR CFRA.**—

(1) **APPLICATION OF SUBSECTION.**—This subsection applies in the event that CFRA is the highest bidder or matches the highest bid as authorized in subsection (c)(3).

(2) **TIME FOR CONVEYANCE.**—The Secretary shall close on a Property within 45 days after receipt of the purchase request from the Lessee of the Property or CFRA.

(3) **TIME FOR PAYMENT.**—At the closing for a Property to be purchased by the Lessee or CFRA, the Lessee or CFRA shall deliver to the Secretary payment for the Property. The Secretary shall use the proceeds as provided in section 226.

(4) **PURCHASE AMOUNT.**—The Secretary and CFRA shall determine the purchase amount of each Property based on the appraisal conducted pursuant to subsection (c)(2), the amount bid pursuant to subsection (c)(1), and the proportionate share of administrative costs pursuant to subsection (g). The total purchase amount for all Properties shall equal the total bid amount plus administrative costs pursuant to subsection (g).

(5) **TIME FOR PURCHASE.**—CFRA and the Lessees shall complete purchase of at least 75 percent of the Properties not later than August 1 of the year that is at least 12

months after title to the first Property is transferred by the Secretary to a Lessee.

(6) **EFFECT OF FAILURE TO COMPLETE PURCHASE.**—On the August 1 determined under paragraph (5), the Secretary shall convey, without consideration, to the Canyon Ferry Cabin Site Transfer Trust the fee title to any Property not purchased by CFRA or a Lessee before that date.

(7) **COSTS.**—The Lessee shall reimburse CFRA for a proportionate share of the costs to CFRA of completing the transactions, including any interest charges.

(f) **CONTINUED PUBLIC ACCESS TO RESERVOIR.**—The Secretary, the Purchaser, CFRA, and subsequent owners of each Property shall ensure that existing public access to and along the shoreline of the Reservoir is not obstructed.

(g) **ADMINISTRATIVE COSTS.**—Any reasonable administrative cost incurred by the Secretary incident to the conveyance under subsection (a) shall be reimbursed by the Purchaser or CFRA, as the case may be.

(h) **TIMING.**—The Secretary shall make every effort to complete the conveyance under subsection (a) not later than one year after the date on which the conditions specified in section 228(a) are satisfied.

(i) **CLOSING.**—

(1) **IN GENERAL.**—The Secretary shall complete no real estate closings under this section until the Secretary is prepared to close on every individual Property. Real estate closings to complete the conveyance under subsection (a) may be staggered to facilitate the conveyance as agreed to by the Secretary and the Purchaser or CFRA, as the case may be.

(2) **CONVEYANCE TO LESSEE.**—If a Lessee elects to purchase a Property from the Purchaser or CFRA, the Secretary, upon request by the Lessee, shall have the conveyance documents prepared in the Lessee's name or names in order to minimize the time and documents required to complete the closing for the Property.

SEC. 225. MANAGEMENT OF BUREAU OF RECLAMATION RECREATION AREA.

(a) **CONTRACT FOR CAMPGROUND MANAGEMENT.**—Not later than six months after the date of the enactment of this subtitle, the Secretary shall—

(1) offer to enter into a contract with the Board of Commissioners for Broadwater County, Montana, under which the Commissioners would undertake the management of the Bureau of Reclamation recreation area known as Silos recreation area;

(2) enter into such a contract if mutually agreed upon by the Secretary and the Commissioners; and

(3) grant necessary easements to Broadwater County, Montana, for access roads within and adjacent to the Silos recreation area.

(b) **CONCESSION INCOME.**—Any income generated by any concessions which may be granted by the Commissioners at the Silos recreation area shall be deposited in the Canyon Ferry-Broadwater County Trust established pursuant to section 228 and may be disbursed by the manager of the County Trust as part of the income of the County Trust.

SEC. 226. USE OF PROCEEDS.

Proceeds received by the United States from the conveyances under this subtitle shall be used as follows:

(1) 10 percent of the proceeds shall be applied by the Secretary of the Treasury to reduce the outstanding debt for the Pick-Sloan project at Canyon Ferry Reservoir.

(2) 90 percent of the proceeds shall be deposited into the State Trust.

SEC. 227. MONTANA FISH AND WILDLIFE CONSERVATION TRUST.

(a) **ESTABLISHMENT OF STATE TRUST.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a nonprofit charitable permanent perpetual public trust in Montana to be known as the "Montana Fish and Wildlife Conservation Trust", to provide a permanent source of funding to acquire publicly accessible land and interests in land, including easements and conservation easements, in Montana from willing sellers at fair market value to—

(A) restore and conserve fisheries habitat, including riparian habitat;

(B) restore and conserve wildlife habitat;

(C) enhance public hunting, fishing, and recreational opportunities; and

(D) improve public access to public lands.

(2) **CONSULTATION.**—The Secretary shall establish the State Trust in consultation with the Montana congressional delegation and the Governor of the State of Montana.

(b) **STATE TRUST MANAGER.**—The State Trust shall be managed by a manager who shall be responsible for—

(1) investing the corpus of the State Trust; and

(2) disbursing funds from the State Trust at the request of the Joint State-Federal Agency Board established under subsection (c) upon receipt of a request for disbursement that complies with the requirements of such subsection.

(c) **JOINT STATE-FEDERAL AGENCY BOARD.**—

(1) **ESTABLISHMENT.**—An advisory board for the State Trust shall be established by the State Trust and shall be known as the "Joint State-Federal Agency Board". The Joint State-Federal Agency Board shall consist of the following persons:

(A) A Forest Service employee working in Montana designated by the Forest Service.

(B) A Bureau of Land Management employee working in Montana designated by the Bureau of Land Management.

(C) A Bureau of Reclamation employee working in Montana designated by the Bureau of Reclamation.

(D) A Fish and Wildlife Service employee working in Montana designated by the United States Fish and Wildlife Service.

(E) A Fish, Wildlife, and Parks employee designated by the Montana Department of Fish, Wildlife, and Parks.

(2) **SUBMISSION OF DISBURSEMENT REQUEST.**—A request for disbursement from the State Trust may be submitted to the manager of the State Trust if the request satisfies a purpose of the State Trust specified in subsection (a) and is agreed to by a majority of the members of the Joint State-Federal Agency Board.

(3) **CONSULTATION AND CONSIDERATION.**—Before submitting a request for disbursement to the manager of the State Trust, the Joint State-Federal Agency Board shall consult with the Citizen Advisory Board established under subsection (d) regarding the merits of the request and after consideration of the plan for the State Trust prepared under subsection (e). The Joint State-Federal Agency Board shall also notify members of the public, including local governments, of proposed requests for disbursement and shall provide an opportunity for public comment. The Joint State-Federal Agency Board shall consider any comments or recommendations for requests submitted by members of the public or the Citizen Advisory Board.

(d) **CITIZEN ADVISORY BOARD.**—The Joint State-Federal Agency Board shall appoint, from nominations submitted by the Secretary, a Citizen Advisory Board consisting of four members, including one representative with a demonstrated commitment to improving public access to public lands and to fish and wildlife conservation from each of the following:

(1) A Montana organization representing agricultural landowners.

(2) A Montana organization representing hunters.

(3) A Montana organization representing fishermen.

(4) A Montana nonprofit land trust or environmental organization.

(e) STATE TRUST PLAN.—The Citizen Advisory Board, in consultation with the Joint State-Federal Agency Board and the Montana Association of Counties, shall prepare (and periodically update) a plan for the management and use of the State Trust. The plan shall include recommendations regarding appropriate requests for disbursement from the State Trust. The plan shall be designed to maximize effectiveness of State Trust expenditures considering public needs and requests, availability of property, alternative sources of funding, and availability of matching funds.

(f) TREATMENT OF PRINCIPAL AND EARNINGS.—

(1) PRINCIPAL.—The principal amount of the State Trust shall be inviolate.

(2) EARNINGS.—Earnings on amounts in the State Trust shall be used to carry out subsection (a) and to administer the State Trust and Citizen Advisory Board.

(g) LOCAL PURPOSES.—No more than 50 percent of the income from the State Trust in any given year shall be utilized outside the watershed of the Missouri River in Montana, from Holter Dam upstream to the confluence of the Jefferson, Gallatin, and Madison Rivers.

(h) MANAGEMENT OF ACQUISITIONS.—Land and interests in land acquired under this section shall be managed for the purposes specified in subsection (a).

SEC. 228. CANYON FERRY-BROADWATER COUNTY TRUST.

(a) TRUST REQUIRED AS CONDITION ON CONVEYANCES.—The Secretary may not sell the Properties under section 224 unless and until—

(1) the Board of Commissioners for Broadwater County, Montana, establishes a nonprofit charitable permanent perpetual public trust, to be known as the "Canyon Ferry-Broadwater County Trust"; and

(2) at least \$3,000,000, or some lesser amount as offset by in-kind contributions made before full funding of the County Trust, is deposited as the initial corpus of the County Trust.

(b) REDUCTION FOR IN-KIND CONTRIBUTIONS.—The amount required to be deposited in the County Trust under subsection (a)(2) may be reduced to reflect in-kind contributions made in Broadwater County and related to the improvement of access to those portions of the Reservoir lying within Broadwater County or for the creation and improvement of new and existing recreational areas within Broadwater County. In kind contributions, including the value of such contributions, the nature and type of contribution, and the entity providing the contribution, must be approved in advance by the commissioners, but in kind contributions may not include any contribution made by Broadwater County.

(c) COUNTY TRUST MANAGEMENT.—The County Trust shall be managed by a nonprofit foundation or other independent trustee to be selected by the Commissioners. The selected person or entity shall be referred to as the "trust manager".

(d) USE.—

(1) IN GENERAL.—The trust manager shall invest the corpus of the County Trust and shall disburse funds from the County Trust only as provided in this subsection.

(2) SILO RECREATION AREA.—A sum not to exceed \$500,000 may be expended from the corpus of the County Trust to pay for the planning and construction of a harbor at the Silos recreation area.

(3) OTHER USES.—The balance of the principal of the County Trust shall be inviolate. Income derived from the County Trust may be expended for the improvement of access to those portions of Canyon Ferry Reservoir lying within Broadwater County, Montana, and for the creation and improvement of new and existing recreational areas within Broadwater County.

(4) LIMITATION.—All interest earned on the principal of the County Trust shall be reinvested and considered part of the corpus of the County Trust until the sum of \$3,000,000, or such lesser amount as offset by in-kind contributions (as defined under subsection (b)), is deposited as the initial corpus of the County Trust.

(5) DISBURSEMENT.—The trust manager shall either approve or reject any request for disbursement, but shall not make any expenditure except on the recommendation of the advisory committee established under subsection (e).

(e) ADVISORY COMMITTEE.—

(1) APPOINTMENT.—The Commissioners shall appoint an advisory committee consisting of not less than three nor more than five persons.

(2) DUTIES.—The advisory committee shall meet on a regular basis to establish priorities and prepare requests for the disbursement of funds from the County Trust, except that the advisory committee shall recommend only such expenditures as are approved by the Commissioners.

(f) NO OFFSET.—Neither the corpus of the County Trust nor its interest shall be used to reduce or replace the regular operating expenses of the Secretary at the Reservoir, unless such use is authorized by the Commissioners.

SEC. 229. CANYON FERRY CABIN SITE TRANSFER TRUST.

(a) ESTABLISHMENT.—The Secretary shall establish a trust in Montana, to be known as the "Canyon Ferry Cabin Site Transfer Trust".

(b) PURPOSES.—The purposes of the Canyon Ferry Cabin Site Transfer Trust are as follows:

(1) To receive each unsold Property transferred by the Secretary under section 224(e)(6).

(2) To provide all appropriate real estate management services, including collecting rents, paying taxes, enforcing lease terms and selling Property.

(3) To pay to the State Trust any income generated from the Cabin Trust after the payment of management fees, costs, and expenses.

(c) TRUST TERM.—

(1) ESTABLISHMENT.—The Cabin Trust shall be established on August 1 of the year that is at least 12 months after title to the first Property is transferred by the Secretary to a Lessee.

(2) TERMINATION.—The Cabin Trust shall terminate after the completion of the last sale of a Property under its management.

(d) ADMINISTRATION.—The Cabin Trust shall be managed by a trust manager who shall administer it consistent with the purposes of this section.

(e) CONTINUATION OF LEASES.—

(1) IN GENERAL.—The Cabin Trust shall allow a Lessee that is unable or unwilling to purchase a Property to continue to lease the Property pursuant to the terms and conditions of the lease in effect for the Property on the date of the enactment of this subtitle.

(2) RENTAL PAYMENTS.—All rents received during the continuation of a lease under paragraph (1) shall be paid to the Cabin Trust.

(3) LIMITATION ON RIGHT TO TRANSFER LEASE.—Subject to valid existing rights, a Lessee may not sell or otherwise assign or

transfer the leasehold without purchasing the Property from the Cabin Trust and conveying the fee interest in the Property. In the event of a sale by a Lessee to a third party, it shall be permissible for a simultaneous closing to be conducted wherein the Lessee conveys its interest in the leasehold improvements to the third party and the Cabin Trust conveys the fee title to the third party.

(f) CONVEYANCE BY CABIN TRUST.—All conveyances of a Property and any related parcels described in section 224(b)(1)(B) by the Cabin Trust shall be at fair market value as determined by a new appraisal, but in no event may the Cabin Trust convey any Property to a Lessee for an amount less than the value established for the Property by the appraisal conducted pursuant to section 224(c)(2).

(g) SALE PROCEEDS.—All proceeds from the sale of a Property received by the Cabin Trust shall be distributed by the trust manager as follows:

(1) 10 percent of the proceeds shall be paid to the Secretary of the Treasury to be applied to the reduction of the outstanding debt for the Pick-Sloan project at Canyon Ferry Reservoir.

(2) 90 percent of the proceeds shall be paid to the Montana Fish and Wildlife Conservation Trust.

(h) COSTS.—The Lessee, or a third party acquiring a Property with the cooperation of the Lessee, shall reimburse the Cabin Trust for a proportionate share of the costs to the Cabin Trust of completing the transactions contemplated by this section. In addition, the Lessee, or a third party acquiring a Property with the cooperation of the Lessee, shall reimburse the Cabin Trust for costs, including costs of the new appraisal, associated with conveying the Property from the Cabin Trust to the Lessee or a third party.

Subtitle C—Conveyance of National Forest Lands for Public School Purposes

SEC. 231. AUTHORIZATION OF USE OF NATIONAL FOREST LANDS FOR PUBLIC SCHOOL PURPOSES.

(a) TRANSFERS.—The Secretary of Agriculture may, upon a finding that the transfer of certain National Forest lands for local public school purposes would serve the public interest, authorize the transfer of up to 40 acres of National Forest lands to a local governmental entity for public school purposes. The Secretary may make available only those National Forest lands that have been identified for disposal or exchange or are not otherwise needed for National Forest purposes. The Secretary shall make such transfers using the least amount of land required for the efficient operation of the project involved.

(b) COSTS.—Such transfers may be made at discounted or no-cost. The Secretary shall provide for a no-cost transfer to a local governmental entity for public school purposes if the Secretary determines that the charges for such lands would impose an undue hardship on the local governmental entity.

(c) CONDITIONS.—Such transfers shall be conditioned on the requirement that the lands so transferred will be used solely for public school purposes.

(d) DEADLINE FOR CONSIDERATION OF APPLICATION FOR USE FOR SCHOOL.—If the Secretary receives an application from a duly qualified applicant that is a local education agency seeking a conveyance of land under this section for use for an elementary or secondary school, including a public charter school, the Secretary shall—

(1) before the end of the 10-day period beginning on the date of that receipt, provide notice of that receipt to the applicant; and

(2) before the end of the 90-day period beginning on the date of that receipt—

(A) determine whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) report to the Congress and the applicant the reasons that determination has not been made.

Subtitle D—Other Conveyances

SEC. 241. LAND EXCHANGE, EL PORTAL ADMINISTRATIVE SITE, CALIFORNIA.

(a) AUTHORIZATION OF EXCHANGE.—If the non-Federal lands described in subsection (b) are conveyed to the United States in accordance with this section, the Secretary of the Interior shall convey to the party conveying the non-Federal lands all right, title, and interest of the United States in and to a parcel of land consisting of approximately 8 acres administered by the Department of Interior as part of the El Portal Administrative Site in the State of California, as generally depicted on the map entitled "El Portal Administrative Site Land Exchange", dated June 1998.

(b) RECEIPT OF NON-FEDERAL LANDS.—The parcel of non-Federal lands referred to in subsection (a) consists of approximately 8 acres, known as the Yosemite View parcel, which is located adjacent to the El Portal Administrative Site, as generally depicted on the map referred to in subsection (a). Title to the non-Federal lands must be acceptable to the Secretary of the Interior, and the conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary. The parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(c) EQUALIZATION OF VALUES.—If the value of the Federal land and non-Federal lands to be exchanged under this section are not equal in value, the difference in value shall be equalized through a cash payment or the provision of goods or services as agreed upon by the Secretary and the party conveying the non-Federal lands.

(d) APPLICABILITY OF OTHER LAWS.—Except as otherwise provided in this section, the Secretary of the Interior shall process the land exchange authorized by this section in the manner provided in part 2200 of title 43, Code of Federal Regulations, as in effect on the date of the enactment of this subtitle.

(e) BOUNDARY ADJUSTMENT.—Upon completion of the land exchange, the Secretary shall adjust the boundaries of the El Portal Administrative Site as necessary to reflect the exchange. Lands acquired by the Secretary under this section shall be administered as part of the El Portal Administrative Site.

(f) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in appropriate offices of the Department of the Interior.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 242. AUTHORIZATION TO USE LAND IN MERCED COUNTY, CALIFORNIA, FOR ELEMENTARY SCHOOL.

(a) REMOVAL OF RESTRICTIONS.—Notwithstanding the restrictions otherwise applicable under the terms of conveyance by the United States of any of the land described in subsection (b) to Merced County, California, or under any agreement concerning any part of such land between such county and the Secretary of the Interior or any other officer or agent of the United States, the land described in subsection (b) may be used for the purpose specified in subsection (c).

(b) LAND AFFECTED.—The land referred to in subsection (a) is the north 25 acres of the 40 acres located in the northwest quarter of

the southwest quarter of section 20, township 7 south, range 13 east, Mount Diablo base line and Meridian in Merced County, California, conveyed to such county by deed recorded in volume 1941 at page 441 of the official records in Merced County, California.

(c) AUTHORIZED USES.—Merced County, California, may authorize the use of the land described in subsection (b) for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States and the State of California. If Merced County permits such lands to be used for such purposes, the county shall include information concerning such use in the periodic reports to the Secretary of the Interior required under the terms of the conveyance of such lands to the county by the United States. Any violation of the provisions of this subsection shall be deemed to be a breach of the conditions and covenants under which such lands were conveyed to Merced County by the United States, and shall have the same effect as provided by deed whereby the United States conveyed the lands to the county. Except as specified in this subsection, nothing in this section shall increase or diminish the authority or responsibility of the county with respect to the land.

SEC. 243. ISSUANCE OF QUITCLAIM DEED, STEFFENS FAMILY PROPERTY, BIG HORN COUNTY, WYOMING.

(a) ISSUANCE.—Subject to valid existing rights and subsection (d), the Secretary of the Interior is directed to issue, without consideration, a quitclaim deed to Marie Wambeke of Big Horn County, Wyoming, the personal representative of the estate of Fred Steffens, to the land described in subsection (b).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is the approximately 80-parcel known as "Farm Unit C" in the E½NW¼ of Section 27, Township 57 North, Range 97 West, 6th Principal Meridian, Wyoming.

(c) REVOCATION OF WITHDRAWAL.—The Bureau of Reclamation withdrawal for the Shoshone Reclamation Project under Secretarial Order dated October 21, 1913, is hereby revoked with respect to the land described in subsection (b).

(d) RESERVATION OF MINERAL INTERESTS.—All minerals underlying the land described in subsection (b) are hereby reserved to the United States.

SEC. 244. ISSUANCE OF QUITCLAIM DEED, LOWE FAMILY PROPERTY, BIG HORN COUNTY, WYOMING.

(a) ISSUANCE.—Subject to valid existing rights and subsection (c), the Secretary of the Interior is directed to issue, without consideration, a quitclaim deed to John R. and Margaret J. Lowe of Big Horn County, Wyoming, to the land described in subsection (b).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is the approximately 40-acre parcel located in the SW¼SE¼ of Section 11, Township 51 North, Range 96 West, 6th Principal Meridian, Wyoming.

(c) RESERVATION OF MINERAL INTERESTS.—All minerals underlying the land described in subsection (b) are hereby reserved to the United States.

SEC. 245. UTAH SCHOOLS AND LANDS EXCHANGE.

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

(1) The State of Utah owns approximately 176,600 acres of land, as well as approximately 24,165 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of the Grand Staircase-Escalante National Monument, estab-

lished by Presidential proclamation on September 18, 1996, pursuant to section 2 of the Antiquities Act of 1906 (16 U.S.C. 431). The State of Utah also owns approximately 200,000 acres of land, and 76,000 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of several units of the National Park System and the National Forest System, and within certain Indian reservations in Utah. These lands were granted by Congress to the State of Utah pursuant to the Utah Enabling Act, chap. 138, 28 Stat. 107 (1894), to be held in trust for the benefit of the State's public school system and other public institutions.

(2) Many of the State school trust lands within the monument may contain significant economic quantities of mineral resources, including coal, oil, and gas, tar sands, coalbed methane, titanium, uranium, and other energy and metalliferous minerals. Certain State school trust lands within the Monument, like the Federal lands comprising the Monument, have substantial non-economic scientific, historic, cultural, scenic, recreational, and natural resources, including ancient Native American archaeological sites and rare plant and animal communities.

(3) Development of surface and mineral resources on State school trust lands within the monument could be incompatible with the preservation of these scientific and historic resources for which the monument was established. Federal acquisition of State school trust lands within the monument would eliminate this potential incompatibility, and would enhance management of the Grand Staircase-Escalante National Monument.

(4) The United States owns lands and interest in lands outside of the monument that can be transferred to the State of Utah in exchange for the monument inholdings without jeopardizing Federal management objectives or needs.

(5) In 1993, Congress passed and the President signed Public Law 103-93, which contained a process for exchanging State of Utah school trust inholdings in the National Park System, the National Forest System, and certain Indian reservations in Utah. Among other things, it identified various Federal lands and interests in land that were available to exchange for these State inholdings.

(6) Although Public Law 103-93 offered the hope of a prompt, orderly exchange of State inholdings for Federal lands elsewhere, implementation of the legislation has been very slow. Completion of this process is realistically estimated to be many years away, at great expense to both the State and the United States in the form of expert witnesses, lawyers, appraisers, and other litigation costs.

(7) The State also owns approximately 2,560 acres of land in or near the Alton coal field which has been declared an area unsuitable for coal mining under the terms of the Surface Mining Control and Reclamation Act. This land is also administered by the Utah School and Institutional Trust Lands Administration, but its use is limited given this declaration.

(8) The large presence of State school trust land inholdings in the monument, national parks, national forests, and Indian reservations make land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

(9) It is in the public interest to reach agreement on exchange of inholdings, on terms fair to both the State and the United States. Agreement saves much time and delay in meeting the expectations of the State school and institutional trusts, in sim-

plying management of Federal and Indian lands and resources, and in avoiding expensive, protracted litigation under Public Law 103-93.

(10) The State of Utah and the United States have reached an agreement under which the State would exchange of all its State school trust lands within the monument, and specified inholdings in national parks, forests, and Indian reservations that are subject to Public Law 103-93, for various Federal lands and interests in lands located outside the monument, including Federal lands and interests identified as available for exchange in Public Law 103-93 and additional Federal lands and interests in lands.

(11) The State school trust lands to be conveyed to the Federal Government include properties within units of the National Park System, the National Forest System, and the Grand Staircase-Escalante National Monument. The Federal assets made available for exchange with the State were selected with a great sensitivity to environmental concerns and a belief and expectation by both parties that Federal assets to be conveyed to the State would be unlikely to trigger significant environmental controversy.

(12) The parties agreed at the outset of negotiations to avoid identifying Federal assets for conveyance to the State where any of the following was known to exist or likely to be an issue as a result of foreseeable future uses of the land: significant wildlife resources, endangered species habitat, significant archaeological resources, areas of critical environmental concern, coal resources requiring surface mining to extract the mineral deposits, wilderness study areas, significant recreational areas, or any other lands known to raise significant environmental concerns of any kind.

(13) The parties further agreed that the use of any mineral interests obtained by the State of Utah where the Federal Government retains surface and other interest, will not conflict with established Federal land and environmental management objectives, and shall be fully subject to all environmental regulations applicable to development of non-Federal mineral interest on Federal lands.

(14) Because the inholdings to be acquired by the Federal Government include properties within the boundaries of some of the most renowned conservation land units in the United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve many longstanding environmental conflicts and further the interest of the State trust lands, the school children of Utah, and these conservation resources.

(15) Under this Agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests and payments to be conveyed to the State of Utah by the United States, are approximately equal in value.

(16) The purpose of this section is to enact into law and direct prompt implementation of this historic agreement.

(b) RATIFICATION OF AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.—

(1) **AGREEMENT.—**The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands, Federal mineral interests, and payment of money for lands and mineral interests managed by the Utah School and Institutional Trust Lands Administration, lands and mineral interests of approximately equal value inheld within the Grand Staircase-Escalante National Monument the Goshute and Navajo Indian

Reservations, units of the National Park System, the National Forest System, and the Alton coal fields.

(2) **RATIFICATION.—**All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America" (in this section referred to as the "Agreement") are hereby incorporated in this section, are ratified and confirmed, and set forth the obligations and commitments of the United States, the State of Utah, and Utah School and Institutional Trust Lands Administration, as a matter of Federal law.

(c) LEGAL DESCRIPTIONS.—

(1) **IN GENERAL.—**The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances.

(2) **PUBLIC AVAILABILITY.—**The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(3) **CONFLICT.—**In case of conflict between the maps and the legal descriptions, the legal descriptions shall control.

(4) **COSTS.—**The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this section.

(e) **REPEAL OF PUBLIC LAW 103-93 AND PUBLIC LAW 104-211.—**The provisions of Public Law 103-93 (107 Stat. 995), other than section 7(b)(1), section 7(b)(3), and section 10(b) thereof, are hereby repealed. Public Law 104-211 (110 Stat. 3013) is hereby repealed.

(f) **CASH PAYMENT PREVIOUSLY AUTHORIZED.—**As previously authorized and made available by section 7(b)(1) and (b)(3) of Public Law 103-93, upon completion of all conveyances described in the Agreement, the United States shall pay \$50,000,000 to the State of Utah from funds not otherwise appropriated from the Treasury.

(g) **SCHEDULE FOR CONVEYANCES.—**All conveyances under sections 2 and 3 of the Agreement shall be completed within 70 days after the enactment of this Act.

SEC. 246. LAND EXCHANGE, ROUTT NATIONAL FOREST, COLORADO.

(a) **AUTHORIZATION OF EXCHANGE.—**If the non-Federal lands described in subsection (b) are conveyed to the United States in accordance with this section, the Secretary of Agriculture shall convey to the party conveying the non-Federal lands all right, title, and interest of the United States in and to a parcel of land consisting of approximately 84 acres within the Routt National Forest in the State of Colorado, as generally depicted on the map entitled "Miles Land Exchange", Routt National Forest, dated May 1996.

(b) **RECEIPT OF NON-FEDERAL LANDS.—**The parcel of non-Federal lands referred to in subsection (a) consists of approximately 84 acres, known as the Miles parcel, located adjacent to the Routt National Forest, as generally depicted on the map entitled "Miles Land Exchange", Routt National Forest, dated May 1996. Title to the non-Federal lands must be acceptable to the Secretary of Agriculture, and the conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary of Agriculture. The parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(c) **APPROXIMATELY EQUAL IN VALUE.—**The values of both the Federal and non-Federal lands to be exchanged under this section are deemed to be approximately equal in value, and no additional valuation determinations are required.

(d) **APPLICABILITY OF OTHER LAWS.—**Except as otherwise provided in this section, the

Secretary of Agriculture shall process the land exchange authorized by this section in the manner provided in subpart A of part 254 of title 36, Code of Federal Regulations.

(e) **MAPS.—**The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the office of the Forest Supervisor, Routt National Forest, and in the office of the Chief of the Forest Service.

(f) **BOUNDARY ADJUSTMENT.—**Upon approval and acceptance of title by the Secretary of Agriculture, the non-Federal lands conveyed to the United States under this section shall become part of the Routt National Forest, and the boundaries of the Routt National Forest shall be adjusted to reflect the land exchange. Upon receipt of the non-Federal lands, the Secretary of Agriculture shall manage the lands 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 Routt National Forest, as adjusted by this section, shall be considered to be the boundaries of the National Forest as of January 1, 1965.

(g) **ADDITIONAL TERMS AND CONDITIONS.—**The Secretary of Agriculture may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 247. HART MOUNTAIN JURISDICTIONAL TRANSFERS, OREGON.

(a) **TRANSFER FROM THE BUREAU OF LAND MANAGEMENT TO THE UNITED STATES FISH AND WILDLIFE SERVICE.—**

(1) **IN GENERAL.—**Administrative jurisdiction over the parcels of land identified for transfer to the United States Fish and Wildlife Service on the map entitled "Hart Mountain Jurisdictional Transfer", dated February 26, 1998, comprising approximately 12,100 acres of land in Lake County, Oregon, located adjacent to or within the Hart Mountain National Antelope Refuge, is transferred from the Bureau of Land Management to the United States Fish and Wildlife Service.

(2) **INCLUSION IN REFUGE.—**The parcels of land described in paragraph (1) shall be included in the Hart Mountain National Antelope Refuge.

(3) **WITHDRAWAL.—**Subject to valid existing rights, the parcels of land described in paragraph (1)—

(A) are withdrawn from—

(i) surface entry under the public land laws;

(ii) leasing under the mineral leasing laws and Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.); and

(iii) location and entry under the mining laws; and

(B) shall be treated as parcels of land subject to the provisions of Executive Order No. 7523 of December 21, 1936, as amended by Executive Order No. 7895 of May 23, 1938, and Presidential Proclamation No. 2416 of July 25, 1940, that withdrew parcels of land for the Hart Mountain National Antelope Refuge.

(4) **MANAGEMENT.—**The land described in paragraph (1) shall be included in the Hart Mountain National Antelope Refuge and managed in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and other applicable law and with management plans and agreements between the Bureau of Land Management and the United States Fish and Wildlife Service for the Hart Mountain Refuge.

(b) **CONTINUED MANAGEMENT OF GUANO CREEK WILDERNESS STUDY AREA BY THE BUREAU OF LAND MANAGEMENT.—**

(1) **IN GENERAL.—**The parcels of land identified for cooperative management on the map entitled "Hart Mountain Jurisdictional

Transfer", dated February 26, 1998, comprising approximately 10,900 acres of land in Lake County, Oregon, located south of the Hart Mountain National Antelope Refuge, shall be retained under the jurisdiction of the Bureau of Land Management.

(2) MANAGEMENT.—The parcels of land described in paragraph (1) that are within the Guano Creek Wilderness Study Area Act shall be managed so as not to impair the suitability of the area for designation as wilderness, in accordance with current and future management plans and agreements (including the agreement known as the "Shirk Ranch Agreement", dated September 30, 1997), until such date as Congress enacts a law directing otherwise.

(c) TRANSFER FROM THE UNITED STATES FISH AND WILDLIFE SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—Administrative jurisdiction over the parcels of land identified for transfer to the Bureau of Land Management on the map entitled "Hart Mountain Jurisdictional Transfer", dated February 26, 1998, comprising approximately 7,700 acres of land in Lake County, Oregon, located adjacent to or within the Hart Mountain National Antelope Refuge, is transferred from the United States Fish and Wildlife Service to the Bureau of Land Management.

(2) REMOVAL FROM REFUGE.—The parcels of land described in paragraph (1) are removed from the Hart Mountain National Antelope Refuge, and the boundary of the refuge is modified to reflect that removal.

(3) REVOCATION OF WITHDRAWAL.—The provisions of Executive Order No. 7523 of December 21, 1936, as amended by Executive Order No. 7895 of May 23, 1938, and Presidential Proclamation No. 2416 of July 25, 1940, that withdrew the parcels of land for the refuge, shall be of no effect with respect to the parcels of land described in paragraph (1).

(4) STATUS.—The parcels of land described in paragraph (1)—

- (A) are designated as public land; and
- (B) shall be open to—

(i) surface entry under the public land laws;

(ii) leasing under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.); and

(iii) location and entry under the mining laws.

(5) MANAGEMENT.—The land described in paragraph (1) shall be managed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, and the agreement known as the "Shirk Ranch Agreement", dated September 30, 1997.

(d) MAP.—A copy of the map described in subsections (a), (b), and (c) and such additional legal descriptions as are applicable shall be kept on file and available for public inspection in the Office of the Regional Director of Region 1 of the United States Fish and Wildlife Service, the local District Office of the Bureau of Land Management, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

(e) CORRECTION OF REFERENCE TO WILDLIFE REFUGE.—Section 28 of the Act of August 13, 1954 (68 Stat. 718, chapter 732; 72 Stat. 818; 25 U.S.C. 564w-1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 248. SALE, LEASE, OR EXCHANGE OF IDAHO SCHOOL LAND.

The Act of July 3, 1890 (commonly known as the "Idaho Admission Act") (26 Stat. 215, chapter 656), is amended by striking section 5 and inserting the following:

"SEC. 5. SALE, LEASE, OR EXCHANGE OF SCHOOL LAND.

"(a) SALE.—

"(1) IN GENERAL.—Except as provided in subsection (c), all land granted under this Act for educational purposes shall be sold only at public sale.

"(2) USE OF PROCEEDS.—

"(A) IN GENERAL.—Proceeds of the sale of school land—

"(i) except as provided in clause (ii), shall be deposited in the public school permanent endowment fund and expended only for the support of public schools; and

"(ii) (I) may be deposited in a land bank fund to be used to acquire, in accordance with State law, other land in the State for the benefit of the beneficiaries of the public school permanent endowment fund; or

"(II) if the proceeds are not used to acquire other land in the State within a period specified by State law, shall be transferred to the public school permanent endowment fund.

"(B) EARNINGS RESERVE FUND.—Earnings on amounts in the public school permanent endowment fund shall be deposited in an earnings reserve fund to be used for the support of public schools of the State in accordance with State law.

"(b) LEASE.—Land granted under this Act for educational purposes may be leased in accordance with State law.

"(c) EXCHANGE.—

"(1) IN GENERAL.—Land granted for educational purposes under this Act may be exchanged for other public or private land.

"(2) VALUATION.—The values of exchanged lands shall be approximately equal, or, if the values are not approximately equal, the values shall be equalized by the payment of funds by the appropriate party.

"(3) EXCHANGES WITH THE UNITED STATES.—

"(A) IN GENERAL.—A land exchange with the United States shall be limited to Federal land within the State that is subject to exchange under the law governing the administration of the Federal land.

"(B) PREVIOUS EXCHANGES.—All land exchanges made with the United States before the date of enactment of this paragraph are approved.

"(d) RESERVATION FOR SCHOOL PURPOSES.—Land granted for educational purposes, whether surveyed or unsurveyed, shall not be subject to preemption, homestead entry, or any other form of entry under the land laws of the United States, but shall be reserved for school purposes only."

SEC. 249. TRANSFER OF JURISDICTION OF CERTAIN PROPERTY IN SAN JOAQUIN COUNTY, CALIFORNIA, TO BUREAU OF LAND MANAGEMENT.

(a) TRANSFER.—The property described in subsection (b) is hereby transferred by operation of law upon the enactment of this Act from the administrative jurisdiction of the Federal Bureau of Prisons, United States Department of Justice, to the Bureau of Land Management, United States Department of the Interior. The Attorney General of the United States and the Secretary of the Interior shall take such actions as may be necessary to carry out such transfer.

(b) PROPERTY DESCRIPTION.—The property referred to in subsection (a) is a portion of a 200-acre property located in the San Joaquin Valley, approximately 55 miles east of San Francisco, 2 miles to the west of the City of Tracy, California, municipal limits, approximately 1.25 miles west of Interstate 5 (I-5) and ½ mile southeast of the I-580/I-205 split as indicated by Exhibit I-3, formerly a Federal Aviation Administration (FAA) antenna field, known as the "Tracy Site".

SEC. 250. CONVEYANCE, CAMP OWEN AND RELATED PARCELS, KERN COUNTY, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consid-

eration, to Kern County, California, all right, title, and interest of the United States in and to three parcels of land under the jurisdiction of the Forest Service in Kern County, as follows

(1) Approximately 104 acres known as Camp Owen.

(2) Approximately 4 acres known as Wofford Heights Park.

(3) Approximately 3.4 acres known as the French Gulch maintenance yard.

(b) CONDITION ON CONVEYANCE.—The lands conveyed under this section shall be subject to valid existing rights of record.

(c) TIME FOR CONVEYANCE.—The Secretary shall complete the conveyance under this section within three months after the date of the enactment of this Act.

(d) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the lands to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

SEC. 251. TREATMENT OF CERTAIN LAND ACQUIRED BY EXCHANGE, RED CLIFFS DESERT RESERVE, UTAH.

(a) LIMITATION ON LIABILITY.—In support of the habitat conservation plan of Washington County, Utah, for the protection of the desert tortoise and surrounding habitat, the transfer of the land described in subsection (b) from the city of St. George, Utah, to the United States shall convey no liability on the United States that did not already exist with the United States on the date of the transfer of the land.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is a parcel of approximately 15 acres of land located within the Red Cliffs Desert Reserve in Washington County, Utah, that was formerly used as a landfill by the city of St. George.

SEC. 252. LAND CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) CONVEYANCE REQUIRED.—Notwithstanding any other provision of law, the Secretary of the Interior shall convey, without consideration and for educational related purposes, to Embry-Riddle Aeronautical University, Florida, a nonprofit corporation authorized to do business in the State of Arizona, all right, title, and interest of the United States, if any, to a parcel of real property consisting of approximately 16 acres in Yavapai County, Arizona, which is more fully described as the parcel lying east of the east right-of-way boundary of the Willow Creek Road in the southwest one-quarter of the southwest one-quarter (SW¼SW¼) of section 2, township 14 north, range 2 west, Gila and Salt River meridian.

(b) TERMS OF CONVEYANCE.—Subject to the limitation that the land to be conveyed is to be used only for educational related purposes, the conveyance under subsection (a) is to be made without any other conditions, limitations, reservations, restrictions, or terms by the United States.

SEC. 253. CONVEYANCE, OLD COYOTE ADMINISTRATIVE SITE, RIO ARRIBA COUNTY, NEW MEXICO.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the "Secretary") shall convey to the County of Rio Arriba, New Mexico (referred to in this section as the "County"), subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land (including all improvements on the land) known as the "Old Coyote Administrative Site" located approximately ½ mile east of the Village of Coyote, New Mexico, on State Road 96, comprising one tract of 130.27 acres (as described in Public Land Order 3730), and one tract of 276.76 acres (as described in Executive Order 4599).

(b) TERMS AND CONDITIONS.—

(1) Consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretary and the County indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for public purposes. If such lands cease to be used for public purposes, at the option of the United States, such lands will revert to the United States.

(c) LAND WITHDRAWALS.—Land withdrawals under Public Land Order 3730 and Executive Order 4599 as extended in the Federal Register on May 25, 1989 (54 F.R. 22629), shall be revoked simultaneous with the conveyance of the property under subsection (a).

SEC. 254. ACQUISITION OF REAL PROPERTY INTERESTS FOR ADDITION TO CHICKAMAUGA-CHATTANOOGA NATIONAL MILITARY PARK.

The Secretary of the Interior may acquire private lands, easements, and buildings within the areas authorized for acquisition for Chickamauga-Chattanooga National Military Park, by donation, purchase with donated or appropriated funds, or by exchange. Lands acquired by the Secretary pursuant to this section shall be administered by the Secretary as part of the park.

SEC. 255. LAND TRANSFERS INVOLVING ROGUE RIVER NATIONAL FOREST AND OTHER PUBLIC LANDS IN OREGON.

(a) TRANSFER FROM PUBLIC DOMAIN TO NATIONAL FOREST.—

(1) LAND TRANSFER.—The public domain lands depicted on the map entitled “BLM/Rogue River N.F. Administrative Jurisdiction Transfer” and dated April 28, 1998, consisting of approximately 2,058 acres within the external boundaries of Rogue River National Forest in the State of Oregon are hereby added to and made a part of Rogue River National Forest.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of the Interior to the Secretary of Agriculture. Subject to valid existing rights, the Secretary of Agriculture shall manage such lands as part of Rogue River National Forest in accordance with the Act of March 1, 1911 (commonly known as the Weeks Law), and under the laws, rules, and regulations applicable to the National Forest System.

(b) TRANSFER FROM NATIONAL FOREST TO PUBLIC DOMAIN.—

(1) LAND TRANSFER.—The Federal lands depicted on the map entitled “BLM/Rogue River N.F. Administrative Jurisdiction Transfer” and dated April 28, 1998, consisting of approximately 1,632 acres within the external boundaries of Rogue River National Forest, are hereby transferred to unreserved public domain status, and their status as part of Rogue River National Forest and the National Forest System is hereby revoked.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of Agriculture to the Secretary of the Interior. Subject to valid existing rights, the Secretary of the Interior shall administer such lands under the laws, rules, and regulations applicable to unreserved public domain lands.

(c) RESTORATION OF STATUS OF CERTAIN NATIONAL FOREST LANDS AS REVESTED RAILROAD GRANT LANDS.—

(1) RESTORATION OF EARLIER STATUS.—The Federal lands depicted on the map entitled “BLM/Rogue River N.F. Administrative Ju-

isdiction Transfer” and dated April 28, 1998, consisting of approximately 4,298 acres within the external boundaries of Rogue River National Forest, are hereby restored to the status of revested Oregon and California Railroad grant lands, and their status as part of Rogue River National Forest and the National Forest System is hereby revoked.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of Agriculture to the Secretary of the Interior. Subject to valid existing rights, the Secretary of the Interior shall administer such lands under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), and other laws, rules, and regulations applicable to revested Oregon and California Railroad grant lands under the administrative jurisdiction of the Secretary of the Interior.

(d) ADDITION OF CERTAIN REVESTED RAILROAD GRANT LANDS TO NATIONAL FOREST.—

(1) LAND TRANSFER.—The revested Oregon and California Railroad grant lands depicted on the map entitled “BLM/Rogue River N.F. Administrative Jurisdiction Transfer” and dated April 28, 1998, consisting of approximately 960 acres within the external boundaries of Rogue River National Forest, are hereby added to and made a part of Rogue River National Forest.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of the Interior to the Secretary of Agriculture. Subject to valid existing rights, the Secretary of Agriculture shall manage such lands as part of the Rogue River National Forest in accordance with the Act of March 1, 1911 (commonly known as the Weeks Law), and under the laws, rules, and regulations applicable to the National Forest System.

(3) DISTRIBUTION OF RECEIPTS.—Notwithstanding the sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 and section 13 of the Act of March 1, 1911 (16 U.S.C. 500), revenues derived from the lands described in paragraph (1) shall be distributed in accordance with the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(e) BOUNDARY ADJUSTMENT.—The boundaries of Rogue River National Forest are hereby adjusted to encompass the lands transferred to the administrative jurisdiction of the Secretary of Agriculture under this section and to exclude private property interests adjacent to the exterior boundaries of Rogue River National Forest, as depicted on the map entitled “Rogue River National Forest Boundary Adjustment” and dated April 28, 1998.

(f) MAPS.—Within 60 days after the date of the enactment of this Act, the maps referred to in this section shall be available for public inspection in the office of the Chief of the Forest Service.

(g) MISCELLANEOUS REQUIREMENTS.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall revise the public land records relating to the lands transferred under this section to reflect the administrative, boundary, and other changes made by this section. The Secretaries shall publish in the Federal Register appropriate notice to the public of the changes in administrative jurisdiction made by this section with regard to lands described in this section.

SEC. 256. PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LANDS.

(a) DEFINITIONS.—For purposes of this section:

(1) O&C LANDS.—The term “O&C lands” means the lands that—

(A) revested in the United States under the Act of June 9, 1916 (Chapter 137; 39 Stat. 218),

commonly known as Oregon and California Railroad grant lands; and

(B) are managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) CBWR LANDS.—The term “CBWR lands” means the lands that—

(A) were reconveyed to the United States under the Act of February 26, 1919 (Chapter 47; 40 Stat. 1179), commonly known as Coos Bay Wagon Road grant lands; and

(B) are managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(3) PUBLIC DOMAIN LANDS.—The term “public domain lands” has the meaning given the term “public lands” in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), except that the term does not include O&C lands and CBWR lands.

(4) O&C GEOGRAPHIC AREA.—The term “O&C geographic area” means all lands in the State of Oregon located within the boundaries of the Bureau of Land Management’s Medford District, Roseburg District, Eugene District, Salem District, Coos Bay District, and Klamath Resource Area of the Lakeview District, as those districts and that resource area were constituted on January 1, 1998.

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

(b) POLICY OF NO NET LOSS OF O&C LANDS.—In carrying out sales, purchases, and exchanges of lands located in the O&C geographic area, the Secretary shall seek to ensure that such sales, purchases, and exchanges do not decrease the number of acres of O&C lands.

(c) DETERMINATION OF WHETHER LOSS OCCURRED.—Not later than April 1 of each fiscal year, the Secretary shall determine whether there has been a net reduction in the number of acres of O&C lands during the preceding fiscal year as a result of the disposal of lands by the United States under any provision of law.

(d) ACTIONS IN EVENT OF A LOSS OF O&C LANDS.—

(1) DESIGNATION OF REPLACEMENT LANDS.—If the Secretary determines under subsection (c) for a fiscal year that a reduction in the number of acres of O&C lands occurred, the Secretary shall designate a number of acres of forested public domain lands within the O&C geographic area, equal to the number of acres of that reduction, for treatment as O&C lands under subsection (e). The Secretary shall make the designation under this paragraph within 90 days after the date on which the Secretary made the determination under subsection (c).

(2) LANDS DESIGNATED.—The Secretary shall designate under paragraph (1) forested public domain lands that are stocked with timber in volumes per acre that are not less than the average volumes per acre found on the O&C lands that were disposed of during the fiscal year involved. Public domain lands designated under paragraph (1) shall be selected from public domain lands within similar land allocations, under the resource management plans then in effect, as the O&C lands that were disposed of.

(e) TREATMENT OF DESIGNATED LANDS.—Public domain lands designated by the Secretary under subsection (d) shall for all purposes have the same status, be administered, and be otherwise treated as lands that were revested in the United States pursuant to the Act of June 9, 1916 (chapter 137; 39 Stat. 218), and managed by the Secretary under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(f) CONGRESSIONAL NOTIFICATION.—Not later than September 30 of each fiscal year in which public domain lands are designated under subsection (d), the Secretary shall sub-

mit to Congress a report describing each designation of lands under such subsection in that fiscal year.

TITLE III—HERITAGE AREAS

Subtitle A—Delaware and Lehigh National Heritage Corridor of Pennsylvania

SEC. 301. CHANGE IN NAME OF HERITAGE CORRIDOR.

The Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 (Public Law 100-692; 102 Stat. 4552; 16 U.S.C. 461 note) is amended by striking "Delaware and Lehigh Navigation Canal National Heritage Corridor" each place it appears (except section 4(a)) and inserting "Delaware and Lehigh National Heritage Corridor".

SEC. 302. PURPOSE.

Section 3(b) of such Act (102 Stat. 4552) is amended as follows:

(1) By inserting after "subdivisions" the following: "in enhancing economic development within the context of preservation and".

(2) By striking "and surrounding the Delaware and Lehigh Navigation Canal in the Commonwealth" and inserting "the Corridor".

SEC. 303. CORRIDOR COMMISSION.

(a) MEMBERSHIP.—Section 5(b) of such Act (102 Stat. 4553) is amended as follows:

(1) In the matter preceding paragraph (1), by striking "appointed not later than 6 months after the date of enactment of this Act".

(2) By striking paragraph (2) and inserting the following:

"(2) 3 individuals appointed by the Secretary upon consideration of individuals recommended by the governor, of whom—

"(A) 1 shall represent the Pennsylvania Department of Conservation and Natural Resources;

"(B) 1 shall represent the Pennsylvania Department of Community and Economic Development; and

"(C) 1 shall represent the Pennsylvania Historical and Museum Commission."

(3) In paragraph (3), by striking "the Secretary, after receiving recommendations from the Governor, of whom" and all that follows through "Delaware Canal region" and inserting the following: "the Secretary upon consideration of individuals recommended by the governor, of whom—

"(A) 1 shall represent a city, 1 shall represent a borough, and 1 shall represent a township; and

"(B) 1 shall represent each of the 5 counties of Luzerne, Carbon, Lehigh, Northampton, and Bucks in Pennsylvania".

(4) In paragraph (4)—

(A) By striking "8 individuals" and inserting "9 individuals".

(B) By striking "the Secretary, after receiving recommendations from the Governor, who shall have" and all that follows through "Canal region. A vacancy" and inserting the following: "the Secretary upon consideration of individuals recommended by the governor, of whom—

"(A) 3 shall represent the northern region of the Corridor;

"(B) 3 shall represent the middle region of the Corridor; and

"(C) 3 shall represent the southern region of the Corridor.

A vacancy".

(b) TERMS.—Section 5 of such Act (102 Stat. 4553) is amended by striking subsection (c) and inserting the following:

"(c) TERMS.—The following provisions shall apply to a member of the Commission appointed under paragraph (3) or (4) of subsection (b):

"(1) LENGTH OF TERM.—The member shall be appointed for a term of 3 years.

"(2) CARRYOVER.—The member shall serve until a successor is appointed by the Secretary.

"(3) REPLACEMENT.—If the member resigns or is unable to serve due to incapacity or death, the Secretary shall appoint, not later than 60 days after receiving a nomination of the appointment from the Governor, a new member to serve for the remainder of the term.

"(4) TERM LIMITS.—A member may serve for not more than 6 years."

SEC. 304. POWERS OF CORRIDOR COMMISSION.

(a) CONVEYANCE OF REAL ESTATE.—Section 7(g)(3) of such Act (102 Stat. 4555) is amended in the first sentence by inserting "or nonprofit organization" after "appropriate public agency".

(b) COOPERATIVE AGREEMENTS.—Section 7(h) of such Act (102 Stat. 4555) is amended as follows:

(1) In the first sentence, by inserting "any nonprofit organization," after "subdivision of the Commonwealth,".

(2) In the second sentence, by inserting "such nonprofit organization," after "such political subdivision,".

SEC. 305. DUTIES OF CORRIDOR COMMISSION.

Section 8(b) of such Act (102 Stat. 4556) is amended in the matter preceding paragraph (1) by inserting ", cultural, natural, recreational, and scenic" after "interpret the historic".

SEC. 306. TERMINATION OF CORRIDOR COMMISSION.

Section 9(a) of such Act (102 Stat. 4556) is amended by striking "5 years after the date of enactment of this Act" and inserting "5 years after the date of enactment of the Omnibus National Parks and Public Lands Act of 1998".

SEC. 307. DUTIES OF OTHER FEDERAL ENTITIES.

Section 11 of such Act (102 Stat. 4557) is amended in the matter preceding paragraph (1) by striking "the flow of the Canal or the natural" and inserting "directly affecting the purposes of the Corridor".

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—Section 12(a) of such Act (102 Stat. 4558) is amended by striking "\$350,000" and inserting "\$1,000,000".

(b) MANAGEMENT ACTION PLAN.—Section 12 of such Act (102 Stat. 4558) is amended by adding at the end the following:

"(c) MANAGEMENT ACTION PLAN.—

"(1) IN GENERAL.—To implement the management action plan created by the Commission, there is authorized to be appropriated \$1,000,000 for each of fiscal years 2000 through 2007.

"(2) LIMITATION ON EXPENDITURES.—Amounts made available under paragraph (1) shall not exceed 50 percent of the costs of implementing the management action plan."

SEC. 309. LOCAL AUTHORITY AND PRIVATE PROPERTY.

Such Act is further amended—

(1) by redesignating section 13 (102 Stat. 4558) as section 14; and

(2) by inserting after section 12 the following:

"SEC. 13. LOCAL AUTHORITY AND PRIVATE PROPERTY.

"The Commission shall not interfere with—

"(1) the private property rights of any person; or

"(2) any local zoning ordinance or land use plan of the Commonwealth of Pennsylvania or any political subdivision of Pennsylvania."

SEC. 310. DUTIES OF THE SECRETARY.

Section 10 of such Act (102 Stat. 4557) is amended by striking subsection (d) and inserting the following:

"(d) TECHNICAL ASSISTANCE AND GRANTS.—The Secretary, upon request of the Commis-

sion, is authorized to provide grants and technical assistance to the Commission or units of government, nonprofit organizations, and other persons, for development and implementation of the Plan."

Subtitle B—Automobile National Heritage Area of Michigan

SEC. 311. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the industrial, cultural, and natural heritage legacies of Michigan's automobile industry are nationally significant;

(2) in the areas of Michigan including and in proximity to Detroit, Dearborn, Pontiac, Flint, and Lansing, the design and manufacture of the automobile helped establish and expand the United States industrial power;

(3) the industrial strength of automobile manufacturing was vital to defending freedom and democracy in 2 world wars and played a defining role in American victories;

(4) the economic strength of our Nation is connected integrally to the vitality of the automobile industry, which employs millions of workers and upon which 1 out of 7 United States jobs depends;

(5) the industrial and cultural heritage of the automobile industry in Michigan includes the social history and living cultural traditions of several generations;

(6) the United Auto Workers and other unions played a significant role in the history and progress of the labor movement and the automobile industry;

(7) the Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Michigan to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Automobile National Heritage Area Partnership, Incorporated, the State of Michigan, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans;

(8) the Automobile National Heritage Area Partnership, Incorporated would be an appropriate entity to oversee the development of the Automobile National Heritage Area; and

(9) 2 local studies, "A Shared Vision for Metropolitan Detroit" and "The Machine That Changed the World", and a National Park Service study, "Labor History Theme Study: Phase III; Suitability-Feasibility", demonstrated that sufficient historical resources exist to establish the Automobile National Heritage Area.

(b) PURPOSE.—The purpose of this subtitle is to establish the Automobile National Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, and the local communities in Michigan and empower communities in Michigan to conserve their automotive heritage while strengthening future economic opportunities; and

(2) conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Automobile National Heritage Area.

SEC. 312. DEFINITIONS.

For purposes of this subtitle:

(1) BOARD.—The term "Board" means the Board of Directors of the Partnership.

(2) HERITAGE AREA.—The term "Heritage Area" means the Automobile National Heritage Area established by section 313.

(3) PARTNERSHIP.—The term "Partnership" means the Automobile National Heritage Area Partnership, Incorporated (a nonprofit corporation established under the laws of the State of Michigan).

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

SEC. 313. AUTOMOBILE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Michigan the Automobile National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—Subject to paragraph (2), the boundaries of the Heritage Area shall include lands in Michigan that are related to the following corridors:

- (A) The Rouge River Corridor.
- (B) The Detroit River Corridor.
- (C) The Woodward Avenue Corridor.
- (D) The Lansing Corridor.
- (E) The Flint Corridor.
- (F) The Sauk Trail/Chicago Road Corridor.

(2) SPECIFIC BOUNDARIES.—The specific boundaries of the Heritage Area shall be those specified in the management plan approved under section 315.

(3) MAP.—The Secretary shall prepare a map of the Heritage Area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) CONSENT OF LOCAL GOVERNMENTS.—(A) The Partnership shall provide to the government of each city, village, and township that has jurisdiction over property proposed to be included in the Heritage Area written notice of that proposal.

(B) Property may not be included in the Heritage Area if—

(i) the Partnership fails to give notice of the inclusion in accordance with subparagraph (A);

(ii) any local government to which the notice is required to be provided objects to the inclusion, in writing to the Partnership, by not later than the end of the period provided pursuant to clause (iii); or

(iii) fails to provide a period of at least 60 days for objection under clause (ii).

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this subtitle.

(d) ADDITIONS AND DELETIONS OF LANDS.—The Secretary may add or remove lands to or from the Heritage Area in response to a request from the Partnership.

SEC. 314. DESIGNATION OF PARTNERSHIP AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Partnership shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Partnership may receive amounts appropriated to carry out this subtitle.

(2) DISQUALIFICATION.—If a management plan for the Heritage Area is not submitted to the Secretary as required under section 315 within the time specified in that section, the Partnership shall cease to be authorized to receive Federal funding under this subtitle until such a plan is submitted to the Secretary.

(c) AUTHORITIES OF PARTNERSHIP.—The Partnership may, for purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available under this subtitle—

(1) to make grants to the State of Michigan, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State of Michigan, its political subdivisions, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to 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; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Partnership may not use Federal funds received under this subtitle to acquire real property or any interest in real property.

SEC. 315. MANAGEMENT DUTIES OF THE AUTOMOBILE NATIONAL HERITAGE AREA PARTNERSHIP.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY SECRETARY.—The Board of Directors of the Partnership shall, within 3 years after the date of enactment of this subtitle, develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) PLAN REQUIREMENTS, GENERALLY.—A management plan submitted under this section shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area; and

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) ADDITIONAL PLAN REQUIREMENTS.—The management plan also shall include the following, as appropriate:

(A) An inventory of resources contained in the Heritage Area, including a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area. The inventory may not include any property that is privately owned unless the owner of the property consents in writing to that inclusion.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including plans for restoration and construction and a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this subtitle.

(E) An interpretive plan for the Heritage Area.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the Heritage Area management plan by the Board, the Secretary shall approve or disapprove the plan. If the Secretary has taken no action after 180 days, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the management plan, the Secretary shall advise the Board, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revisions from the Board. If the Secretary has taken no action for 60 days after receipt, the

plan and revisions shall be considered approved.

(b) PRIORITIES.—The Partnership shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the Heritage Area, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the natural and cultural resources in the Heritage Area;

(B) in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) in developing recreational opportunities in the Heritage Area;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Heritage Area;

(E) in the restoration of historic buildings that are located within the boundaries of the Heritage Area and related to the theme of the Heritage Area; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The Partnership shall, in preparing and implementing the management plan for the Heritage Area, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area.

(d) PUBLIC MEETINGS.—The Partnership shall conduct public meetings at least annually regarding the implementation of the Heritage Area management plan.

(e) ANNUAL REPORTS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this subtitle or in which a loan made by the Partnership with Federal funds under section 314(c)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this subtitle or in which a loan made by the Partnership with Federal funds under section 314(c)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(g) DELEGATION.—The Partnership may delegate the responsibilities and actions under this section for each corridor identified in section 313(b)(1). All delegated actions are subject to review and approval by the Partnership.

SEC. 316. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to units of government, nonprofit organizations, and other persons upon request of the Partnership, and to the Partnership, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or

grants under this section, require any recipient of such technical assistance or a grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the assistance effectively fulfills the objectives contained in the Heritage Area management plan and achieves the purposes of this subtitle. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal entity conducting any activity directly affecting the Heritage Area shall consider the potential effect of the activity on the Heritage Area management plan and shall consult with the Partnership with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 317. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) LACK OF EFFECT ON AUTHORITY OF LOCAL GOVERNMENT.—Nothing in this subtitle shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land under any other law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS.—Nothing in this subtitle shall be construed to grant powers of zoning or land use control to the Partnership.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this subtitle shall be construed to affect or to authorize the Partnership to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Michigan or a political subdivision thereof.

SEC. 318. SUNSET.

The Secretary may not make any grant or provide any assistance under this subtitle after September 30, 2014.

SEC. 319. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated under this subtitle not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this subtitle.

(b) 50 PERCENT MATCH.—Federal funding provided under this subtitle, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any activity carried out with any financial assistance or grant provided under this subtitle.

Subtitle C—Lackawanna Heritage Valley American Heritage Area of Pennsylvania

SEC. 321. FINDINGS AND PURPOSE.

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

(1) The industrial and cultural heritage of northeastern Pennsylvania inclusive of Lackawanna, Luzerne, Wayne, and Susquehanna counties, related directly to anthracite and anthracite-related industries, is nationally significant, as documented in the United States Department of the Interior-National Parks Service, National Register of Historic Places, Multiple Property Documentation submittal of the Pennsylvania Historic and Museum Commission (1996).

(2) These industries include anthracite mining, ironmaking, textiles, and rail transportation.

(3) The industrial and cultural heritage of the anthracite and related industries in this region includes the social history and living cultural traditions of the people of the region.

(4) The labor movement of the region played a significant role in the development of the Nation including the formation of many key unions such as the United Mine Workers of America, and crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes.

(5) The Department of the Interior is responsible for protecting the Nation's cultural and historic resources, and there are significant examples of these resources within this 4-county region to merit the involvement of the Federal Government to develop programs and projects, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(6) The Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region.

(b) PURPOSE.—The objectives of the Lackawanna Heritage Valley American Heritage Area are as follows:

(1) To foster a close working relationship with all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and empower the communities to conserve their heritage while continuing to pursue economic opportunities.

(2) To conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region of northeastern Pennsylvania.

SEC. 322. LACKAWANNA HERITAGE VALLEY AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Lackawanna Heritage Valley American Heritage Area (in this subtitle referred to as the "Heritage Area").

(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of the counties of Lackawanna, Luzerne, Wayne, and Susquehanna in Pennsylvania, determined pursuant to the compact under section 323.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.

SEC. 323. COMPACT.

To carry out the purposes of this subtitle, the Secretary of the Interior (in this subtitle referred to as the "Secretary") shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including each of the following:

(1) A delineation of the boundaries of the Heritage Area.

(2) A discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 324. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may, for purposes of preparing and implementing the management plan developed under subsection (b), use funds made available through this subtitle for the following:

(1) To make loans and grants to, and enter into cooperative agreements with States and their political subdivisions, private organizations, or any person.

(2) To hire and compensate staff.

(b) MANAGEMENT PLAN.—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the Heritage Area's conservation, funding, management, and development. Such plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations working in the Heritage Area. It shall include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area. It shall specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area. Such plan shall include, as appropriate, the following:

(1) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance.

(2) A recommendation of policies for resource management which considers and details application of appropriate land and water management techniques, including, but not limited to, the development of inter-governmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability.

(3) A program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation.

(4) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this subtitle.

(5) An interpretation plan for the Heritage Area.

The management entity shall submit the management plan to the Secretary for approval within 3 years after the date of enactment of this subtitle. If a management plan is not submitted to the Secretary as required within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan, including steps to assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government, regional planning organizations, and nonprofit organizations in establishing and maintaining interpretive exhibits in the Heritage Area; assist units of government, regional planning organizations, and nonprofit organizations in developing recreational resources in the Heritage Area;

(3) assist units of government, regional planning organizations, and nonprofit organizations in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area; assist units of government, regional planning organizations and nonprofit organizations in the restoration of any historic building relating to the themes of the Heritage Area;

(4) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the plan; encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the plan;

(5) assist units of government, regional planning organizations, and nonprofit orga-

nizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings at least quarterly regarding the implementation of the management plan;

(8) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; for any year in which Federal funds have been received under this subtitle, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entity to which any loans and grants were made during the year for which the report is made; and

(9) for any year in which Federal funds have been received under this subtitle, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

(d) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The management entity may not use Federal funds received under this subtitle to acquire real property or an interest in real property. Nothing in this subtitle shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

SEC. 325. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary may, upon request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan. In assisting the management entity, the Secretary shall give priority to actions that in general assist in—

(A) conserving the significant natural, historic, and cultural resources which support its themes; and

(B) providing educational, interpretive, and recreational opportunities consistent with its resources and associated values.

(2) **SPENDING FOR NON-FEDERALLY OWNED PROPERTY.**—The Secretary may spend Federal funds directly on non-federally owned property to further the purposes of this subtitle, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places. The Historic American Building Survey/Historic American Engineering Record shall conduct those studies necessary to document the industrial, engineering, building, and architectural history of the region.

(b) **APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.**—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a compact or management plan submitted under this subtitle not later than 90 days after receiving such compact or management plan.

(c) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions in the compact or plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) **APPROVING AMENDMENTS.**—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this subtitle may not be expended to implement the changes made by such amendments until the Secretary approves the amendments.

SEC. 326. SUNSET.

The Secretary may not make any grant or provide any assistance under this subtitle after September 30, 2012.

SEC. 327. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated under this subtitle not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this subtitle.

(b) **50 PERCENT MATCH.**—Federal funding provided under this subtitle, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this subtitle.

Subtitle D—Miscellaneous Provisions

SEC. 331. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR, MASSACHUSETTS AND RHODE ISLAND.

Section 10(b) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by striking "For fiscal year 1996, 1997, and 1998," and inserting "For fiscal years 1998, 1999, and 2000,".

SEC. 332. ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR, ILLINOIS.

(a) **EXTENSION OF COMMISSION.**—Section 111(a) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 98 Stat. 1456; 16 U.S.C. 461 note) is amended by striking "ten" and inserting "20".

(b) **REPEAL OF EXTENSION AUTHORITY.**—Section 111 of such Act (16 U.S.C. 461 note) is further amended—

- (1) by striking "(a) TERMINATION.—"; and
- (2) by striking subsection (b).

TITLE IV—HISTORIC AREAS

SEC. 401. BATTLE OF MIDWAY NATIONAL MEMORIAL STUDY.

(a) **FINDINGS.**—The Congress makes the following findings:

(1) September 2, 1998, marked the 53d anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against United States or allied forces.

(3) During the Battle of Midway on June 4, 1942, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed Forces under the command of Admiral Nimitz and Admiral Spruance, outmaneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to study whether Midway Atoll should be established as a national memorial to the Battle of Midway to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

(5) The historic structures on Midway Atoll should be protected and maintained.

(b) **PURPOSE.**—The purpose of this section shall be to require a study of the feasibility and suitability of designating the Midway Atoll as a national memorial to the Battle of

Midway within the boundaries of the Midway Atoll National Wildlife Refuge. The study of the Midway Atoll and its environs shall include, but not be limited to, identification of interpretive opportunities for the educational and inspirational benefit of present and future generations, and of the unique and significant circumstances involving the defense of the island by the United States in World War II and the Battle of Midway.

(c) **STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL AS A NATIONAL MEMORIAL TO THE BATTLE OF MIDWAY.**—

(1) **IN GENERAL.**—Not later than 6 months 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, shall carry out a study of the suitability and feasibility of establishing Midway Atoll as a national memorial to the Battle of Midway. The Secretary shall carry out the study in consultation with the Director of the National Park Service, the International Midway Memorial Foundation, Inc. (referred to in this section as the "Foundation"), the Veterans of Foreign Wars, the Battle of Coral Sea Association, the American Legion, or other appropriate veterans group, respectively, and the Midway Phoenix Corporation.

(2) **CONSIDERATIONS.**—In studying the establishment of Midway Atoll as a national memorial to the Battle of Midway under paragraph (1), the Secretary shall address the following:

(A) The appropriate Federal agency to manage such a memorial, and whether and under what conditions to lease or otherwise allow the Foundation or another appropriate entity to administer, maintain, and fully utilize for use as a national memorial to the Battle of Midway the lands (including any equipment, facilities, infrastructure, and other improvements) and waters of Midway Atoll if designated as a national memorial.

(B) Whether designation as a national memorial would conflict with current management of Midway Atoll as a wildlife refuge and whether, and under what circumstances, the needs and requirements of the wildlife refuge should take precedence over the needs and requirements of a national memorial on Midway Atoll.

(C) Whether, and under what conditions, to permit the use of the facilities on Sand Island for purposes other than a wildlife refuge or a national memorial.

(D) Whether to impose conditions on public access to Midway Atoll if designated as a national memorial.

(d) **REPORT.**—Upon completion of the study required under paragraph (1), the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the study, which shall include any recommendations for further legislative action. The report shall also include an inventory of all known past and present facilities and structures of historical significance on Midway Atoll and its environs. The report shall include a description of each historic facility and structure and a discussion of how each will contribute to the designation and interpretation of the proposed national memorial.

(e) **CONTINUING DISCUSSIONS.**—Nothing in this section shall be construed to delay or prohibit discussions or agreements between the Foundation, the Veterans of Foreign Wars, the Battle of Coral Sea Association, the American Legion, or any other appropriate veterans group, or the Midway Phoenix Corporation and the United States Fish and Wildlife Service or any other Government entity regarding the future role of the Foundation or the Midway Phoenix Corporation on Midway Atoll.

(f) EXISTING AGREEMENT.—This section shall not affect any agreement in effect on the date of the enactment of this Act between the United States Fish and Wildlife Service and Midway Phoenix Corporation.

(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section not more than \$100,000.

SEC. 402. HISTORIC LIGHTHOUSE PRESERVATION.

(a) PRESERVATION OF HISTORIC LIGHT STATIONS.—Title III of the National Historic Preservation Act (16 U.S.C. 470w-470w-6) is amended by adding the following new section after section 307:

“SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.

“(a) IN GENERAL.—In order to provide a national historic light station program, the Secretary shall—

“(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

“(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

“(3) sponsor or conduct research and study into the history of light stations;

“(4) maintain a listing of historic light stations; and

“(5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

“(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

“(1) Within one year of the date of enactment of this section, the Secretary and the Administrator of General Services shall establish a process for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes.

“(2) The Secretary shall review all applicants for the conveyance of a historic light station, when the historic light station has been identified as excess to the needs of the agency with administrative jurisdiction over the historic light station, and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary may consult with the State Historic Preservation Officer of the state in which the historic light station is located. A priority of consideration shall be afforded public entities that submit applications in which the public entity enters into a partnership with a nonprofit organization whose primary mission is historic light station preservation.

“(3)(A) Except as provided in paragraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c). The conveyance of a historic light station under this section shall not be subject to the provisions of 42 U.S.C. 11301 et seq.

“(B)(i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

“(ii) If the Secretary approves the conveyance or sale of a historic light station referenced in this paragraph, such conveyance or sale shall be subject to the conditions set forth in subsection (c) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

“(iii) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter cooperative agreements

with appropriate eligible entities, as provided in this Act, to the extent such cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.

“(c) TERMS OF CONVEYANCE.—

“(1) The conveyance of a historic light station shall be made subject to any conditions the Administrator considers necessary to ensure that—

“(A) the lights, antennas, sound signal, electronic navigation equipment, and associated light station equipment located at the historic light station, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as needed for this purpose;

“(B) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with aids to navigation without the express written permission of the head of the agency responsible for maintaining the aids to navigation;

“(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation located at the historic light station as may be necessary for navigation purposes;

“(D) the eligible entity to which the historic light station is conveyed under this section shall maintain the historic light station in accordance with this Act, the Secretary's Standards for the Treatment of Historic Properties, and other applicable laws;

“(E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions; and

“(F) the United States shall have the right, at any time, to enter the historic light station without notice for purposes of maintaining and inspecting aids to navigation and ensuring compliance with paragraph (C), to the extent that it is not possible to provide advance notice.

“(2) The Secretary, the Administrator, and any eligible entity to which a historic light station is conveyed under this section, shall not be required to maintain any active aids to navigation associated with a historic light station.

“(3) In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station in its existing condition, at the option of the Administrator, revert to the United States if—

“(A) the historic light station or any part of the historic light station ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity's application;

“(B) the historic light station or any part of the historic light station ceases to be maintained in a manner that ensures its present or future use as an aid to navigation or compliance with this Act, the Secretary's Standards for the Treatment of Historic Properties, and other applicable laws; or

“(C) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station is needed for national security purposes.

“(d) DESCRIPTION OF PROPERTY.—The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is

associated with the historic light station and located at the light station at the time of conveyance. All conditions placed with the deed of title to the historic light station shall be construed as covenants running with the land. No submerged lands shall be conveyed to non-Federal entities.

“(e) RESPONSIBILITIES OF CONVEYEEES.—Each eligible entity to which a historic light station is conveyed under this section shall use and maintain the historic light station in accordance with this section, and have such conditions recorded with the deed of title to the historic light station.

“(f) DEFINITIONS.—For purposes of this section and sections 309 and 310:

“(1) HISTORIC LIGHT STATION.—The term ‘historic light station’ includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, and related real property and improvements associated therewith; provided that the light tower or lighthouse shall be included in or eligible for inclusion in the National Register of Historic Places.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ shall mean—

“(A) any department or agency of the Federal government; or

“(B) any department or agency of the state in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that—

“(i) has agreed to comply with the conditions set forth in subsection (c) and to have such conditions recorded with the deed of title to the historic light station;

“(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c); and

“(iii) can indemnify the Federal government to cover any loss in connection with the historic light station, or any expenses incurred due to reversion.

“(3) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.”

(b) SALE OF EXCESS LIGHT STATIONS.—Title III of the National Historic Preservation Act (16 U.S.C. 470w-470w-6) is amended by adding the following new section after section 308:

“SEC. 309. HISTORIC LIGHT STATION SALES.

“In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator. Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any active aids to navigation located at the historic light station are operated and maintained by the United States for as long as needed for that purpose. Net sale proceeds shall be transferred to the National Maritime Heritage Grant Program, established by section 4 of the National Maritime Heritage Act of 1994 (Public Law 103-451; 16 U.S.C. 5403), within the Department of the Interior.”

(c) TRANSFER OF HISTORIC LIGHT STATIONS TO FEDERAL AGENCIES.—Title III of the National Historic Preservation Act (16 U.S.C. 470w-470w-6) is amended by adding the following new section after section 309:

“SEC. 310. TRANSFER OF HISTORIC LIGHT STATIONS TO FEDERAL AGENCIES.

“After the date of enactment of this section, any department or agency of the Federal government, to which a historic light station is conveyed, shall maintain the historic light station in accordance with this Act, the Secretary's Standards for the Treat-

ment of Historic Properties, and other applicable laws.”.

(d) FUNDING.—There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this section.

SEC. 403. THOMAS COLE NATIONAL HISTORIC SITE, NEW YORK.

(a) DEFINITIONS.—As used in this section:

(1) The term “historic site” means the Thomas Cole National Historic Site established by subsection (c).

(2) The term “Hudson River artists” means artists who were associated with the Hudson River school of landscape painting.

(3) The term “plan” means the general management plan developed pursuant to subsection (e)(4).

(4) The term “Secretary” means the Secretary of the Interior.

(5) The term “Society” means the Greene County Historical Society of Greene County, New York, which owns the Thomas Cole home, studio, and other property comprising the historic site.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) The Hudson River school of landscape painting was inspired by Thomas Cole and was characterized by a group of 19th century landscape artists who recorded and celebrated the landscape and wilderness of America, particularly in the Hudson River Valley region in the State of New York.

(B) Thomas Cole is recognized as America’s most prominent landscape and allegorical painter of the mid-19th century.

(C) Located in Greene County, New York, the Thomas Cole House, also known as Thomas Cole’s Cedar Grove, is listed on the National Register of Historic Places and has been designated as a National Historic Landmark.

(D) Within a 15 mile radius of the Thomas Cole House, an area that forms a key part of the rich cultural and natural heritage of the Hudson River Valley region, significant landscapes and scenes painted by Thomas Cole and other Hudson River artists, such as Frederic Church, survive intact.

(E) The State of New York has established the Hudson River Valley Greenway to promote the preservation, public use, and enjoyment of the natural and cultural resources of the Hudson River Valley region.

(F) Establishment of the Thomas Cole National Historic Site will provide opportunities for the illustration and interpretation of cultural themes of the heritage of the United States and unique opportunities for education, public use, and enjoyment.

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

(A) to preserve and interpret the home and studio of Thomas Cole for the benefit, inspiration, and education of the people of the United States;

(B) to help maintain the integrity of the setting in the Hudson River Valley region that inspired artistic expression;

(C) to coordinate the interpretive, preservation, and recreational efforts of Federal, State, and other entities in the Hudson Valley region in order to enhance opportunities for education, public use, and enjoyment; and

(D) to broaden understanding of the Hudson River Valley region and its role in American history and culture.

(c) ESTABLISHMENT OF THOMAS COLE NATIONAL HISTORIC SITE.—

(1) ESTABLISHMENT.—There is established, as an affiliated area of the National Park System, the Thomas Cole National Historic Site in the State of New York.

(2) DESCRIPTION.—The historic site shall consist of the home and studio of Thomas Cole, comprising approximately 3.4 acres, lo-

cated at 218 Spring Street, in the village of Catskill, New York, as generally depicted on the boundary map numbered TCH/80002, and dated March 1992.

(d) RETENTION OF OWNERSHIP AND MANAGEMENT OF HISTORIC SITE BY GREENE COUNTY HISTORICAL SOCIETY.—The Greene County Historical Society of Greene County, New York, shall continue to own, manage, and operate the historic site.

(e) ADMINISTRATION OF HISTORIC SITE.—

(1) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered by the Society in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(2) COOPERATIVE AGREEMENTS.—

(A) ASSISTANCE TO SOCIETY.—The Secretary may enter into cooperative agreements with the Society to preserve the Thomas Cole House and other structures in the historic site and to assist with education programs and research and interpretation of the Thomas Cole House and associated landscapes.

(B) OTHER ASSISTANCE.—To further the purposes of this section, the Secretary may enter into cooperative agreements with the State of New York, the Society, the Thomas Cole Foundation, and other public and private entities to facilitate public understanding and enjoyment of the lives and works of the Hudson River artists through the provision of assistance to develop, present, and fund art exhibits, resident artist programs, and other appropriate activities related to the preservation, interpretation, and use of the historic site.

(3) ARTIFACTS AND PROPERTY.—

(A) PERSONAL PROPERTY GENERALLY.—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the historic site.

(B) WORKS OF ART.—The Secretary may acquire works of art associated with Thomas Cole and other Hudson River artists for the purpose of display at the historic site.

(4) GENERAL MANAGEMENT PLAN.—Within two complete fiscal years after the date of the enactment of this Act, the Secretary shall develop a general management plan for the historic site with the cooperation of the Society. Upon the completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The plan shall include recommendations for regional wayside exhibits, to be carried out through cooperative agreements with the State of New York and other public and private entities. The plan shall be prepared in accordance with section 12(b) of Public Law 91-383 (16 U.S.C. 1a-1 et seq.; commonly known as the National Park System General Authorities Act).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 404. ADDITION OF THE PAOLI BATTLEFIELD TO THE VALLEY FORGE NATIONAL HISTORICAL PARK.

(a) BOUNDARY MODIFICATION.—Section 2(a) of the Act of July 4, 1976 (Public Law 94-337; 90 Stat. 796; 16 U.S.C. 410aa-1), is amended by adding the following after the first sentence thereof: “The park shall also include the Paoli Battlefield, located in the Borough of Malvern, Pennsylvania, as depicted on the map numbered 001 and dated July 24, 1996 (hereinafter in this Act referred to as the ‘Paoli Battlefield Addition’).”

(b) ACQUISITION OF LANDS.—Section 4(a) of the Act of July 4, 1976 (Public Law 94-337; 90 Stat. 796; 16 U.S.C. 410aa-3), is amended by adding the following before the period at the end thereof: “, except that there is authorized to be appropriated an additional amount of not more than \$2,500,000 for the acquisition of property within the Paoli Battlefield Addition if non-Federal monies in the amount of not less than \$1,000,000 are available for the acquisition (and subsequent donation to the National Park Service) of such property”.

(c) COOPERATIVE MANAGEMENT.—Section 3 of the Act of July 4, 1976 (Public Law 94-337; 90 Stat. 796; 16 U.S.C. 410aa-2), is amended by adding the following at the end thereof: “The Secretary may enter into a cooperative agreement with the Borough of Malvern for the management by the Borough of the Paoli Battlefield Addition.”.

SEC. 405. CASA MALPAIS NATIONAL HISTORIC LANDMARK, ARIZONA.

(a) FINDINGS.—The Congress finds and declares that—

(1) the Casa Malpais National Historic Landmark was occupied by one of the largest and most sophisticated Mogollon communities in the United States;

(2) the landmark includes a 58-room masonry pueblo, including stairways, Great Kiva complex, and fortification walls, a prehistoric trail, and catacomb chambers where the deceased were placed;

(3) the Casa Malpais was designated as a national historic landmark by the Secretary of the Interior in 1964; and

(4) the State of Arizona and the community of Springerville are undertaking a program of interpretation and preservation of the landmark.

(b) PURPOSE.—It is the purpose of this section to assist in the preservation and interpretation of the Casa Malpais National Historic Landmark for the benefit of the public.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In furtherance of the purpose of this section, the Secretary of the Interior is authorized to enter into cooperative agreements with the State of Arizona and the town of Springerville, Arizona, pursuant to which the Secretary may provide technical assistance to interpret, operate, and maintain the Casa Malpais National Historic Landmark and may also provide financial assistance for planning, staff training, and development of the Casa Malpais National Historic Landmark, but not including other routine operations.

(2) ADDITIONAL PROVISIONS.—Any such agreement may also contain provisions that—

(A) the Secretary, acting through the Director of the National Park Service, shall have right to access at all reasonable times to all public portions of the property covered by such agreement for the purpose of interpreting the landmark; and

(B) no changes or alterations shall be made in the landmark except by mutual agreement between the Secretary and the other parties to all such agreements.

(d) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide financial assistance in accordance with this section.

SEC. 406. LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE, NEW YORK.

(a) FINDINGS.—Congress finds that—

(1) immigration, and the resulting diversity of cultural influences, is a key factor in defining American identity; the majority of United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants

coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) the Lower East Side Tenement is owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New York's Lower East Side, and its importance to United States history; and

(7) the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; the Secretary of the Interior declared it a National Historic Landmark on April 19, 1994, and the National Park Service through a special resource study found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

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

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the later half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and its role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

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

(1) HISTORIC SITE.—The term "historic site" means the Lower East Side Tenement at 97 Orchard Street on Manhattan Island in New York City, New York, and designated as a national historic site by subsection (d)(1).

(2) LOWER EAST SIDE TENEMENT MUSEUM.—The term "Lower East Side Tenement Museum" means the Lower East Side Tenement Museum, a nonprofit organization established in New York City, which owns and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

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

(d) ESTABLISHMENT OF HISTORIC SITE.—

(1) DESIGNATION.—To further the purposes of this section and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site to be known as "Lower East Side Tenement National Historic Site".

(2) STATUS AS AFFILIATED SITE.—The Lower East Side Tenement National Historic Site shall be an affiliated site of the National Park System. The Secretary shall coordinate the operation and interpretation of the historic site with that of the Lower East Side Tenement Historic Site and the Statue of Liberty, Ellis Island, and Castle Clinton National Monument, as the historic site's story

and interpretation of the immigrant experience in the United States is directly related to the themes and purposes of these national monuments.

(3) OWNERSHIP AND OPERATION.—The Lower East Side Tenement National Historic Site shall continue to be owned, operated, and managed by the Lower East Side Tenement Museum.

(e) MANAGEMENT OF HISTORIC SITE.—

(1) COOPERATIVE AGREEMENT.—The Secretary is authorized to enter into a cooperative agreement with the Lower East Side Tenement Museum to ensure the marking, interpretation, and preservation of the historic site.

(2) ASSISTANCE.—The Secretary is authorized to provide technical and financial assistance to the Lower East Side Tenement Museum to mark, interpret, and preserve the historic site, including the making of preservation-related capital improvements and repairs.

(3) MANAGEMENT PLAN.—The Secretary shall, working with the Lower East Side Tenement Museum, develop a general management plan for the historic site to define the National Park Service's roles and responsibilities with regard to the interpretation and the preservation of the historic site. The plan shall also outline how interpretation and programming for the Lower East Side Tenement National Historic Site and the Statue of Liberty, Ellis Island, and Castle Clinton national monuments will be integrated and coordinated so as to enhance the stories at each of the 4 sites. Such plan shall be completed within 2 years after the enactment of this Act.

(4) SAVINGS CLAUSE.—Nothing in this section authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the Lower East Side Tenement National Historic Site.

(f) APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 407. GATEWAY VISITOR CENTER AUTHORIZATION, INDEPENDENCE NATIONAL HISTORICAL PARK.

(a) FINDINGS AND PURPOSE.—

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

(A) The National Park Service completed and approved in 1997 a general management plan for Independence National Historical Park that establishes goals and priorities for the park's future.

(B) The general management plan for Independence National Historical Park calls for the revitalization of Independence Mall and recommends as a critical component of the Independence Mall's revitalization the development of a new "Gateway Visitor Center".

(C) Such a visitor center would replace the existing park visitor center and would serve as an orientation center for visitors to the park and to city and regional attractions.

(D) Subsequent to the completion of the general management plan, the National Park Service undertook and completed a design project and master plan for Independence Mall which includes the Gateway Visitor Center.

(E) Plans for the Gateway Visitor Center call for it to be developed and managed, in cooperation with the Secretary of the Interior, by a nonprofit organization which represents the various public and civic interests of the greater Philadelphia metropolitan area.

(F) The Gateway Visitor Center Corporation, a nonprofit organization, has been established to raise funds for and cooperate in a program to design, develop, construct, and operate the proposed Gateway Visitor Center.

(2) PURPOSE.—The purpose of this section is to authorize the Secretary of the Interior to enter into a cooperative agreement with the Gateway Visitor Center Corporation to construct and operate a regional visitor center on Independence Mall.

(b) GATEWAY VISITOR CENTER AUTHORIZATION.—

(1) AGREEMENT.—The Secretary of the Interior, in administering the Independence National Historical Park, may enter into an agreement under appropriate terms and conditions with the Gateway Visitor Center Corporation (a nonprofit corporation established under the laws of the State of Pennsylvania) to facilitate the construction and operation of a regional Gateway Visitor Center on Independence Mall.

(2) OPERATIONS OF CENTER.—The Agreement shall authorize the Corporation to operate the Center in cooperation with the Secretary and to provide at the Center information, interpretation, facilities, and services to visitors to Independence National Historical Park, its surrounding historic sites, the city of Philadelphia, and the region, in order to assist in their enjoyment of the historic, cultural, educational, and recreational resources of the greater Philadelphia area.

(3) MANAGEMENT-RELATED ACTIVITIES.—The Agreement shall authorize the Secretary to undertake at the Center activities related to the management of Independence National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Independence National Historical Park.

(4) ACTIVITIES OF CORPORATION.—The Agreement shall authorize the Corporation, acting as a private nonprofit organization, to engage in activities appropriate for operation of a regional visitor center that may include, but are not limited to, charging fees, conducting events, and selling merchandise, tickets, and food to visitors to the Center.

(5) USE OF REVENUES.—Revenues from activities engaged in by the Corporation shall be used for the operation and administration of the Center.

(6) PROTECTION OF PARK.—Nothing in this section authorizes the Secretary or the Corporation to take any actions in derogation of the preservation and protection of the values and resources of Independence National Historical Park.

(7) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term "Agreement" means an agreement under this section between the Secretary and the Corporation.

(B) CENTER.—The term "Center" means a Gateway Visitor Center constructed and operated in accordance with the Agreement.

(C) CORPORATION.—The term "Corporation" means the Gateway Visitor Center Corporation (a nonprofit corporation established under the laws of the State of Pennsylvania).

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

SEC. 408. TUSKEGEE AIRMEN NATIONAL HISTORIC SITE, ALABAMA.

(a) DEFINITIONS.—As used in this section:

(1) HISTORIC SITE.—The term "historic site" means the Tuskegee Airmen National Historic Site as established by subsection (d).

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

(3) TUSKEGEE AIRMEN.—The term "Tuskegee Airmen" means the thousands of men and women who were trained at Tuskegee University's Moton Field to serve in America's African-American Air Force units during World War II and those men and women who participate in the Tuskegee Experience today, who are represented by Tuskegee Airmen, Inc.

(4) **TUSKEGEE UNIVERSITY.**—The term “Tuskegee University” means the institution of higher education by that name located in the State of Alabama and founded by Booker T. Washington in 1881, formerly named Tuskegee Institute.

(b) **FINDINGS.**—The Congress finds the following:

(1) The struggle of African-Americans for greater roles in North American military conflicts spans the 17th, 18th, 19th, and 20th centuries. Opportunities for African-American participation in the United States military were always very limited and controversial. Quotas, exclusion, and racial discrimination were based on the prevailing attitude in the United States, particularly on the part of the United States military, that African-Americans did not possess the intellectual capacity, aptitude, and skills to be successful fighters.

(2) As late as the 1940’s these perceptions continued within the United States military. Key leaders within the United States Army Air Corps did not believe that African-Americans possessed the capacity to become successful military pilots. After succumbing to pressure exerted by civil rights groups and the black press, the Army decided to train a small number of African-American pilot cadets under special conditions. Although prejudice and discrimination against African-Americans was a national phenomenon, not just a southern trait, it was more intense in the South where it had hardened into rigidly enforced patterns of segregation. Such was the environment where the military chose to locate the training of the Tuskegee Airmen.

(3) The military selected Tuskegee Institute (now known as Tuskegee University) as a civilian contractor for a variety of reasons. These included the school’s existing facilities, engineering and technical instructors, and a climate with ideal flying conditions year round. Tuskegee Institute’s strong interest in providing aeronautical training for African-American youths was also an important factor. Students from the school’s civilian pilot training program had some of the best test scores when compared to other students from programs across the Southeast.

(4) In 1941 the United States Army Air Corps awarded a contract to Tuskegee Institute to operate a primary flight school at Moton Field. Tuskegee Institute (now known as Tuskegee University) chose an African-American contractor who designed and constructed Moton Field, with the assistance of its faculty and students, as the site for its military pilot training program. The field was named for the school’s second president, Robert Russa Moton. Consequently, Tuskegee Institute was one of a very few American institutions (and the only African-American institution) to own, develop, and control facilities for military flight instruction.

(5) Moton Field, also known as the Primary Flying Field or Airport Number 2, was the only primary flight training facility for African-American pilot candidates in the United States Army Air Corps during World War II. The facility symbolizes the entrance of African-American pilots into the United States Army Air Corps, although on the basis of a policy of segregation that was mandated by the military and institutionalized in the South. The facility also symbolizes the singular role of Tuskegee Institute (Tuskegee University) in providing leadership as well as economic and educational resources to make that entry possible.

(6) The Tuskegee Airmen were the first African-American soldiers to complete their training successfully and to enter the United States Army Air Corps. Almost 1,000 aviators were trained as America’s first African-American military pilots. In addition, more than 10,000 military and civilian African-

American men and women served as flight instructors, officers, bombardiers, navigators, radio technicians, mechanics, air traffic controllers, parachute riggers, electrical and communications specialists, medical professionals, laboratory assistants, cooks, musicians, supply, firefighting, and transportation personnel.

(7) Although military leaders were hesitant to use the Tuskegee Airmen in combat, the Airmen eventually saw considerable action in North Africa and Europe. Acceptance from United States Army Air Corps units came slowly, but their courageous and, in many cases, heroic performance earned them increased combat opportunities and respect.

(8) The successes of the Tuskegee Airmen proved to the American public that African-Americans, when given the opportunity, could become effective military leaders and pilots. This helped pave the way for desegregation of the military, beginning with President Harry S. Truman’s Executive Order 9981 in 1948. The Tuskegee Airmen’s success also helped set the stage for civil rights advocates to continue the struggle to end racial discrimination during the civil rights movement of the 1950’s and 1960’s.

(9) The story of the Tuskegee Airmen also reflects the struggle of African-Americans to achieve equal rights, not only through legal attacks on the system of segregation, but also through the techniques of nonviolent direct action. The members of the 477th Bombardment Group, who staged a nonviolent demonstration to desegregate the officer’s club at Freeman Field, Indiana, helped set the pattern for direct action protests popularized by civil rights activists in later decades.

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

(1) To inspire present and future generations to strive for excellence by understanding and appreciating the heroic legacy of the Tuskegee Airmen, through interpretation and education, and the preservation of cultural resources at Moton Field, which was the site of primary flight training.

(2) To commemorate and interpret—

(A) the impact of the Tuskegee Airmen during World War II;

(B) the training process for the Tuskegee Airmen, including the roles played by Moton Field, other training facilities, and related sites;

(C) the African-American struggle for greater participation in the United States Armed Forces and more significant roles in defending their country;

(D) the significance of successes of the Tuskegee Airmen in leading to desegregation of the United States Armed Forces shortly after World War II; and

(E) the impacts of Tuskegee Airmen accomplishments on subsequent civil rights advances of the 1950’s and 1960’s.

(3) To recognize the strategic role of Tuskegee Institute (now Tuskegee University) in training the airmen and commemorating them at this historic site.

(d) **ESTABLISHMENT OF THE TUSKEGEE AIRMEN NATIONAL HISTORIC SITE.**—In order to commemorate and interpret, in association with Tuskegee University, the heroic actions of the Tuskegee Airmen during World War II, there is hereby established as a unit of the National Park System the Tuskegee Airmen National Historic Site in the State of Alabama.

(e) **DESCRIPTION OF HISTORIC SITE.**—

(1) **INITIAL PARCEL.**—The historic site shall consist of approximately 44 acres, including approximately 35 acres owned by Tuskegee University and approximately 9 acres owned by the City of Tuskegee, known as Moton Field, in Macon County, Alabama, as generally depicted on a map entitled “Tuskegee Airmen National Historic Site Boundary

Map”, numbered NHS-TA-80,000, and dated September 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) **SUBSEQUENT EXPANSION.**—Upon completion of agreements regarding the development and operation of the Tuskegee Airmen National Center as described in subsection (i), the Secretary is authorized to acquire approximately 46 additional acres owned by Tuskegee University as generally depicted on the map referenced in paragraph (1). Lands acquired by the Secretary pursuant to this paragraph shall be administered by the Secretary as part of the historic site.

(f) **PROPERTY ACQUISITION.**—The Secretary may acquire by donation, exchange, or purchase with donated or appropriated funds the real property described in subsection (e), except that any property owned by the State of Alabama, any political subdivision thereof, or Tuskegee University may be acquired only by donation. Property donated by Tuskegee University shall be used only for purposes consistent with the purposes of this section. The Secretary may also acquire by the same methods personal property associated with, and appropriate for, the interpretation of the historic site.

(g) **ADMINISTRATION OF HISTORIC SITE.**—

(1) **IN GENERAL.**—The Secretary shall administer the historic site in accordance with this section and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).

(2) **ROLE OF TUSKEGEE UNIVERSITY.**—The Secretary shall consult with Tuskegee University as its principal partner in determining the organizational structure, developing the ongoing interpretive themes, and establishing policies for the wise management, use and development of the historic site. With the agreement of Tuskegee University, the Secretary shall engage appropriate departments, and individual members of the University’s staff, faculty, and students in the continuing work of helping to identify, research, explicate, interpret, and format materials for the historic site. Through the President of the University, or with the approval of the President of the University, the Secretary shall seek to engage Tuskegee alumni in the task of providing artifacts and historical information for the historic site.

(3) **ROLE OF TUSKEGEE AIRMEN.**—The Secretary, in cooperation with Tuskegee University, shall work with the Tuskegee Airmen to facilitate the acquisition of artifacts, memorabilia, and historical research for interpretive exhibits, and to support their efforts to raise funds for the development of visitor facilities and programs at the historic site.

(4) **DEVELOPMENT.**—Operation and development of the historic site shall reflect Alternative C, Living History: The Tuskegee Airmen Experience, as expressed in the final special resource study entitled “Moton Field/Tuskegee Airmen Special Resource Study”, dated September 1998. Subsequent development of the historic site shall reflect Alternative D after an agreement is reached with Tuskegee University on the development of the Tuskegee Airmen National Center as described in subsection (i).

(h) **COOPERATIVE AGREEMENTS GENERALLY.**—The Secretary may enter into cooperative agreements with Tuskegee University, other educational institutions, the Tuskegee Airmen, individuals, private and public organizations, and other Federal agencies in furtherance of the purposes of

this section. The Secretary shall consult with Tuskegee University in the formulation of any major cooperative agreements with other universities or federal agencies that may affect Tuskegee University's interests in the historic site. To every extent possible, the Secretary shall seek to complete cooperative agreements requiring the use of higher educational institutions with and through Tuskegee University.

(i) TUSKEGEE AIRMEN NATIONAL CENTER.—

(1) COOPERATIVE AGREEMENT FOR DEVELOPMENT.—The Secretary shall enter into a cooperative agreement with Tuskegee University to define the partnership needed to develop the Tuskegee Airmen National Center on the grounds of the historic site.

(2) PURPOSE OF CENTER.—The purpose of the Tuskegee Airmen National Center shall be to extend the ability to relate more fully the story of the Tuskegee Airmen at Moton Field. The center shall provide for a Tuskegee Airmen Memorial, shall provide large exhibit space for the display of period aircraft and equipment used by the Tuskegee Airmen, and shall house a Tuskegee University Department of Aviation Science. The Secretary shall insure that interpretive programs for visitors benefit from the University's active pilot training instruction program, and the historical continuum of flight training in the tradition of the Tuskegee Airmen. The Secretary is authorized to permit the Tuskegee University Department of Aviation Science to occupy historic buildings within the Moton Field complex until the Tuskegee Airmen National Center has been completed.

(3) REPORT.—Within 1 year after the date of the enactment of this Act, the Secretary, in consultation with Tuskegee University and the Tuskegee Airmen, shall prepare a report on the partnership needed to develop the Tuskegee Airmen National Center, and submit the report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) TIME FOR AGREEMENT.—Sixty days after the report required by paragraph (3) is submitted to Congress, the Secretary may enter into the cooperative agreement under this subsection with Tuskegee University, and other interested partners, to implement the development and operation of the Tuskegee Airmen National Center.

(j) GENERAL MANAGEMENT PLAN.—Within 2 complete fiscal years after funds are first made available to carry out this section, the Secretary shall prepare, in consultation with Tuskegee University, a general management plan for the historic site and shall submit the plan to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$29,114,000.

SEC. 409. LITTLE ROCK CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE, ARKANSAS.

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

(1) The 1954 United States Supreme Court decision of *Brown v. Board of Education*, which mandated an end to the segregation of public schools, was one of the most significant court decisions in the history of the United States.

(2) The admission of nine African-American students, known as the "Little Rock Nine", to Central High School in Little Rock, Arkansas, as a result of the *Brown* decision, was the most prominent national example of the implementation of the *Brown* decision, and served as a catalyst for the in-

tegration of other, previously segregated public schools in the United States.

(3) 1997 marked the 70th anniversary of the construction of Central High School, which has been named by the American Institute of Architects as the most beautiful high school building in America.

(4) Central High School was included on the National Register of Historic Places in 1977 and designated by the Secretary of the Interior as a National Historic Landmark in 1982 in recognition of its national significance in the development of the civil rights movement in the United States.

(5) The designation of Little Rock Central High School as a unit of the National Park System will recognize the significant role the school played in the desegregation of public schools in the South and will interpret for future generations the events associated with early desegregation of southern schools.

(b) PURPOSE.—The purpose of this section is to preserve, protect, and interpret for the benefit, education, and inspiration of present and future generations, Central High School in Little Rock, Arkansas, and its role in the integration of public schools and the development of the civil rights movement in the United States.

(c) ESTABLISHMENT AS NATIONAL HISTORIC SITE.—The Little Rock Central High School National Historic Site in the State of Arkansas (referred to in this section as the "historic site") is hereby established as a unit of the National Park System. The historic site shall consist of lands and interests therein comprising the Central High School campus and adjacent properties in Little Rock, Arkansas, as generally depicted on a map entitled "Proposed Little Rock Central High School National Historic Site", numbered LIRO-20,000, and dated July 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADMINISTRATION OF HISTORIC SITE.—The Secretary of the Interior (referred to in this section as the "Secretary") shall administer the historic site in accordance with this section. Only those lands under the direct jurisdiction of the Secretary shall be administered in accordance with the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act). Nothing in this section shall affect the authority of the Little Rock School District to administer Little Rock Central High School nor shall this section affect the authorities of the City of Little Rock in the neighborhood surrounding the school.

(e) COOPERATIVE AGREEMENTS.—

(1) AUTHORITY.—The Secretary may enter into cooperative agreements with appropriate public and private agencies, organizations, and institutions (including, but not limited to, the State of Arkansas, the City of Little Rock, the Little Rock School District, Central High Museum, Inc., Central High Neighborhood, Inc., or the University of Arkansas) in furtherance of the purposes of this section.

(2) COORDINATION.—The Secretary shall coordinate visitor interpretation of the historic site with the Little Rock School District and the Central High School Museum, Inc.

(f) GENERAL MANAGEMENT PLAN.—Within three years after the date funds are made available, the Secretary shall prepare a general management plan for the historic site. The plan shall be prepared in consultation and coordination with the Little Rock School District, the City of Little Rock, Cen-

tral High Museum, Inc., and with other appropriate organizations and agencies. The plan shall identify specific roles and responsibilities for the National Park Service in administering the historic site, and shall identify lands or property, if any, that might be necessary for the National Park Service to acquire in order to carry out its responsibilities. The plan shall also identify the roles and responsibilities of other entities in administering the historic site and its programs. The plan shall include a management framework that ensures the administration of the historic site does not interfere with the continuing use of Central High School as an educational institution.

(g) ACQUISITION OF PROPERTY.—

(1) METHOD OF ACQUISITION.—Subject to paragraph (2), the Secretary is authorized to acquire, by purchase with donated or appropriated funds, by exchange, or by donation, the lands and interests therein located within the boundaries of the historic site.

(2) CONDITIONS.—The Secretary may acquire lands or interests therein under paragraph (1) only with the consent of the owner thereof. Lands or interests therein owned by the State of Arkansas or a political subdivision thereof may be acquired under paragraph (1) only by donation or exchange.

(h) DESEGREGATION IN PUBLIC EDUCATION THEME STUDY.—

(1) THEME STUDY.—Within two years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a National Historic Landmark Theme Study (referred to in this subsection as the "theme study") on the history of desegregation in public education. The purpose of the theme study shall be to identify sites, districts, buildings, structures, and landscapes that best illustrate or commemorate key events or decisions in the historical movement to provide for racial desegregation in public education. On the basis of the theme study, the Secretary shall identify possible new national historic landmarks appropriate to this theme and prepare a list in order of importance or merit of the most appropriate sites for national historic landmark designation.

(2) OPPORTUNITIES FOR EDUCATION AND RESEARCH.—The theme study shall identify appropriate means to establish linkages between sites identified in paragraph (1) and between those sites and the historic site and with other existing units of the National Park System to maximize opportunities for public education and scholarly research on desegregation in public education. The theme study also shall recommend opportunities for cooperative arrangements with State and local governments, educational institutions, local historical organizations, and other appropriate entities to preserve and interpret key sites in the history of desegregation in public education.

(3) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with one or more educational institutions, public history organizations, or civil rights organizations knowledgeable about desegregation in public education to prepare the theme study and to ensure that the theme study meets scholarly standards.

(4) THEME STUDY COORDINATION WITH GENERAL MANAGEMENT PLAN.—The theme study shall be prepared as part of the preparation and development of the general management plan for the historic site.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 410. WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT.

(a) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES.—Section 4 of the Weir Farm National Historic Site Establishment Act of 1990 (Public Law 101-485; 104 Stat. 1171; 16 U.S.C. 461 note) is amended by adding at the end the following new subsection:

“(d) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES; LIMITATIONS.—(1) In order to preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site. The property acquired under the authority of this paragraph may be contiguous or in close proximity to the parcels described in subsection (b). The acquired property shall be included within the boundaries of the historic site and shall be operated and maintained as part of the historic site.

“(2) The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property is similar to the natural and undeveloped landscape of the parcels described in subsection (b). Any parking area for the resulting visitor and administrative facilities shall not exceed 30 spaces. Items sold in the visitor facilities shall be limited to educational and interpretive materials related to the purpose of the historic site and shall not include food.

“(3) Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into one or more agreements with the appropriate zoning authority of the town of Ridgefield and the town of Wilton for the purposes of—

“(A) developing the parking, visitor, and administrative facilities for the historic site; and

“(B) managing bus traffic to the historic site, which will include limiting parking for large tour buses to an offsite location.”

(b) INCREASE IN MAXIMUM ACQUISITION AUTHORITY.—Section 7 of such Act (104 Stat. 1173) is amended by striking “\$1,500,000” and inserting “\$4,000,000”.

SEC. 411. KATE MULLANY NATIONAL HISTORIC SITE, NEW YORK.

(a) DEFINITIONS.—As used in this section:

(1) The term “historic site” means the Kate Mullany National Historic Site established by subsection (d).

(2) The term “plan” means the general management plan developed pursuant to subsection (h).

(3) The term “Secretary” means the Secretary of the Interior.

(b) FINDINGS.—Congress finds the following:

(1) The Kate Mullany House in Troy, New York, is listed on the National Register of Historic Places and has been designated as a National Historic Landmark.

(2) The National Historic Landmark Theme Study on American Labor History concluded that the Kate Mullany House appears to meet the criteria of national significance, suitability, and feasibility for inclusion in the National Park System.

(3) The city of Troy, New York—

(A) played an important role in the development of the collar and cuff industry and the iron industry in the 19th century, and in the development of early men’s and women’s worker and cooperative organizations; and

(B) was the home of the first women’s labor union, led by Irish immigrant Kate Mullany.

(4) The city of Troy, New York, with 6 neighboring cities, towns, and villages, entered into a cooperative arrangement to create the Hudson-Mohawk Urban Cultural

Park Commission to manage their valuable historic resources and the area within these municipalities has been designated by the State of New York as a heritage area to represent industrial development and labor themes in the State’s development.

(5) This area, known as the Hudson-Mohawk Urban Cultural Park or RiverSpark, has been a pioneer in the development of partnership parks where intergovernmental and public and private partnerships bring about the conservation of our heritage and the attainment of goals for preservation, education, recreation, and economic development.

(6) Establishment of the Kate Mullany National Historic Site and cooperative efforts between the National Park Service and the Hudson-Mohawk Urban Cultural Park Commission will provide opportunities for the illustration and interpretation of important themes of the heritage of the United States, and will provide unique opportunities for education, public use, and enjoyment.

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

(1) to preserve and interpret the nationally significant home of Kate Mullany for the benefit, inspiration, and education of the people of the United States; and

(2) to interpret the connection between immigration and the industrialization of the Nation, including the history of Irish immigration, women’s history, and worker history.

(d) ESTABLISHMENT OF HISTORIC SITE.—There is established, as a unit of the National Park System, the Kate Mullany National Historic Site in the State of New York. The historic site shall consist of the home of Kate Mullany, comprising approximately .05739 acre, located at 350 Eighth Street in Troy, New York, as generally depicted on the map entitled “Kate Mullany House, Troy, New York”, numbered 101.23, and dated December 10, 1976 (as revised September 16, 1997).

(e) ACQUISITION OF PROPERTY.—

(1) REAL PROPERTY.—The Secretary may acquire lands and interests therein within the boundaries of the historic site and ancillary real property for parking or interpretation, as necessary and appropriate for management of the historic site. Such acquisitions may be by donation, purchase from willing sellers with donated or appropriated funds, or exchange.

(2) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the historic site using the methods provided in paragraph (1).

(f) ADMINISTRATION OF HISTORIC SITE.—

(1) IN GENERAL.—The Secretary shall administer the historic site in accordance with this section and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(2) COOPERATIVE AGREEMENTS.—To further the purposes of this section, the Secretary may consult with and enter into cooperative agreements with the State of New York and the Hudson-Mohawk Urban Cultural Park Commission, and other public and private entities to facilitate public understanding and enjoyment of the life and work of Kate Mullany through the development, presentation, and funding of exhibits and other appropriate activities related to the preservation, interpretation, and use of the historic site and related historic resources.

(g) EXHIBITS.—The Secretary may display, and accept for the purposes of display, items associated with Kate Mullany, as may be

necessary for the interpretation of the historic site.

(h) GENERAL MANAGEMENT PLAN.—Not later than two complete fiscal years after the date of the enactment of this Act, the Secretary shall develop a general management plan for the historic site. Upon its completion, the Secretary shall submit the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The plan shall include recommendations for regional wayside exhibits, to be carried out through cooperative agreements with the State of New York and other public and private entities. The plan shall be prepared in accordance with section 12(b) of Public Law 91-383 (16 U.S.C. 1a-1 et seq.; commonly known as the National Park System General Authorities Act).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 412. ROUTE 66 NATIONAL HISTORIC HIGHWAY.

(a) DEFINITIONS.—In this section:

(1) ROUTE 66.—The term “Route 66” means—

(A) portions of the highway formerly designated as United States Route 66 that remain in existence as of the date of enactment of this Act;

(B) public lands in the immediate vicinity of the highway; and

(C) private lands in the immediate vicinity of the highway owned by persons who are willing to participate in the programs authorized by this section.

(2) CULTURAL RESOURCE PROGRAMS.—The term “Cultural Resource Programs” means the programs established and administered by the National Park Service for the benefit of and in support of cultural resources related to Route 66, either directly or indirectly.

(3) PRESERVATION OF ROUTE 66.—The term “preservation of Route 66” means the preservation or restoration of portions of the highway, businesses and sites of interest and other contributing resources along the highway commemorating Route 66 during its period of outstanding historic significance (principally between 1933 and 1970), as defined by the July 1995 National Park Service “Special Resource Study of Route 66”.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term “State” means a State in which a portion of Route 66 is located.

(b) DESIGNATION OF HISTORIC HIGHWAY.—Route 66 is designated as “Route 66 National Historic Highway”.

(c) GENERAL MANAGEMENT.—The Secretary, in collaboration with the entities described in subsection (d), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of Route 66. The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this section.

(d) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian Tribes, State Historic Preservation Offices, and entities in the States to preserve Route 66 by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agen-

cies, nonprofit Route 66 preservation entities, Indian Tribes, State historic Preservation Offices, and private persons and entities interested in the preservation of Route 66; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(e) OTHER AUTHORITIES.—In carrying out this section, the Secretary may—

(1) collaborate with the Secretary of Transportation to—

(A) address transportation factors that may conflict with preservation efforts in such a way as to ensure ongoing preservation, interpretation and management of Route 66 National Historic Highway; and

(B) take advantage, to the maximum extent possible, of existing programs, such as the Scenic Byways program under section 162 of title 23, United States Code.

(2) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(3) accept donations;

(4) provide cost-share grants and information;

(5) provide technical assistance in historic preservation; and

(6) conduct research.

(f) ROAD SIGNS.—The Secretary may sponsor a road sign program on Route 66 to be implemented on a cost-sharing basis with State and local organizations.

(g) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of Route 66 in a manner that is compatible with the idiosyncratic nature of the highway.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for Route 66, but shall cooperate with the States and local public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian Tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of Route 66.

(h) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of Route 66.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs of Route 66 so as to allow for the preservation of Route 66.

(i) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of Route 66.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(j) GRANTS.—The Secretary shall—

(1) make cost-share grants for preservation of Route 66 available for resources that meet the guidelines under subsection (h); and

(2) provide information about existing cost-share opportunities.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this section.

SEC. 413. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION AT VALLEY FORGE NATIONAL HISTORICAL PARK, PENNSYLVANIA.

The Act of July 4, 1976 (Public Law 94-337; 90 Stat. 796; 16 U.S.C. 410aa et seq.), is amended by adding at the end the following new section:

"SEC. 5. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION.

"(a) MUSEUM AUTHORIZED.—In administering the park, the Secretary may enter into an agreement pursuant to this section with the Valley Forge Historical Society (hereinafter referred to as the 'Society') to facilitate the planning, construction, and operation of a museum on Federal land within the boundaries of the park to be known as the 'Valley Forge Museum of the American Revolution'.

"(b) PURPOSE OF MUSEUM.—

"(1) ACTIVITIES OF SOCIETY.—The agreement shall authorize the Society to construct and operate the museum in cooperation with the Secretary and to provide at the museum programs and services to visitors to the park related to the story of Valley Forge and the American Revolution. The Society, acting as a private nonprofit organization, may engage in activities appropriate for operation of the museum, including charging fees, conducting events, and selling merchandise, tickets, and food to visitors to the museum.

"(2) ACTIVITIES OF SECRETARY.—The agreement shall authorize the Secretary to undertake at the museum activities related to the management of the park, including the provision of appropriate visitor information and interpretive facilities and programs related to the park.

"(c) USE OF REVENUES.—The agreement shall require that revenues derived by the Society from the museum's facilities and services be used to offset the expenses of the museum's operation and maintenance.

"(d) TERM OF OCCUPANCY.—The agreement shall authorize the Society to occupy any structure constructed pursuant to the agreement for such a term as the parties may specify in the agreement.

"(e) CONDITIONS.—The agreement shall be subject to the following terms and conditions:

"(1) The conveyance by the Society to the United States of all right, title, and interest in any structure constructed at the park pursuant to the agreement.

"(2) The authority of the Society to occupy and use any such structure shall be for the exhibition, preservation, and interpretation of artifacts associated with the Valley Forge story and the American Revolution to enhance the visitor experience to the park and to conduct appropriately related activities of the Society consistent with its mission. Such authority shall not be transferred or conveyed without the express consent of the Secretary.

(3) Such other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

"(f) RELATION TO OTHER PARK VALUES.—Nothing in this section shall authorize the Secretary or the Society to take any actions in derogation of the preservation and protection of the values and resources of the park."

TITLE V—SAN RAFAEL SWELL

SEC. 501. SHORT TITLE.

This title may be cited as the "San Rafael Swell National Heritage and Conservation Act".

SEC. 502. DEFINITIONS.

In this title:

(1) ADVISORY COUNCIL.—The term "Advisory Council" means the San Rafael Swell National Conservation Area Advisory Council established under section 525.

(2) CONSERVATION AREA.—The term "conservation area" means the San Rafael Swell National Conservation Area established by section 522.

(3) DIRECTOR.—The term "Director" means the Director of the Bureau of Land Management.

(4) NATIONAL HERITAGE AREA.—The term "national heritage area" means the San Rafael Swell National Heritage Area established by section 513.

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

(6) SEMI-PRIMITIVE AREA.—The term "semi-primitive area" means any area designated as a semi-primitive nonmotorized use area under section 542.

Subtitle A—San Rafael Swell National Heritage Area

SEC. 511. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This subtitle may be cited as the "San Rafael Swell National Heritage Area Act".

(b) FINDINGS.—Congress finds the following:

(1) The history of the American West is one of the most significant chapters of United States history, and the major themes and images of the history of the American West provide a legacy that has done much to shape the contemporary culture, attitudes, and values of the American West and the United States.

(2) The San Rafael Swell region of the State of Utah was one of the country's last frontiers and possesses important historical, cultural, and natural resources that are representative of the central themes associated with the history of the American West, including themes of pre-Columbian and Native American culture, exploration, pioneering, settlement, ranching, outlaws, prospecting and mining, water development and irrigation, railroad building, industrial development, and the utilization and conservation of natural resources.

(3) The San Rafael Swell region contains important historical sites, including sections of the Old Spanish Trail, the Outlaw Trail, the Green River Crossing, and numerous sites associated with cowboy, pioneer, and mining history.

(4) The heritage of the San Rafael Swell region includes the activities of many prominent historical figures of the old American West, such as Chief Walker, John Wesley Powell, Kit Carson, John C. Fremont, John W. Gunnison, Butch Cassidy, John W. Taylor, and the Swasey brothers.

(5) The San Rafael Swell region has a notable history of coal and uranium mining, and a rich cultural heritage of activities associated with mining, such as prospecting, railroad building, immigrant workers, coal camps, labor union movements, and mining disasters.

(6) The San Rafael Swell region is widely recognized for its significant paleontological resources and dinosaur bone quarries, including the Cleveland Lloyd Dinosaur Quarry which was designated as a National Natural Landmark in 1966.

(7) The beautiful rural landscapes, historic and cultural landscapes, and spectacular scenic vistas of the San Rafael Swell region contain significant undeveloped recreational opportunities for people throughout the United States.

(8) Museums and visitor centers have already been constructed in the San Rafael Swell region, including the John Wesley Powell River History Museum, the College of Eastern Utah Prehistoric Museum, the Museum of the San Rafael, the Western Mining and Railroad Museum, the Emery County Pioneer Museum, and the Cleveland Lloyd

Dinosaur Quarry, and these museums are available to interpret the themes of the national heritage area established by this title and to coordinate the interpretive and preservation activities of the area.

(9) Despite the efforts of the State of Utah, political subdivisions of the State, volunteer organizations, and private businesses, the cultural, historical, natural, and recreational resources of the San Rafael Swell region have not realized their full potential and may be lost without assistance from the Federal Government.

(10) Many of the historical, cultural, and scientific sites of the San Rafael Swell region are located on lands owned by the Federal Government and are managed by the Bureau of Land Management or the United States Forest Service.

(11) The preservation of the cultural, historical, natural, and recreational resources of the San Rafael Swell region within a regional framework requires cooperation among local property owners and Federal, State, and local government entities.

(12) Partnerships between Federal, State, and local governments, local and regional entities of these governments, and the private sector offer the most effective opportunities for the enhancement and management of the cultural, historical, natural, and recreational resources of the San Rafael Swell region.

(c) **PURPOSES.**—The purposes of this subtitle are—

(1) to establish the San Rafael Swell National Heritage Area to promote the preservation, conservation, interpretation, and development of the historical, cultural, natural, and recreational resources related to the historical, cultural, and industrial heritage of the San Rafael Swell region of the State of Utah, which includes the counties of Carbon and Emery, and portions of the county of Sanpete;

(2) to encourage within the national heritage area a broad range of economic and recreational opportunities to enhance the quality of life for present and future generations;

(3) to assist the State of Utah, political subdivisions of the State and their local and regional entities, and nonprofit organizations, or combinations thereof, in preparing and implementing a heritage plan for the national heritage area and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreational, and scenic resources of the heritage area; and

(4) to authorize the Secretary of the Interior to provide financial assistance and technical assistance to support the preparation and implementation of the heritage plan for the national heritage area.

SEC. 512. DESIGNATION.

There is hereby designated the San Rafael Swell National Heritage Area.

SEC. 513. DEFINITIONS.

For purposes of this subtitle:

(1) **COMPACT.**—The term “compact” means an agreement described in section 515(a).

(2) **FINANCIAL ASSISTANCE.**—The term “financial assistance” means funds appropriated by the Congress and made available to the Heritage Council for the purposes of preparing and implementing a heritage plan.

(3) **HERITAGE AREA.**—The term “Heritage Area” means the San Rafael Swell National Heritage Area established by this subtitle.

(4) **HERITAGE PLAN.**—The term “heritage plan” means a plan described in section 515(b).

(5) **HERITAGE COUNCIL.**—The term “Heritage Council” means the entity designated in the compact for a National Heritage Area and described in section 516(a).

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

(7) **TECHNICAL ASSISTANCE.**—The term “technical assistance” includes—

(A) assistance by the Secretary in the preparation of any heritage plan, compact, or resource inventory; and

(B) professional guidance provided by the Secretary.

(8) **UNIT OF GOVERNMENT.**—The term “unit of government” means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 514. GRANTS, TECHNICAL ASSISTANCE, AND OTHER DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary may make grants for the purposes of this subtitle to any unit of government or to the Heritage Council.

(2) **PERMITTED AND PROHIBITED USES OF GRANTS.**—

(A) **PERMITTED USES.**—Grants made under this section may be used for reports, studies, interpretive exhibits, historic preservation projects, construction of cultural, recreational, and interpretive facilities that are open to the public, and such other expenditures as are consistent with this subtitle.

(B) **PROHIBITED USES.**—Grants made under this section may not be used for acquisition of real property or any interest in real property.

(3) **APPLICABILITY OF RESTRICTIONS TO SUBGRANTS.**—For purposes of paragraph (2), any subgrant made from funds received as a grant (or subgrant) made under this section shall be treated as a grant made under this section.

(4) **PROTECTION OF FEDERAL INVESTMENT.**—Any grant made under this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this subtitle, as determined by the Secretary, shall result in a right of the United States to compensation equal to the greater of—

(A) all Federal funds made available to such project under this subtitle; or

(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of such conversion, use, or disposal.

(b) **TECHNICAL ASSISTANCE.**—The Secretary may provide technical assistance with respect to this subtitle.

(c) **DURATION OF ELIGIBILITY FOR GRANTS AND TECHNICAL ASSISTANCE.**—The Secretary may not provide any grant, and may provide only limited technical assistance, under this subtitle after the expiration of the 10-year period beginning on the date of the designation of the National Heritage Area.

(d) **DISQUALIFICATION FOR FEDERAL FUNDING.**—If a heritage plan meeting the requirements of section 515(b) is not forwarded to the Secretary as required under section 516(b)(1) within the time specified in section 516(b)(1), the Secretary may not, after such time, provide technical assistance or grants under this subtitle until such a heritage plan for the National Heritage Area is developed and forwarded to the Secretary.

(e) **OTHER DUTIES AND AUTHORITIES OF SECRETARY.**—

(1) **SIGNING OF COMPACT.**—The Secretary shall sign or withhold signature on any proposed compact submitted under this subtitle not later than 90 days after receiving the proposed compact. If the Secretary withholds signature on the proposed compact, the Secretary shall advise the submitter, in writing, of the reasons. The Secretary shall sign or withhold signature on each proposed revision to the proposed compact not later than 90 days after receiving the proposed revision. A submitter shall hold a public meeting in the immediate vicinity of the proposed National Heritage Area before making

any major revisions in any proposed compact submitted under this subtitle.

(2) **MONITORING OF NATIONAL HERITAGE AREA.**—The Secretary shall monitor the National Heritage Area. Monitoring of the National Heritage Area shall include monitoring to ensure compliance with the terms of the compact for the area.

(f) **DUTIES OF FEDERAL ENTITIES.**—Any Federal entity conducting or supporting activities within the National Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement and conducting or supporting such activities, shall, to the maximum extent practicable—

(1) consult with the Secretary and the Heritage Council for the National Heritage Area with respect to such activities; and

(2) cooperate with the Secretary and the Heritage Council in the carrying out of the duties of the Secretary and the Heritage Council under this subtitle, and coordinate such activities to minimize any real or potential adverse impact on the National Heritage Area.

(g) **PROHIBITION OF CERTAIN REQUIREMENTS.**—The Secretary may not, as a condition of the award of technical assistance or financial assistance under this section, require any recipient of such assistance to enact or modify land use restrictions.

SEC. 515. COMPACT AND HERITAGE PLAN.

(a) **COMPACT.**—

(1) **IN GENERAL.**—The compact submitted under this subtitle with respect to the National Heritage Area shall consist of an agreement entered into by the Secretary, the Secretary of Agriculture, and the Governor of Utah or a designee of the Governor, in coordination with the Heritage Council. Such agreement shall define the area, describe anticipated programs for the area, and include information relating to the objectives and management of the area. Such information shall include, but need not be limited to, each of the following:

(A) **BOUNDARIES.**—A delineation of the boundaries of the National Heritage Area. Such boundaries shall include the land generally depicted on the map entitled San Rafael Swell National Heritage-Conservation Area Proposed, dated June 12, 1998, which shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management.

(B) **MANAGEMENT ENTITY.**—An identification and description of the Heritage Council.

(C) **NON-FEDERAL PARTICIPANTS.**—A list of the initial participants to be involved in developing and implementing the heritage plan and a statement of the financial commitment of those participants.

(D) **GOALS, OBJECTIVES, AND CONCEPTUAL FRAMEWORK.**—A discussion of the goals, objectives, and cost of the National Heritage Area, including an explanation of—

(i) the conceptual framework, proposed by the partners referred to in subparagraph (C), for development and implementation of the heritage plan for the National Heritage Area; and

(ii) the costs associated with the conceptual framework.

(E) **ROLE OF STATE.**—A description of the role of the State of Utah.

(2) **CONSISTENCY WITH ECONOMIC VIABILITY.**—The compact submitted under this subtitle shall be consistent with continued economic viability in the communities within the National Heritage Area.

(3) **INITIATION OF ACTIONS.**—Actions called for in the compact shall be initiated within a reasonable time after designation of the National Heritage Area and shall ensure effective implementation of the State and local aspects of the compact.

(b) **HERITAGE PLAN.**—

(1) IN GENERAL.—The heritage plan forwarded to the Secretary under this subtitle shall be a plan which sets forth the strategy to implement the goals and objectives of the National Heritage Area. The heritage plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, private property owners, public agencies, and private organizations in the area;

(D) include a description of actions that units of government and private organizations could take to protect the resources of the area; and

(E) specify existing and potential sources of funding for the conservation, management, and development of the area.

(2) ADDITIONAL INFORMATION.—The heritage plan forwarded to the Secretary under this subtitle also shall include the following, as appropriate:

(A) INVENTORY OF RESOURCES.—An inventory of important natural, cultural, or historic resources which illustrate the themes of the National Heritage Area.

(B) RECOMMENDATIONS FOR MANAGEMENT.—A recommendation of policies for management of the historical, cultural, and natural resources and the recreational and educational opportunities of the area in a manner consistent with the support of appropriate and compatible economic viability.

(C) PROGRAM AND COMMITMENTS.—A program for implementation of the heritage plan by the Heritage Council and specific commitments, for the first 5 years of operation of the heritage plan, by the partners identified in the compact.

(D) ANALYSIS OF COORDINATION.—An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this subtitle.

(E) INTERPRETIVE PLAN.—An interpretive plan for the National Heritage Area.

(3) RELATIONSHIP TO CONSERVATION AREA MANAGEMENT PLAN.—The heritage plan and the conservation area management plan shall not be inconsistent. However, nothing in the heritage plan may supersede the management plan for the conservation area under section 533, with respect to the application of the management plan to the conservation area.

SEC. 516. HERITAGE COUNCIL.

(a) IN GENERAL.—The management entity for the National Heritage Area shall be known as the "Heritage Council". The Heritage Council shall be an entity that reflects a broad cross-section of interests within the National Heritage Area and shall include—

(1) at least 1 representative of one or more units of government in the State of Utah;

(2) representatives of interested or affected groups; and

(3) private property owners who reside within the National Heritage Area.

(b) DUTIES.—The Heritage Council shall fulfill each of the following requirements:

(1) HERITAGE PLAN.—Not later than 3 years after the date of the designation of the National Heritage Area, the Heritage Council shall develop and forward to the Secretary and to the Governor of Utah a heritage plan in accordance with the compact under subsection (a).

(2) PRIORITIES.—The Heritage Council shall give priority to the implementation of actions, goals, and policies set forth in the compact and heritage plan for the National Heritage Area, including assisting units of government and others in—

(A) carrying out programs which recognize important resource values within the National Heritage Area;

(B) encouraging economic viability in the affected communities;

(C) establishing and maintaining interpretive exhibits in the area;

(D) developing recreational and educational opportunities in the area;

(E) increasing public awareness of and appreciation for the natural, historical, and cultural resources of the area;

(F) restoring historic buildings that are located within the boundaries of the area and relate to the theme of the area; and

(G) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are put in place throughout the area.

(3) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The Heritage Council shall, in developing and implementing the heritage plan for the National Heritage Area, consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(4) PUBLIC MEETINGS.—The Heritage Council shall conduct public meetings at least annually regarding the implementation of the heritage plan for the National Heritage Area. The Heritage Council shall place a notice of each such meeting in a newspaper of general circulation in the area and shall make the minutes of the meeting available to the public.

SEC. 517. LACK OF EFFECT ON LAND USE REGULATION.

(a) LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this subtitle shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS OF ENTITY.—Nothing in this subtitle shall be construed to grant powers of zoning or land use to the management entity for the National Heritage Area.

(c) BLM AUTHORITY.—

(1) IN GENERAL.—Nothing in this subtitle shall be construed to modify, enlarge, or diminish the authority of the Secretary or the Bureau of Land Management with respect to lands under the administrative jurisdiction of the Bureau.

(2) COOPERATION.—In carrying out this subtitle, the Secretary shall work cooperatively under the Federal Land Policy and Management Act of 1976 with the Forest Service, the Heritage Council under section 516, State and local governments, and private entities.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for grants made and technical assistance provided under subsections (a) and (b), respectively, of section 514, and the administration of such grants and assistance, not more than \$1,000,000 annually, to remain available until expended.

(b) ANNUAL ALLOCATION FOR GRANTS.—In any fiscal year, not less than 70 percent of the funds obligated under this subtitle shall be used for grants made under section 514(a).

(c) LIMITATION ON PERCENT OF COST.—

(1) IN GENERAL.—Federal funding provided under this subtitle, after the designation of the National Heritage Area, for any technical assistance or grant with respect to the area may not exceed 50 percent of the total cost of the assistance or grant. Federal funding provided under this subtitle with respect to an area before the designation of the area as the National Heritage Area may not exceed an amount proportionate to the level of local support of and commitment to the designation of the area.

(2) TREATMENT OF DONATIONS.—The value of property or services donated by non-Federal sources and used for management of the National Heritage Area shall be treated as non-Federal funding for purposes of paragraph (1).

(d) LIMITATION ON TOTAL FUNDING.—Not more than a total of \$10,000,000 may be made available under this section with respect to the National Heritage Area.

(e) ALLOCATION OF APPROPRIATIONS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary to carry out this subtitle—

(1) may be obligated or expended by any person unless the appropriation of such funds has been allocated in the manner prescribed by this subtitle; or

(2) may be obligated or expended by any person in excess of the amount prescribed by this subtitle.

Subtitle B—San Rafael Swell National Conservation Area

SEC. 521. DEFINITION OF PLAN.

In this subtitle, the term "plan" means the comprehensive management plan developed for the national conservation area under section 523, including such revisions thereto as may be required in order to implement this subtitle.

SEC. 522. ESTABLISHMENT OF NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—In order to preserve and maintain heritage, tourism, recreational, historical, scenic, archaeological, paleontological, biological, cultural, scientific, educational, and economic resources, there is hereby established the San Rafael Swell National Conservation Area.

(b) AREA INCLUDED.—The conservation area shall consist of all public lands within the exterior boundaries of the conservation area, comprised of approximately 630,000 acres, as generally depicted on the map entitled "San Rafael Swell National Heritage/Conservation Area Proposed", dated June 12, 1998, including areas depicted within those boundaries on that map as "Proposed Wilderness", "Proposed Bighorn Sheep Management Area", "Scenic Visual Area of Critical Environmental Concern", and "Semi-Primitive Non-Motorized Use Areas".

(c) MAP AND LEGAL DESCRIPTION.—As soon as is practicable after enactment of this Act, the map referred to in subsection (b) and a legal description of the conservation area shall be filed by the Secretary with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such map and description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such map and legal description. Such map and description shall be on file and available for public inspection in the office of the Director and the Utah State Director of the Bureau of Land Management of the Department of the Interior.

(d) WITHDRAWALS.—Subject to valid existing rights, the Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; and from entry, application, and selection under the Act of March 3, 1877 (Ch. 107, 19 Stat. 377, 43 U.S.C. 321 et seq.; commonly referred to as the "Desert Lands Act"), section 4 of the Act of August 18, 1894 (Ch. 301, 28 Stat. 422; 43 U.S.C. 641; commonly referred to as the "Carey Act"), section 2275 of the Revised Statutes, as amended (43 U.S.C. 851), and section 2276 of the Revised Statutes (43 U.S.C. 852). The Secretary shall return to the applicants any such applications pending on the date of enactment of this Act, without further action. Subject to valid existing rights, as of the date of enactment of this Act, lands within the conservation area are withdrawn from location under the general mining laws, the operation of the mineral and geothermal leasing laws, and the mineral material dis-

posal laws, except that mineral materials subject to disposal may be made available from existing sites to the extent compatible with the purposes for which the conservation area is established. All minerals located within an area designated as wilderness by this title shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(e) CLOSURE TO FORESTRY.—The Secretary shall prohibit all commercial sale of trees, portions of trees, and forest products located in the conservation area.

SEC. 523. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall, in consultation with the Advisory Council and subject to valid existing rights, manage the conservation area to conserve, protect, and enhance the resources of the conservation area referred to in section 522(a), the Federal Land Policy and Management Act of 1976, and other applicable laws.

(b) USES.—The Secretary shall allow such uses of the conservation area as are specified in the management plan developed under subsection (b) and that the Secretary finds will further the conservation, protection, enhancement, public use, and enjoyment of the resource values referred to in section 522(a). Except when needed for administrative and emergency purposes, the uses of motorized vehicles in the conservation area shall be permitted only on roads and trails specifically designated for such use as part of the management plan prepared pursuant to subsection (c).

(c) MANAGEMENT PLAN.—No later than 3 years after the date of enactment of this Act, the Secretary, in cooperation with the Advisory Council, shall develop a comprehensive plan for the long-range management and protection of the conservation area. The plan shall be developed with full opportunity for public participation and comment, and shall contain provisions designed to assure access to an protection of the heritage, tourism, recreational, historical, scenic, archaeological, paleontological, biological, cultural, scientific, educational, and economic resources and values of the conservation area.

(d) VISITORS.—

(1) VISITORS CENTER.—The Secretary may establish, in cooperation with the Advisory Council and other public or private entities as the Secretary considers appropriate, a visitors center designed to interpret the history and the geological, ecological, natural, cultural, and other resources of the conservation area.

(2) VISITORS USE OF AREA.—In addition to the Visitors Center, the Secretary may provide for visitor use of the public lands in the conservation area to such extent and in such manner as the Secretary considers consistent with the purposes for which the conservation area is established. To the extent practicable, the Secretary shall make available to visitors and other members of the public a map of the conservation area and such other educational and interpretive materials as may be appropriate.

(e) COOPERATIVE AGREEMENTS.—The Secretary may provide technical assistance to, and enter into such cooperative agreements and contracts with, the State of Utah and with local governments and private entities as the Secretary deems necessary or desirable to carry out the purposes and policies of this subtitle.

SEC. 524. ADDITIONS.

(a) ADDITION TO CONSERVATION AREA.—Any lands located within the boundaries of the conservation area that are acquired by the United States on or after the date of enactment of this Act shall become a part of the conservation area and shall be subject to this subtitle.

(b) LAND EXCHANGES TO RESOLVE CONFLICTS.—The Secretary shall, within 4 years after the date of enactment of this Act, study, identify, and initiate voluntary land exchanges which would resolve ownership-related land use conflicts within the conservation area. Lands may be acquired under this subsection only from willing sellers.

SEC. 525. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established the San Rafael Swell National Conservation Area Advisory Council. The Advisory Council shall advise the Secretary regarding management of the conservation area.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Council shall consist of 11 members appointed by the Secretary from among persons who are representative of the various major citizen's interests concerned with the management of the public lands located in the conservation area. Of the members—

(A) 2 shall be appointed from individuals recommended by the Governor of the State of Utah;

(B) 4 shall be appointed from individuals recommended by the Board of Commissioners of Emery County, Utah, and shall include a representative of each of the Emery County Public Lands Council and the San Rafael Regional Heritage Council recognized under section 514(a);

(C) 1 shall be the Director of the Bureau of Land Management in the State of Utah, or his or her designee; and

(D) 4 shall be selected by the Secretary.

(2) APPOINTMENT PROCESS.—The Secretary shall appoint the members of the Advisory Council in accordance with rules prescribed by the Secretary.

(3) TERMS.—(A) The term of members of the Advisory Council shall be a period established by the Secretary, which may not exceed 4 years and which, except as provided by subparagraph (B), shall be the same for all members.

(B) In appointing the initial members of the Advisory Council, the Secretary shall, for a portion of the members, specify terms that are shorter than the period established under subparagraph (A), as necessary to achieve staggering of terms.

(c) CHAIRPERSON.—The Advisory Council shall have a Chairperson, who shall be selected by the Advisory Council from among its members.

(d) MEETINGS.—The Advisory Council shall meet at least twice each year, at the call of the Secretary or the Chairperson.

(e) PAY AND EXPENSES.—Members of the Advisory Council shall serve without pay, except travel and per diem shall be paid to each member for meetings called by the Secretary or the Chairperson.

(f) FURNISHING ADVICE.—The Advisory Council may furnish advice to the Secretary with respect to the planning and management of the public lands within the conservation area and such other matters as may be referred to it by the Secretary.

(g) TERMINATION.—The Advisory Council shall terminate 10 years after the date of the enactment of this Act, unless otherwise extended by law.

SEC. 526. RELATIONSHIP TO OTHER LAWS AND ADMINISTRATIVE PROVISIONS.

(a) PUBLIC LAND LAWS.—Except as otherwise specifically provided in this title, nothing in this subtitle shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act (16 U.S.C. 470 et seq.), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), or the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(b) NON-BLM LAND.—Nothing in this subtitle shall be construed as by itself altering the status of any lands that on the date of enactment of this Act were not managed by the Bureau of Land Management.

SEC. 527. COMMUNICATIONS EQUIPMENT.

Nothing in this title shall be construed to prohibit the Secretary from authorizing the installation of communications equipment in the conservation area for public safety purposes, other than within areas designated as wilderness, to the highest practicable degree consistent with requirements and restrictions otherwise applicable to the conservation area.

Subtitle C—Wilderness Areas Within Conservation Area

SEC. 531. DESIGNATION OF WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the conservation area, as generally depicted on the map entitled "San Rafael Swell National Heritage/Conservation Area Proposed", dated June 12, 1998, are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) Crack Canyon Wilderness Area, consisting of approximately 25,624 acres.

(2) Mexican Mountain Wilderness Area, consisting of approximately 27,257 acres.

(3) Muddy Creek Wilderness Area, consisting of approximately 39,348 acres.

(4) San Rafael Reef Wilderness Area, consisting of approximately 48,227 acres.

(b) MAP AND DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and a legal description of each area designated as wilderness by subsection (a) with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each map and description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions. Each map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, and the office of the State Director of the Bureau of Land Management in the State of Utah, Department of the Interior.

SEC. 532. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this title shall be administered by the Secretary in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) INCORPORATION OF ACQUIRED LANDS AND INTERESTS.—Any lands or interest in lands within the boundaries of an area designated as wilderness by this title that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired lands or interest in lands are located.

(c) MANAGEMENT PLANS.—As soon as possible after the date of the enactment of this Act, the Secretary, in cooperation with the Advisory Council, shall prepare plans in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to manage the areas designated as wilderness by this title.

SEC. 533. LIVESTOCK.

Grazing of livestock in areas designated as wilderness by this title, where such grazing was established before the date of the enactment of this Act—

(1) may not be reduced, increased, or withdrawn, except in accordance with the laws and regulations that apply to grazing on lands managed by the Bureau of Land Management; and

(2) shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96-1126.

SEC. 534. WILDERNESS RELEASE.

(a) FINDING.—The Congress finds and directs that public lands administered by the Bureau of Land Management within the conservation area in the County of Emery, Utah, that are depicted on the map entitled "San Rafael Swell National Heritage/Conservation Area Proposed", dated June 12, 1998, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—Any public lands administered by the Bureau of Land Management within the conservation area in the County of Emery, Utah, that are depicted on the map entitled "San Rafael Swell National Heritage/Conservation Area Proposed", dated June 12, 1998, and that are not designated as wilderness by this title are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)). Such lands shall be managed for public uses as defined in section 103(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(c)) and in accordance with land management plans adopted pursuant to section 202 of such Act (43 U.S.C. 1712) and this title.

Subtitle D—Other Special Management Areas Within Conservation Area

SEC. 541. SAN RAFAEL SWELL DESERT BIGHORN SHEEP MANAGEMENT AREA.

(a) ESTABLISHMENT AND PURPOSES.—

(1) ESTABLISHMENT.—There is hereby established in the conservation area the San Rafael Swell Desert Bighorn Sheep Management Area (in this section referred to as the "management area").

(2) PURPOSES.—The purposes of the management area are the following:

(A) To provide for the prudent management of Desert Bighorn Sheep and their habitat in the Sid's Mountain area of the conservation area.

(B) To provide opportunities for watchable wildlife, hunting, and scientific study of Desert Bighorn Sheep and their habitat.

(C) To provide a seed source for other Desert Bighorn Sheep herds, and a gene pool to protect genetic diversity within the Desert Bighorn Sheep species.

(D) To provide educational opportunities to the public regarding Desert Big Horn Sheep and their environs.

(E) To maintain the natural qualities of the lands and habitat of the management area to the extent practicable with prudent management of desert bighorn sheep.

(b) AREA INCLUDED.—The management area shall consist of approximately 73,909 acres of federally owned lands and interests therein managed by the Bureau of Land Management as generally depicted on the map entitled "San Rafael Swell National Heritage/Conservation Area Proposed", dated June 12, 1998.

(c) MANAGEMENT AND USE.—

(1) IN GENERAL.—Except as otherwise provided in this section, the management area and use of the management area shall be subject to all requirements and restrictions that apply to the conservation area.

(2) MECHANIZED TRAVEL.—The Secretary shall not allow any mechanized travel in the management area, except—

(A) mechanized travel that is in accordance with the plan; and

(B) mechanized travel by personnel of the Utah Division of Wildlife Resources and the Bureau of Land Management, including landings of helicopters, may be allowed as needed to manage the Desert Bighorn Sheep and their habitat.

(3) DESERT BIGHORN SHEEP MANAGEMENT.—The Secretary and the Utah Division of Wildlife Resources may use such management tools as are needed to provide for the sustainability of the Desert Bighorn Sheep herd and the range resource of the management area, including animal transplanting (both into and out of the management area), hunting, water development, fencing, surveys, prescribed fire, control of noxious or invading weeds, and predator control.

(4) WILDLIFE VIEWING.—The Secretary, in cooperation with the State of Utah and the Advisory Council, shall manage the management area to provide opportunities for the public to view Desert Bighorn Sheep in their natural habitat. However, the Secretary may restrict mechanized and nonmechanized visitation to sensitive areas during critical seasons as needed to provide for the proper management of the Desert Bighorn Sheep herd of the management area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall include a management plan for the management area in the management plan for the conservation area under section 523.

(2) CONTENTS.—The management plan for the management area shall establish goals and management steps to be taken within the management area to achieve the purposes of the management area under subsection (a)(2).

(3) PARTICIPATION.—The Secretary shall cooperate with the Utah Division of Wildlife Resources and the Advisory Council in developing the management plan for the management area.

(e) FACILITIES.—

(1) IN GENERAL.—The Secretary may establish, operate, and maintain in the management area such facilities as are needed to provide for the management and safety of recreational users of the management area.

(2) VIEWING SITES.—Facilities under this subsection may include improved sheep viewing sites around the periphery of the management area, if such sites do not interfere with the proper management of the sheep and their habitat.

(f) DEVELOPMENT OF HERITAGE SITES.—This section shall not be construed to preclude the utilization, enhancement, and maintenance of national heritage area sites in the management area, if such activities do not conflict with the purposes of the management area under subsection (a).

SEC. 542. SEMI-PRIMITIVE NONMOTORIZED USE AREAS.

(a) DESIGNATION AND PURPOSES.—The Secretary shall designate areas in the conservation area as semi-primitive nonmotorized use areas. The purposes of the semi-primitive areas are the following:

(1) To provide opportunities for isolation from the sights and sounds of man.

(2) To provide opportunities to have a high degree of interaction with the natural environment.

(3) To provide opportunities for recreational users to practice outdoor skills in settings that present moderate challenge and risk.

(b) AREA INCLUDED.—The semi-primitive areas shall consist generally of approximately 120,695 acres of federally owned lands and interests therein located in the conservation area that are managed by the Bureau of Land Management, as generally depicted on the map entitled "San Rafael Swell National Heritage/Conservation Area Proposed", dated June 12, 1998.

(c) MANAGEMENT AND USE.—Except as otherwise provided in this section, semi-primitive areas shall be subject to all requirements and restrictions that apply to the conservation area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall include a management plan for the semi-primitive areas in the management plan for the conservation area under section 523.

(2) CONTENTS.—The management plans for the semi-primitive areas shall establish goals and management steps to be taken within the semi-primitive areas to achieve the purposes under subsection (a).

(e) DEVELOPMENT OF HERITAGE SITES.—This section shall not be construed to preclude the utilization, enhancement, and maintenance of national heritage area sites in any semi-primitive area, if such activities do not conflict with the purposes of the semi-primitive areas under subsection (a).

SEC. 543. SCENIC VISUAL AREA OF CRITICAL ENVIRONMENTAL CONCERN.

(a) DESIGNATION AND PURPOSE.—The Secretary shall designate areas in the conservation area as a scenic visual area of critical environmental concern (in this section referred to as the "scenic visual ACEC"). The purpose of the scenic visual ACEC is to preserve the scenic value of the Interstate Route 70 corridor within the conservation area.

(b) AREA INCLUDED.—The scenic visual ACEC shall consist generally of approximately 27,670 acres of lands and interests therein located in the conservation area bordering Interstate Route 70 that are managed by the Bureau of Land Management, as generally depicted on the map entitled "San Rafael Swell National Heritage/Conservation Area Proposed", dated June 12, 1998.

(c) MANAGEMENT AND USE.—Except as otherwise provided in this section, the scenic visual ACEC shall be subject to all requirements and restrictions that apply to the conservation area, and shall be managed to protect scenic values in accordance with the Bureau of Land Management document entitled "San Rafael Resource Management Plan, Utah, Moab District, San Rafael Resource Area, 1991".

Subtitle E—General Management Provisions

SEC. 551. LIVESTOCK GRAZING.

(a) AREAS OTHER THAN WILDERNESS.—

(1) IN GENERAL.—Except as provided in subsection (b), the Secretary shall permit domestic livestock grazing in areas of the conservation area where grazing was established before the enactment of this Act. Grazing in such areas may not be reduced, increased, or withdrawn, except in accordance with the laws and regulations that apply to grazing on lands managed by the Bureau of Land Management.

(2) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—Except as provided in subsection (b), any livestock grazing on public lands within the conservation area and activities the Secretary determines necessary to carry out proper and practical grazing management programs on such public lands (such as animal damage control activities), shall be managed in accordance with the Act of June 28, 1934 (43 U.S.C. 315 et seq.; commonly referred to as the "Taylor Grazing Act"), section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), other laws governing the management of public lands, and the management plan for the conservation area.

(3) CERTAIN WATER FACILITIES NOT AFFECTED.—Nothing in this title shall affect the maintenance, repair, or equivalent replacement of, or ingress to or egress from, water catchment, storage, and conveyance facilities in existence before the date of the enactment of this Act that are associated with livestock or wildlife purposes, whether located within or outside of the boundaries of areas designated as part of the conservation area under this title.

(b) WILDERNESS.—Subsection (a) shall not apply to any wilderness designated by this title.

SEC. 552. CULTURAL AND PALEONTOLOGICAL RESOURCES.

The Secretary shall allow for the discovery of, shall protect, and may interpret, cultural or paleontological resources located within areas designated as part of the conservation area, to the extent consistent with the other provisions of this title governing management of those areas.

SEC. 553. LAND EXCHANGES RELATING TO SCHOOL AND INSTITUTIONAL TRUST LANDS.

(a) EXCHANGE AUTHORIZED.—

(1) IDENTIFICATION OF LANDS AND INTERESTS BY STATE.—Not later than 1 year after the date of enactment of this Act, the Governor of the State of Utah may identify, describe, and notify the Secretary of any school and institutional trust lands the value or economic potential of which may be diminished by establishment of the conservation area under this title, and that the State would like to exchange for other Federal lands or interests in land within the State of Utah.

(2) OFFER BY SECRETARY.—Not later than 1 year after the date of receipt of notification under subsection (a), and after seeking the advice of the Governor of the State of Utah on potential lands for exchange, the Secretary shall transmit to the Governor a list of Federal lands or interests in lands within the State of Utah that the Secretary believes are approximately equivalent in value to the lands described in subsection (a) of this section, and shall offer such lands for exchange to the State for the lands described in subsection (a).

(b) ENSURING EQUIVALENT VALUE.—

(1) IN GENERAL.—In preparing the list under subsection (a)(2), the Secretary shall take all steps as are necessary and reasonable to ensure that the State of Utah agrees that the lands offered by the Secretary are approximately equivalent in value to the lands identified and described by the State under subsection (a)(1).

(2) ACCOUNTING FOR REVENUE SHARING.—If the State of Utah shares revenue from the properties to be acquired by the State under this section, the value of such properties shall be the value otherwise established under this section, reduced by a percentage that represents the Federal revenue sharing obligation. The amount of such reduction shall not be considered a property right of the State of Utah.

(c) PUBLIC INTEREST.—The exchange of lands included in the list prepared under subsection (a)(2) shall be construed as satisfying the provisions of section 206(a) of the Federal Land Policy and Management Act of 1976 requiring that exchanges of lands be in the public interest.

(d) DEFINITIONS.—As used in this section:

(1) SCHOOL AND INSTITUTIONAL TRUST LANDS.—The term "school and institutional trust lands" means those properties granted by the United States in the Utah Enabling Act to the State of Utah in trust, and other lands that under State law must be managed for the benefit of the public school system or the institutions of the State that are designated by the Utah Enabling Act, that are located in the conservation area.

(2) UTAH ENABLING ACT.—The term "Utah Enabling Act" means the Act entitled "An Act to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States", approved July 16, 1894 (chapter 138; 28 Stat. 107).

SEC. 554. WATER RIGHTS.

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

(1) The San Rafael Swell region of Utah is a high desert climate with little annual precipitation and scarce water resources.

(2) In order to preserve the limited amount of water available to wildlife, the State of

Utah has granted to the Division of Wildlife Resources an in-stream flow right in the San Rafael River.

(3) This preserved right will guarantee that wetland and riparian habitats within the San Rafael region will be protected for designations such as wilderness, semi-primitive areas, bighorn sheep, and other Federal land needs within the San Rafael Swell region.

(b) NO FEDERAL RESERVATION.—Nothing in this title or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising from the designation of areas as part of the conservation area or as a wilderness or semi-primitive area under this title.

(c) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER UTAH LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities on any lands designated as part of the conservation area under this title pursuant to the substantive and procedural requirements of the State of Utah. Nothing in this title shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands. Within areas designated as part of the conservation area under this title, all rights to water granted under the laws of the State of Utah may be exercised in accordance with the substantive and procedural requirements of the State of Utah.

(d) EXERCISE OF WATER RIGHTS GENERALLY UNDER UTAH LAWS.—Nothing in this title shall be construed to limit the exercise of water rights as provided under the laws of the State of Utah.

(e) COLORADO RIVER.—Nothing in this title shall be construed to affect the operation of any existing private, local, State, or federally owned dam, reservoir, or other water works on the Colorado River or its tributaries. Nothing in this title shall alter, amend, construe, supersede, or preempt any local, State, or Federal law; any existing private, local, or State agreement; or any interstate compact or international treaty pertaining to the waters of the Colorado River or its tributaries.

SEC. 555. MISCELLANEOUS.

(a) STATE FISH AND WILDLIFE MANAGEMENT.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1131(d)(7)), nothing in this title shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife management activities, including water development, predator control, transplanting animals, stocking fish, hunting, fishing, and trapping.

(b) PROHIBITION OF BUFFER ZONES.—The Congress does not intend that the designation of an area by this title as part of the conservation area or a wilderness or semi-primitive area lead to the creation of protective perimeters or buffer zones around the area. It is the intention of the Congress that any protective perimeter or buffer zone be located wholly within such an area. The fact that nonconforming activities or uses can be seen or heard from land within such an area shall not, of itself, preclude such activities or uses up to the boundary of the area. Nonconforming activities that occur outside of the boundaries of such an area designated by this title shall not be taken into account in assessing unnecessary and undue degradation of such an area.

(c) ADJUSTMENT OF CERTAIN BOUNDARIES ALONG ROADS.—

(1) ADJUSTMENT AUTHORIZED.—The Secretary may adjust a boundary described in paragraph (2) that runs along a road as necessary to ensure that the boundary is set back from the center line of the road, as follows:

(A) In the case of Interstate 70, a setback that corresponds with the boundary of the right-of-way for Interstate 70.

(B) In the case of any high standard road, 150 feet.

(C) In the case of any road classified as a County Class B road, 100 feet.

(D) In the case of any road that is equivalent to County Class D roads, 50 feet.

(2) BOUNDARIES DESCRIBED.—A boundary referred to in paragraph (1) is any boundary of a wilderness or semi-primitive area designated by this title, or of the San Rafael Swell Desert Bighorn Sheep Management Area established by section 541, that is depicted on a map referred to in this title.

(d) ACCESS.—

(1) REASONABLE ACCESS ALLOWED.—Subject to valid existing rights, the holder of any permit authorizing use of an existing improvement, structure, or facility (including those related to water and grazing resources) that is located within the conservation area or a wilderness or semi-primitive area designated under this title, whether located on Federal or non-Federal lands, shall be allowed reasonable access to such improvement, structure, or facility in order that it may be operated, maintained, repaired, or equivalently replaced as necessary.

(2) REASONABLE ACCESS DEFINED.—For the purposes of this subsection, the term "reasonable access"—

(A) means the right of ingress and egress; and

(B) includes access by motorized transport on routes in existence as of the date of the enactment of this Act, unless the Secretary determines that transport—

(i) is not necessary or customary; or

(ii) was not historically employed.

(e) LAND ACQUISITION BY EXCHANGE OR PURCHASE.—The Secretary shall offer to acquire from non-governmental entities lands and interests in lands located within or adjacent to the conservation area or a wilderness or semi-primitive area designated under this title. Lands may be acquired under this subsection only by exchange or purchase from willing sellers.

(f) RIGHTS-OF-WAY.—Nothing in this title, including any reference to, or depiction or lack of a depiction on, the map entitled "San Rafael Swell National Heritage/Conservation Area Proposed", dated June 12, 1998, affects any right-of-way claim that arose under section 2477 of the Revised Statutes (43 U.S.C. 932).

TITLE VI—NATIONAL PARKS**SEC. 601. PROVISION FOR ROADS IN PICTURED ROCKS NATIONAL LAKESHORE.**

Section 6 of the Act of October 15, 1966, entitled "An Act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes" (16 U.S.C. 460s-5), is amended as follows:

(1) In subsection (b)(1) by striking "including a scenic shoreline drive" and inserting "including appropriate improvements to Alger County Road H-58".

(2) By adding at the end the following new subsection:

"(c) PROHIBITION OF CERTAIN CONSTRUCTION.—A scenic shoreline drive may not be constructed in the Pictured Rocks National Lakeshore."

SEC. 602. EXPANSION OF ARCHES NATIONAL PARK, UTAH.

(a) IN GENERAL.—

(1) BOUNDARY EXPANSION.—Subsection (a) of the first section of Public Law 92-155 (16 U.S.C. 272; 85 Stat. 422) is amended as follows:

(A) By inserting after the first sentence the following new sentence: "Effective on the date of the enactment of this sentence, the boundary of the park shall also include the area consisting of approximately 3,140

acres and known as the 'Lost Spring Canyon Addition', as depicted on the map entitled 'Boundary Map, Arches National Park, Lost Spring Canyon Addition', numbered 138/60,000-B, and dated April 1997."

(B) In the last sentence, by striking "Such map" and inserting "Such maps".

(2) INCLUSION OF LAND IN PARK.—Section 2 of Public Law 92-155 (16 U.S.C. 272a) is amended by adding at the end the following new sentences: "As soon as possible after the date of the enactment of this sentence, the Secretary of the Interior shall transfer jurisdiction over the Federal lands contained in the Lost Spring Canyon Addition from the Bureau of Land Management to the National Park Service. The Lost Spring Canyon addition shall be administered in accordance with the laws and regulations applicable to the park."

(3) PROTECTION OF EXISTING GRAZING PERMITS.—Section 3 of Public Law 92-155 (16 U.S.C. 272b) is amended as follows:

(A) By inserting "(a) IN GENERAL.—" before "Where".

(B) By adding at the end the following new subsection:

"(b) EXISTING LEASES, PERMITS, OR LICENSES.—(1) In the case of any grazing lease, permit, or license with respect to lands within the Lost Spring Canyon Addition that was issued before the date of the enactment of this subsection, the Secretary of the Interior shall, subject to periodic renewal, continue such lease, permit, or license for a period of time equal to the lifetime of the permittee as of that date and any direct descendants of the permittee born before that date. Any such grazing lease, permit, or license shall be permanently retired at the end of such period. Pending the expiration of such period, the permittee (or a descendant of the permittee who holds the lease, permit, or license) shall be entitled to periodically renew the lease, permit, or license, subject to such limitations, conditions, or regulations as the Secretary may prescribe.

"(2) Any such grazing lease, permit, or license may be sold during the period specified in paragraph (1) only on the condition that the purchaser shall, immediately upon such acquisition, permanently retire such lease, permit, or license. Nothing in this subsection shall affect other provisions concerning leases, permits, or licenses under the Taylor Grazing Act.

"(3) Any portion of any grazing lease, permit, or license with respect to lands within the Lost Spring Canyon Addition shall be administered by the National Park Service."

(4) WITHDRAWAL FROM MINERAL ENTRY AND LEASING; PIPELINE MANAGEMENT.—Section 5 of Public Law 92-155 (16 U.S.C. 272d) is amended by adding at the end the following new subsection:

"(c) WITHDRAWAL FROM MINERAL ENTRY AND LEASING; PIPELINE MANAGEMENT.—(1) Subject to valid existing rights, Federal lands within the Lost Spring Canyon Addition are hereby appropriated and withdrawn from entry, location, selection, leasing, or other disposition under the public land laws, including the mineral leasing laws.

"(2) The inclusion of the Lost Spring Canyon Addition in the park shall not affect the right of the Northwest Pipeline Corporation (or its successors or assigns) to operate the natural gas pipeline located within the park and the Addition on the date of the enactment of this subsection and to maintain the pipeline and related facilities in a manner consistent with the requirements of the natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 60201 and following)."

(5) EFFECT ON SCHOOL TRUST LANDS.—

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

(i) A parcel of State school trust lands, more specifically described as section 16,

township 23 south, range 22 east, of the Salt Lake base and meridian, is partially contained within the Lost Spring Canyon Addition included within the boundaries of Arches National Park by the amendment by subsection (a).

(ii) The parcel was originally granted to the State of Utah for the purpose of generating revenue for the public schools through the development of natural and other resources located on the parcel.

(iii) It is in the interest of the State of Utah and the United States for the parcel to be exchanged for Federal lands of equivalent value outside the Lost Spring Canyon Addition, in order to permit Federal management of all lands within the Lost Spring Canyon Addition.

(B) LAND EXCHANGE.—Public Law 92-155 is amended by adding at the end the following new section:

"SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST LANDS.

"(a) EXCHANGE REQUIREMENT.—If, not later than one year after the date of the enactment of this section, and in accordance with this section, the State of Utah offers to transfer all right, title and interest of the State in and to the parcel of school trust lands described in subsection (b)(1) to the United States, the Secretary of the Interior shall accept the offer on behalf of the United States and, within 180 days after the date of such acceptance, transfer to the State of Utah all right, title and interest of the United States in and to the parcel of land described in subsection (b)(2). Title to the State lands shall be transferred at the same time as conveyance of title to the Federal lands by the Secretary of the Interior. The exchange of lands under this section shall be subject to valid existing rights, and each party shall succeed to the rights and obligations of the other party with respect to any lease, right-of-way, or permit encumbering the exchanged lands.

"(b) DESCRIPTION OF PARCELS.—

"(1) STATE CONVEYANCE.—The parcel of school trust lands to be conveyed by the State of Utah under subsection (a) is section 16, township 23 south, range 22 east of the Salt Lake base and meridian.

"(2) FEDERAL CONVEYANCE.—The parcel of Federal lands to be conveyed by the Secretary of the Interior consists of approximately 639 acres and is identified as lots 1 through 12 located in the S $\frac{1}{2}$ N $\frac{1}{2}$ and the N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ of section 1, township 25 south, range 18 east, Salt Lake base and meridian.

"(3) EQUIVALENT VALUE.—The Federal lands described in paragraph (2) are of equivalent value to the State school trust lands described in paragraph (1).

"(c) MANAGEMENT BY STATE.—At least 60 days before undertaking or permitting any surface disturbing activities to occur on the lands acquired by the State under this section, the State shall consult with the Utah State Office of the Bureau of Land Management concerning the extent and impact of such activities on Federal lands and resources and conduct, in a manner consistent with Federal laws, inventory, mitigation, and management activities in connection with any archaeological, paleontological, and cultural resources located on the acquired lands. To the extent consistent with applicable law governing the use and disposition of State school trust lands, the State shall preserve existing grazing, recreational, and wildlife uses of the acquired lands. Nothing in this subsection shall be construed to preclude the State from authorizing or undertaking surface or mineral activities authorized by existing or future land management plans for the acquired lands.

"(d) IMPLEMENTATION.—Administrative actions necessary to implement the land ex-

change described in this section shall be completed within 180 days after the date of the enactment of this section."

SEC. 603. CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA.

(a) TREATMENT OF MAIN ROAD AND HISTORIC STRUCTURES.—

(1) FINDINGS.—Congress finds the following:

(A) The main road at Cumberland Island National Seashore and numerous historic structures on Cumberland Island are included on the National Register of Historic Places.

(B) The continued existence and use of the main road, as well as a spur road that provides access to Plum Orchard mansion at Cumberland Island National Seashore, is necessary for maintenance and access to the natural, cultural, and historical resources of Cumberland Island National Seashore.

(C) The preservation of the main road and the numerous historic structures at Cumberland Island National Seashore is not only lawful, but also mandated under section 4(a)(3) of the Wilderness Act (16 U.S.C. 1133(a)(3)).

(D) The inclusion of these roads and historic structures both on the National Register of Historic Places and in the Cumberland Island Wilderness or potential wilderness area is incompatible and causes competing mandates on the Secretary of the Interior for management.

(2) EXCLUSION OF ROADS FROM WILDERNESS.—The main road on Cumberland Island (as described on the National Register of Historic Places), the spur road that provides access to Plum Orchard mansion, and the area extending 10 feet on each side of the center line of both roads are hereby excluded from the boundaries of the Cumberland Island Wilderness and the potential wilderness area.

(3) EXCLUSION OF STRUCTURES FROM WILDERNESS.—The Secretary of the Interior shall modify the boundaries of the Cumberland Island Wilderness and the potential wilderness area to exclude—

(A) each structure at Cumberland Island National Seashore that is listed on National Register of Historic Places; and

(B) such land surrounding each excluded structure as the Secretary considers necessary to eliminate incompatible and competing management requirements.

(4) EFFECT OF EXCLUSION.—Nothing in this subsection shall be construed to affect the inclusion of the main road or a structure at Cumberland Island National Seashore on the National Register of Historic Places or the authority of the Secretary of the Interior to impose reasonable restrictions, subject to valid existing rights, on the use of the main road or spur road to minimize any adverse impacts on the Cumberland Island Wilderness or the potential wilderness area.

(b) RESTORATION OF PLUM ORCHARD MANSION.—

(1) RESTORATION REQUIRED.—Using funds appropriated pursuant to the authorization of appropriations in paragraph (4), the Secretary of the Interior shall restore Plum Orchard mansion at Cumberland Island National Seashore so that the condition of the restored mansion is at least equal to the condition of the mansion when it was donated to the United States. The Secretary shall endeavor to collect donations of money and in-kind contributions for the purpose of restoring structures within the Plum Orchard historic district.

(2) SUBSEQUENT MAINTENANCE.—The Secretary of the Interior shall endeavor to enter into an agreement with public persons, private persons, or both, to provide for the maintenance of Plum Orchard mansion following its restoration.

(3) RESTORATION PLAN.—Not later than 270 days after the date of the enactment of this

Act, the Secretary of the Interior shall submit to Congress a comprehensive plan for the repair, stabilization, restoration, and subsequent maintenance of Plum Orchard mansion to the condition the mansion was in when acquired by the United States.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as are necessary for the restoration and maintenance of Plum Orchard mansion under this subsection.

(c) **ARCHAEOLOGICAL AND HISTORIC SITES.**—The Secretary of the Interior shall identify, document, and protect archaeological sites located on Federal land within Cumberland Island National Seashore. The Secretary shall prepare and implement a plan to preserve designated national historic sites within the seashore.

(d) **DEFINITIONS.**—In this section:

(1) The term “Cumberland Island National Seashore” means the national seashore established under Public Law 92-536 (16 U.S.C. 459i et seq.).

(2) The term “Cumberland Island Wilderness” means the wilderness area in the Cumberland Island National Seashore designated by section 2 of Public Law 97-250 (96 Stat. 709; 16 U.S.C. 1132 note).

(3) The term “potential wilderness area” means the potential wilderness area in the Cumberland Island National Seashore designated by such section 2.

(4) The term “National Register of Historic Places” means the register maintained by the Secretary of the Interior under section 101(a)(1)(A) of the National Historic Preservation Act (16 U.S.C. 470a(a)(1)(A)) that is composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.

SEC. 604. STUDIES OF POTENTIAL NATIONAL PARK SYSTEM UNITS IN HAWAII.

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake feasibility studies regarding the establishment of National Park System units in the following areas in the State of Hawaii:

(1) Island of Maui: The shoreline area known as “North Beach”, immediately north of the present resort hotels at Kaanapali Beach, in the Lahaina district in the area extending from the beach inland to the main highway.

(2) Island of Lanai: The mountaintop area known as “Hale” in the central part of the island.

(3) Island of Kauai: The shoreline area from “Anini Beach” to “Makua Tunnels” on the north coast of this island.

(4) Island of Molokai: The “Halawa Valley” on the eastern end of the island, including its shoreline, cove and lookout/access roadway.

(b) **KALAUPAPA SETTLEMENT BOUNDARIES.**—The studies conducted under this section shall include a study of the feasibility of extending the present National Historic Park boundaries at Kalaupapa Settlement eastward to Halawa Valley along the island's north shore.

(c) **REPORT.**—A report containing the results of the studies under this section shall be submitted to the Congress promptly upon completion.

SEC. 605. SANTA CRUZ ISLAND, ADDITIONAL RIGHTS OF USE AND OCCUPANCY.

Section 202(e) of Public Law 96-199 (16 U.S.C. 410ff-1(e)) is amended by adding the following at the end thereof:

“(5) In the case of the real property referred to in paragraph (1), in addition to the rights of use and occupancy reserved under paragraph (1) and set forth in Instrument 90-027494, upon the enactment of this paragraph, the Secretary shall grant identical rights of

use and occupancy to Mr. Francis Gherini of Ventura, California, the previous owner of the real property, and to each of the two grantors identified in Instrument No. 92-102117 recorded in the Official Records of the County of Santa Barbara, California. The use and occupancy rights granted to Mr. Francis Gherini shall be for a term of 25 years from the date of the enactment of this paragraph. The Secretary shall grant such rights without consideration and shall execute and record such instruments as necessary to vest such rights in such individuals as promptly as practicable, but no later than 90 days, after the enactment of this paragraph.”.

SEC. 606. ACQUISITION OF WARREN PROPERTY FOR MORRISTOWN NATIONAL HISTORICAL PARK.

The Act entitled “An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes”, approved March 2, 1933 (chapter 182; 16 U.S.C. 409 et seq.), is amended by adding at the end the following new section:

“SEC. 8. (a) In addition to any other lands or interest authorized to be acquired for inclusion in Morristown National Historical Park, and notwithstanding the first proviso of the first section of this Act, the Secretary of the Interior may acquire by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed 15 acres of land and interests therein comprising the property known as the Warren Property or Mount Kimble. The Secretary may expend such sums as may be necessary for such acquisition.

“(b) Any lands or interests acquired under this section shall be included in and administered as part of the Morristown National Historical Park.”.

SEC. 607. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965 REGARDING TREATMENT OF RECEIPTS AT CERTAIN PARKS.

Section 4(i)(1)(B) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)(1)(B)) is amended by inserting the following after the second sentence: “Notwithstanding subparagraph (A), in any fiscal year, the Secretary of the Interior shall also withhold from the special account 100 percent of the fees and charges collected in connection with any unit of the national park system at which entrance or admission fees cannot be collected by reason of deed restrictions, and the amounts so withheld shall be retained by the Secretary and shall be available, without further appropriation, for expenditure by the Secretary for purpose of such park system unit.”.

SEC. 608. CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA.

(a) **FINDINGS.**—The Congress finds that:

(1) The Chattahoochee River National Recreation Area is a nationally significant resource and the national recreation area has been adversely affected by land use changes occurring within and outside its boundaries.

(2) The population of the metropolitan Atlanta area continues to expand northward, leaving dwindling opportunities to protect the scenic, recreation, natural, and historic values of the 2,000-foot wide corridor adjacent to each bank of the Chattahoochee River and its impoundments in the 48-mile segment known as the area of national concern.

(3) The State of Georgia has enacted the Metropolitan River Protection Act in order to ensure the protection of the corridor located within 2,000 feet of each bank of the Chattahoochee River, or the 100-year flood plain, whichever is greater, and such corridor includes the area of national concern.

(4) Visitor use of the Chattahoochee River National Recreation Area has shifted dra-

matically since the establishment of the national recreation area from waterborne to water-related and land-based activities.

(5) The State of Georgia and its political subdivisions along the Chattahoochee River have indicated their willingness to join in cooperative efforts with the United States of America to link existing units of the national recreation area with a series of linear corridors to be established within the area of national concern and elsewhere on the river and provided Congress appropriates certain funds in support of such effort, funding from the State, its political subdivisions, private foundations, corporate entities, private individuals, and other sources will be available to fund more than half of the estimated cost of such cooperative effort.

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

(1) increase the level of protection of the remaining open spaces within the area of national concern along the Chattahoochee River and to enhance visitor enjoyment of such areas by adding land-based links between existing units of the national recreation area;

(2) assure that the national recreation area is managed to standardize acquisition, planning, design, construction, and operation of the linear corridors; and

(3) authorize the appropriation of Federal funds to cover a portion of the costs of the Federal, State, local, and private cooperative effort to add additional areas to the Chattahoochee River National Recreation Area in order to establish a series of linear corridors linking existing units of the national recreation area and to protect other undeveloped portions of the Chattahoochee River corridor.

(c) **AMENDMENTS TO CHATTAHOOCHEE NRA ACT.**—The Act of August 15, 1978, entitled “An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes” (Public Law 95-344; 16 U.S.C. 460ii et seq.) is amended as follows:

(1) Section 101 (16 U.S.C. 460ii) is amended as follows:

(A) By inserting after “numbered Chat-20,003, and dated September 1984” the following: “and on the maps entitled ‘Chattahoochee River National Recreation Area Interim Boundary Maps 1, 2, and 3’ and dated August 6, 1998”.

(B) By amending the fourth sentence to read as follows: “After July 1, 1999, the Secretary of the Interior (in this Act referred to as the ‘Secretary’) may modify the boundaries of the recreation area to include other lands within the river corridor of the Chattahoochee River by submitting a revised map or other boundary description to the Congress. Such revised boundaries shall take effect on the date 6 months after the date of such submission unless, within such 6-month period, the Congress adopts a Joint Resolution disapproving such revised boundaries. Such revised map or other boundary description shall be prepared by the Secretary after consultation with affected landowners and with the State of Georgia and affected political subdivisions.”.

(C) By striking out “may not exceed approximately 6,800 acres.” and inserting “may not exceed 10,000 acres.”.

(2) Section 102(f) (16 U.S.C. 460ii-1(f)) is repealed.

(3) Section 103(b) (16 U.S.C. 460ii-2(b)) is amended to read as follows:

“(b) **COOPERATIVE AGREEMENTS.**—The Secretary is authorized to enter into cooperative agreements with the State, its political subdivisions, and other entities to assure standardized acquisition, planning, design, construction, and operation of the national recreation area.”.

(4) Section 105(a) (16 U.S.C. 460ii-4(a)) is amended to read as follows:

“(a) AUTHORIZATION OF APPROPRIATIONS; ACCEPTANCE OF DONATIONS.—In addition to funding and the donation of lands and interests in lands provided by the State of Georgia, local government authorities, private foundations, corporate entities, and individuals, and funding that may be available pursuant to the settlement of litigation, there is hereby authorized to be appropriated for land acquisition not more than \$25,000,000 for fiscal years after fiscal year 1998. The Secretary is authorized to accept the donation of funds and lands or interests in lands to carry out this Act.”

(5) Section 105(c) (16 U.S.C. 460ii-4(c)) is amended by adding the following at the end thereof: “The Secretary shall submit a new plan within 3 years after the enactment of this sentence to provide for the protection, enhancement, enjoyment, development, and use of areas added to the national recreation area. During the preparation of the revised plan the Secretary shall seek and encourage the participation of the State of Georgia and its affected political subdivisions, private landowners, interested citizens, public officials, groups, agencies, educational institutions, and others.”

(6) Section 102(a) (16 U.S.C. 460ii-1(a)) is amended by inserting the following before the period at the end of the first sentence: “, except that lands and interests in lands within the Addition Area depicted on the map referred to in section 101 may not be acquired without the consent of the owner thereof”.

SEC. 609. PROTECTION OF LODGES IN GRAND CANYON NATIONAL PARK.

Section 3 of the Grand Canyon National Park Enlargement Act (16 U.S.C. 228b) is amended by adding at the end the following new subsection:

“(d) The Secretary of the Interior is prohibited from demolishing, or authorizing or permitting (by contract or otherwise) any other person to demolish, the Thunderbird Lodge or the Kachina Lodge in the Grand Canyon National Park unless the Congress approves of the demolition in advance by the enactment of a law.”

TITLE VII—REAUTHORIZATIONS

SEC. 701. REAUTHORIZATION OF NATIONAL HISTORIC PRESERVATION ACT.

The National Historic Preservation Act (16 U.S.C. 470 and following; Public Law 89-665) is amended as follows:

(1) In the third sentence of section 101(a)(6) (16 U.S.C. 470a(a)(6)) by striking “shall review” and inserting “may review” and by striking “shall determine” and inserting “determine”.

(2) Section 101(e)(2) (16 U.S.C. 470a(e)(2)) is amended to read as follows:

“(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947), consistent with the purposes of its charter and this Act.”

(3) Section 102 (16 U.S.C. 470b) is amended by redesignating subsection (e) as subsection (f) and by redesignating subsection (d), as added by section 4009(3) of Public Law 102-575, as subsection (e).

(4) Section 101(b)(1) (16 U.S.C. 470a(b)(1)) is amended by adding the following at the end thereof:

“For purposes of subparagraph (A), the State and Indian tribe shall be solely responsible for determining which professional employees, are necessary to carry out the duties of the State or tribe, consistent with standards developed by the Secretary.”

(5) Section 107 (16 U.S.C. 470g) is amended to read as follows:

“SEC. 107. Nothing in this Act shall be construed to be applicable to the White House

and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds as depicted on the map entitled ‘Map Showing Properties Under the Jurisdiction of the Architect of the Capitol’ and dated November 6, 1996, which shall be on file in the office of the Secretary of the Interior.”

(6) Section 108 (16 U.S.C. 470h) is amended by striking “1997” and inserting “2004”.

(7) Section 110(a)(1) (16 U.S.C. 470h-2(a)(1)) is amended by inserting the following before the period at the end of the second sentence: “, especially those located in central business areas. When locating Federal facilities, Federal agencies shall give first consideration to historic properties in historic districts. If no such property is operationally appropriate and economically prudent, then Federal agencies shall consider other developed or undeveloped sites within historic districts. Federal agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Any rehabilitation or construction that is undertaken pursuant to this Act must be architecturally compatible with the character of the surrounding historic district or properties”.

(8) The first sentence of section 110(l) (16 U.S.C. 470h-2(l)) is amended by striking “with the Council” and inserting “pursuant to regulations issued by the Council”.

(9) The last sentence of section 212(a) (16 U.S.C. 470t(a)) is amended by striking “2000” and inserting “2004”.

SEC. 702. REAUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMITTEE.

Section 5 of Public Law 101-573 (16 U.S.C. 460o note) is amended by striking “10” and inserting “20”.

SEC. 703. COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY.

Public Law 100-515 (102 Stat. 2563; 16 U.S.C. 1244 note) is amended as follows:

(1) In subsection (b)(1) of section 6 by striking “\$1,000,000” and inserting “\$4,000,000”.

(2) In subsection (c) of section 6 by striking “five” and inserting “10”.

(3) In the second sentence of section 2 by inserting “including sites in the Township of Woodbridge, New Jersey,” after “cultural sites”.

SEC. 704. EXTENSION OF AUTHORIZATION FOR UPPER DELAWARE CITIZENS ADVISORY COUNCIL.

The last sentence of paragraph (1) of section 704(f) of the National Parks and Recreation Act of 1978 (16 U.S.C. 1274 note) is amended by striking “20” and inserting “30”.

TITLE VIII—RIVERS AND TRAILS

SEC. 801. NATIONAL DISCOVERY TRAILS.

(a) NATIONAL TRAILS SYSTEM ACT AMENDMENTS.—

(1) NATIONAL DISCOVERY TRAILS ESTABLISHED.—

(A) IN GENERAL.—Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended by inserting after paragraph (4) the following:

“(5)(A) National discovery trails, established as provided in section 5, which will be extended, continuous, interstate trails so located as to provide for outstanding outdoor recreation and travel and to connect representative examples of America’s trails and communities. National discovery trails should provide for the conservation and enjoyment of significant natural, cultural, and historic resources associated with each trail and should be so located as to represent metropolitan, urban, rural, and backcountry regions of the Nation. Any such trail may be designated on Federal lands and, with the consent of the owner thereof, on any non-Federal lands. The consent of the owner

shall be obtained in the form of a written agreement, which shall include such terms and conditions as the parties to the agreement consider advisable, and may include provisions regarding the discontinuation of the trail designation. The Congress does not intend for the establishment of a national discovery trail to lead to the creation of protective perimeters or buffer zones adjacent to a national discovery trail. The fact that there may be activities or uses on lands adjacent to the trail that would not be permitted on the trail shall not preclude such activities or uses on such lands adjacent to the trail to the extent consistent with other applicable law. Nothing in this Act may be construed to impose or permit the imposition of any landowner on the use of any non-Federal lands without the consent of the owner. Neither the designation of a national discovery trail nor any plan related thereto shall affect, or be considered, in the granting or denial of a right-of-way or any conditions relating thereto.

“(B) The appropriate Secretary for each national discovery trail shall administer the trail in cooperation with a competent trailwide volunteer-based organization. Where national discovery trails are congruent with other local, State, national scenic, or national historic trails, the designation of the discovery trail shall not in any way diminish the values and significance for which these trails were established.”

(B) FEASIBILITY REQUIREMENTS; COOPERATIVE MANAGEMENT REQUIREMENT.—Section 5(b) of such Act (16 U.S.C. 1244(b)) is amended by adding at the end the following new paragraph:

“(12) For purposes of this subsection, a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

“(A) The trail must link to one or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 134(c) of title 23, United States Code). It should also join with other trails, tying the National Trails System to significant recreation and resources areas.

“(B) The trail must be supported by at least one competent trailwide volunteer-based organization. Each trail shall have extensive local and trailwide support by the public, by user groups, and by affected State and local governments.

“(C) The trail must be extended and pass through more than one State. At a minimum, it should be a continuous, walkable route. National discovery trails are specifically exempted from the provisions of sections 7(g) of this Act.

“(D) The appropriate Secretary shall obtain written consent from affected landowners prior to entering nonpublic lands for the purposes of conducting any surveys or studies of nonpublic lands for purposes of this Act. Provided, before any designation or establishment of any discovery trail provided by this Act, the appropriate Secretary must ensure written notification to all nonpublic landowners on which a designated trail crosses or abuts nonpublic lands. Furthermore, any nonpublic landowner that has property crossed by or abutting land designated under this Act, if trespassing should occur by travelers on the National Discovery Trail, has the right to request and subsequently require the appropriate Secretary to coordinate with State and local officials to ensure to the maximum extent feasible that no further trespassing should occur on such nonpublic land.”

(2) DESIGNATION OF THE AMERICAN DISCOVERY TRAIL AS A NATIONAL DISCOVERY TRAIL.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended as follows:

(A) By redesignating the paragraph relating to the California National Historic Trail as paragraph (18).

(B) By redesignating the paragraph relating to the Pony Express National Historic Trail as paragraph (19).

(C) By redesignating the paragraph relating to the Selma to Montgomery National Historic Trail as paragraph (20).

(D) By adding at the end the following:

"(21) The American Discovery Trail, a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending westward through Delaware, Maryland, the District of Columbia, West Virginia, Ohio, and Kentucky, where near Cincinnati it splits into two routes. The Northern Midwest route traverses Ohio, Indiana, Illinois, Iowa, Nebraska, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado. After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study dated June 1995 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the District of Columbia. The American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one competent trailwide volunteer-based organization, affected land managing agencies and State and local governments as appropriate. No lands or interests outside the exterior boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. The American Discovery Trail is specifically exempted from the provisions of subsection (e), (f), and (g) of section 7."

(3) COMPREHENSIVE NATIONAL DISCOVERY TRAIL PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

"(g) Within 3 complete fiscal years after the date of enactment of any law designating a national discovery trail, the responsible Secretary shall submit a comprehensive plan for the protection, management, development, and use of the Federal portions of the trail, and provide technical assistance to States and local units of government and private landowners, as requested, for non-federal portions of the trail, to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. In developing a comprehensive management plan for a national discovery trail, the responsible Secretary shall cooperate to the fullest practicable extent with the organizations sponsoring the trail. The responsible Secretary shall ensure that the comprehensive plan does not conflict with existing agency direction and shall consult with the affected land managing agencies, the Governors of the affected States, affected county and local political jurisdictions, and local organizations maintaining components of the trail. Components of the comprehensive plan include—

"(1) policies, objectives and practices to be observed in the administration and management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, model agreements necessary for joint trail administration among and between interested parties, and an identified carrying capacity for critical segments of the trail and procedures for implementation, where appropriate;

"(2) strategies for trail protection to retain the values for which the trail is being established and recognized by the Federal Government;

"(3) general and site-specific trail-related development, including anticipated costs; and

"(4) the process to be followed to implement the trail marking authorities in section 7(c) conforming to approved trail logo or emblem requirements."

(b) CONFORMING AMENDMENTS.—The National Trails System Act is amended:

(1) In section 2(b) (16 U.S.C. 1241(b)), by striking "scenic and historic" and inserting "scenic, historic, and discovery".

(2) In the section heading to section 5 (16 U.S.C. 1244), by striking "AND NATIONAL HISTORIC" and inserting ", NATIONAL HISTORIC, AND NATIONAL DISCOVERY".

(3) In section 5(a) (16 U.S.C. 1244(a)), in the matter preceding paragraph (1)—

(A) by striking "and national historic" and inserting ", national historic, and national discovery"; and

(B) by striking "and National Historic" and inserting ", National Historic, and National Discovery".

(4) In section 5(b) (16 U.S.C. 1244(b)), in the matter preceding paragraph (1), by striking "or national historic" and inserting ", national historic, or national discovery".

(5) In section 5(b)(3) (16 U.S.C. 1244(b)(3)), by striking "or national historic" and inserting ", national historic, or national discovery".

(6) In section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking "and national historic" and inserting ", national historic, and national discovery".

(7) In section 7(b) (16 U.S.C. 1246(b)), by striking "or national historic" each place such term appears and inserting ", national historic, or national discovery".

(8) In section 7(c) (16 U.S.C. 1246(c))—

(A) by striking "scenic or national historic" each place it appears and inserting "scenic, national historic, or national discovery";

(B) in the second proviso, by striking "scenic, or national historic" and inserting "scenic, national historic, or national discovery"; and

(C) by striking ", and national historic" and inserting ", national historic, and national discovery".

(9) In section 7(d) (16 U.S.C. 1246(d)), by striking "or national historic" and inserting "national historic, or national discovery".

(10) In section 7(e) (16 U.S.C. 1246(e)), by striking "or national historic" each place such term appears and inserting ", national historic, or national discovery".

(11) In section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking "National Scenic or Historic Trail" and inserting "national scenic, historic, or discovery trail".

(12) In section 7(h)(1) (16 U.S.C. 1246(h)(1)), by striking "or national historic" and inserting "national historic, or national discovery".

(13) In section 7(i) (16 U.S.C. 1246(i)), by striking "or national historic" and inserting "national historic, or national discovery".

SEC. 802. SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVERS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the four undesignated paragraphs after paragraph (156) as paragraphs (157), (158), (159), and (160), respectively; and

(2) by adding the following new paragraph at the end thereof:

"(161) SUDBURY, ASSABET, AND CONCORD RIVERS, MASSACHUSETTS.—The 29 miles of river segments in Massachusetts, as follows: "(A) The 14.9 mile segment of the Sudbury river beginning at the Danforth Street bridge in the town of Framington, downstream to Route 2 bridge in Concord, as a scenic river.

"(B) The 1.7 mile segment of the Sudbury River from the Route 2 bridge downstream to its confluence with the Assabet River at Egg Rock, as a recreational river.

"(C) The 4.4 mile segment of the Assabet River beginning 1,000 feet downstream from the Damon Mill Dam in the town of Concord, to its confluence with the Sudbury River at Egg Rock in Concord, as a recreational river.

"(D) The 8.0 mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers downstream to the Route 3 bridge in the town of Billerica, as a recreational river.

The segments referred to in subparagraphs (A) through (D) shall be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council provided for in the plan through cooperative agreements under section 10(e) between the Secretary and the Commonwealth of Massachusetts and its relevant political subdivisions (including the towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford, and Billerica). The segments shall be managed in accordance with the plan entitled 'Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan' dated March 16, 1995. The plan is deemed to satisfy the requirement for a comprehensive management plan under subsection (d) of this section."

SEC. 803. ASSISTANCE TO THE NATIONAL HISTORIC TRAILS INTERPRETIVE CENTER.

(a) FINDINGS AND PURPOSES.—

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

(A) The city of Casper, Wyoming, is nationally significant as the only geographic location in the western United States where 4 congressionally recognized historic trails (the Oregon Trail, the Mormon Trail, the California Trail, and the Pony Express Trail), the Bridger Trail, the Bozeman Trail, and many Indian routes converged.

(B) The historic trails that passed through the Casper area are a distinctive part of the national character and possess important historical and cultural values representing themes of migration, settlement, transportation, and commerce that shaped the landscape of the West.

(C) The Bureau of Land Management has not yet established a historic trails interpretive center in Wyoming or in any adjacent State to educate and focus national attention on the history of the mid-19th century immigrant trails that crossed public lands in the Intermountain West.

(D) At the invitation of the Bureau of Land Management, the city of Casper and the National Historic Trails Foundation, Inc. (a nonprofit corporation established under the laws of the State of Wyoming) entered into a memorandum of understanding in 1992, and have since signed an assistance agreement in 1993 and a cooperative agreement in 1997, to create, manage, and sustain a National Historic Trails Interpretive Center to be located in Casper, Wyoming, to professionally interpret the historic trails in the Casper area for the benefit of the public.

(E) The National Historic Trails Interpretive Center authorized by this section is consistent with the purposes and objectives of the National Trails System Act (16 U.S.C. 1241 et seq.), which directs the Secretary of the Interior to protect, interpret, and manage the remnants of historic trails on public lands.

(F) The State of Wyoming effectively joined the partnership to establish the National Historic Trails Interpretive Center through a legislative allocation of supporting funds, and the citizens of the city of Casper have increased local taxes to meet their financial obligations under the assist-

ance agreement and the cooperative agreement referred to in paragraph (4).

(G) The National Historic Trails Foundation, Inc. has secured most of the \$5,000,000 of non-Federal funding pledged by State and local governments and private interests pursuant to the cooperative agreement referred to in subparagraph (D).

(H) The Bureau of Land Management has completed the engineering and design phase of the National Historic Trails Interpretive Center, and the National Historic Trails Foundation, Inc. is ready for Federal financial and technical assistance to construct the Center pursuant to the cooperative agreement referred to in subparagraph (D).

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

(A) To recognize the importance of the historic trails that passed through the Casper, Wyoming, area as a distinctive aspect of American heritage worthy of interpretation and preservation.

(B) To assist the city of Casper, Wyoming, and the National Historic Trails Foundation, Inc. in establishing the National Historic Trails Interpretive Center to memorialize and interpret the significant role of those historic trails in the history of the United States.

(C) To highlight and showcase the Bureau of Land Management's stewardship of public lands in Wyoming and the West.

(b) NATIONAL HISTORIC TRAILS INTERPRETIVE CENTER.—

(1) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (in this section referred to as the "Secretary"), shall establish in Casper, Wyoming, a center for the interpretation of the historic trails in the vicinity of Casper, including the Oregon Trail, the Mormon Trail, the California Trail, and the Pony Express Trail, the Bridger Trail, the Bozeman Trail, and various Indian routes. The center shall be known as the National Historic Trails Interpretive Center (in this section referred to as the "Center").

(2) FACILITIES.—The Secretary, subject to the availability of appropriations, shall construct, operate, and maintain facilities for the Center—

(A) on land provided by the city of Casper, Wyoming;

(B) in cooperation with the city of Casper and the National Historic Trails Interpretive Center Foundation, Inc. (a nonprofit corporation established under the laws of the State of Wyoming); and

(C) in accordance with—

(i) the Memorandum of Understanding entered into on March 4, 1993, by the city, the foundation, and the Wyoming State Director of the Bureau of Land Management; and

(ii) the cooperative agreement between the foundation and the Wyoming State Director of the Bureau of Land Management, numbered K910A970020.

(3) DONATIONS.—Notwithstanding any other provision of law, the Secretary may accept, retain, and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of development and operation of the Center.

(4) ENTRANCE FEE.—Notwithstanding section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a), the Secretary may—

(A) collect an entrance fee from visitors to the Center; and

(B) use amounts received by the United States from that fee for expenses of operation of the Center.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$5,000,000 to carry out this section.

TITLE IX—HAZARDOUS FUELS REDUCTION

SEC. 901. SHORT TITLE.

This title may be cited as the "Community Protection and Hazardous Fuels Reduction Act of 1998".

SEC. 902. FINDINGS AND PURPOSE.

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

(1) Management of Federal lands has been characterized by large cyclical variations in fire suppression policies, timber harvesting levels, and the attention paid to commodity and noncommodity values.

(2) Forests on Federal lands are experiencing significant disease epidemics and insect infestations.

(3) The combination of inconsistent management and natural effects has resulted in a hazardous fuels buildup on Federal lands that threatens catastrophic wildfire.

(4) While the long-term effect of catastrophic wildfire on forests and forest systems is a matter of debate, there should be no question that catastrophic wildfire must be prevented in areas of the Federal lands where wildlands abut, or are located in close proximity to, communities, residences, and other private and public facilities on non-Federal lands.

(5) Wildfire resulting from hazardous fuels buildup in such wildland/urban interface areas threatens the destruction of communities, puts human life and property at risk, threatens community water supplies with erosion that follows wildfire, destroys wildlife habitat, and damages ambient air quality.

(6) The Secretary of Agriculture and the Secretary of the Interior must assign a high priority and undertake aggressive management to achieve the elimination of hazardous fuel buildup and reduction of the risk of wildfire to the wildland/urban interface areas on Federal lands. Protection of human life and property, including water supplies and ambient air quality, must be given the highest priority.

(7) The noncommodity resources, including riparian zones and wildlife habitats, in wildland/urban interface areas on Federal lands which must be protected to provide recreational opportunities, clean water, and other amenities to neighboring communities and the public suffer from a backlog of unfunded forest management projects designed to provide such protection.

(8) In a period of fiscal austerity characterized by shrinking budgets and personnel levels, Congress must provide the Secretary of Agriculture and the Secretary of the Interior with innovative tools to accomplish the required reduction in hazardous fuels buildup and undertake other forest management projects in the wildland/urban interface areas on the Federal lands at least cost.

(b) PURPOSE.—The purpose of this title is to provide new authority and innovative tools to the Secretary of Agriculture and the Secretary of the Interior to safeguard communities, lives, and property by reducing or eliminating the threat of catastrophic wildfire, and to undertake needed forest management projects, in wildland/urban interface areas on Federal lands.

SEC. 903. DEFINITIONS.

As used in this title:

(1) FEDERAL LANDS.—The term "Federal lands" means—

(A) federally managed lands administered by the Bureau of Land Management under the Secretary of the Interior; and

(B) federally managed lands administered by the Secretary of Agriculture.

(2) FOREST MANAGEMENT PROJECT.—The term "forest management project" means a project, including riparian zone enhancement, habitat improvement, noncommercial

hazardous fuels reduction, and soil stabilization or other water quality improvement project, designed to protect one or more non-commodity resources on or in close proximity to Federal lands.

(3) LAND MANAGEMENT PLAN.—The term "land management plan" means the following:

(A) With respect to Federal lands described in paragraph (1)(A), a land use plan prepared by the Bureau of Land Management pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), or other multiple-use plan currently in effect.

(B) With respect to Federal lands described in paragraph (1)(B), a land and resource management plan (or if no final plan is in effect, a draft land and resource management plan) prepared by the Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(4) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to the Federal lands described in paragraph (1)(A), the Secretary of the Interior; and

(B) with respect to the Federal lands described in paragraph (1)(B), the Secretary of Agriculture.

(5) WILDLAND/URBAN INTERFACE AREA.—The term "wildland/urban interface area" means the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuel.

(6) CONGRESSIONAL COMMITTEES.—The term "congressional committees" means the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(7) HAZARDOUS FUELS BUILDUP.—The term "hazardous fuels buildup" means that level of fuels accumulation, within a fire regime, in which an ignition with the right combination of weather and topographic conditions can result in—

(A) a dangerous exposure of risk to firefighters and the public;

(B) a high potential to cause risk of loss to key components that define ecological resources, capital investments, and private property; or

(C) both subparagraphs (A) and (B).

(8) FOREST PRODUCT.—The term "forest product" means any tree or tree part that can be used for a commercial purpose.

(9) FUELS.—The term "fuels" includes forage, woody debris, duff, needle cast, brush, understory, ladder fuels, and dead or dying overstory.

Subtitle A—Management of Wildland/Urban Interface Areas

SEC. 911. IDENTIFICATION OF WILDLAND/URBAN INTERFACE AREAS.

On or before September 30 of each year, each District Manager of the Bureau of Land Management and each Forest Supervisor of the Forest Service shall identify those areas on Federal lands within the jurisdiction of the District Manager or Forest Supervisor that the District Manager or Forest Supervisor determines—

(1) meet the definition of wildland/urban interface areas; and

(2) have hazardous fuels buildups and other forest management needs that warrant the use of forest management projects as provided in section 912.

SEC. 912. CONTRACTING TO REDUCE HAZARDOUS FUELS AND UNDERTAKE FOREST MANAGEMENT PROJECTS IN WILDLAND/URBAN INTERFACE AREAS.

(a) CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary concerned is authorized to enter into contracts under this section for the sale of forest products in a wildland/urban interface area identified under section 911 for the primary purpose of reducing hazardous fuels buildups in the area.

(2) INCLUSION OF FOREST MANAGEMENT PROJECTS.—Subject to paragraph (3) and subsection (e), the Secretary concerned may require, as a condition of any sale of forest products referred to in paragraph (1), that the purchaser of such products undertake one or more forest management projects in the wildland/urban interface area.

(3) CONDITIONS ON INCLUSION.—The Secretary concerned may include a forest management project as a condition in a contract for the sale of forest products referred to in paragraph (1) only when the Secretary determines that—

(A) the forest management project is consistent with the applicable land management plan; and

(B) the objectives of the forest management project can be accomplished most cost efficiently and effectively when the project is performed as part of the sale contract.

(b) FINANCING AND SUPPLEMENTAL FUNDING.—

(1) FINANCING THROUGH SALES.—The financing of a forest management project required as a condition of a contract for a sale of forest products authorized by subsection (a) shall be accomplished by including in the contract a provision that offsets the costs incurred by the purchaser in carrying out the required forest management project, by reducing the amount required to be paid to the United States by the purchaser for forest products sold under the contract.

(2) AMOUNT OF REDUCTION OF PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of the reduction referred to in paragraph (1) shall be equal to the costs referred to in paragraph (1), minus any assistance to the purchaser under paragraph (3) used to pay those costs.

(B) LIMITATION.—The amount of the reduction for a sale may not exceed the portion of the total amount otherwise required to be paid to the United States by the purchaser (before the reduction) that remains after deducting from that total amount the amounts necessary to make distributions and payments under the provisions of law referred to in paragraph (1) or (2) of subsection (d) that apply to that total amount.

(3) USE OF APPROPRIATED FUNDS.—The Secretary concerned may use appropriated funds to assist the purchaser to undertake a forest management project required as a condition of a contract authorized by subsection (a) if such funds are provided from the resource function or functions that directly benefit from the performance of the project and are available from the annual appropriation for such function or functions during the fiscal year in which the sale is offered. The amount of assistance to be provided for each forest management project shall be included in the prospectus, and published in the advertisement, for the sale.

(c) DETERMINATION OF FOREST MANAGEMENT OFFSETS.—Prior to the advertisement of a sale authorized by subsection (a) and subject to section 915(b), the Secretary concerned shall determine the offsetting cost (under subsection (b)(1)) of each forest management project to be required as a condition of the sale contract. A description of the forest management project, and the cost of the project to be offset against the purchaser's payment for forest products in the sale, shall be included in the prospectus, and published in the advertisement, for the sale.

(d) TREATMENT OF FOREST MANAGEMENT PROJECT OFFSETS AS MONEYS RECEIVED.—

(1) BUREAU OF LAND MANAGEMENT LANDS.—In the case of Federal lands described in section 903(1)(A), the amount of any reduction under subsection (b)(1) of the amount required to be paid by a purchaser in a sale authorized by subsection (a) shall be considered to be money received, for purposes of title II of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181f), the first section of the Act of May 24, 1939 (53 Stat. 753; 43 U.S.C. 1181f-1), or other applicable law concerning the distribution of receipts from the sale of forest products on such lands.

(2) FOREST SYSTEM LANDS.—In the case of Federal lands described in section 903(1)(B), the amount of any reduction under subsection (b)(1) of the amount required to be paid by a purchaser in a sale authorized by subsection (a)—

(A) shall be considered to be money received, for purposes of the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500); and

(B) shall not be considered to be money received, for purposes of the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501).

(e) LIMITATION ON AMOUNT OF OFFSETS.—The total amount by which purchase payments are reduced under subsection (b)(1) each fiscal year—

(1) under contracts awarded by the Secretary of Agriculture, may not exceed \$40,000,000; and

(2) under contracts awarded by the Secretary of the Interior, may not exceed \$10,000,000.

SEC. 913. MONITORING REQUIREMENTS.

The Secretary concerned shall monitor the preparation and offering of contracts, and the performance of forest management projects, pursuant to section 912 to determine the effectiveness of such contracts and forest management projects in achieving the purpose of this title.

SEC. 914. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT.—Not later than 90 days after the end of each full fiscal year in which contracts are entered into under section 912, the Secretary concerned shall submit to the congressional committees a report, which shall provide for the Federal lands within the jurisdiction of the Secretary concerned the following:

(1) A list of the wildland/urban interface areas identified on or before September 30 of the previous fiscal year pursuant to section 911.

(2) A summary of all contracts entered into, and all forest management projects performed, pursuant to section 912 during the preceding fiscal year;

(3) A discussion of any delays in excess of three months encountered during the preceding fiscal year, and likely to occur in the fiscal year in which the report is submitted, in preparing and offering the sales, and in performing the forest management projects, pursuant to section 912.

(4) The results of the monitoring required by section 913 of the contracts authorized, and the forest management projects performed, pursuant to section 912.

(5) Any anticipated problems in the implementation of this subtitle.

(b) FOUR YEAR REPORT.—The fourth report prepared by the Secretary concerned under subsection (a) shall contain, in addition to the matters required by subsection (a), the following:

(1) An assessment by the Secretary concerned regarding whether the contracting authority provided in section 912 should be reauthorized beyond the period specified in section 915(a).

(2) If reauthorization is warranted, such recommendations as the Secretary concerned considers appropriate regarding changes in such authority to better achieve the purpose of this title.

SEC. 915. SPECIAL FUNDS.

(a) ESTABLISHMENT AND INITIAL FUNDING.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act—

(1) the Secretary of Agriculture and the Secretary of the Interior shall each establish and maintain a special fund which shall be available, without further appropriation, for the purposes of planning, offering, and managing sales of forest products referred to in section 912(a)(1);

(2) the Secretary of Agriculture shall transfer, from amounts available to such Secretary for reduction of wildland fire hazardous fuels for the fiscal year in which this Act is enacted and each of the 3 following fiscal years, \$10,000,000 to the fund established by the Secretary of Agriculture pursuant to paragraph (1); and

(3) the Secretary of the Interior shall transfer, from amounts available to such Secretary for reduction of hazardous fuels for the fiscal year in which this Act is enacted, \$10,000,000 to the fund established by the Secretary of the Interior pursuant to paragraph (1).

(b) REPLENISHMENT OF FUNDS.—Each fund established pursuant to subsection (a) shall receive all of the receipts from each sale of forest products referred to in section 912(a)(1) from Federal lands within the jurisdiction of the Secretary who established such fund, minus the amount required to be distributed under the provisions of law referred to in paragraph (1) or (2), as applicable, of section 912(d).

(c) TERMINATION.—

(1) IN GENERAL.—Each Secretary concerned shall terminate the fund established by such Secretary pursuant to subsection (a) at the expiration of the last day of the fifth full fiscal year occurring after the date of enactment of this Act.

(2) TREATMENT OF BALANCE AND FUTURE RECEIPTS.—Any moneys remaining in a fund established pursuant to subsection (a)(1) upon the expiration of the day referred to in paragraph (1), and any receipts after that day from sales of forest products under section 912(a)(1)—

(A) shall be available to the Secretary of Agriculture for reduction of wildland fire hazardous fuels, in the case of moneys remaining in the fund established by the Secretary of Agriculture and receipts for forest products from Federal lands within the jurisdiction of such Secretary; and

(B) shall be available to the Secretary of the Interior for the reduction of hazardous fuels, in the case of moneys remaining in the fund established by the Secretary of the Interior and receipts for forest products from Federal lands within the jurisdiction of such Secretary.

SEC. 916. TERMINATION OF AUTHORITY.

(a) TERMINATION DATE.—The authority of the Secretary concerned to offer sales of forest products pursuant to section 912, and to require the purchasers of such products to undertake forest management projects as a condition of such sales, shall terminate at the end of the five-fiscal year beginning on the first October 1st occurring after the date of the enactment of this Act.

(b) EFFECT ON EXISTING SALES.—Any contract for a sale of forest products pursuant to section 912 entered into before the end of the period specified in subsection (a), and still in effect at the end of such period, shall remain in effect after the end of such period pursuant to the terms of the contract.

Subtitle B—Miscellaneous Provisions**SEC. 921. REGULATIONS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall prescribe such regulations as are necessary and appropriate to implement this title.

SEC. 922. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of the first five fiscal years beginning after the date of the enactment of this Act such sums as may be necessary to carry out this title.

TITLE X—MISCELLANEOUS PROVISIONS**SEC. 1001. AUTHORITY TO ESTABLISH MAHATMA GANDHI MEMORIAL.**

(a) IN GENERAL.—The Government of India may establish a memorial to honor Mahatma Gandhi on the Federal land in the District of Columbia.

(b) COOPERATIVE AGREEMENTS.—The Secretary of the Interior or any other head of a Federal agency may enter into cooperative agreements with the Government of India to maintain features associated with the memorial.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.), except that sections 2(c) and 6(b) of that Act shall not apply with respect to the memorial.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The Government of the United States shall not pay any expense of the establishment of the memorial or its maintenance.

SEC. 1002. ESTABLISHMENT OF THE NATIONAL CAVE AND KARST RESEARCH INSTITUTE IN NEW MEXICO.

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

- (1) to further the science of speleology;
- (2) to centralize and standardize speleological information;
- (3) to foster interdisciplinary cooperation in cave and karst research programs;
- (4) to promote public education;
- (5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and
- (6) to promote and develop environmentally sound and sustainable resource management practices.

(b) ESTABLISHMENT OF THE INSTITUTE.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this section as the “Institute”).

(2) PURPOSES.—The Institute shall, to the extent practicable, further the purposes of this section.

(3) LOCATION.—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

(c) ADMINISTRATION OF THE INSTITUTE.—

(1) MANAGEMENT.—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

(2) GUIDELINES.—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of Public Law 101-578 (16 U.S.C. 4310 note).

(3) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may enter into a contract or cooperative agreement with a public or private agency, organization, or institution to carry out this section.

(4) FACILITY.—

(A) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

(B) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under subparagraph (A), the Secretary may construct a facility for the Institute.

(5) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this section, the Secretary may accept—

(A) a grant or donation from a private person; or

(B) a transfer of funds from another Federal agency.

(d) FUNDING.—

(1) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this section as is matched by an equal amount of funds from non-Federal sources.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1003. GUADALUPE-HIDALGO TREATY LAND CLAIMS.

(a) SHORT TITLE.—This section may be cited as the “Guadalupe-Hidalgo Treaty Land Claims Equity Act of 1998”.

(b) DEFINITIONS AND FINDINGS.—

(1) DEFINITIONS.—For purpose of this section:

(A) COMMISSION.—The term “Commission” means the Guadalupe-Hidalgo Treaty Land Claims Commission established under subsection (c).

(B) TREATY OF GUADALUPE-HIDALGO.—The term “Treaty of Guadalupe-Hidalgo” means the treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe Hidalgo), between the United States and the Republic of Mexico, signed February 2, 1848 (TS 207: 9 Bevans 791).

(C) ELIGIBLE DESCENDANT.—The term “eligible descendant” means a descendant of a person who—

(i) was a Mexican citizen before the Treaty of Guadalupe Hidalgo;

(ii) was a member of a community land grant; and

(iii) became a United States citizen within ten years after the effective date of the Treaty of Guadalupe-Hidalgo, May 30, 1848, pursuant to the terms of the Treaty.

(D) COMMUNITY LAND GRANT.—The term “community land grant” means a village, town, settlement, or pueblo consisting of land held in common (accompanied by lesser private allotments) by three or more families under a grant from the King of Spain (or his representative) before the effective date of the Treaty of Cordova, August 24, 1821, or from the authorities of the Republic of Mexico before May 30, 1848, in what became the State of New Mexico, regardless of the original character of the grant.

(E) RECONSTITUTED.—The term “reconstituted”, with regard to a valid community land grant, means restoration to full status as a municipality with rights properly belonging to a municipality under State law and the right of local self-government.

(2) FINDINGS.—Congress finds the following:

(A) New Mexico has a unique history regarding the acquisition of ownership of land as a result of the substantial number of Spanish and Mexican land grants that were an integral part of the colonization and growth of New Mexico before the United States acquired the area in the Treaty of Guadalupe-Hidalgo.

(B) Various provisions of the Treaty of Guadalupe-Hidalgo have not yet been fully implemented in the spirit of article VI, section 2, of the Constitution of the United States.

(C) Serious questions regarding the prior ownership of lands in the State of New Mexico, particularly certain public lands, still exist.

(D) Congressionally established land claim commissions have been used in the past to successfully examine disputed land possession questions.

(c) ESTABLISHMENT AND MEMBERSHIP OF COMMISSION.

(1) ESTABLISHMENT.—There is established a commission to be known as the “Guadalupe-Hidalgo Treaty Land Claims Commission”.

(2) NUMBER AND APPOINTMENT OF MEMBERS.—The Commission shall be composed of five members appointed by the President, by and with the advice and consent of the Senate. At least two of the members of the Commission shall be selected from among persons who are eligible descendants. All members shall demonstrate knowledge and expertise about the history and law associated with the New Mexico land grants.

(3) TERMS.—Each member shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) COMPENSATION.—Members shall each be entitled to receive the daily equivalent of level V of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(d) INTERNATIONAL AGREEMENTS FOR COOPERATION IN THE PROCUREMENT OF RELEVANT DOCUMENTS.—

(1) FINDINGS.—Congress recognizes that—

(A) the availability of documents concerning community land grants in the State of New Mexico in the United States is limited; and

(B) a fair and equitable evaluation of the community land grants will depend upon obtaining a comprehensive compilation of the relevant documents available.

(2) BILATERAL AGREEMENTS.—The Secretary of State is authorized to negotiate bilateral agreements with the Governments of Mexico and Spain to obtain their full cooperation with the Commission so that the Commission will have access to certified copies of all relevant documents in those countries relating to community land grants in the State of New Mexico.

(e) DEVELOPMENT OF CODE OF LAND GRANT CLAIMS PROCEDURES.—

(1) DEVELOPMENT OF PROCEDURES.—Not later than one year after the date on which the second bilateral agreement described in subsection (d) is concluded, the Commission shall develop workable and equitable procedures, in clear and concise form, for land grant evaluations, including but not limited to—

(A) a criteria for the Commission to use during its evaluation of what constituted a legal community land grant under Mexican and Spanish law;

(B) the scope of admissible evidence;

(C) appropriate presumptions, if any, regarding previous adjudications made by the Surveyor General and the Court of Private Land Claims, and other court decisions involving the Treaty;

(D) a set of procedural rules setting forth the burden of proof that the Commission will use in determining the validity of community land grants;

(E) an outline of investigative services the Commission proposes to make available to land grant claimants;

(F) safeguards, acceptable to title insurance companies, to ensure that private property owners will not be affected, either with the threat of losing possession to their property or any impairment to the legal, equitable or clear title to their property by the work of the Commission;

(G) safeguards, acceptable to the New Mexico State Engineer, that clearly protect and do not in any way affect the water rights of any person or entity;

(H) safeguards, acceptable to the various Native American Tribes and Pueblos, that clearly protect the status quo regarding existing Indian Lands;

(I) procedures, acceptable to the various Native American Tribes and Pueblos, that—

(i) provide them with access to sacred sites that may eventually be adjudicated as community land grants, and that may become part of any reconstituted community land grant; and

(ii) require that any such sites be identified by the various Native American Tribes and Pueblos during the development of the Code of Land Grant Claims Procedures for the Commission;

(J) an outline of the rights and responsibilities of community land grantees if a community land grant is reconstituted; and

(K) any other items the Commission deems appropriate and necessary.

(2) REVIEW BY CONGRESSIONAL RESOURCE COMMITTEES.—Prior to beginning the examination of specific community land claims, the Commission shall submit the Code of Land Claims Procedure to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The Committees shall have ninety days to hold hearings and examine the Code. The Commission may not commence evaluations of specific community land claims earlier than the 90 days after the date of submission of the Code under this subsection.

(f) EXAMINATION OF LAND CLAIMS LOCATED IN NEW MEXICO.—

(1) SUBMISSION OF NEW MEXICO LAND CLAIMS PETITIONS.—Any three (or more) eligible descendants who are also descendants of the same community land grant may file with the Commission a petition on behalf of themselves and all other descendants of that community land grant seeking a determination of the validity of the land claim that is the basis for the petition.

(2) DEADLINE FOR SUBMISSION.—To be considered by the Commission a petition under paragraph (1) must be received by the Commission not later than five years after the date on which the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives has completed the 90-day review period.

(3) ELEMENTS OF PETITION.—A petition under paragraph (1) shall be made under oath and shall contain the following:

(A) The names and addresses of the eligible descendants who are petitioners.

(B) The fact that the land involved in the petition was a community land grant at the time of the effective date of the Guadalupe-Hidalgo Treaty and that such land is now within the borders of the State of New Mexico.

(C) The extent of the community land grant, to the best of the knowledge of the petitioners, accompanied with a survey or, if a survey is not feasible for them, a sketch map thereof.

(D) The fact that the petitioners reside, or intend to settle upon, the community land grant.

(E) All facts known to petitioners concerning the community land grant, together with copies of all papers in regard thereto available to petitioners.

(4) PETITION HEARING.—At one or more designated locations in the State of New Mexico, the Commission shall hold a hearing upon each petition timely submitted under this subsection, at which hearing all persons having an interest in the land involved in the petition shall have the right, upon notice, to appear as a party.

(5) SUBPOENA POWER.—

(A) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any petition submitted under paragraph (1). The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the State of New Mexico.

(B) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under subparagraph (A), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(C) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(D) SERVICE OF PROCESS.—All process of any court to which application is to be made under subparagraph (B) may be served in the judicial district in which the person required to be served resides or may be found.

(6) DECISION.—On the basis of the facts contained in a petition submitted under paragraph (1), and the hearing held with regard to the petition, the commission shall determine, consistent with the Code of Land Claims Procedure, the validity of the community land grant described in the petition. The decision shall include a recommendation of the Commission regarding whether the community land grant should be reconstituted and its lands restored.

(7) PROTECTION OF NON-FEDERAL PROPERTY.—The decision of the Commission regarding the validity of a petition submitted under paragraph (1) shall not affect the ownership, title or rights of owners of any non-Federal lands covered by the petition. Any recommendation of the Commission under paragraph (6) regarding whether a community land grant should be reconstituted and its lands restored may not address, affect or otherwise involve non-Federal lands. In the case of a valid petition covering lands held in non-Federal ownership, the Commission shall modify the recommendation under the paragraph (6) to recommend the substitution of comparable Federal lands in the State of New Mexico for the lands held in non-Federal ownership.

(g) COMMUNITY LAND GRANT STUDY CENTER.—To assist the Commission in the performance of its activities under subsection (d), the commission shall establish a Community Land Grant Study Center at the Onate Center in Alcalde, New Mexico. The Commission shall be charged with the responsibility of directing the research, study, and investigations necessary for the Commission to perform its duties under this section.

(h) MISCELLANEOUS POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate, and may administer oaths or affirmations to witnesses appearing before it.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission so long as it is determined that the acceptance of such gifts, bequests or devises do not constitute a conflict of interest.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as the other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(6) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

(i) REPORT.—As soon as practicable after reaching its last decision under subsection (f), the Commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the Commission regarding whether certain community land grants should be reconstituted, so that the Congress may act upon the recommendations.

(j) TERMINATION.—The Commission shall terminate on 180 days after submitting its final report under subsection (i).

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$1,000,000 for each of the fiscal years 1999 through 2007 for the purpose of carrying out the activities of the Commission and to establish and operate the Community Land Grant Study Center under subsection (g).

SEC. 1004. OTAY MOUNTAIN WILDERNESS.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The public lands within the Otay Mountain region of California are one of the last remaining pristine locations in western San Diego County, California.

(2) This rugged mountain adjacent to the United States-Mexico border is internationally known for its diversity of unique and sensitive plants.

(3) This area plays a critical role in San Diego's multi-species conservation plan, a national model made for maintaining biodiversity.

(4) Due to its proximity to the international border, this area is the focus of important law enforcement and border interdiction efforts necessary to curtail illegal immigration and protect the area's wilderness values.

(5) The illegal immigration traffic, combined with the rugged topography, also presents unique fire management challenges for protecting lives and resources.

(b) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public lands in the California Desert District of the Bureau of Land Management, California, comprising approximately 18,500 acres as generally depicted on a map entitled "Otay Mountain Wilderness" and dated May 7, 1998, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System, which shall be known as the Otay Mountain Wilderness.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, a map and a legal description for the Wilderness Area shall be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. Such map and legal description shall

have the same force and effect as if included in this Act, except that the Secretary, as appropriate, may correct clerical and typographical errors in such legal description and map. Such map and legal description for the Wilderness Area shall be on file and available for public inspection in the offices of the Director and California State Director, Bureau of Land Management, Department of the Interior.

(2) UNITED STATES-MEXICO BORDER.—In carrying out this subsection, the Secretary shall ensure that the southern boundary of the Wilderness Area is 100 feet north of the trail depicted on the map referred to in paragraph (1) and is at least 100 feet from the United States-Mexico international border.

(e) WILDERNESS REVIEW.—The Congress hereby finds and directs that all the public lands not designated wilderness within the boundaries of the Southern Otay Mountain Wilderness Study Area (CA-060-029) and the Western Otay Mountain Wilderness Study Area (CA-060-028) managed by the Bureau of Land Management and reported to the Congress in 1991, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), and are no longer subject to the requirements contained in section 603(c) of that Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(f) ADMINISTRATION OF WILDERNESS AREA.—

(1) IN GENERAL.—Subject to valid existing rights and to paragraph (2), the Wilderness Area shall be administered by the Secretary in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in such provisions to the effective date of the Wilderness Act is deemed to be a reference to the effective date of this Act; and

(B) any reference in such provisions to the Secretary of Agriculture is deemed to be a reference to the Secretary of the Interior.

(2) BORDER ENFORCEMENT, DRUG INTERDICTION, AND WILDLAND FIRE PROTECTION.—Because of the proximity of the Wilderness Area to the United States-Mexico international border, drug interdiction, border operations, and wildland fire management operations are common management actions throughout the area encompassing the Wilderness Area. This section recognizes the need to continue such management actions so long as such management actions are conducted in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and are subject to such conditions as the Secretary considers appropriate.

(g) FURTHER ACQUISITIONS.—Any lands within the boundaries of the Wilderness Area that are acquired by the United States after the date of enactment of this Act shall become part of the Wilderness Area and shall be managed in accordance with all the provisions of this section and other laws applicable to such a wilderness.

(h) NO BUFFER ZONES.—The Congress does not intend for the designation of the Wilderness Area by this section to lead to the creation of protective perimeters or buffer zones around the Wilderness Area. The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness Area shall not, of itself, preclude such activities or uses up to the boundary of the Wilderness Area.

(i) DEFINITIONS.—As used in this section:

(1) PUBLIC LANDS.—The term "public lands" has the same meaning as that term has in section 103(e) of the Federal Land Policy and Management Act of 1976.

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

(3) WILDERNESS AREA.—The term "Wilderness Area" means the Otay Mountain Wilderness designated by subsection (b).

SEC. 1005. ACQUISITION AND MANAGEMENT OF WILCOX RANCH, UTAH, FOR WILDLIFE HABITAT.

(a) FINDINGS.—Congress finds the following:

(1) The lands within the Wilcox Ranch in eastern Utah are prime habitat for wild turkeys, eagles, hawks, bears, cougars, elk, deer, bighorn sheep, and many other important species, and Range Creek within the Wilcox Ranch could become a blue ribbon trout stream.

(2) These lands also contain a great deal of undisturbed cultural and archeological resources, including ancient pottery, arrowheads, and rock homes constructed centuries ago.

(3) These lands, while comprising only approximately 3,800 acres, control access to over 75,000 acres of Federal lands under the jurisdiction of the Bureau of Land Management.

(4) Acquisition of the Wilcox Ranch would benefit the people of the United States by preserving and enhancing important wildlife habitat, ensuring access to lands of the Bureau of Land Management, and protecting priceless archeological and cultural resources.

(5) These lands, if acquired by the United States, can be managed by the Utah Division of Wildlife Resources at no additional expense to the Federal Government.

(b) ACQUISITION OF LANDS.—As soon as practicable, after the date of the enactment of this Act, the Secretary of the Interior shall acquire, through purchase, the Wilcox Ranch located in Emery County, in eastern Utah.

(c) FUNDS FOR PURCHASE.—The Secretary of the Interior is authorized to use not more than \$5,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) for the purchase of the Wilcox Ranch under subsection (b).

(d) MANAGEMENT OF LANDS.—Upon payment by the State of Utah of one-half of the purchase price of the Wilcox Ranch to the United States, or transfer by the State of Utah of lands of the same such value to the United States, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to those Wilcox Ranch lands acquired under subsection (b) for management by the State Division of Wildlife Resources for wildlife habitat and public access.

SEC. 1006. ACQUISITION OF MINERAL AND GEOTHERMAL INTERESTS WITHIN MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT.

(a) FINDINGS.—Congress finds the following:

(1) The Act entitled "An Act to designate the Mount St. Helens National Volcanic Monument in the State of Washington, and for other purposes", approved August 26, 1982 (96 Stat. 301; 16 U.S.C. 431 note), required the United States to acquire all land and interests in land in the Mount St. Helens National Volcanic Monument.

(2) The Act directed the Secretary of Agriculture to acquire the surface interests and the mineral and geothermal interests by separate exchanges and expressed the sense of Congress that the exchanges be completed by November 24, 1982, and August 26, 1983, respectively.

(3) The surface interests exchange was consummated timely, but the exchange of all mineral and geothermal interests has not yet been completed a decade and a half after the enactment of that Act.

(b) PURPOSE.—The purpose of this section is to facilitate and otherwise provide for the

expeditious completion of the previously mandated Federal acquisition of private mineral and geothermal interests within the Mount St. Helens National Volcanic Monument.

(c) ACQUISITION.—Section 3 of the Act entitled "An Act to designate the Mount St. Helens National Volcanic Monument in the State of Washington, and for other purposes", approved August 26, 1982 (Public Law 97-243; 96 Stat. 302; 16 U.S.C. 431 note), is amended by adding at the end the following new subsections:

"(g) EXCHANGES FOR MINERAL AND GEOTHERMAL INTERESTS HELD BY CERTAIN COMPANIES.—

"(1) DEFINITION OF COMPANY.—In this subsection, the term 'company' means a company referred to in subsection (c) or its assigns or successors.

"(2) EXCHANGE REQUIRED.—Within 60 days after the date of enactment of this subsection, the Secretary of the Interior shall acquire by exchange the mineral and geothermal interests in the Monument of each company.

"(3) MONETARY CREDITS.—

"(A) ISSUANCE.—In exchange for all mineral and geothermal interests acquired by the Secretary of the Interior from each company under paragraph (2), the Secretary of the Interior shall issue to each such company monetary credits with a value of \$2,100,000 that may be used for the payment of—

"(i) not more than 50 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) in the contiguous 48 States;

"(ii) not more than 10 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases in Alaska under the laws specified in clause (i);

"(iii) not more than 50 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil or gas, or geothermal lease in the contiguous 48 States issued under the laws specified in clause (i); or

"(iv) not more than 10 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil or gas, or geothermal lease in Alaska issued under the laws specified in clause (i).

"(B) VALUE OF CREDITS.—The total credits of \$4,200,000 in value issued under subparagraph (A) are deemed to equal the fair market value of all mineral and geothermal interests to be conveyed by exchange under paragraph (2).

"(4) ACCEPTANCE OF CREDITS.—The Secretary of the Interior shall accept credits issued under paragraph (3)(A) in the same manner as cash for the payments described in such paragraph. The use of the credits shall be subject to the laws (including regulations) governing such payments, to the extent the laws are consistent with this subsection.

"(5) TREATMENT OF CREDITS FOR DISTRIBUTION TO STATES.—All amounts in the form of credits accepted by the Secretary of the Interior under paragraph (4) for the payments described in paragraph (3)(A) shall be considered to be money received for the purpose of section 35 of the Mineral Leasing Act (30 U.S.C. 191) and section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019).

"(6) EXCHANGE ACCOUNT.—

"(A) ESTABLISHMENT.—Notwithstanding any other provision of law, not later than 30 days after the completion of the exchange

with a company required by paragraph (2), the Secretary of the Interior shall establish an exchange account for that company for the monetary credits issued to that company under paragraph (3). The account for a company shall be established with the Minerals Management Service of the Department of the Interior and have an initial balance of credits equal to \$2,100,000.

“(B) USE OF CREDITS.—The credits in a company’s account shall be available to the company for the purposes specified in paragraph (3)(A). The Secretary of the Interior shall adjust the balance of credits in the account to reflect credits accepted by the Secretary of the Interior pursuant to paragraph (4).

“(C) TRANSFER OR SALE OF CREDITS.—

“(i) TRANSFER OR SALE AUTHORIZED.—A company may transfer or sell any credits in the company’s account to another person.

“(ii) USE OF TRANSFERRED CREDITS.—Credits transferred or sold under clause (i) may be used in accordance with this subsection only by a person that is qualified to bid on, or that holds, a mineral, oil, or gas lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

“(iii) NOTIFICATION.—Within 30 days after the transfer or sale of any credits by a company, that company shall notify the Secretary of the Interior of the transfer or sale. The transfer or sale of any credit shall not be considered valid until the Secretary of the Interior has received the notification required under this clause.

“(D) TIME LIMIT ON USE OF CREDITS.—On the date that is 5 years after the date on which an account is created under subparagraph (A) for a company, the Secretary of the Interior shall terminate that company’s account. Any credits that originated in the terminated account and have not been used as of the termination date, including any credits transferred or sold under subparagraph (C), shall become unusable.

“(7) TITLE TO INTERESTS.—On the date of the establishment of an exchange account for a company under paragraph (6)(A), title to any mineral and geothermal interests that are held by the company and are to be acquired by the Secretary of the Interior under paragraph (2) shall transfer to the United States.

“(h) OTHER MINERAL AND GEOTHERMAL INTERESTS.—Within 180 days after the date of the enactment of this subsection, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report—

“(1) identifying all remaining privately held mineral interests within the boundaries of the Monument referred to in section 1(a); and

“(2) setting forth a plan and a timetable by which the Secretary would propose to complete the acquisition of such interests.”.

SEC. 1007. OPERATION AND MAINTENANCE OF CERTAIN WATER IMPOUNDMENT STRUCTURES IN THE EMIGRANT WILDERNESS, STANISLAUS NATIONAL FOREST, CALIFORNIA.

(a) AGREEMENT TO OPERATE AND MAINTAIN CERTAIN WATER IMPOUNDMENT STRUCTURES.—The Secretary of Agriculture shall enter into a cooperative agreement with a qualified non-Federal entity under which the entity shall assume the responsibility to operate and maintain all the following water impoundment structures within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California:

- (1) Horse Meadow enhancement structure.
- (2) Red Can Lake level structure.
- (3) Yellowhammer Lake level structure.

(4) Huckleberry Lake level structure.

(5) Long streamflow maintenance structure.

(6) Lower Buck streamflow maintenance structure.

(7) Leighton streamflow maintenance structure.

(8) High Emigrant streamflow maintenance structure.

(9) Emigrant Meadow streamflow maintenance structure.

(10) Middle Emigrant streamflow maintenance structure.

(11) Emigrant streamflow maintenance structure.

(12) Snow streamflow maintenance structure.

(13) Bigelow streamflow maintenance structure.

(b) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

(1) prepare a map identifying the location, size, and type of each water impoundment structure listed in subsection (a);

(2) share equally with the non-Federal entity the administrative cost of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other applicable laws, except that the cost share of the non-Federal entity shall not exceed \$5,000;

(3) prescribe terms and conditions of the cooperative agreement that sets forth the rights and obligations of the Secretary and the non-Federal entity, including, at a minimum, provisions that—

(A) require the non-Federal entity to conduct its operation and maintenance activities in accordance with a plan of operations approved by the Secretary;

(B) require approval by the Secretary of all operation and maintenance activities conducted by the non-Federal entity;

(C) require the Secretary to solicit public involvement during any environmental analysis under NEPA in accordance with the Forest Service NEPA procedures;

(D) require the non-Federal entity to comply with all applicable State and Federal environmental, public health, and safety requirements;

(E) establish monitoring standards; and

(F) establish enforcement standards, including provisions for termination for non-compliance with terms and conditions; and

(4) ensure that the non-Federal entity is in compliance with the terms and conditions of this section and the cooperative agreement.

(c) RESPONSIBILITIES OF THE NON-FEDERAL ENTITY.—

(1) IN GENERAL.—The non-Federal entity shall be responsible for carrying out its operation and maintenance activities on the structures listed in subsection (a) in conformance with this section and the cooperative agreement.

(2) OPERATION AND MAINTENANCE COSTS.—The non-Federal entity shall be responsible for the costs associated with the maintenance and operation of the structures listed in subsection (a).

(3) SAFETY REQUIREMENTS.—Maintenance referred to in paragraphs (1) and (2) includes any reconstruction or rehabilitation necessary to meet applicable State and Federal public health and safety requirements.

(d) FAILURE TO CONSUMMATE AN AGREEMENT.—The Secretary shall not be obligated to maintain any of the structures listed in subsection (a) if—

(1) within 365 days after the date of the enactment of this Act, the Secretary is unable to identify any qualified non-Federal entity that is willing to enter into a cooperative agreement regarding the operation and maintenance of the water impoundment structures listed in subsection (a), or

(2) within 365 days after the date of the termination of a cooperative agreement entered

into under subsection (a), the Secretary is unable to identify any non-Federal entity qualified and willing to enter into a subsequent cooperative agreement regarding the operation and maintenance of the water impoundment structures listed in subsection (a).

(e) PROHIBITION OF MECHANIZED TRANSPORT AND MOTORIZED EQUIPMENT.—The use of mechanized transport and motorized equipment to operate and maintain the structures listed in section 1(a) is prohibited.

(f) DEFINITIONS.—In this section:

(1) NON-FEDERAL ENTITY.—The term “non-Federal entity” means a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), any State or local government or political subdivision of such a government, or any private individual, organization, corporation, or other legal entity.

(2) NEPA.—The term “NEPA” means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 1008. EAST TEXAS BLOWDOWN-NEPA PARITY.

(a) IN GENERAL.—The Secretary of Agriculture or the Secretary of the Interior, as appropriate, shall request the Council on Environmental Quality to approve alternative arrangements under part 1506.11 of title 40, Code of Federal Regulations, authorizing removal of dead, downed, or severely root-sprung trees in areas described in subsection (b), that are similar to the alternative arrangements approved by the Council on Environmental Quality for National Forests and Grasslands in Texas, as set forth in a letter from the Chairman of the Council on Environmental Quality to the Deputy Chief of the National Forest System dated March 10, 1998.

(b) AREAS DESCRIBED.—The areas referred to in subsection (a) are the following:

(1) Approximately 20,000 acres of blowdown forest in the Routt National Forest, Colorado.

(2) Approximately 700 acres of blowdown forest in the Rio Grande National Forest, Colorado.

(3) Approximately 50,000 acres of bark beetle infested forest in the Dixie National Forest, Utah.

(4) Approximately 25,000 acres of insect and fuel-loading conditions on National Forest System lands in the Tahoe Basin, California.

(5) Approximately 28,000 acres of fire-damaged, dead, and dying trees in the Malheur National Forest, Oregon.

(6) Approximately 10,000 acres of gypsy moth infestation in the Allegheny National Forest, Pennsylvania.

(7) Approximately 5,000 acres of severely ice damaged forests in the White Mountain National Forest, New Hampshire, and the Green Mountain National Forest, Vermont.

(8) Approximately 10,000 acres of severe Mountain pine beetle damaged forests in the Panhandle National Forest, Nezperce National Forest, and Boise National Forest, Idaho.

(9) Approximately 10,000 acres of severely ice damaged forests in the Daniel Boone National Forest, Kentucky.

(10) Approximately 15,000 acres of fire-damaged, dead, and dying trees in the Osceola National Forest and Apalachicola National Forest, Florida.

(c) CONSIDERATION OF REQUESTS.—Upon receipt of a request under subsection (a), the Council on Environmental Quality shall promptly consider and approve or disapprove the request.

(d) REGULATIONS.—The Chairman of the Council on Environmental Quality shall, by not later than 180 days after the date of the enactment of this Act, issue regulations—

(1) governing the approval of alternative arrangements under part 1506.11 of title 40,

Code of Federal Regulations, pursuant to requests under subsection (a); and

(2) establishing criteria under which those requests will be considered and approved or disapproved.

SEC. 1009. EXEMPTION FOR CERTAIN RIGHT-OF-WAY HOLDERS FROM STRICT LIABILITY FOR RECOVERY OF FIRE SUPPRESSION COSTS.

Section 504(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(h)) is amended by adding at the end the following:

“(3) FIRE SUPPRESSION COSTS.—In the regulations required under this subsection, the Secretary concerned may not impose liability without fault against any holder of a right-of-way granted, issued, or renewed under section 501(a)(4) to recover fire suppression costs incurred by the United States with respect to right-of-way.”.

SEC. 1010. STUDY OF IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES.

(a) STUDY REQUIRED.—The Secretary of Agriculture and the Secretary of the Interior shall jointly provide for the conduct of a study to consider ways to improve the access of persons with disabilities to outdoor recreational opportunities (such as fishing, hunting, shooting, trapping, wildlife viewing, hiking, boating, and camping) that are made available to the public on the Federal lands described in subsection (b).

(b) COVERED FEDERAL LANDS.—The Federal lands referred to in subsection (a) are the following:

- (1) National Forest System lands.
- (2) Units of the National Park System.
- (3) Areas in the National Wildlife Refuge System.
- (4) Lands administered by the Bureau of Land Management.

(c) PERFORMANCE BY INDEPENDENT ENTITY.—To conduct the study under this section, the Secretaries shall select an independent entity in the private sector that has demonstrated expertise in issues regarding improved access for persons with disabilities. The Secretaries shall consult with the National Council on Disability regarding the selection of the independent entity.

(d) REPORT ON STUDY.—Not later than 18 months after the date of the enactment of this Act, the entity conducting the study shall submit to the Secretaries and the Congress a report that sets forth the results of the study.

SEC. 1011. COMMUNICATION SITE.

(a) IN GENERAL.—The site located directly below Inspiration Point within the San Jacinto Ranger District of the San Bernardino National Forest, California, on which communications facilities are located on August 1, 1998, is hereby designated to be used for communication purposes by the persons who operate such communications facilities on such date and their successors or assigns until such time as such persons, successors, or assigns no longer require the use of such site and provide written notice to that effect to the Forest Service.

(b) LIMITATION.—Nothing in this subsection (a) shall be construed to—

- (1) excuse such persons, successors, or assigns from complying with requirements of law or regulation that do not unreasonably or unduly restrict the continued use of such site;
- (2) require the site to be made available to other persons for communications use or other purposes; and
- (3) require dedication of the site for continued use for communications purposes after the notice referred to in subsection (a).

SEC. 1012. AMENDMENT OF THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is

amended by striking “an agency of the Federal Government” and inserting “a Federal, State, or local government agency”.

SEC. 1013. LEASING OF CERTAIN RESERVED MINERAL INTERESTS.

(a) APPLICATION OF MINERAL LEASING ACT.—Notwithstanding the provisions of section 4 of the 1964 Public Land Sale Act (P.L. 88-608, 78 Stat. 988), the Federal reserved mineral interests in lands conveyed under that Act by United States land patents No. 49-71-0059 and No. 49-71-0065 shall be subject to the operation of the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) ENTRY.—Any person who acquires any lease under the Mineral Leasing Act for the interests referred to in subsection (a) may exercise the right to enter reserved to the United States and persons authorized by the United States in the patents conveying the lands described in subsection (a) by occupying so much of the surface thereof as may be required for all purposes reasonably incident to the exploration for, and extraction and removal of, the leased minerals by either of the following means:

(1) By securing the written consent or waiver of the patentee.

(2) In the absence of such consent or waiver, by posting a bond or other financial guarantee with the Secretary of the Interior in an amount sufficient to insure—

(A) the completion of reclamation pursuant to the Secretary's requirements under the Mineral Leasing Act, and

(B) the payment to the surface owner for—

- (i) any damages to crops and tangible improvements of the surface owner that result from activities under the mineral lease, and
- (ii) any permanent loss of income to the surface owner due to loss or impairment of grazing use, or of other uses of the land by the surface owner at the time of commencement of activities under the mineral lease.

(c) LANDS COVERED BY PATENT NO. 49-71-0065.—In the case of the lands in United States patent No. 49-71-0065, the preceding provisions of this section take effect January 1, 1997.

SEC. 1014. OIL AND GAS WELLS IN WAYNE NATIONAL FOREST, OHIO.

(a) AUTHORITY.—The Secretary of the Interior may enter into noncompetitive oil and gas production and reclamation contracts in accordance with this section with operators of wells in the Wayne National Forest in the State of Ohio who meet the criteria of section 17(b)(3)(A) of the Act of February 25, 1920 (30 U.S.C. 226(b)(3)(A)) pursuant to private land mineral leases which were in effect on and after the date of the enactment of this section, subject to the same laws and regulations that applied to those private land mineral leases.

(b) ADDITIONAL DRILLING.—No contract under this section may authorize deeper completions or additional drilling.

(c) BONDING.—

(1) WAIVER OF FEDERAL BONDING.—Each contract under this section shall require the contractor to provide a Federal oil and gas bond to ensure complete and timely reclamation of the former lease tract in accordance with the regulations of the Bureau of Land Management and the Forest Service, unless the Secretary of the Interior accepts in lieu thereof assurances from the Ohio Department of Natural Resources, Division of Oil and Gas, that—

(A) the contractor has duly satisfied the bonding requirements of the State of Ohio; and following inspection of operator performance, the Ohio Department of Natural Resources is not opposed to such waiver of Federal bonding requirements;

(B) the United States of America is entitled to apply for and receive funding under the provision of section 1509.071 of the Ohio

Revised Code so as to properly plug and restore oil and gas sites and lease tracts; and

(C) during the 2 years prior to the date on which the contract is entered into no less than 20 percent of Ohio State severance tax revenues has been allocated to the State of Ohio Orphan Well Fund.

(2) CONTINUED COMPLIANCE WITH 20 PERCENT REQUIREMENT.—In entering into any contract under this section, the Secretary of the Interior shall reserve the right to require the contractor to comply with all Federal oil and gas bonding requirements applicable to Federal oil and gas leases under the regulations of the Bureau of Land Management and the Forest Service whenever the Secretary finds that less than 20 percent of Ohio State severance tax revenues has been allocated to the State of Ohio Orphan Well Fund.

SEC. 1015. MEMORIAL TO MR. BENJAMIN BANNEKER IN THE DISTRICT OF COLUMBIA.

(a) MEMORIAL AUTHORIZED.—The Washington Interdependence Council of the District of Columbia is authorized to establish a memorial in the District of Columbia to honor and commemorate the accomplishments of Mr. Benjamin Banneker.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(c) PAYMENT OF EXPENSES.—The Washington Interdependence Council shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))), or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial, the Washington Interdependence Council shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

SEC. 1016. PROTECTION OF SANCTITY OF CONTRACTS AND LEASES OF SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS.

(a) IN GENERAL.—Subject to subsection (b), the United States shall recognize as not infringing upon any ownership rights of the United States to coalbed methane any—

(1) contract or lease covering any land that was conveyed by the United States under the Act entitled “An Act for the protection of surface rights of entrymen”, approved March 3, 1909 (30 U.S.C. 81), or the Act entitled “An Act to provide for agricultural entries on coal lands”, approved June 22, 1910 (30 U.S.C. 83 et seq.), that—

(A) was entered into by a person who has title to the land derived under those Acts, and

(B) conveys rights to explore for, extract, and sell coalbed methane from the land; or

(2) coalbed methane production from the land described in paragraph (1) by a person who has title to the land and who, on or before the date of enactment of this Act, has filed an application with the State oil and gas regulating agency for a permit to drill an oil and gas well to a completion target located in a coal formation.

(b) APPLICATION.—Subsection (a)—

(1) shall apply only to a valid contract or lease described in subsection (a) that is in effect on the date of enactment of this Act;

(2) shall not otherwise change the terms or conditions of, or affect the rights or obliga-

tions of any person under, such a contract or lease;

(3) shall apply only to land with respect to which the United States is the owner of coal reserved to the United States in a patent issued under the Act of March 3, 1909 (30 U.S.C. 81), or the Act of June 22, 1910 (30 U.S.C. 83 et seq.), the position of the United States as the owner of the coal not having passed to a third party by deed, patent, or other conveyance by the United States;

(4) shall not apply to any interest in coal or land conveyed, restored, or transferred by the United States to a federally recognized Indian tribe, including any conveyance, restoration, or transfer made pursuant to the Indian Reorganization Act, June 18, 1934 (c. 576, 48 Stat. 984, as amended); the Act of June 28, 1938 (c. 776, 52 Stat. 1209 as implemented by the order of September 14, 1938, 3 Fed. Reg. 1425); and including the area described in section 3 of Public Law 98-290; or any executive order;

(5) shall not be construed to constitute a waiver of any rights of the United States with respect to coalbed methane production that is not subject to subsection (a); and

(6) shall not limit the right of any person who entered into a contract or lease before the date of enactment of this Act, or enters into a contract or lease on or after the date of enactment of this Act, for coal owned by the United States, to mine and remove the coal and to release coalbed methane without liability to any person referred to in subsection (a)(1)(A) or (a)(2).

TITLE XI—AMENDMENTS AND TECHNICAL CORRECTIONS TO 1996 OMNIBUS PARKS ACT

SEC. 1100. REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.

In this title, the term "Omnibus Parks Act" means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4093).

Subtitle A—Technical Corrections to the Omnibus Parks Act

SEC. 1101. PRESIDIO OF SAN FRANCISCO.

Title I of division I of the Omnibus Parks Act (16 U.S.C. 460bb note) is amended as follows:

(1) In section 101(2) (110 Stat. 4097), by striking "the Presidio is" and inserting "the Presidio was".

(2) In section 103(b)(1) (110 Stat. 4099), by striking "other lands administrated by the Secretary." in the last sentence and inserting "other lands administered by the Secretary."

(3) In section 105(a)(2) (110 Stat. 4104), by striking "in accordance with section 104(h) of this title." and inserting "in accordance with section 104(i) of this title."

SEC. 1102. COLONIAL NATIONAL HISTORICAL PARK.

Section 211(d) of division I of the Omnibus Parks Act (110 Stat. 4110; 16 U.S.C. 81p) is amended by striking "depicted on the map dated August 1993, numbered 333/80031A," and inserting "depicted on the map dated August 1996, numbered 333/80031B."

SEC. 1103. MERCED IRRIGATION DISTRICT.

Section 218(a) of division I of the Omnibus Parks Act (110 Stat. 4113) is amended by striking "this Act" and inserting "this section".

SEC. 1104. BIG THICKET NATIONAL PRESERVE.

Section 306(d) of division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 698 note) is amended by striking "until the earlier of the consummation of the exchange of July 1, 1998," and inserting "until the earlier of the consummation of the exchange or July 1, 1998,".

SEC. 1105. KENAI NATIVES ASSOCIATION LAND EXCHANGE.

Section 311 of division I of the Omnibus Parks Act (110 Stat. 4139) is amended as follows:

(1) In subsection (d)(2)(B)(ii), by striking "W. Seward Meridian" and inserting "W., Seward Meridian".

(2) In subsection (f)(1), by striking "to be known" and inserting "to be known".

SEC. 1106. LAMPREY WILD AND SCENIC RIVER.

(a) TECHNICAL CORRECTION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as amended by section 405(a) of division I of the Omnibus Parks Act (110 Stat. 4149), is amended in the second sentence of the unnumbered paragraph relating to the Lamprey River, New Hampshire, by striking "through cooperation agreements" and inserting "through cooperative agreements".

(b) CROSS REFERENCE.—Section 405(b)(1) of division I of the Omnibus Parks Act (110 Stat. 4149; 16 U.S.C. 1274 note) is amended by striking "this Act" and inserting "the Wild and Scenic Rivers Act".

SEC. 1107. VANCOUVER NATIONAL HISTORIC RESERVE.

Section 502(a) of division I of the Omnibus Parks Act (110 Stat. 4154; 16 U.S.C. 461 note) is amended by striking "by the Vancouver Historical Assessment" published".

SEC. 1108. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508 of division I of the Omnibus Parks Act (110 Stat. 4157, 40 U.S.C. 1003 note) is amended as follows:

(1) In subsection (a), by striking "of 1986" and inserting "(40 U.S.C. 1001 et seq.)".

(2) In subsection (b), by striking "the Act" and all that follows through "1986" and inserting "the Commemorative Works Act".

(3) In subsection (d), by striking "the Act referred to in section 4401(b)" and inserting "the Commemorative Works Act)".

SEC. 1109. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

The first sentence of section 205(g) of the National Historic Preservation Act (16 U.S.C. 470m(g)), as amended by section 509(c) of division I of the Omnibus Parks Act (110 Stat. 4157), is amended by striking "for the purpose." and inserting "for that purpose."

SEC. 1110. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.

Section 510(a)(1) of division I of the Omnibus Parks Act (110 Stat. 4158; 16 U.S.C. 461 note) is amended by striking "the contribution of our national heritage" and inserting "the contribution to our national heritage".

SEC. 1111. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) Section 511 of division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is amended as follows:

(1) In the section heading, by striking "national historic landmark district" and inserting "whaling national historical park".

(2) In subsection (c)—

(A) in paragraph (1), by striking "certain districts structures, and relics" and inserting "certain districts, structures, and relics"; and

(B) in paragraph (2)(A)(i), by striking "The area included with the New Bedford National Historic Landmark District, known as the" and inserting "The area included within the New Bedford Historic District (a National Landmark District), also known as the".

(3) In subsection (d)(2), by striking "to provide".

(4) By redesignating the second subsection (e) and subsection (f) as subsections (f) and (g), respectively.

(5) In subsection (g), as so redesignated—

(A) in paragraph (1), by striking "section 3(D)." and inserting "subsection (d)."; and

(B) in paragraph (2)(C), by striking "cooperative grants under subsection (d)(2)." and

inserting "cooperative agreements under subsection (e)(2).".

SEC. 1112. NICODEMUS NATIONAL HISTORIC SITE.

Section 512(a)(1)(B) of division I of the Omnibus Parks Act (110 Stat. 4163; 16 U.S.C. 461 note) is amended by striking "African-Americans" and inserting "African-Americans".

SEC. 1113. UNALASKA.

Section 513(c) of division I of the Omnibus Parks Act (110 Stat. 4165; 16 U.S.C. 461 note) is amended by striking "shall be comprised" and inserting "shall be comprised".

SEC. 1114. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

Section 603(d)(2) of division I of the Omnibus Parks Act (110 Stat. 4172; 16 U.S.C. 1a-5 note) is amended by striking "subsection (b) shall—" and inserting "paragraph (1) shall—".

SEC. 1115. SHENANDOAH VALLEY BATTLEFIELDS.

Section 606 of division I of the Omnibus Parks Act (110 Stat. 4175; 16 U.S.C. 461 note) is amended as follows:

(1) In subsection (d)—

(A) in paragraph (1), by striking "section 5." and inserting "subsection (e).";

(B) in paragraph (2), by striking "section 9." and inserting "subsection (h)."; and

(C) in paragraph (3), by striking "Commission plan approved by the Secretary under section 6." and inserting "plan developed and approved under subsection (f).".

(2) In subsection (f)(1), by striking "this Act" and inserting "this section".

(3) In subsection (g)—

(A) in paragraph (3), by striking "purposes of this Act" and inserting "purposes of this section"; and

(B) in paragraph (5), by striking "section 9." and inserting "subsection (i).".

(4) In subsection (h)(12), by striking "this Act" and inserting "this section".

SEC. 1116. WASHITA BATTLEFIELD.

Section 607 of division I of the Omnibus Parks Act (110 Stat. 4181; 16 U.S.C. 461 note) is amended—

(1) in subsection (c)(3), by striking "this Act" and inserting "this section"; and

(2) in subsection (d)(2), by striking "local land owners" and inserting "local landowners".

SEC. 1117. SKI AREA PERMIT RENTAL CHARGE.

Section 701 of division I of the Omnibus Parks Act (110 Stat. 4182; 16 U.S.C. 497c) is amended as follows:

(1) In subsection (b)(2), by striking "1992" and inserting "1993".

(2) In subsection (b)(3), by striking "legislated by this Act" and inserting "required by this section".

(3) In subsection (d)—

(A) in the matter preceding paragraph (1), by striking "formula of this Act" and inserting "formula of this section"; and

(B) in paragraphs (1), (2), and (3) and in the sentence below paragraph (3)—

(i) by inserting "adjusted gross revenue for the" before "1994-1995 base year" each place it appears; and

(ii) by striking "this Act" each place it appears and inserting "this section".

(4) In subsection (f), by inserting inside the parenthesis "offered for commercial or other promotional purposes" after "complimentary lift tickets".

(5) In subsection (i), by striking "this Act" and inserting "this section".

SEC. 1118. GLACIER BAY NATIONAL PARK.

Section 3 of Public Law 91-383 (16 U.S.C. 1a-2), as amended by section 703 of division I of the Omnibus Parks Act (110 Stat. 4185), is amended as follows:

(1) In subsection (g), by striking "bearing the cost of such exhibits and demonstrations;" and inserting "bearing the cost of such exhibits and demonstrations.".

(2) By capitalizing the first letter of the first word in each of the subsections (a) through (i).

(3) By striking the semicolon at the end of each of the subsections (a) through (f) and at the end of subsection (h) and inserting a period.

(4) In subsection (i), by striking “; and” and inserting a period.

(5) By conforming the margins of subsection (j) with the margins of the preceding subsections.

SEC. 1119. ROBERT J. LAGOMARSINO VISITOR CENTER.

Section 809(b) of division I of the Omnibus Parks Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended by striking “section 301” and inserting “subsection (a)”.

SEC. 1120. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) TECHNICAL CORRECTIONS.—Section 814 of division I of the Omnibus Parks Act (110 Stat. 4190) is amended as follows:

(1) In subsection (a) (16 U.S.C. 17o note)—

(A) in paragraph (6), by striking “this Act” and inserting “this section”;

(B) in paragraph (7)(B), by striking “COMPETITIVE LEASING.—” and inserting “COMPETITIVE LEASING.—”;

(C) in paragraph (9), by striking “granted by statue” and inserting “granted by statute”;

(D) in paragraph (11)(B)(ii), by striking “more cost effective” and inserting “more cost-effective”;

(E) in paragraph (13), by striking “paragraph (13),” and inserting “paragraph (12),”; and

(F) in paragraph (18), by striking “under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (l),” and inserting “under paragraph (7)(A) and any lease under paragraph (11)”.

(2) In subsection (d)(2)(E), by striking “is amended”.

(b) CHANGE TO PLURAL.—Section 7(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9(c)(2)), as added by section 814(b) of the Omnibus Parks Act (110 Stat. 4194), is amended as follows:

(1) In subparagraph (C), by striking “lands, water, and interest therein” and inserting “lands, waters, and interests therein”.

(2) In subparagraph (F), by striking “lands, water, or interests therein, or a portion of whose lands, water, or interests therein,” and inserting “lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein.”

(c) ADD MISSING WORD.—Section 2(b) of Public Law 101-337 (16 U.S.C. 19jj-1(b)), as amended by section 814(h)(3) of the Omnibus Parks Act (110 Stat. 4199), is amended by inserting “or” after “park system resource”.

SEC. 1121. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 6(d)(2) of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), as added by section 901(c) of division I of the Omnibus Parks Act (110 Stat. 4202), is amended by striking “may be made in the approval plan” and inserting “may be made in the approved plan”.

SEC. 1122. TALLGRASS PRAIRIE NATIONAL PRESERVE.

Subtitle A of title X of division I of the Omnibus Parks Act is amended as follows:

(1) In section 1002(a)(4)(A) (110 Stat. 4204; 16 U.S.C. 689u(a)(4)(A)), by striking “to purchase” and inserting “to acquire”.

(2) In section 1004(b) (110 Stat. 4205; 16 U.S.C. 689u-2(b)), by striking “of June 3, 1994,” and inserting “on June 3, 1994.”

(3) In section 1005 (110 Stat. 4205; 16 U.S.C. 689u-3)—

(A) in subsection (d)(1), by striking “this Act” and inserting “this subtitle”; and

(B) in subsection (g)(3)(A), by striking “the tall grass prairie” and inserting “the tallgrass prairie”.

SEC. 1123. RECREATION LAKES.

(a) TECHNICAL CORRECTIONS.—Section 1021(a) of division I of the Omnibus Parks Act (110 Stat. 4210; 16 U.S.C. 460l-10e note) is amended as follows:

(1) By striking “manmade lakes” both places it appears and inserting “man-made lakes”.

(2) By striking “for recreational opportunities at federally-managed” and inserting “for recreational opportunities at federally managed”.

(b) ADVISORY COMMISSION.—Section 13 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-10e), as added by section 1021(b) of the Omnibus Parks Act (110 Stat. 4210), is amended as follows:

(1) In subsection (b)(6), by striking “recreation related infrastructure.” and inserting “recreation-related infrastructure.”.

(2) In subsection (e)—

(A) by striking “water related recreation” in the first sentence and inserting “water-related recreation”;

(B) in paragraph (2), by striking “at federally-managed lakes” and inserting “at federally managed lakes”; and

(C) by striking “manmade lakes” each place it appears and inserting “man-made lakes”.

SEC. 1124. FOSSIL FOREST PROTECTION.

Section 103 of the San Juan Basin Wilderness Protection Act of 1984 (43 U.S.C. 178), as amended by section 1022(e) of the Omnibus Parks Act (110 Stat. 4213), is amended as follows:

(1) In subsections (b)(1) and (e)(1), by striking “Committee on Natural Resources” and inserting “Committee on Resources”.

(2) In subsection (e)(1), by striking “this Act” and inserting “this subsection”.

SEC. 1125. OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

Section 1023(c)(1)(A) of division I of the Omnibus Parks Act (110 Stat. 4215; 16 U.S.C. 545b(c)(1)(A)) is amended by striking “of 1964”.

SEC. 1126. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

Section 1029 of division I of the Omnibus Parks Act (110 Stat. 4232; 16 U.S.C. 460kkk) is amended as follows:

(1) In the section heading, by striking “recreation area” and inserting “national recreation area”.

(2) In subsection (b)(1), by inserting quotation marks around the term “recreation area”.

(3) In subsection (e)(3)(B), by striking “subsections (b) (3), (4), (5), (6), (7), (8), (9), and (10).” and inserting “subparagraphs (C), (D), (E), (F), (G), (H), (I), and (J) of paragraph (2).”.

(4) In subsection (f)(2)(A)(i), by striking “profit sector roles” and inserting “private-sector roles”.

(5) In subsection (g)(1), by striking “and revenue raising activities.” and inserting “and revenue-raising activities.”.

SEC. 1127. NATCHEZ NATIONAL HISTORICAL PARK.

Section 3(b)(1) of Public Law 100-479 (16 U.S.C. 410oo-2(b)(1)), as added by section 1030 of the Omnibus Parks Act (110 Stat. 4238), is amended by striking “and visitors’ center” and inserting “and visitor center”.

SEC. 1128. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

Section 1035 of division I of the Omnibus Parks Act (110 Stat. 2240) is amended as follows:

(1) In the section heading, by striking “regulations” and inserting “regulation”.

(2) In subsection (c), by striking “this Act” and inserting “this section”.

SEC. 1129. NATIONAL COAL HERITAGE AREA.

Title I of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 104(4) (110 Stat. 4244), by striking “history preservation” and inserting “historic preservation”.

(2) In section 105 (110 Stat. 4244), by striking “paragraphs (2) and (5) of section 104” and inserting “paragraph (2) of section 104”.

(3) In section 106(a)(3) (110 Stat. 4244), by striking “or Secretary” and inserting “or the Secretary”.

SEC. 1130. TENNESSEE CIVIL WAR HERITAGE AREA.

Title II of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 201(b)(4) (110 Stat. 4245), by striking “and associated sites associated” and insert “and sites associated”.

(2) In section 207(a) (110 Stat. 4248), by striking “as provide for” and inserting “as provided for”.

SEC. 1131. AUGUSTA CANAL NATIONAL HERITAGE AREA.

Section 301(1) of division II of the Omnibus Parks Act (110 Stat. 4249; 16 U.S.C. 461 note) is amended by striking “National Historic Register of Historic Places,” and inserting “National Register of Historic Places.”.

SEC. 1132. ESSEX NATIONAL HERITAGE AREA.

Section 501(8) of division II of the Omnibus Parks Act (110 Stat. 4257; 16 U.S.C. 461 note) is amended by striking “a visitors’ center” and inserting “a visitor center”.

SEC. 1133. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

Title VIII of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 805(b)(2) (110 Stat. 4269), by striking “One individuals,” and inserting “One individual.”.

(2) In section 808(a)(3)(A) (110 Stat. 4279), by striking “from the Committee.” and inserting “from the Committee.”.

SEC. 1134. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 908(a)(1)(B) of division II of the Omnibus Parks Act (110 Stat. 4279; 16 U.S.C. 461 note) is amended by striking “on nonfederally owned property” and inserting “for non-federally owned property”.

Subtitle B—Other Amendments to Omnibus Parks Act

SEC. 1151. BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL EXTENSION.

Section 506 of division I of the Omnibus Parks Act (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by striking “October 27, 1998” and inserting “October 27, 2003”.

SEC. 1152. LAND ACQUISITION, BOSTON HARBOR ISLANDS RECREATION AREA.

Section 1029(c) of division I of the Omnibus Parks Act (110 Stat. 4233; 16 U.S.C. 460kkk(c)) is amended by adding at the end the following new paragraph:

“(3) LAND ACQUISITION.—Notwithstanding subsection (h), the Secretary is authorized to acquire, in partnership with other entities, a less than fee interest in lands at Thompson Island within the recreation area. The Secretary may acquire the lands only by donation, purchase with donated or appropriated funds, or by exchange.”.

TITLE XII—DUTCH JOHN FEDERAL PROPERTY DISPOSITION AND ASSISTANCE

SEC. 1201. SHORT TITLE.

This title may be cited as the “Dutch John Federal Property Disposition and Assistance Act of 1998”.

SEC. 1202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) Dutch John, Utah, was founded by the Secretary of the Interior in 1958 on Bureau of Reclamation land as a community to house personnel, administrative offices, and equipment for project construction and operation of the Flaming Gorge Dam and Reservoir as authorized by the Act of April 11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C. 620 et seq.); and

(B) permanent structures (including houses, administrative offices, equipment storage and maintenance buildings, and other public buildings and facilities) were constructed and continue to be owned and maintained by the Secretary of the Interior;

(2)(A) Bureau of Reclamation land surrounding the Flaming Gorge Reservoir (including the Dutch John community) was included within the boundaries of the Flaming Gorge National Recreation Area in 1968 under Public Law 90-540 (16 U.S.C. 460v et seq.);

(B) Public Law 90-540 assigned responsibility for administration, protection, and development of the Flaming Gorge National Recreation Area to the Secretary of Agriculture and provided that lands and waters needed or used for the Colorado River Storage Project would continue to be administered by the Secretary of the Interior; and

(C) most structures within the Dutch John community (including the schools and public buildings within the community) occupy lands administered by the Secretary of Agriculture;

(3)(A) the Secretary of Agriculture and the Secretary of the Interior are unnecessarily burdened with the cost of continuing to provide basic services and facilities and building maintenance and with the administrative costs of operating the Dutch John community; and

(B) certain structures and lands are no longer essential to management of the Colorado River Storage Project or to management of the Flaming Gorge National Recreation Area;

(4)(A) residents of the community are interested in purchasing the homes they currently rent from the Secretary of the Interior and the land on which the homes are located;

(B) Daggett County, Utah, is interested in reducing the financial burden the County experiences in providing local government support services to a community that produces little direct tax revenue because of Federal ownership; and

(C) a withdrawal of the role of the Federal Government in providing basic direct community services to Dutch John would require local government to provide the services at a substantial cost;

(5)(A) residents of the Dutch John community are interested in self-government of the community; and

(B) with growing demands for additional commercial recreation services for visitors to the Flaming Gorge National Recreation Area and Ashley National Forest, there are opportunities for private economic development, but few private lands are available for the services; and

(6) the privatization and disposal to local government of certain lands in and surrounding Dutch John would be in the public interest.

(b) PURPOSES.—The purposes of this title are—

(1) to privatize certain lands in and surrounding Dutch John, Utah;

(2) to transfer jurisdiction of certain Federal property between the Secretary of Agriculture and the Secretary of the Interior;

(3) to improve the Flaming Gorge National Recreation Area;

(4) to dispose of certain residential units, public buildings, and facilities;

(5) to provide interim financial assistance to local government to defray the cost of providing basic governmental services;

(6) to achieve efficiencies in operation of the Flaming Gorge Dam and Reservoir and the Flaming Gorge National Recreation Area;

(7) to reduce long-term Federal outlays; and

(8) to serve the interests of the residents of Dutch John and Daggett County, Utah, and the general public.

SEC. 1203. DEFINITIONS.

In this title:

(1) SECRETARY OF AGRICULTURE.—The term “Secretary of Agriculture” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) SECRETARY OF THE INTERIOR.—The term “Secretary of the Interior” means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 1204. DISPOSITION OF CERTAIN LANDS AND PROPERTIES.

(a) IN GENERAL.—Lands, structures, and community infrastructure facilities within or associated with Dutch John, Utah, that have been identified by the Secretary of Agriculture or the Secretary of the Interior as unnecessary for support of the agency of the respective Secretary shall be transferred or disposed of in accordance with this title.

(b) LAND DESCRIPTION.—Except as provided in subsection (e), the Secretary of Agriculture and the Secretary of the Interior shall dispose of (in accordance with this title) approximately 2,450 acres within or associated with the Dutch John, Utah, community in the NW¼ NW¼, S½ NW¼, and S½ of Section 1, the S½ of Section 2, 10 acres more or less within the NE¼ SW¼ of Section 3, Sections 11 and 12, the N½ of Section 13, and the E½ NE¼ of Section 14 of Township 2 North, Range 22 East, Salt Lake Base and Meridian, that have been determined to be available for transfer by the Secretary of Agriculture and the Secretary of the Interior, respectively.

(c) INFRASTRUCTURE FACILITIES AND LAND.—Except as provided in subsection (e), the Secretary of the Interior shall dispose of (in accordance with this title) community infrastructure facilities and land that have been determined to be available for transfer by the Secretary of the Interior, including the following:

(1) The fire station, sewer systems, sewage lagoons, water systems (except as provided in subsection (e)(3)), old post office, electrical and natural gas distribution systems, hospital building, streets, street lighting, alleys, sidewalks, parks, and community buildings located within or serving Dutch John, including fixtures, equipment, land, easements, rights-of-way, or other property primarily used for the operation, maintenance, replacement, or repair of a facility referred to in this paragraph.

(2) The Dutch John Airport, comprising approximately 25 acres, including runways, roads, rights-of-way, and appurtenances to the Airport, subject to such monitoring and remedial action by the United States as is necessary.

(3) The lands on which are located the Dutch John public schools, which comprise approximately 10 acres.

(d) OTHER PROPERTIES AND FACILITIES.—The Secretary of Agriculture and the Secretary of the Interior shall dispose of (in accordance with this title) the other properties and facilities that have been determined to be available for transfer or disposal by the Secretary of Agriculture and the Secretary of the Interior, respectively, including the following:

(1) Certain residential units occupied on the date of enactment of this Act, as determined by the Secretary of the Interior.

(2) Certain residential units unoccupied on the date of enactment of this Act, as determined by the Secretary of the Interior.

(3) Lots within the Dutch John community that are occupied on the date of enactment of this Act by privately owned modular homes under lease agreements with the Secretary of the Interior.

(4) Unoccupied platted lots within the Dutch John community.

(5) The land, comprising approximately 3.8 acres, on which is located the Church of Jesus Christ of Latter Day Saints, within Block 9, of the Dutch John community.

(6) The lands for which special use permits, easements, or rights-of-way for commercial uses have been issued by the Forest Service.

(7) The lands on which are located the offices, 3 employee residences, warehouses, and facilities of the Utah Division of Wildlife Resources, as described in the survey required under section 1207, including yards and land defined by fences in existence on the date of enactment of this Act.

(8) The Dutch John landfill site, subject to such monitoring and remedial action by the United States as is necessary, with responsibility for monitoring and remediation being shared by the Secretary of Agriculture and the Secretary of the Interior proportionate to their historical use of the site.

(9) Such fixtures and furnishing in existence and in place on the date of enactment of this Act as are mutually determined by Daggett County, the Secretary of Agriculture, and the Secretary of the Interior to be necessary for the full use of properties or facilities disposed of under this title.

(10) Such other properties or facilities at Dutch John that the Secretary of Agriculture or the Secretary of the Interior determines are not necessary to achieve the mission of the respective Secretary and the disposal of which would be consistent with this title.

(e) RETAINED PROPERTIES.—Except to the extent the following properties are determined by the Secretary of Agriculture or the Secretary of the Interior to be available for disposal, the Secretary of Agriculture and the Secretary of the Interior shall retain for their respective use the following:

(1) All buildings and improvements located within the industrial complex of the Bureau of Reclamation, including the maintenance shop, 40 industrial garages, 2 warehouses, the equipment storage building, the flammable equipment storage building, the hazardous waste storage facility, and the property on which the buildings and improvements are located.

(2) 17 residences under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, of which—

(A) 15 residences shall remain under the jurisdiction of the Secretary of the Interior; and

(B) 2 residences shall remain under the jurisdiction of the Secretary of Agriculture.

(3) The Dutch John water system raw water supply line and return line between the power plant and the water treatment plant, pumps and pumping equipment, and any appurtenances and rights-of-way to the line and other facilities, with the retained facilities to be operated and maintained by the United States with pumping costs and operation and maintenance costs of the pumps to be included as a cost to Daggett County in a water service contract.

(4) The heliport and associated real estate, consisting of approximately 20 acres, which shall remain under the jurisdiction of the Secretary of Agriculture.

(5) The Forest Service warehouse complex and associated real estate, consisting of approximately 2 acres, which shall remain under the jurisdiction of the Secretary of Agriculture.

(6) The Forest Service office complex and associated real estate, which shall remain under the jurisdiction of the Secretary of Agriculture.

(7) The United States Post Office, pursuant to Forest Service Special Use Permit No. 1073, which shall be transferred to the jurisdiction of the United States Postal Service pursuant to section 1206(d).

SEC. 1205. REVOCATION OF WITHDRAWALS.

In the case of lands and properties transferred under section 1204, effective on the date of transfer to the Secretary of the Interior (if applicable) or conveyance by quitclaim deed out of Federal ownership, authorization for each of the following withdrawals is revoked:

(1) The Public Water Reserve No. 16, Utah No. 7, dated March 9, 1914.

(2) The Secretary of the Interior Order dated October 20, 1952.

(3) The Secretary of the Interior Order dated July 2, 1956, No. 71676.

(4) The Flaming Gorge National Recreation Area, dated October 1, 1968, established under Public Law 90-540 (16 U.S.C. 460v et seq.), as to lands described in section 1204(b).

(5) The Dutch John Administrative Site, dated December 12, 1951 (PLO 769, U-0611).

SEC. 1206. TRANSFERS OF JURISDICTION.

(a) TRANSFERS FROM THE SECRETARY OF AGRICULTURE.—Except for properties retained under section 1204(e), all lands designated under section 1204 for disposal shall be—

(1) transferred from the jurisdiction of the Secretary of Agriculture to the Secretary of the Interior and, if appropriate, the United States Postal Service; and

(2) removed from inclusion in the Ashley National Forest and the Flaming Gorge National Recreation Area.

(b) EXCHANGE OF JURISDICTION BETWEEN INTERIOR AND AGRICULTURE.—

(1) TRANSFER TO SECRETARY OF AGRICULTURE.—The Secretary of the Interior shall transfer to the Secretary of Agriculture administrative jurisdiction over certain lands and interests in lands, consisting of approximately 2,167 acres in Duchesne and Wasatch Counties, Utah, which were acquired by the Secretary of the Interior for the Central Utah Project, as depicted on the following maps:

(A) The map entitled "The Dutch John Townsite, Ashley National Forest, Lower Stillwater", dated February 1997.

(B) The map entitled "The Dutch John Townsite, Ashley National Forest, Red Hollow (Diamond Properties)", dated February 1997.

(C) The map entitled "The Dutch John Townsite, Ashley National Forest, Coal Hollow (Current Creek Reservoir)", dated February 1997.

(2) TRANSFER TO SECRETARY OF THE INTERIOR.—The Secretary of Agriculture shall transfer to the Secretary of the Interior administrative jurisdiction over certain lands and interests in lands, consisting of approximately 2,450 acres in the Ashley National Forest, as depicted on the map entitled "Ashley National Forest, Lands to be Transferred to the Bureau of Reclamation (BOR) from the Forest Service", dated February 1997.

(3) EFFECT OF EXCHANGE.—

(A) NATIONAL FORESTS.—The lands and interests in land transferred to the Secretary of Agriculture under paragraph (1) shall become part of the Ashley or Uinta National Forest, as appropriate. The boundaries of each of the National Forests are hereby adjusted as appropriate to reflect the transfers of administrative jurisdiction.

(B) MANAGEMENT.—The Secretary of Agriculture shall manage the lands and interests in land transferred to the Secretary of Agri-

culture under paragraph (1) in accordance with the Act of March 1, 1911 (commonly known as the "Weeks Law") (36 Stat. 962, chapter 186; 16 U.S.C. 515 et seq.), and other laws (including rules and regulations) applicable to the National Forest System.

(C) WILDLIFE MITIGATION.—As of the date of the transfer under paragraph (1), the wildlife mitigation requirements of section 8 of the Act of April 11, 1956 (43 U.S.C. 620g), shall be deemed to be met.

(D) ADJUSTMENT OF BOUNDARIES.—This paragraph does not limit the authority of the Secretary of Agriculture to adjust the boundaries of the Ashley or Uinta National Forest pursuant to section 11 of the Act of March 1, 1911 (commonly known as the "Weeks Law") (36 Stat. 963, chapter 186; 16 U.S.C. 521).

(4) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the Ashley and Uinta National Forests, as adjusted under this section, shall be considered to be the boundaries of the Forests as of January 1, 1965.

(c) FEDERAL IMPROVEMENTS.—The Secretary of the Interior shall transfer to the Secretary of Agriculture jurisdiction over Federal improvements on the lands transferred to the Secretary of Agriculture under this section.

(d) TRANSFER TO UNITED STATES POSTAL SERVICE.—The Secretary of Agriculture shall transfer to the United States Postal Service administrative jurisdiction over certain lands and interests in land subject to Forest Service Special Use Permit No. 1073, containing approximately 0.34 acres.

(e) WITHDRAWALS.—Notwithstanding subsection (a), lands retained by the Federal Government under this title shall continue to be withdrawn from mineral entry under the United States mining laws.

SEC. 1207. SURVEYS.

The Secretary of the Interior shall survey or resurvey all or portions of the Dutch John community as necessary—

(1) to accurately describe parcels identified under this title for transfer among agencies, for Federal disposal, or for retention by the United States; and

(2) to facilitate future recordation of title.

SEC. 1208. PLANNING.

(a) RESPONSIBILITY.—In cooperation with the residents of Dutch John, the Secretary of Agriculture, and the Secretary of the Interior, Daggett County, Utah, shall be responsible for developing a land use plan that is consistent with maintenance of the values of the land that is adjacent to land that remains under the jurisdiction of the Secretary of Agriculture or Secretary of the Interior under this title.

(b) COOPERATION.—The Secretary of Agriculture and the Secretary of the Interior shall cooperate with Daggett County in ensuring that disposal processes are consistent with the land use plan developed under subsection (a) and with this title.

SEC. 1209. APPRAISALS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall conduct appraisals to determine the fair market value of properties designated for disposal under paragraphs (1), (2), (3), (5), and (7) of section 1204(d).

(2) UNOCCUPIED PLATTED LOTS.—Not later than 90 days after the date of receipt by the Secretary of the Interior from an eligible purchaser of a written notice of intent to purchase an unoccupied platted lot referred to in section 1204(d)(4), the Secretary of the Interior shall conduct an appraisal of the lot.

(3) SPECIAL USE PERMITS.—

(A) IN GENERAL.—Not later than 90 days after the date of receipt by the Secretary of the Interior from a permit holder of a written notice of intent to purchase a property described in section 1210(g), the Secretary of the Interior shall conduct an appraisal of the property.

(B) IMPROVEMENTS AND ALTERNATIVE LAND.—An appraisal to carry out subparagraph (A) may include an appraisal of the value of permit holder improvements and alternative land in order to conduct an in-lieu land sale.

(4) OCCUPIED PARCELS.—In the case of an occupied parcel, an appraisal under this subsection shall include an appraisal of the full fee value of the occupied lot or land parcel and the value of residences, structures, facilities, and existing, in-place federally owned fixtures and furnishings necessary for full use of the property.

(5) UNOCCUPIED PARCELS.—In the case of an unoccupied parcel, an appraisal under this subsection shall consider potential future uses of the parcel that are consistent with the land use plan developed under section 1208(a) (including the land use map of the plan) and with subsection (c).

(6) FUNDING.—Funds for appraisals conducted under this section shall be derived from the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (70 Stat. 107, chapter 203; 43 U.S.C. 620d).

(b) REDUCTIONS FOR IMPROVEMENTS.—An appraisal of a residence or a structure or facility leased for private use under this section shall deduct the contributory value of improvements made by the current occupant or lessee if the occupant or lessee provides reasonable evidence of expenditure of money or materials in making the improvements.

(c) CURRENT USE.—An appraisal under this section shall consider the current use of a property (including the use of housing as a community residence) and avoid uncertain speculation as to potential future use.

(d) REVIEW.—

(1) IN GENERAL.—The Secretary of the Interior shall make an appraisal under this section available for review by a current occupant or lessee.

(2) ADDITIONAL INFORMATION OR APPEAL.—

(A) IN GENERAL.—The current occupant or lessee may provide additional information, or appeal the findings of the appraisal in writing, to the Upper Colorado Regional Director of the Bureau of Reclamation.

(B) ACTION BY SECRETARY OF THE INTERIOR.—The Secretary of the Interior—

(i) shall consider the additional information or appeal; and

(ii) may conduct a second appraisal if the Secretary determines that a second appraisal is necessary.

(e) INSPECTION.—The Secretary of the Interior shall provide opportunities for other qualified, interested purchasers to inspect completed appraisals under this section.

SEC. 1210. DISPOSAL OF PROPERTIES.

(a) CONVEYANCES.—

(1) PATENTS.—The Secretary of the Interior shall dispose of properties identified for disposal under section 1204, other than properties retained under section 1204(e), without regard to law governing patents.

(2) CONDITION AND LAND.—Except as otherwise provided in this title, conveyance of a building, structure, or facility under this title shall be in its current condition and shall include the land parcel on which the building, structure, or facility is situated.

(3) FIXTURES AND FURNISHINGS.—An existing and in-place fixture or furnishing necessary for the full use of a property or facility under this title shall be conveyed along with the property.

(4) MAINTENANCE.—

(A) BEFORE CONVEYANCE.—Before property is conveyed under this title, the Secretary of

the Interior shall ensure reasonable and prudent maintenance and proper care of the property.

(B) AFTER CONVEYANCE.—After property is conveyed to a recipient under this title, the recipient shall be responsible for—

(i) maintenance and proper care of the property; and

(ii) any contamination of the property.

(b) INFRASTRUCTURE FACILITIES AND LAND.—Infrastructure facilities and land described in paragraphs (1) and (2) of section 1204(c) shall be conveyed, without consideration, to Daggett County, Utah.

(c) SCHOOL.—The lands on which are located the Dutch John public schools described in section 1204(c)(3) shall be conveyed, without consideration, to the Daggett County School District.

(d) UTAH DIVISION OF WILDLIFE RESOURCES.—Lands on which are located the offices, 3 employee residences, warehouses, and facilities of the Utah Division of Wildlife Resources described in section 1204(d)(7) shall be conveyed, without consideration, to the Division.

(e) RESIDENCES AND LOTS.—

(1) IN GENERAL.—

(A) FAIR MARKET VALUE.—A residence and occupied residential lot to be disposed of under this title shall be sold for the appraised fair market value.

(B) NOTICE.—The Secretary of the Interior shall provide local general public notice, and written notice to lessees and to current occupants of residences and of occupied residential lots for disposal, of the intent to sell properties under this title.

(2) PURCHASE OF RESIDENCES OR LOTS BY LESSEES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Interior shall provide a holder of a current lease from the Secretary for a residence to be sold under paragraph (1) or (2) of section 1204(d) or for a residential lot occupied by a privately owned dwelling described in section 1204(d)(3) a period of 180 days beginning on the date of the written notice of the Secretary of intent of the Secretary to sell the residence or lot, to execute a contract with the Secretary of the Interior to purchase the residence or lot for the appraised fair market value.

(B) NOTICE OF INTENT TO PURCHASE.—To obtain the protection of subparagraph (A), the lessee shall, during the 30-day period beginning on the date of receipt of the notice referred to in subparagraph (A), notify the Secretary in writing of the intent of the lessee to purchase the residence or lot.

(C) NO NOTICE OR PURCHASE CONTRACT.—If no written notification of intent to purchase is received by the Secretary in accordance with subparagraph (B) or if a purchase contract has not been executed in accordance with subparagraph (A), the residence or lot shall become available for purchase by other persons under paragraph (3).

(3) PURCHASE OF RESIDENCES OR LOTS BY OTHER PERSONS.—

(A) ELIGIBILITY.—If a residence or lot becomes available for purchase under paragraph (2)(C), the Secretary of the Interior shall make the residence or lot available for purchase by—

(i) a current authorized occupant of the residence to be sold;

(ii) a holder of a current reclamation lease for a residence within Dutch John;

(iii) an employee of the Bureau of Reclamation or the Forest Service who resides in Dutch John; or

(iv) a Federal or non-Federal employee in support of a Federal agency who resides in Dutch John.

(B) PRIORITY.—

(i) SENIORITY.—Priority for purchase of properties available for purchase under this

paragraph shall be by seniority of reclamation lease or residency in Dutch John.

(ii) PRIORITY LIST.—The Secretary of the Interior shall compile a priority list of eligible potential purchasers that is based on the length of continuous residency in Dutch John or the length of a continuous residence lease issued by the Bureau of Reclamation in Dutch John, with the highest priority provided for purchasers with the longest continuous residency or lease.

(iii) INTERRUPTIONS.—If a continuous residency or lease was interrupted, the Secretary shall consider only that most recent continuous residency or lease.

(iv) OTHER FACTORS.—In preparing the priority list, the Secretary shall not consider a factor (including agency employment or position) other than the length of the current residency or lease.

(v) DISPUTES.—A potential purchaser may file a written appeal over a dispute involving eligibility or ranking on the priority list with the Secretary of the Interior, acting through the Upper Colorado Regional Director of the Bureau of Reclamation. The Secretary, acting through the Regional Director, shall consider the appeal and resolve the dispute.

(C) NOTICE.—The Secretary of the Interior shall provide general public notice and written notice by certified mail to eligible purchasers that specifies—

(i) properties available for purchase under this paragraph;

(ii) the appraised fair market value of the properties;

(iii) instructions for potential eligible purchasers; and

(iv) any purchase contract requirements.

(D) NOTICE OF INTENT TO PURCHASE.—An eligible purchaser under this paragraph shall have a period of 90 days after receipt of written notification to submit to the Secretary of the Interior a written notice of intent to purchase a specific available property at the listed appraised fair market value.

(E) NOTICE OF ELIGIBILITY OF HIGHEST ELIGIBLE PURCHASER TO PURCHASE PROPERTY.—The Secretary of the Interior shall provide notice to the potential purchaser with the highest eligible purchaser priority for each property that the purchaser will have the first opportunity to execute a sales contract and purchase the property.

(F) AVAILABILITY TO OTHER PURCHASERS ON PRIORITY LIST.—If no purchase contract is executed for a property by the highest priority purchaser within the 180 days after receipt of notice under subparagraph (E), the Secretary of the Interior shall make the property available to other purchasers listed on the priority list.

(G) LIMITATION ON NUMBER OF PROPERTIES.—No household may purchase more than 1 residential property under this paragraph.

(4) RESIDUAL PROPERTY TO COUNTY.—If a residence or lot to be disposed of under this title is not purchased in accordance with paragraph (2) or (3) within 2 years after providing the first notice of intent to sell under paragraph (1)(B), the Secretary of the Interior shall convey the residence or lot to Daggett County without consideration.

(5) ADVISORY COMMITTEE.—The Secretary of the Interior, acting through the Upper Colorado Regional Director of the Bureau of Reclamation, may appoint a nonfunded Advisory Committee comprised of 1 representative from each of the Bureau of Reclamation, Daggett County, and the Dutch John community to review and provide advice to the Secretary on the resolution of disputes arising under this subsection and subsection (f).

(6) FINANCING.—The Secretary of the Interior shall provide advice to potential purchasers under this subsection and subsection (f) in obtaining appropriate and reasonable

financing for the purchase of a residence or lot.

(f) UNOCCUPIED PLATTED LOTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Interior shall make an unoccupied platted lot described in section 1204(d)(4) available for sale to eligible purchasers for the appraised fair market value of the lot.

(2) CONVEYANCE FOR PUBLIC PURPOSE.—On request from Daggett County, the Secretary of the Interior may convey directly to the County without consideration a lot referred to in paragraph (1) that will be used for a public use purpose that is consistent with the land use plan developed under section 1208(a).

(3) ADMINISTRATION.—The procedures established under subsection (e) shall apply to this subsection to the maximum extent practicable, as determined by the Secretary of the Interior.

(4) LAND-USE DESIGNATION.—For each lot sold under this subsection, the Secretary of the Interior shall include in the notice of intent to sell the lot provided under this subsection the land-use designation of the lot established under the land use plan developed under section 1208(a).

(5) LIMITATION ON NUMBER OF LOTS.—No household may purchase more than 1 residential lot under this subsection.

(6) LIMITATION ON PURCHASE OF ADDITIONAL LOTS.—No household purchasing an existing residence under this section may purchase an additional single home, residential lot.

(7) RESIDUAL LOTS TO COUNTY.—If a lot described in paragraph (1) is not purchased in accordance with paragraphs (1) through (6) within 2 years after providing the first notice of intent to sell under this subsection, the Secretary of the Interior shall convey the lot to Daggett County without consideration.

(g) SPECIAL USE PERMITS.—

(1) SALE.—Lands on which Forest Service special use permits are issued to holders numbered 4054 and 9303, Ashley National Forest, comprising approximately 15.3 acres and 1 acre, respectively, may be sold at appraised fair market value to the holder of the permit.

(2) ADMINISTRATION OF PERMITS.—On transfer of jurisdiction of the land to the Secretary of the Interior pursuant to section 1206, the Secretary of the Interior shall administer the permits under the terms and conditions of the permits.

(3) NOTICE OF AVAILABILITY FOR PURCHASE.—The Secretary of the Interior shall notify the respective permit holders in writing of the availability of the land for purchase.

(4) APPRAISALS.—The Secretary of the Interior shall not conduct an appraisal of the land unless the Secretary receives a written notice of intent to purchase the land within 2 years after providing notice under paragraph (3).

(5) ALTERNATIVE PARCELS.—On request by permit holder number 9303, the Secretary of the Interior, in consultation with Daggett County, may—

(A) consider sale of a parcel within the Daggett County community of similar size and appraised value in lieu of the land under permit on the date of enactment of this Act; and

(B) provide the holder credit toward the purchase or other negotiated compensation for the appraised value of improvements of the permittee to land under permit on the date of enactment of this Act.

(6) RESIDUAL LAND TO COUNTY.—If land described in paragraph (1) is not purchased in accordance with paragraphs (1) through (5) within 2 years after providing the first notice of intent to sell under this subsection, the Secretary of the Interior shall convey

the land to Daggett County without consideration.

(h) TRANSFERS TO COUNTY.—Other land occupied by authorization of a special use permit, easement, or right-of-way to be disposed of under this title shall be transferred to Daggett County if the holder of the authorization and the County, prior to transfer of the lands to the County—

(1) agree to and execute a legal document that grants the holder the rights and privileges provided in the existing authorization; or

(2) enter into another arrangement that is mutually satisfactory to the holder and the County.

(i) CHURCH LAND.—

(1) IN GENERAL.—The Secretary of the Interior shall offer to sell land to be disposed of under this title on which is located an established church to the parent entity of the church at the appraised fair market value.

(2) NOTICE.—The Secretary of the Interior shall notify the church in writing of the availability of the land for purchase.

(3) RESIDUAL LAND TO COUNTY.—If land described in paragraph (1) is not purchased in accordance with paragraphs (1) and (2) within 2 years after providing the first notice of intent to sell under this subsection, the Secretary of the Interior shall convey the land to Daggett County without consideration.

(j) RESIDUAL PROPERTIES TO COUNTY.—The Secretary of the Interior shall convey all lands, buildings, or facilities designated for disposal under this title that are not conveyed in accordance with subsections (a) through (i) to Daggett County without consideration.

(k) WATER RIGHTS.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Secretary of the Interior shall transfer all water rights the Secretary holds that are applicable to the Dutch John municipal water system to Daggett County.

(2) WATER SERVICE CONTRACT.—

(A) IN GENERAL.—Transfer of rights under paragraph (1) is contingent on Daggett County entering into a water service contract with the Secretary of the Interior covering payment for and delivery of untreated water to Daggett County pursuant to the Act of April 11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C. 620 et seq.).

(B) DELIVERED WATER.—The contract shall require payment only for water actually delivered.

(3) EXISTING RIGHTS.—Existing rights for transfer to Daggett County under this subsection include—

(A) Utah Water Right 41-2942 (A30557, Cert. No. 5903) for 0.08 cubic feet per second from a water well; and

(B) Utah Water Right 41-3470 (A30414b), an unapproved application to segregate 12,000 acre-feet per year of water from the original approved Flaming Gorge water right (41-2963) for municipal use in the town of Dutch John and surrounding areas.

(4) CULINARY WATER SUPPLIES.—The transfer of water rights under this subsection is conditioned on the agreement of Daggett County to provide culinary water supplies to Forest Service campgrounds served (on the date of enactment of this Act) by the water supply system and to Forest Service and Bureau of Reclamation facilities, at a rate equivalent to other similar uses.

(5) MAINTENANCE.—The Secretary of Agriculture and the Secretary of the Interior shall be responsible for maintenance of their respective water systems from the point of the distribution lines of the systems.

(l) SHORELINE ACCESS.—On receipt of an acceptable application, the Secretary of Agriculture shall consider issuance of a special use permit affording Flaming Gorge Reservoir public shoreline access and use within

the vicinity of Dutch John in conjunction with commercial visitor facilities provided and maintained under such a permit.

(m) REVENUES.—

(1) IN GENERAL.—Except as provided in paragraph (2), all revenues derived from the sale of properties as authorized by this title shall temporarily be deposited in a segregated interest-bearing trust account in the Treasury with the moneys on hand in the account paid to Daggett County semiannually to be used by the County for purposes associated with the provision of governmental and community services to the Dutch John community.

(2) DEPOSIT IN THE GENERAL FUND.—Of the revenues described in paragraph (1), 15.1 percent shall be deposited in the general fund of the Treasury.

SEC. 1211. VALID EXISTING RIGHTS.

(a) AGREEMENTS.—

(1) IN GENERAL.—If any lease, permit, right-of-way, easement, or other valid existing right is appurtenant to land conveyed to Daggett County, Utah, under this title, the County shall honor and enforce the right through a legal agreement entered into by the County and the holder before the date of conveyance.

(2) EXTENSION OR TERMINATION.—The County may extend or terminate an agreement under paragraph (1) at the end of the term of the agreement.

(b) USE OF REVENUES.—During such period as the County is enforcing a right described in subsection (a)(1) through a legal agreement between the County and the holder of the right under subsection (a), the County shall collect and retain any revenues due the Federal Government under the terms of the right.

(c) EXTINGUISHMENT OF RIGHTS.—If a right described in subsection (a)(1) with respect to certain land has been extinguished or otherwise protected, the County may dispose of the land.

SEC. 1212. CULTURAL RESOURCES.

(a) MEMORANDA OF AGREEMENT.—Before transfer and disposal under this title of any land that contains cultural resources and that may be eligible for listing on the National Register of Historic Places, the Secretary of Agriculture, in consultation with the Secretary of the Interior, the Utah Historic Preservation Office, and Daggett County, Utah, shall prepare a memorandum of agreement, for review and approval by the Utah Office of Historical Preservation and the Advisory Council on Historic Preservation established by title II of the National Historic Preservation Act (16 U.S.C. 4701 et seq.), that contains a strategy for protecting or mitigating adverse effects on cultural resources on the land.

(b) INTERIM PROTECTION.—Until such time as a memorandum of agreement has been approved, or until lands are disposed of under this title, the Secretary of Agriculture shall provide clearance or protection for the resources.

(c) TRANSFER SUBJECT TO AGREEMENT.—On completion of actions required under the memorandum of agreement for certain land, the Secretary of the Interior shall provide for the conveyance of the land to Daggett County, Utah, subject to the memorandum of agreement.

SEC. 1213. TRANSITION OF SERVICES TO LOCAL GOVERNMENT CONTROL.

(a) ASSISTANCE.—

(1) IN GENERAL.—The Secretary of the Interior shall provide training and transitional operating assistance to personnel designated by Daggett County, Utah, as successors to the operators for the Secretary of the Infrastructure facilities described in section 1204(c).

(2) DURATION OF TRAINING.—With respect to an infrastructure facility, training under

paragraph (1) shall continue for such period as is necessary for the designated personnel to demonstrate reasonable capability to safely and efficiently operate the facility, but not to exceed 2 years.

(3) CONTINUING ASSISTANCE.—The Secretary shall remain available to assist with resolving questions about the original design and installation, operating and maintenance needs, or other aspects of the infrastructure facilities.

(b) TRANSITION COSTS.—For the purpose of defraying costs of transition in administration and provision of basic community services, an annual payment of \$300,000 (as adjusted by the Secretary for changes in the Consumer Price Index for all-urban consumers published by the Department of Labor) shall be provided from the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (70 Stat. 107, chapter 203; 43 U.S.C. 620d), to Daggett County, Utah, or, in accordance with subsection (c), to Dutch John, Utah, for a period not to exceed 15 years beginning the first January 1 that occurs after the date of enactment of this Act.

(c) DIVISION OF PAYMENT.—If Dutch John becomes incorporated and become responsible for operating any of the infrastructure facilities referred to in subsection (a)(1) or for providing other basic local governmental services, the payment amount for the year of incorporation and each following year shall be proportionately divided between Daggett County and Dutch John based on the respective costs paid by each government for the previous year to provide the services.

(d) ELECTRIC POWER.—

(1) AVAILABILITY.—The United States shall make available electric power and associated energy from the Colorado River Storage Project for the Dutch John community.

(2) AMOUNT.—The amount of electric power and associated energy made available under paragraph (1) shall not exceed 1,000,000 kilowatt-hours per year.

(3) RATES.—The rates for power and associated energy shall be the firm capacity and energy rates of the Salt Lake City Area/Integrated Projects.

SEC. 1214. AUTHORIZATION OF APPROPRIATIONS.

(a) RESOURCE RECOVERY AND MITIGATION.—There are authorized to be appropriated to the Secretary of Agriculture, out of nonpower revenues to the Federal Government from land transferred under this title, such sums as are necessary to implement such habitat, sensitive resource, or cultural resource recovery, mitigation, or replacement strategies as are developed with respect to land transferred under this title, except that the strategies may not include acquisition of privately owned lands in Daggett County.

(b) OTHER SUMS.—In addition to sums made available under subsection (a), there are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XIII—RECLAMATION PROJECT CONVEYANCES AND MISCELLANEOUS PROVISIONS

Subtitle A—Sly Park Dam and Reservoir, California

SEC. 1311. SHORT TITLE.

This subtitle may be cited as the "Sly Park Unit Conveyance Act".

SEC. 1312. DEFINITIONS.

For purposes of this subtitle:

(1) The term "District" means the El Dorado Irrigation District, a political subdivision of the State of California that has its principal place of business in the city of Placerville, El Dorado County, California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Project" means all of the right, title, and interest in and to the Sly

Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals held by the United States pursuant to or related to the authorization in the Act entitled "An Act to authorize the American River Basin Development, California, for irrigation and reclamation, and for other purposes", approved October 14, 1949 (63 Stat. 852 chapter 690);

SEC. 1313. CONVEYANCE OF PROJECT.

(a) IN GENERAL.—In consideration of the District accepting the obligations of the Federal Government for the Project and subject to the payment by the District of the net present value of the remaining repayment obligation, as determined by Office of Management and Budget Circular A-129 (in effect on the date of enactment of this Act), the Secretary shall convey the Project to the District.

(b) DEADLINE.—

(1) IN GENERAL.—If no changes in Project operations are expected following the conveyance under subsection (a), the Secretary shall complete the conveyance expeditiously, but not later than 180 days after the date of the enactment of this Act.

(2) DEADLINE IF CHANGES IN OPERATIONS INTENDED.—If the District intends to change Project operations as a result of the conveyance under subsection (a), the Secretary—

(A) shall take into account those potential changes for the purpose of completing any required environmental evaluation associated with the conveyance; and

(B) shall complete the conveyance by not later than 2 years after the date of the enactment of this Act.

(3) ADMINISTRATIVE COSTS OF CONVEYANCE.—If the Secretary fails to complete the conveyance under this subtitle before the applicable deadline under paragraph (1) or (2), the full cost of administrative action and environmental compliance for the conveyance shall be borne by the Secretary. If the Secretary completes the conveyance before that deadline, ½ of such cost shall be paid by the District.

SEC. 1314. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) FUTURE ALTERATIONS.—If the District alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such changes at that time (subject to section 1315).

SEC. 1315. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) PAYMENT OBLIGATIONS NOT AFFECTED.—The conveyance of the Project under this subtitle does not affect the payment obligations of the District under the contract between the District and the Secretary numbered 14-06-200-7734, as amended by contracts numbered 14-06-200-4282A and 14-06-200-8536A.

(b) PAYMENT OBLIGATIONS EXTINGUISHED.—Provision of consideration by the District in accordance with section 1313(b) shall extinguish all payment obligations under contract numbered 14-06-200-949IR1 between the District and the Secretary.

SEC. 1316. RELATIONSHIP TO OTHER LAWS.

(a) RECLAMATION LAWS.—Except as provided in subsection (b), upon conveyance of the Project under this subtitle, the Reclamation Act of 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

(b) PAYMENTS INTO THE CENTRAL VALLEY PROJECT RESTORATION FUND.—The El Dorado Irrigation District shall continue to make payments into the Central Valley Project Restoration Fund for 31 years after the date

of the enactment of this Act. The District's obligation shall be calculated in the same manner as Central Valley Project water contractors.

SEC. 1317. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this subtitle, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

Subtitle B—Minidoka Project, Idaho

SEC. 1321. SHORT TITLE

This subtitle may be cited as the "Burley Irrigation District Conveyance Act".

SEC. 1322. DEFINITIONS.

In this subtitle:

(1) DISTRICT.—The term "District" means the Burley Irrigation District, an irrigation district organized under the law of the State of Idaho.

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

(3) PROJECT.—The term "Project" means all of the right, title, and interest in and to the Southside Pumping Division of the Minidoka Project, Idaho, including the water distribution system below the headworks of the Minidoka Dam held in the name of the United States for the benefit of, and for use on land within, the District for which the allocable construction costs have been fully repaid by the District.

SEC. 1323. CONVEYANCE.

(a) IN GENERAL.—In consideration of the District accepting the obligations of the Federal Government for the Project, and subject to the completion of payments by the District required under subsection (c)(3), the Secretary shall convey the Project and the water rights described in subsection (b) to the District.

(b) WATER RIGHTS.—

(1) TRANSFER REQUIRED.—The Secretary shall transfer to the District, through an agreement among the District, the Minidoka Irrigation District, and the Secretary and in accordance with and subject to the law of the State of Idaho, all natural flow, waste, seepage, return flow, and ground water rights held in the name of the United States—

(A) for the benefit of the South Side Pumping Division operated and maintained by the District;

(B) for use on lands within the District or that are return flows for which the District may receive credit against storage water used.

(2) LIMITATION.—The transfer of the property interest of the United States in Project water rights directed to be conveyed by this section shall—

(A) neither enlarge nor diminish the water rights of either the Minidoka Irrigation District or the District, as set forth in their respective contracts with the United States;

(B) not be exercised as to impair the integrated operation of the Minidoka Project by the Secretary pursuant to applicable Federal law;

(C) not affect any other water rights; and

(D) not result in any adverse impact on any other project water user.

(c) DEADLINE.—

(1) IN GENERAL.—If no changes in Project operations are expected following the conveyance under subsection (a), the Secretary shall complete the conveyance expeditiously, but not later than 180 days after the date of the enactment of this Act.

(2) DEADLINE IF CHANGES IN OPERATIONS INTENDED.—If the District intends to change Project operations as a result of the conveyance under subsection (a), the Secretary—

(A) shall take into account those potential changes for the purpose of completing any

required environmental evaluation associated with the conveyance; and

(B) shall complete the conveyance by not later than 2 years after the date of the enactment of this Act.

(3) ADMINISTRATIVE COSTS OF CONVEYANCE.—If the Secretary fails to complete the conveyance under this subtitle before the applicable deadline under paragraph (1) or (2), the full cost of administrative action and environmental compliance for the conveyance shall be borne by the Secretary. If the Secretary completes the conveyance before that deadline, ½ of such cost shall be borne by the District.

SEC. 1324. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) FUTURE ALTERATIONS.—If the District alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such changes at that time (subject to section 1325).

SEC. 1325. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) SAVINGS.—Nothing in this subtitle or any transfer pursuant thereto shall affect the right of Minidoka Irrigation District to the joint use of the gravity portion of the Southside Canal, subject to compliance by the Minidoka Irrigation District with the terms and conditions of a contract between the District and Minidoka Irrigation District, and any amendments or changes made by agreement of the irrigation districts.

(b) ALLOCATION OF STORAGE SPACE.—The Secretary shall provide an allocation to the District of storage space in Minidoka Reservoir, American Falls Reservoir, and Palisades Reservoir, as described in Burley Contract Nos. 14-06-100-2455 and 14-06-W-48, subject to the obligation of Burley to continue to assume and satisfy its allocable costs of operation and maintenance associated with the storage facilities operated by the Bureau of Reclamation.

(c) PROJECT RESERVED POWER.—The Secretary shall continue to provide the District with project reserved power from the Minidoka Reclamation Power Plant, Palisades Reclamation Power Plant, Black Canyon Reclamation Power Plant, and Anderson Ranch Reclamation Power Plant in accordance with the terms of the existing contracts, including any renewals thereof as provided in such contracts.

SEC. 1326. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this subtitle, the United States shall not be held liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

Subtitle C—Carlsbad Irrigation Project, New Mexico

SEC. 1331. SHORT TITLE.

This subtitle may be cited as the "Carlsbad Irrigation Project Acquired Land Conveyance Act".

SEC. 1332. DEFINITIONS.

For purposes of this subtitle:

(1) The term "District" means the Carlsbad Irrigation District, a quasimunicipal corporation formed under the laws of the State of New Mexico that has its principal place of business in the city of Carlsbad, Eddy County, New Mexico.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Project" means all right, title, and interest in and to the lands (including the subsurface and mineral estate) in

Eddy County, New Mexico, described as the acquired lands in section (7) of the Status of Lands and Title Report: Carlsbad Project as reported by the Bureau of Reclamation in 1978 and all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related ditch rider houses, maintenance shop and buildings, and Pecos River Flume.

SEC. 1333. CONVEYANCE OF PROJECT.

(a) IN GENERAL.—Except as provided in subsection (b), in consideration of the District accepting the obligations of the Federal Government for the Project, and subject to the completion of payments by the District required under subsection (c)(3), the Secretary shall convey the Project to the District.

(b) RETAINED TITLE.—The Secretary shall retain title to the surface estate (but not the mineral estate) of such Project lands which are located under the footprint of Brantley and Avalon dams or any other Project dam or reservoir diversion structure. The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(c) DEADLINE.—

(1) IN GENERAL.—If no changes in Project operations are expected following the conveyance under subsection (a), the Secretary shall complete the conveyance expeditiously, but not later than 180 days after the date of the enactment of this Act.

(2) DEADLINE IF CHANGES IN OPERATIONS INTENDED.—If the District intends to change Project operations as a result of the conveyance under subsection (a), the Secretary—

(A) shall take into account those potential changes for the purpose of completing any required environmental evaluation associated with the conveyance; and

(B) shall complete the conveyance by not later than 2 years after the date of the enactment of this Act.

(3) ADMINISTRATIVE COSTS OF CONVEYANCE.—If the Secretary fails to complete the conveyance under this subtitle before the applicable deadline under paragraph (1) or (2), the full cost of administrative action and environmental compliance for the conveyance shall be borne by the Secretary. If the Secretary completes the conveyance before that deadline, ½ of such cost shall be paid by the District.

SEC. 1334. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as significantly expanding or otherwise changing the use and operation of the Project from its current use. The Project shall continue to be managed and used by the District for the purposes for which the Project was authorized, based on historic operations, and consistent with the management of other adjacent project lands.

(b) FUTURE ALTERATIONS.—If the District alters the operations or uses of the Project, it shall comply with all applicable laws or regulations governing such changes at that time (subject to section 1335).

SEC. 1335. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), upon conveyance of the Project under this subtitle the District shall assume all rights and obligations of the United States under the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2-LM-40-00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes and the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No.

7-07-57-X0888) for the management and operation of Brantley Lake State Park.

(b) LIMITATION.—The District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement and the District shall not be entitled to any receipts or revenues generated as a result of either agreement.

SEC. 1336. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

(a) NOTIFICATION OF LEASEHOLDERS.—Within 120 days after the date of enactment of this Act, the Secretary shall provide to the District a written identification of all mineral and grazing leases in effect on Project lands on the date of enactment of this Act and notify all leaseholders of the conveyance authorized by this subtitle.

(b) MANAGEMENT OF LEASES, LICENSES, AND PERMITS.—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the Project lands conveyed under section 1333, and shall be entitled to any receipts from such leases, licenses, and permits accruing after the date of conveyance. All such receipts shall be used for purposes for which the Project was authorized and for financing the portion of operations, maintenance, and replacement at the Sumner Dam that, prior to conveyance, was the responsibility of the Bureau of Reclamation, with the exception of major maintenance programs in progress prior to conveyance. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Project.

(c) AVAILABILITY OF AMOUNTS PAID INTO THE RECLAMATION FUND.—

(1) AMOUNTS IN FUND ON DATE OF ENACTMENT.—Amounts in the reclamation fund on the date of enactment of this Act which exist as construction credits to the Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359) shall be deposited into the general fund of the Treasury and credited to deficit reduction or retirement of the Federal debt.

(2) RECEIPTS AFTER DATE OF ENACTMENT.—Of the receipts from mineral and grazing leases, licenses, and permits on Project lands to be conveyed under section 1333 that are received by the United States after the date of enactment of this Act and before the date of conveyance, up to \$200,000 shall be applied to pay the cost referred to in section 1333(c)(3) and the remainder shall be deposited into the general fund of the Treasury of the United States and credited to deficit reduction or retirement of the Federal debt.

SEC. 1337. WATER CONSERVATION PRACTICES.

Nothing in this subtitle shall be construed to limit the ability of the District to voluntarily implement water conservation practices.

SEC. 1338. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this subtitle, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

SEC. 1339. FUTURE RECLAMATION BENEFITS.

After completion of the conveyance under this subtitle, the District shall not be eligible for any emergency loan from the Bureau of Reclamation for maintenance or replacement of any facility conveyed under this subtitle.

Subtitle D—Palmetto Bend Project, Texas

SEC. 1341. SHORT TITLE.

This subtitle may be cited as the "Palmetto Bend Conveyance Act".

SEC. 1342. DEFINITIONS.

In this subtitle:

(1) STATE.—The term "State" means the Lavaca-Navidad River Authority and the Texas Water Development Board, jointly.

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

(3) PROJECT.—The term "Project" means all of the right, title, and interest in and to the Palmetto Bend reclamation project, Texas, authorized by Public Law 90-562 (82 Stat. 999).

SEC. 1343. CONVEYANCE OF PROJECT.

(a) IN GENERAL.—In consideration of the State accepting the obligations of the Federal Government for the Project and subject to the payment by the State of the net present value of the remaining repayment obligation, as determined by Office of Management and Budget Circular A-129 (in effect on the date of enactment of this Act) and the completion of payments by the State required under subsection (b)(3), the Secretary shall convey the Project to the State.

(b) DEADLINE.—

(1) IN GENERAL.—If no changes in Project operations are expected following the conveyance under subsection (a), the Secretary shall complete the conveyance expeditiously, but not later than 180 days after the date of the enactment of this Act.

(2) DEADLINE IF CHANGES IN OPERATIONS INTENDED.—If the State intends to change Project operations as a result of the conveyance under subsection (a), the Secretary—

(A) shall take into account those potential changes for the purpose of completing any required environmental evaluation associated with the conveyance; and

(B) shall complete the conveyance by not later than 2 years after the date of the enactment of this Act.

(3) ADMINISTRATIVE COSTS OF CONVEYANCE.—If the Secretary fails to complete the conveyance under this title before the applicable deadline under paragraph (1) or (2), the full cost of administrative action and environmental compliance for the conveyance shall be borne by the Secretary. If the Secretary completes the conveyance before that deadline, ½ of such cost shall be paid by the State.

SEC. 1344. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) FUTURE ALTERATIONS.—If the State alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such changes at that time.

(c) CONDITION.—Subject to the laws of the State of Texas, Lake Texana shall not be used to wheel water originating from the Texas, Colorado River.

SEC. 1345. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

Existing obligations of the United States pertaining to the Project shall continue in effect and be assumed by the State.

SEC. 1346. RELATIONSHIP TO OTHER LAWS.

Upon conveyance of the Project under this subtitle, the Reclamation Act of 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

SEC. 1347. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this subtitle, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

Subtitle E—Wellton-Mohawk Division, Gila Project, Arizona

SEC. 1351. SHORT TITLE.

This subtitle may be cited as the "Wellton-Mohawk Division Title Transfer Act of 1998".

SEC. 1352. DEFINITIONS.

For purposes of this subtitle:

(1) The term "District" means the Wellton-Mohawk Irrigation and Drainage District, an irrigation and drainage district created, organized, and existing under and by virtue of the laws of the State of Arizona.

(2) The term "Project" means all of the right, title, and interest in and to the Wellton-Mohawk Division, Gila Project, Arizona, held by the United States pursuant to or related to any authorization in the Act of July 30, 1947 (chapter 382; 61 Stat. 628).

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "withdrawn lands" means those lands within and adjacent to the District that have been withdrawn from public use for reclamation purposes.

SEC. 1353. CONVEYANCE OF PROJECT.

(a) IN GENERAL.—In consideration of the District accepting the obligations of the Federal Government for the Project, and subject to the payment of fair market value by the District for the withdrawn lands and the completion of payments by the District required under subsection (b)(3), the Secretary shall convey the Project and the withdrawn lands to the District in accordance with the Memorandum of Agreement between the Secretary and the District numbered 8-AA-34-WAO14 and dated July 10, 1998.

(b) DEADLINE.—

(1) IN GENERAL.—The Secretary shall complete the conveyance expeditiously, but not later than 3 years after the date of enactment of this Act.

(2) ADMINISTRATIVE COSTS OF CONVEYANCE.—If the Secretary fails to complete the conveyance under this subtitle before the applicable deadline under paragraph (1), the full cost of administrative action and environmental compliance for the conveyance shall be borne by the Secretary. If the Secretary completes the conveyance before that deadline, ½ of such cost shall be paid by the District.

SEC. 1354. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use or operation.

(b) FUTURE ALTERATIONS.—If the District alters the operations or uses of the Project, it shall comply with all applicable laws and regulations governing such changes at that time.

SEC. 1355. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this subtitle, the United States shall not be held liable under any law for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

SEC. 1356. LANDS TRANSFER.

Pursuant to the Memorandum of Agreement between the Secretary and the District numbered 8-AA-34-WAO14 and dated July 10, 1998, the Secretary may transfer to the District, by sale or exchange, at fair market value, public lands located in or adjacent to the Project, and lands held by the Federal Government on the date of the enactment of this Act pursuant to Public Law 93-320 and Public Law 100-512 and located in or adjacent to the District, other than lands in the Gila River channel.

SEC. 1357. WATER AND POWER CONTRACTS.

Notwithstanding any conveyance or transfer under this subtitle, the Secretary and the Secretary of Energy shall provide for and deliver Colorado River water and Parker-Davis Project Priority Use Power to the District in accordance with the terms of existing con-

tracts with the District, including any amendments and supplements thereto or extensions thereof and as provided under section 2 of the Memorandum of Agreement between the Secretary and the District numbered 8-AA-34-WAO14 and dated July 10, 1998.

Subtitle F—Canadian River Project, Texas**SEC. 1361. SHORT TITLE.**

This subtitle may be cited as the "Canadian River Project Prepayment Act".

SEC. 1362. DEFINITIONS.

For the purposes of this subtitle:

(1) The term "Authority" means the Canadian River Municipal Water Authority, a conservation and reclamation district of the State of Texas.

(2) The term "Canadian River Project Authorization Act" means the Act entitled "An Act to authorize the construction, operation, and maintenance by the Secretary of the Interior of the Canadian River reclamation project, Texas", approved December 29, 1950 (chapter 1183; 64 Stat. 1124).

(3) The term "Project" means all of the right, title, and interest in and to all land and improvements comprising the pipeline and related facilities of the Canadian River Project authorized by the Canadian River Project Authorization Act.

(4) The term "Secretary" means the Secretary of the Interior.

SEC. 1363. PREPAYMENT AND CONVEYANCE OF PROJECT.

(a) IN GENERAL.—(1) In consideration of the Authority accepting the obligation of the Federal Government for the Project and subject to the payment by the Authority of the applicable amount under paragraph (2) within the 360-day period beginning on the date of the enactment of this subtitle, the Secretary shall convey the Project to the Authority, as provided in section 2(c)(3) of the Canadian River Project Authorization Act (64 Stat. 1124).

(2) For purposes of paragraph (1), the applicable amount shall be—

(A) \$34,806,731, if payment is made by the Authority within the 270-day period beginning on the date of enactment of this title; or

(B) the amount specified in subparagraph (A) adjusted to include interest on that amount since the date of the enactment of this subtitle at the appropriate Treasury bill rate for an equivalent term, if payment is made by the Authority after the period referred to in subparagraph (A).

(3) If payment under paragraph (1) is not made by the Authority within the period specified in paragraph (1), this subtitle shall have no force or effect.

(b) FINANCING.—Nothing in this subtitle shall be construed to affect the right of the Authority to use a particular type of financing.

SEC. 1364. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) FUTURE ALTERATIONS.—If the Authority alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such alteration at that time.

(c) RECREATION.—The Secretary of the Interior, acting through the National Park Service, shall continue to operate the Lake Meredith National Recreation Area at Lake Meredith.

(d) FLOOD CONTROL.—The Secretary of the Army, acting through the Corps of Engineers, shall continue to prescribe regulations for the use of storage allocated to flood control at Lake Meredith as prescribed in the

Letter of Understanding entered into between the Corps, the Bureau of Reclamation, and the Authority in March and May 1980.

(e) SANFORD DAM PROPERTY.—The Authority shall have the right to occupy and use without payment of lease or rental charges or license or use fees the property retained by the Bureau of Reclamation at Sanford Dam and all buildings constructed by the United States thereon for use as the Authority's headquarters and maintenance facility. Buildings constructed by the Authority on such property, or past and future additions to Government constructed buildings, shall be allowed to remain on the property. The Authority shall operate and maintain such property and facilities without cost to the United States.

SEC. 1365. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) PAYMENT OBLIGATIONS EXTINGUISHED.—Provision of consideration by the Authority in accordance with section 603(a) shall extinguish all payment obligations under contract numbered 14-06-500-485 between the Authority and the Secretary.

(b) OPERATION AND MAINTENANCE COSTS.—After completion of the conveyance provided for in section 1363, the Authority shall have full responsibility for the cost of operation and maintenance of Sanford Dam, and shall continue to have full responsibility for operation and maintenance of the Project pipeline and related facilities.

(c) GENERAL.—Rights and obligations under the existing contract No. 14-06-500-485 between the Authority and the United States, other than provisions regarding repayment of construction charge obligation by the Authority and provisions relating to the Project aqueduct, shall remain in full force and effect for the remaining term of the contract.

SEC. 1366. RELATIONSHIP TO OTHER LAWS.

Upon conveyance of the Project under this subtitle, the Reclamation Act of 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

SEC. 1367. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this subtitle, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property.

Subtitle G—Clear Creek Distribution System, California**SEC. 1371. SHORT TITLE.**

This subtitle may be cited as the "Clear Creek Distribution System Conveyance Act".

SEC. 1372. DEFINITIONS.

For purposes of this subtitle:

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

(2) DISTRICT.—The term "District" means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) DISTRIBUTION SYSTEM.—The term "Distribution System" means all the right title and interest in and to the Clear Creek distribution system as defined in the agreement entitled "Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District" (Agreement No. 8-07-20-L6975).

SEC. 1373. CONVEYANCE OF PROJECT.

(a) IN GENERAL.—In consideration of the District accepting the obligations of the Federal Government for the Distribution System and subject to the completion of payments by the District required under sub-

section (b)(3), the Secretary shall convey the Distribution System to the District.

(b) DEADLINE.—

(1) IN GENERAL.—If no changes in Project operations are expected following the conveyance under subsection (a), the Secretary shall complete the conveyance expeditiously, but not later than 180 days after the date of the enactment of this Act.

(2) DEADLINE IF CHANGES IN OPERATIONS INTENDED.—If the District intends to change Project operations as a result of the conveyance under subsection (a), the Secretary—

(A) shall take into account those potential changes for the purpose of completing any required environmental evaluation associated with the conveyance; and

(B) shall complete the conveyance by not later than 2 years after the date of the enactment of this Act.

(3) ADMINISTRATIVE COSTS OF CONVEYANCE.—If the Secretary fails to complete the conveyance under this subtitle before the applicable deadline under paragraph (1) or (2), the full cost of administrative action and environmental compliance for the conveyance shall be borne by the Secretary. If the Secretary completes the conveyance before that deadline, ½ of such cost shall be paid by the District.

SEC. 1374. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as significantly expanding or otherwise changing the use or operation of the Distribution System from its current use and operation.

(b) FUTURE ALTERATIONS.—If the District alters the operations or uses of the Distribution System it shall comply with all applicable laws or regulations governing such changes at that time (subject to section 1375).

SEC. 1375. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) NATIVE AMERICAN TRUST RESPONSIBILITY.—The Secretary shall ensure that any trust responsibilities to any Native American Tribes that may be affected by the conveyance under this title are protected and fulfilled.

(b) CONTRACT OBLIGATIONS.—Conveyance of the Distribution System under this subtitle—

(1) shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14-06-200-489-IR3), as it may be amended or supplemented; and

(2) shall not deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or to renew by entering into a long-term water service contract.

SEC. 1376. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Distribution System under this subtitle, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

Subtitle H—Pine River Project, Colorado

SEC. 1381. SHORT TITLE.

This subtitle may be cited as the "Vallecito Dam and Reservoir Conveyance Act".

SEC. 1382. DEFINITIONS.

For purposes of this subtitle:

(1) The term "District" means the Pine River Irrigation District, a political division of the State of Colorado duly organized, existing, and acting pursuant to the laws thereof with its principal place of business in the city of Bayfield, La Plata County, Colorado.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term the "Project" means Vallecito Dam and Reservoir, and associated interests, owned by the United States and authorized in 1937 under the provisions of the Department of the Interior Appropriation Act of June 25, 1910 (36 Stat. 835).

(4) The term "Repayment Contract" means Repayment Contract #11r-1204, between Reclamation and the Pine River Irrigation District, dated April 15, 1940, and amended November 30, 1953, all amendments thereto, and changes pursuant to the Act of July 27, 1954 (68 Stat. 534).

(5) The term "Tribe" means the Southern Ute Indian Tribe, a federally recognized Indian tribe located on the Southern Ute Indian Reservation, La Plata County, Colorado.

(6) The term "Jurisdictional Map" means the map entitled "Transfer of Jurisdiction—Vallecito Reservoir, United States Department of Agriculture, Forest Service and United States Department of the Interior, Bureau of Reclamation and the Bureau of Indian Affairs" dated March, 1998.

SEC. 1383. CONVEYANCE OF PROJECT.

(a) CONVEYANCE TO DISTRICT.—

(1) IN GENERAL.—In consideration of the District accepting the obligations of the Federal Government for the Project and subject to the completion of payments by the District required under subsection (b)(3) and occurrence of the events described in paragraphs (2) and (3) of this subsection, the Secretary shall convey an undivided ½ interest in the Project to the District.

(2) SUBMISSION OF MANAGEMENT PLAN.—Prior to any conveyance under paragraph (1), the District shall submit to the Secretary a plan to manage the Project in a manner substantially similar to the manner in which it was managed prior to the transfer and in accordance with applicable Federal and State laws, including provisions—

(A) protecting the interests in the Project held by the Bureau of Indian Affairs for the Tribe;

(B) preserving public access and recreational values and preventing growth on certain lands to be conveyed hereunder, as set forth in an Agreement dated March 20, 1998, between the District and residents of Vallecito Reservoir; and

(C) ensuring that any future change in the use of the water supplied by Vallecito Reservoir shall comply with applicable law.

(3) LIMITATION.—No interest in the Project shall convey under this subsection before the date on which the Secretary receives a copy of a resolution adopted by the Tribe declaring that the terms of the conveyance protects the Indian trust assets of the Tribe.

(b) DEADLINE.—

(1) IN GENERAL.—If no changes in Project operations are expected following the conveyance under subsection (a), the Secretary shall complete the conveyance under subsection (a) expeditiously, but not later than 180 days after the date of the enactment of this Act.

(2) DEADLINE IF CHANGES IN OPERATIONS INTENDED.—If the District intends to change Project operations as a result of the conveyance under subsection (a), the Secretary—

(A) shall take into account those potential changes for the purpose of completing any required environmental evaluation associated with the conveyance; and

(B) shall complete the conveyance by not later than 2 years after the date of the enactment of this Act.

(3) ADMINISTRATIVE COSTS OF CONVEYANCE.—If the District submits a plan in accordance with subsection (a)(2) and the Secretary receives a copy of a resolution described in subsection (a)(3), and the Sec-

retary fails to complete the conveyance under subsection (a) before the applicable deadline under paragraph (1) or (2), the full cost of administrative action and environmental compliance for the conveyance shall be borne by the Secretary. If the Secretary completes the conveyance before that deadline, ½ of such cost shall be paid by the District.

(c) TRIBAL INTERESTS.—At the option of the Tribe, the Secretary shall convey to the Tribe an undivided ½ interest in the Project, all interests in lands over which the Bureau of Indian Affairs holds administrative jurisdiction under section 1384(e)(1)(A), and water rights associated with those interests. No consideration or compensation shall be required to be paid to the United States for such conveyance.

(d) RESTRICTION ON PARTITION.—Any conveyance of interests in lands under this subtitle shall be subject to the prohibition that those interests in those lands may not be partitioned. Any quit claim deed or patent evidencing such a conveyance shall expressly prohibit partitioning.

SEC. 1384. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) DESCRIPTION OF EXISTING CONDITION.—The Secretary shall submit to the District, the Bureau of Indian Affairs, and the State of Colorado a description of the existing condition of Vallecito Dam based on Bureau of Reclamation's current knowledge and understanding.

(c) FUTURE ALTERATIONS.—If the District alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such changes at that time.

(d) FLOOD CONTROL PLAN.—The District shall work with Corps of Engineers to develop a flood control plan for the operation of Vallecito Dam for flood control purposes.

(e) JURISDICTIONAL TRANSFER OF LANDS.—

(1) INUNDATED LANDS.—To provide for the consolidation of lands associated with the Project to be retained by the Forest Service and the consolidation of lands to be transferred to the District, the administrative jurisdiction of lands inundated by and along the shoreline of Vallecito Reservoir, as shown on the Jurisdictional Map, shall be transferred, as set forth in this subsection, concurrently with any conveyance under section 1383. Except as otherwise shown on the Jurisdictional Map—

(A) for withdrawn lands (approximately 260 acres) lying below the 7,665-foot reservoir water surface elevation level, the Forest Service shall transfer an undivided ½ interest to the Bureau of Reclamation and an undivided ¼ interest to the Bureau of Indian Affairs in trust for the Tribe; and

(B) for Project acquired lands (approximately 230 acres) above the 7,665-foot reservoir water surface elevation level, the Bureau of Reclamation and the Bureau of Indian Affairs shall transfer their interests to the Forest Service.

(2) MAP.—The Jurisdictional Map and legal descriptions of the lands transferred pursuant to paragraph (1) shall be on file and available for public inspection in the offices of the Chief of the Forest Service, the Commissioner of Reclamation, appropriate field offices of those agencies, and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) ADMINISTRATION.—Following the transfer of administrative jurisdiction under paragraph (1):

(A) All lands that, by reason of the transfer of administrative jurisdiction under paragraph (1), become National Forest System lands within the boundaries of the San Juan National Forest, shall be administered in accordance with the laws, rules, and regulations applicable to the National Forest System.

(B) Bureau of Reclamation withdrawals of land from the San Juan National Forest established by Secretarial Orders on November 9, 1936, October 14, 1937, and June 20, 1945, together designated as Serial No. C-28259, shall be revoked.

(C) The Forest Service shall issue perpetual easements to the District and the Bureau of Indian Affairs, at no cost to the District or the Bureau of Indian Affairs, providing adequate access across all lands subject to Forest Service jurisdiction to insure the District and the Bureau of Indian Affairs the ability to continue to operate and maintain the Project.

(D) The undivided 5/8 interest in National Forest System lands that, by reason of the transfer of administrative jurisdiction under paragraph (1) is to be administered by Bureau of Reclamation, shall be conveyed to the District pursuant to section 1383.

(E) The District and the Bureau of Indian Affairs shall issue perpetual easements to the Forest Service, at no cost to the Forest Service, from National Forest System lands to Vallecito Reservoir to assure continued public access to Vallecito Reservoir when the Reservoir level drops below the 7,665-foot water surface elevation.

(F) The District and the Bureau of Indian Affairs shall issue a perpetual easement to the Forest Service, at no cost to the Forest Service, for the reconstruction, maintenance, and operation of a road from La Plata County Road No. 501 to National Forest System lands east of the Reservoir.

(4) VALID EXISTING RIGHTS.—Nothing in this subsection shall affect any valid existing rights or interests in any existing land use authorization, except that any such land use authorization shall be administered by the agency having jurisdiction over the land after the transfer of administrative jurisdiction under paragraph (1) in accordance with paragraph (3) and other applicable law. Renewal or reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction, except that the change of administrative jurisdiction shall not in itself constitute a ground to deny the renewal or reissuance of any such authorization.

(f) FEDERAL DAM CHARGE.—Nothing in this subtitle shall relieve the holder of the Federal Energy Regulatory Commission license for Vallecito Dam in effect on the date of the enactment of this Act from the obligation to make payments under section 10(e)(2) of the Federal Power Act during the term of the license. At the expiration of the present license term, the Federal Energy Regulatory Commission shall adjust the charge to reflect either (1) the 1/6 interest of the United States remaining in the Vallecito Dam after conveyance to the District; or (2) if the remaining 1/6 interest of the United States has been conveyed to the Tribe pursuant to section 1383(c), then no Federal dam charge shall be levied from the date of expiration of the present license.

SEC. 1385. RELATIONSHIP TO OTHER LAWS.

Upon conveyance of the Project under this subtitle, the Reclamation Act of 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

SEC. 1386. LIABILITY.

Except as otherwise provided by law, effective on the date of the conveyance of the remaining undivided 1/6 right and interest in

the Pine River Project to the Tribe pursuant to subsection 1383(c), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to such Project, based on its prior ownership or operation of the conveyed property.

Subtitle I—Technical Corrections and Miscellaneous Provisions

SEC. 1391. TECHNICAL CORRECTIONS.

(a) REDUCTION OF WAITING PERIOD FOR OBLIGATION OF FUNDS PROVIDED UNDER RECLAMATION SAFETY OF DAMS ACT OF 1978.—Section 5 of the Reclamation Safety of Dams Act of 1978 (92 Stat. 2471; 43 U.S.C. 509) is amended by striking “sixty days” and all that follows through “day certain” and inserting “30 calendar days”.

(b) ALBUQUERQUE METROPOLITAN AREA RECLAMATION AND REUSE PROJECT.—

(1) TECHNICAL CORRECTIONS.—Section 1621 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h-12g) is amended—

(A) by amending the section heading to read as follows:

“SEC. 1621. ALBUQUERQUE METROPOLITAN AREA WATER RECLAMATION AND REUSE PROJECT.”;

and

(B) in subsection (a) by striking “Reuse” and all that follows through “reclaim” and inserting “Reuse Project to reclaim”.

(2) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by striking the item relating to section 1621 and inserting the following:

“Sec. 1621. Albuquerque Metropolitan Area Water Reclamation and Reuse Project.”.

(c) PHOENIX METROPOLITAN WATER RECLAMATION AND REUSE PROJECT.—Section 1608 of the Reclamation Projects Authorization and Adjustment Act of 1992 (106 Stat. 4666; 43 U.S.C. 390h-6) is amended—

(1) by amending subsection (a) to read as follows:

“(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall participate in the planning, design, and construction of the Phoenix Metropolitan Water Reclamation and Reuse Project to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge, and indirect potable reuse in the Phoenix metropolitan area.”;

(2) in subsection (b) by striking the first sentence; and

(3) by striking subsection (c).

(d) REFUND OF CERTAIN AMOUNTS RECEIVED UNDER RECLAMATION REFORM ACT OF 1982.—

(1) REFUND REQUIRED.—Subject to paragraph (2) and the availability of appropriations, the Secretary of the Interior shall refund fully amounts received by the United States as collections under section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330-268; 43 U.S.C. 390ww(i)) for paid bills (including interest collected) issued by the Secretary of the Interior before January 1, 1994, for full-cost charges that were assessed for failure to file certain certification forms under sections 206 and 224(c) of such Act (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)).

(2) ADMINISTRATIVE FEE.—In the case of a refund of amounts collected in connection with sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)) with respect to any water year after the 1987 water year, the amount refunded shall be reduced by an administrative fee of \$260 for each occurrence.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$3,000,000.

(e) EXTENSION OF PERIODS FOR REPAYMENTS FOR NUECES RIVER RECLAMATION PROJECT AND CANADIAN RIVER RECLAMATION PROJECT, TEXAS.—Section 2 of the Emergency Drought Relief Act of 1996 (Public Law 104-318; 110 Stat. 3862) is amended by adding at the end the following new subsection:

“(c) EXTENSION OF PERIODS FOR REPAYMENT.—Notwithstanding any provision of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary of the Interior—

“(1) shall extend the period for repayment by the city of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6-07-01-X0675, relating to the Nueces River reclamation project, Texas, until—

“(A) August 1, 2029, for repayment pursuant to the municipal and industrial water supply benefits portion of the contract; and

“(B) until August 1, 2044, for repayment pursuant to the fish and wildlife and recreation benefits portion of the contract; and

“(2) shall extend the period for repayment by the Canadian River Municipal Water Authority under contract No. 14-06-500-485, relating to the Canadian River reclamation project, Texas, until October 1, 2021.”.

(f) SOLANO PROJECT WATER.—

(1) AUTHORIZATION.—The Secretary of the Interior is authorized to enter into contracts with the Solano County Water Agency, or any of its member unit contractors for water from the Solano Project, California, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for—

(A) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using any facilities associated with the Solano Project, California, and

(B) the exchange of water among Solano Project contractors, for the purposes set forth in subparagraph (A), using facilities associated with the Solano Project, California.

(2) LIMITATION.—The authorization under paragraph (1) shall be limited to the use of that portion of the Solano Project facilities downstream of Mile 26 of the Putah South Canal (as that canal is depicted on the official maps of the Bureau of Reclamation), which is below the diversion points on the Putah South Canal utilized by the city of Fairfield for delivery of Solano Project water.

(g) FISH PASSAGE AND PROTECTIVE FACILITIES, ROGUE RIVER BASIN, OREGON.—The Secretary of the Interior is authorized to use otherwise available amounts to provide up to \$2,000,000 in financial assistance to the Medford Irrigation District and the Rogue River Valley Irrigation District for the design and construction of fish passage and protective facilities at North Fork Little Butte Creek Diversion Dam and South Fork Little Butte Creek Diversion Dam in the Rogue River basin, Oregon, if the Secretary determines in writing that these facilities will enhance the fish recovery efforts currently underway at the Rogue River Basin Project, Oregon.

SEC. 1392. AUTHORIZATION TO CONSTRUCT TEMPERATURE CONTROL DEVICES.

(a) FOLSOM DAM.—The Secretary of the Interior is hereby authorized to construct in accordance with the draft environmental impact statement/environmental impact report for the Central Valley Supply contracts under Public Law 101-514 (section 206) and the report entitled “Assessment of the Beneficial and Adverse Impacts of Operating a Temperature Control Device (TCD) at the Water Supply Intakes of Folsom Dam”, a temperature control device on Folsom Dam and necessary associated temperature monitoring facilities. The temperature control device and said associated temperature monitoring facilities shall be operated as an integral part of the Central Valley Project for the benefit and propagation of fall-run chi-

nook salmon and steelhead trout in the American River, California.

(b) **DEVICE ON NON-CVP FACILITIES.**—The Secretary of the Interior is hereby authorized to construct or assist in the construction of 1 or more temperature control devices on existing non-Federal facilities delivering Central Valley Project water supplies from Folsom Reservoir and necessary associated temperature monitoring facilities. These costs of construction of temperature control device and associated temperature monitoring facilities shall be nonreimbursable and operated by the non-Federal facility owner at its expense, in coordination with the Central Valley Project for the benefit and propagation of chinook salmon and steelhead trout in the American River, California.

(c) **AUTHORIZATION.**—There is hereby authorized to be appropriated for the construction of a temperature control device on Folsom Dam and necessary associated temperature monitoring facilities the sum of \$5,000,000 (adjusted for inflation based on October 1997 prices). There is also authorized to be appropriated for the construction of a temperature control device on existing non-Federal facilities and necessary associated temperature monitoring facilities the sum of \$2,000,000 (October 1997 prices). There is also authorized to be appropriated, in addition thereto, such amounts as are required for operation, maintenance, and replacement of the temperature control devices on Folsom Dam and associated temperature monitoring facilities.

SEC. 1393. COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT.

(a) **SHORT TITLE.**—This section may be cited as the "Colusa Basin Watershed Integrated Resources Management Act".

(b) **AUTHORIZATION OF ASSISTANCE.**—The Secretary of the Interior (in this section referred to as the "Secretary") may provide financial assistance to the Colusa Basin Drainage District, California (in this section referred to as the "District"), for use by the District or by local agencies acting pursuant to section 413 of the State of California statute known as the Colusa Basin Drainage Act (California Stats. 1987, ch. 1399), as in effect on the date of the enactment of this Act (in this section referred to as the "State statute"), for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin Watershed to—

(1)(A) reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater;

(B) assist in groundwater recharge efforts to alleviate overdraft and land subsidence; or

(C) construct, restore, or preserve wetland and riparian habitat; and

(2) capture, as an incidental purpose of any of the purposes referred to in paragraph (1), surface or stormwater for conservation, conjunctive use, and increased water supplies.

(c) **PROJECT SELECTION.**—

(1) **ELIGIBLE PROJECTS.**—A project shall be an eligible project for purposes of subsection (b) only if it is—

(A) identified in the document entitled "Colusa Basin Water Management Program", dated February 1995; and

(B) carried out in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

(2) **COMPATIBILITY REQUIREMENT.**—The Secretary shall ensure that projects for which assistance is provided under this section are not inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public

Law 102-575; 106 Stat. 4706 et seq.) or the CALFED Bay-Delta Program.

(d) **COST SHARING.**—

(1) **NON-FEDERAL SHARE.**—The Secretary shall require that the District and cooperating non-Federal agencies or organizations pay—

(A) 25 percent of the costs associated with construction of any project carried out with assistance provided under this section; and

(B) 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project.

(2) **PLANNING, DESIGN, AND COMPLIANCE ASSISTANCE.**—Funds appropriated pursuant to this section may be made available to fund all costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the State statute, in accordance with agreements with the Secretary.

(3) **TREATMENT OF CONTRIBUTIONS.**—For purposes of this subsection, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary relocations contributed by the District to a project as a payment by the District of the costs of the project.

(e) **COSTS NONREIMBURSABLE.**—Amounts expended pursuant to this section shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

(f) **AGREEMENTS.**—Funds appropriated pursuant to this section may be made available to the District or a local agency only if the District or local agency, as applicable, has entered into a binding agreement with the Secretary—

(1) under which the District or the local agency is required to pay the non-Federal share of the costs of construction required by subsection (d)(1); and

(2) governing the funding of planning, design, and compliance activities costs under subsection (d)(2).

(g) **REIMBURSEMENT.**—For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a local agency acting pursuant to the State statute referred to in subsection (b) before the date amounts are provided for the project under this section, the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse the District or the local agency, without interest, an amount equal to the estimated Federal share of the cost of such work under subsection (d).

(h) **COOPERATIVE AGREEMENTS.**—

(1) **IN GENERAL.**—The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of this section.

(2) **SUBCONTRACTING.**—Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations Acts, for work carried out under such contracts or subcontracts.

(i) **RELATIONSHIP TO RECLAMATION REFORM ACT OF 1982.**—Activities carried out, and financial assistance provided, under this section shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390a et seq.).

(j) **APPROPRIATIONS AUTHORIZED.**—There are authorized to be appropriated to the Secretary to carry out this section \$25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes. Sums appropriated

under this subsection shall remain available until expended.

SEC. 1394. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title shall be construed to abrogate or affect any obligation of the United States under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

TITLE XIV—PROVISIONS SPECIFIC TO ALASKA

SEC. 1401. AUTOMATIC LAND BANK PROTECTION.

(a) **LANDS RECEIVED IN EXCHANGE FROM CERTAIN FEDERAL AGENCIES.**—The matter preceding clause (i) of section 907(d)(1)(A) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)(1)(A)) is amended by inserting "or conveyed to a Native Corporation pursuant to an exchange authorized by section 22(f) of Alaska Native Claims Settlement Act or section 1302(h) of this Act or other applicable law" after "Settlement Trust".

(b) **LANDS EXCHANGED AMONG NATIVE CORPORATIONS.**—Section 907(d)(2)(B) of such Act (43 U.S.C. 1636(d)(2)(B)) is amended—

(1) by striking "and" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; and"; and

(3) by adding at the end the following:

"(iv) lands or interest in lands shall not be considered developed or leased or sold to a third party as a result of an exchange or conveyance of such land or interest in land between or among Native Corporations and trusts, partnerships, corporations, or joint ventures, whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations."

(c) **ACTIONS BY TRUSTEE SERVING PURSUANT TO AGREEMENT OF NATIVE CORPORATIONS.**—Section 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by adding at the end the following:

"(iii) to actions by any trustee whose right, title, or interest in land or interests in land arises pursuant to an agreement between or among Native Corporations and trusts, partnerships, or joint ventures whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations."

SEC. 1402. DEVELOPMENT BY THIRD-PARTY TRESPASSERS.

Section 907(d)(2)(A)(i) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)(2)(A)(i)) is amended—

(1) by inserting "Any such modification shall be performed by the Native individual or Native Corporation." after "substantial modification.";

(2) by inserting a period after "developed state" the second place it appears; and

(3) by adding "Any lands previously developed by third-party trespassers shall not be considered to have been developed."

SEC. 1403. RETAINED MINERAL ESTATE.

(a) **IN GENERAL.**—Section 12(c)(4) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (B) the following new subparagraphs:

"(C) Where such public lands are surrounded by or contiguous to subsurface lands obtained by a Regional Corporation under subsections (a) or (b), the Corporation may, upon request, have such public land conveyed to it.

"(D)(i) A Regional Corporation which elects to obtain public lands under subparagraph (C) shall be limited to a total of not

more than 12,000 acres. Selection by a Regional Corporation of in lieu surface acres under subparagraph (E) pursuant to an election under subparagraph (C) shall not be made from any lands within a conservation system unit (as that term is defined by section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)).

“(ii) An election to obtain the public lands described in subparagraph (A), (B), or (C) shall include all available parcels within the township in which the public lands are located.

“(iii) For purposes of this subparagraph and subparagraph (C), the term ‘Regional Corporation’ shall refer only to Doyon, Limited.”; and

(2) in subparagraph (E) (as so redesignated), by striking “(A) or (B)” and inserting “(A), (B), or (C)”.

(b) FAILURE TO APPEAL NOT PROHIBITIVE.—Section 12(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)) is amended by adding at the end the following:

“(5) Subparagraphs (A), (B), and (C) of paragraph (4) shall apply, notwithstanding the failure of the Regional Corporation to have appealed the rejection of a selection during the conveyance of the relevant surface estate.”.

SEC. 1404. AMENDMENT TO PUBLIC LAW 102-415.

Section 20 of the Alaska Land Status Technical Corrections Act of 1992 (106 Stat. 2129), is amended by adding at the end the following new subsection:

“(h) Establishment of the account under subsection (b) and conveyance of land under subsection (c), if any, shall be treated as though 3,520 acres of land had been conveyed to Gold Creek under section 14(h)(2) of the Alaska Native Claims Settlement Act for which rights to subsurface estate are hereby provided to CIRI. Within 1 year from the date of the enactment of this subsection, CIRI shall select 3,520 acres of land from the area designated for selection by paragraph I.B.(2)(b) of the document identified in section 12(b) (referring to the Talkeetna Mountains) of the Act of January 2, 1976 (43 U.S.C. 1611 note). Not more than five selections shall be made under this subsection, each of which shall be reasonably compact and in whole sections, except when separated by unavailable land or when the remaining entitlement is less than a whole section.”.

SEC. 1405. CLARIFICATION ON TREATMENT OF BONDS FROM A NATIVE CORPORATION.

Section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)) is amended—

(1) in paragraph (3)(A), by inserting “and on bonds received from a Native Corporation” after “from a Native Corporation”; and

(2) in paragraph (3)(B), by inserting “or bonds issued by a Native Corporation which bonds shall be subject to the protection of section 7(h) until voluntarily and expressly sold or pledged by the shareholder subsequent to the date of distribution” before the semicolon.

SEC. 1406. MINING CLAIMS.

Paragraph (3) of section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended—

(1) by striking out “regional corporation” each place it appears and inserting in lieu thereof “Regional Corporation”; and

(2) by adding at the end the following: “The provisions of this section shall apply to Haida Corporation and the Haida Traditional Use Sites, which shall be treated as a Regional Corporation for the purposes of this paragraph, except that any revenues remitted to Haida Corporation under this section shall not be subject to distribution pursuant to section 7(i) of this Act.”.

SEC. 1407. SALE, DISPOSITION, OR OTHER USE OF COMMON VARIETIES OF SAND, GRAVEL, STONE, PUMICE, PEAT, CLAY, OR CINDER RESOURCES.

Subsection (i) of section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)) is amended—

(1) by striking “Seventy per centum” and inserting “(A) Except as provided by subparagraph (B), seventy percent”; and

(2) by adding at the end the following:

“(B) In the case of the sale, disposition, or other use of common varieties of sand, gravel, stone, pumice, peat, clay, or cinder resources made during a fiscal year ending after the date of enactment of this subparagraph, the revenues received by a Regional Corporation shall not be subject to division under subparagraph (A). Nothing in this subparagraph is intended to or shall be construed to alter the ownership of such sand, gravel, stone, pumice, peat, clay, or cinder resources.”.

SEC. 1408. ALASKA NATIVE ALLOTMENT APPLICATIONS.

Section 905(a) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1634(a)) is amended by adding at the end the following:

“(7) Paragraph (1) of this subsection and subsection (d) shall apply, and paragraph (5) of this subsection shall cease to apply, to an application—

“(A) that is open and pending on the date of enactment of this paragraph,

“(B) if the lands described in the application are in Federal ownership other than as a result of reacquisition by the United States after January 3, 1959, and

“(C) if any protest which is filed by the State of Alaska pursuant to paragraph (5)(B) with respect to the application is withdrawn or dismissed either before, on, or after the date of the enactment of this paragraph.

“(8)(A) Any allotment application which is open and pending and which is legislatively approved by enactment of paragraph (7) shall, when allotted, be made subject to any easement, trail, or right-of-way in existence on the date of the Native allotment applicant’s commencement of use and occupancy.

“(B) The jurisdiction of the Secretary is extended to make any factual determinations required to carry out this paragraph.”.

SEC. 1409. VISITOR SERVICES.

Paragraph (1) of section 1307(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(b)) is amended—

(1) by striking “Native Corporation” and inserting “Native Corporations”; and

(2) by striking “is most directly affected” and inserting “are most directly affected”.

SEC. 1410. LOCAL HIRE REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall transmit to Congress a report.

(b) LOCAL HIRE.—The report required by subsection (a) shall—

(1) indicate the actions taken in carrying out subsection (b) of section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198);

(2) address the recruitment processes that may restrict employees hired under subsection (a) of such section from successfully obtaining positions in the competitive service; and

(3) describe the actions of the Secretary of the Interior in contracting with Alaska Native Corporations to provide services with respect to public lands in Alaska.

(c) COOPERATION.—The Secretary of Agriculture shall cooperate with the Secretary of the Interior in carrying out this section with respect to the Forest Service.

SEC. 1411. SHAREHOLDER BENEFITS.

Section 7 of the Alaskan Native Claims Settlement Act (43 U.S.C. 1606) is amended by adding at the end the following:

“(r) BENEFITS FOR SHAREHOLDERS OR IMMEDIATE FAMILIES.—The authority of a Native Corporation to provide benefits to its shareholders who are Natives or descendants of Natives or to its shareholders’ immediate family members who are Natives or descendants of Natives to promote the health, education, or welfare of such shareholders or family members is expressly authorized and confirmed. Eligibility for such benefits need not be based on share ownership in the Native Corporation and such benefits may be provided on a basis other than pro rata based on share ownership.”.

SEC. 1412. SHAREHOLDER HOMESITE PROGRAM.

Section 39(b)(1)(B) of the Alaskan Native Claims Settlement Act (43 U.S.C. 1629e(b)(1)(B)) is amended by inserting after “settlor corporation” the following: “or the land is conveyed for a homesite by the Trust to a beneficiary of the Trust who is also a legal resident under Alaska law of the Native village of the settlor corporation and the conveyance does not exceed 1.5 acres”.

SEC. 1413. MORATORIUM ON FEDERAL MANAGEMENT.

Prior to December 31, 1999, neither the Secretary of the Interior nor the Secretary of Agriculture may issue or implement final regulations, rules, or policies pursuant to title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.) to assert jurisdiction, management, or control over the navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act (43 U.S.C. 1301 et seq.) or the Act entitled “An Act to provide for the admission of the State of Alaska into the Union”, approved July 7, 1958 (Public Law 85-508; 72 Stat. 339).

SEC. 1414. EASEMENT FOR CHUGACH ALASKA CORPORATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than December 11, 1998, the Secretary of Agriculture shall convey to Chugach Alaska Corporation an easement for the construction, use, and maintenance of forest roads and related facilities necessary for access to and economic development of the land interests in the Carbon Mountain and Katalla vicinity that were conveyed to Chugach Alaska Corporation pursuant to the Alaska Native Claims Settlement Act. The public shall be permitted use of the roads pursuant to the terms and conditions contained in the 1982 Chugach Natives, Inc. Settlement Agreement. The location of the easement is depicted on the map entitled “Carbon Mountain Access Easement” and dated November 4, 1997. Nothing in this section waives any legal environmental requirement with respect to the actual road construction.

(b) CONSTRUCTION AND MAINTENANCE.—Construction and maintenance of any roads pursuant to subsection (a) shall be in accordance with the best management practices of the Forest Service as promulgated in the Forest Service Handbook.

(c) SETTLEMENT AGREEMENT TO REMAIN IN FORCE.—Nothing in this section shall be construed as impairing or diminishing any right granted Chugach Alaska Corporation under the 1982 Chugach Natives, Inc. Settlement Agreement.

SEC. 1415. CALISTA NATIVE CORPORATION LAND EXCHANGE.

(a) CONGRESSIONAL FINDINGS.—Congress finds and declares that—

(1) the land exchange authorized by section 8126 of Public Law 102-172 should be implemented without further delay;

(2) the Calista Corporation, the Native Regional Corporation organized under the authority of the Alaska Native Claims Settlement Act for the Yupik Eskimos of Southwestern Alaska, which includes the majority of the Yukon Delta National Wildlife Refuge—

(A) has responsibilities provided for by the Alaska Native Claims Settlement Act to help address social, cultural, economic, health, subsistence, and related issues within the region and among its villages, including the viability of the villages themselves, many of which are remote and isolated; and

(B) has been unable to fully carry out such responsibilities;

(3) the implementation of the exchange referenced in this subsection is essential to helping Calista utilize its assets to carry out those responsibilities and to realize the benefits of the Alaska Native Claims Settlement Act;

(4) the parties to the exchange have been unable to reach agreement on the valuation of the lands and interests in lands to be conveyed to the United States under section 8126 of Public Law 102-172; and

(5) in light of the foregoing, it is appropriate and necessary in this unique situation that Congress authorize and direct the implementation of this exchange as set forth in this section in furtherance of the purposes and underlying goals of the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

(b) LAND EXCHANGE IMPLEMENTATION.—Section 8126 of Public Law 102-172 (105 Stat. 1206) is amended to read as follows:

“SEC. 8126. (a)(1) In exchange for lands, partial estates, and land selection rights identified in the document entitled ‘The Calista Conveyance and Relinquishment Document’, dated October 28, 1991, as amended September 18, 1998 (hereinafter referred to as ‘CCRD’), the United States will establish a property account for the Calista Corporation, a corporation organized under the laws of the State of Alaska, in the amount identified in the CCRD, and in accordance with the provisions of this Act.

“(2) The CCRD contains the land descriptions of the lands and interests in lands to be conveyed, the selections to be relinquished, the charges to entitlement, the quantity and class of entitlement to be transferred to the United States, the terms of the Kuskokwim Corporation Conservation Easement, and the amount that is authorized for the property account.

“(3) The covenants, terms, and conditions to be used in any transfers to the United States described in the CCRD shall be binding on the United States and the participating Native corporations and shall be a matter of Federal law.

“(b)(1) The aggregate values of such lands and interests in lands, together with compensation for the considerations set forth in congressional findings concerning the Calista Region and its villages, shall be the sum provided in section IX of the CCRD. The amounts credited to the property account described in this subsection shall not be subject to adjustment for minor changes in acreage resulting from preparation or correction of the land descriptions in the CCRD or the exclusion of any small tracts of land as a result of hazardous material surveys. The Secretary of the Interior shall maintain an accounting of the lands and interests in lands remaining to be conveyed or relinquished by Calista Corporation and the participating village corporations pursuant to this section. The Secretary of the Treasury on October 1, 1998, shall establish a property account on behalf of Calista Corporation.

“(2) The account shall be credited and available for use as provided in paragraph (4), according to the following schedule of percentages of the amount in section IX of the CCRD:

“(A) On October 1, 1999, and on October 1 of each year thereafter through October 1, 2005, the amount equal to 12.69 percent.

“(B) On October 1, 2007, the amount equal to 11.17 percent.

“(3)(A) Unless otherwise authorized by law, the aggregate amount of all credits to the account, pursuant to the schedule set forth in paragraph (2), shall be equal to the amount in section IX of the CCRD.

“(B) All amounts credited to the account shall be from amounts in the Treasury not otherwise appropriated and shall be available for expenditure without further appropriation and without fiscal year limitation.

“(4) The property account may not be used until all conveyances, relinquishments of selections, and adjustments to entitlements described in the CCRD have been made to and accepted by the United States. The Secretary of the Interior shall notify the Secretary of the Treasury when all requirements of the preceding sentence have been met. Immediately thereafter the Secretary of the Treasury shall comply with his duties under this paragraph including the computations of the amount in the account, the amount that may be expended in any particular Federal fiscal year, and the balance of the account after any transaction. The property account may be used in the same manner as any other property account held by any other Alaska Native Corporation.

“(5) Notwithstanding any other provision of law, Calista Corporation on its own behalf or on behalf of the village corporations identified in the CCRD, may assign any or all of the account upon written notification to the Secretary of the Treasury and the Secretary of the Interior.

“(6) The Secretary of the Treasury shall notify the Secretary of the Interior and Calista whenever there is a reduction in the property account, the purpose for such reduction and the remaining balance in the account. The Alaska State Office of the Bureau of Land Management shall be the official repository of such notices.

“(7) For the purpose of the determination of the applicability of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)) to revenues generated pursuant to that section, such revenues shall be calculated in accordance with section IX of the CCRD.

“(8) The United States shall not be liable for the redistribution of benefits by the Calista Corporation to the participating Alaska Native village corporations pursuant to this section.

“(9) These transactions are not based on appraised property values and therefore shall not be used as a precedent for establishing property values.

“(10) Prior to the issuance of any conveyance documents or relinquishments and acceptance, the Secretary of the Interior and the participating Native corporations may, by mutual agreement, modify the legal descriptions included in the CCRD to correct clerical errors.

“(11) Property located in the State of Alaska that is purchased by use of the property account shall be considered and treated as conveyances of land selections under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(12) The conveyance of lands, partial estates and land selection rights and relinquishment or adjustments to entitlement made by the Alaska Native Corporations pursuant to this section and the use of the property account in the Treasury shall be treated as the receipt of land or any interest therein or cash in order to equalize the values of properties exchanged pursuant to section 22(f) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(f)) as provided in the first sentence in section 21(c) of that Act (43 U.S.C. 1620(c)).

“(13) With respect to the content of the CCRD, the Secretary of the Interior, the Calista Regional Corporation, and the participating village corporations agree upon

the lands, interests in lands, relinquishments and adjustments to entitlement described therein that may be offered to the United States pursuant to this section. These parties also agree with the amounts to be made available in the property account once all conveyances and relinquishments are completed, and the parties agree with the needs set forth in the congressional findings in section 6(a) of the ANCSA Land Bank Protection Act of 1998. The parties do not necessarily agree on the hortatory statements, descriptions, and attributions of resource values which are included in the CCRD as drafted by Calista. But such disagreements will not affect the implementation of this section.

“(14) Descriptions of resource values provided for surface lands which are not offered in the exchange and will remain privately owned by village corporations form no part of the consideration for the exchange.”

TITLE XV—OTHER PROVISIONS

SEC. 1501. ADAMS NATIONAL HISTORICAL PARK.

(a) FINDINGS.—Congress finds the following:

(1) In 1946, the Secretary of the Interior, by means of the authority provided to the Secretary under section 2 of the Act of August 21, 1935 (16 U.S.C. 462; commonly known as the Historic Sites, Buildings, and Antiquities Act), established the Adams Mansion National Historic Site in Quincy, Massachusetts.

(2) In 1952, again using the authority provided under the Act of August 21, 1935, the Secretary enlarged the historic site and renamed it the Adams National Historic Site.

(3) In 1972, title III of Public Law 92-272 (86 Stat. 121) authorized the Secretary to expand the boundaries of the Adams National Historic Site to include an additional 3.68 acres and to acquire lands and interests in lands within the expanded boundaries.

(4) Section 312 of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3479) authorized the Secretary to accept the conveyance of the birthplaces in Quincy, Massachusetts, of John Adams, second President of the United States, and John Quincy Adams, sixth President of the United States, and to administer the birthplaces as part of the Adams National Historic Site.

(5) In 1980, Public Law 96-435 (94 Stat. 1861) authorized the Secretary to accept the conveyance of the United First Parish Church in Quincy, Massachusetts, the burial site of John Adams and his wife, Abigail Adams, and John Quincy Adams and his wife, Louisa Adams, and to administer the burial site as part of the Adams National Historic Site.

(6) The actions described in the preceding paragraphs to preserve for the benefit, education, and inspiration of present and future generations of Americans the home, property, birthplaces, and burial site of John Adams, Abigail Adams, John Quincy Adams, and Louisa Adams, have resulted in a multi-site unit of the National Park System with no overarching enabling or authorizing legislation.

(7) The sites and resources associated with John Adams and his wife, Abigail Adams, and John Quincy Adams and his wife, Louisa Adams, deserve recognition as a national historical park in the National Park System.

(b) DEFINITIONS.—As used in this section:

(1) HISTORICAL PARK.—The term “historical park” means the Adams National Historical Park established in subsection (c).

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

(c) ADAMS NATIONAL HISTORICAL PARK.

(1) ESTABLISHMENT.—In order to preserve for the benefit, education, and inspiration of the people of the United States certain properties in Quincy, Massachusetts, associated with John Adams, second President of the

United States, his wife, Abigail Adams, John Quincy Adams, sixth President of the United States, and his wife, Louisa Adams, there is established the Adams National Historical Park as a unit of the National Park System.

(2) BOUNDARIES.—The historical park shall be comprised of—

(A) all property owned by the National Park Service in the Adams National Historic Site as of the date of the enactment of this Act, as well as all property previously authorized to be acquired by the Secretary for inclusion in the Adams National Historic Site, as generally depicted on the map entitled "Adams National Historical Park", numbered NARO 386/92001, and dated July 22, 1992; and

(B) all property authorized to be acquired for inclusion in the historical park by this section or other law enacted after the date of the enactment of this Act.

(3) VISITOR AND ADMINISTRATIVE SITES.—To preserve the historical character and landscape of the main features of the historical park, the Secretary may acquire up to 10 acres for the development of visitor, administrative, museum, curatorial, and maintenance facilities adjacent to or in the general proximity of the property depicted on the map identified in paragraph (2)(A).

(4) MAP.—The map of the historical park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The park shall be administered by the Secretary in accordance with this section and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(2) COOPERATIVE AGREEMENTS.—

(A) AGREEMENTS AUTHORIZED.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the historical park.

(B) CONDITION.—Any payments made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to the condition that conversion, use, or disposal of the project for which the payments are made for purposes contrary to the purposes for which the historical park is established, as determined by the Secretary, will result in a right of the United States to reimbursement in an amount equal to the greater of—

(i) all payments made by the Secretary in connection with the project; or

(ii) the proportion of the increased value of the project attributable to the payments, as determined at the time of such conversion, use, or disposal.

(3) ACQUISITION OF REAL PROPERTY.—To advance the purposes for which the historical park is established, the Secretary may acquire real property within the boundaries of the historical park by any of the following methods:

(A) Purchase using funds appropriated or donated to the Secretary.

(B) Acceptance of a donation of the real property.

(C) Use of a land exchange.

(4) REPEAL OF SUPERSEDED ADMINISTRATIVE AUTHORITIES.—(A) Section 312 of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3479) is amended—

(i) by striking "(a)" after "SEC. 312."; and

(ii) by striking subsection (b).

(B) The first section of Public Law 96-435 (94 Stat. 1861) is amended—

(i) by striking "(a)" after "That"; and

(ii) by striking subsection (b).

(5) REFERENCES TO HISTORIC SITE.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to the Adams National Historic Site shall be considered to be a reference to the historical park.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes for which the historical park is established, for annual operations and maintenance of the historical park, and for acquisition of property and development of facilities necessary to operate and maintain the historical park, as may be outlined in an approved general management plan for the historical park.

SEC. 1502. ACQUISITION OF LANDS FOR FREDERICK LAW OLMSTEAD NATIONAL HISTORIC SITE.

Section 201 of Public Law 96-87 (93 Stat. 664; 16 U.S.C. 461 note) is amended by adding at the end the following:

"(d)(1) Notwithstanding subsection (c), in order to preserve and maintain the historic setting of the Site, the Secretary may acquire, by donation only, lands and interests in lands that are situated adjacent to the Site and owned by the Brookline Conservation Land Trust (a nonprofit corporation established under the laws of the State of Massachusetts).

"(2) Lands acquired under this subsection shall be included in and maintained and managed as part of the Site."

SEC. 1503. DESIGNATION OF DANTE FASCELL VISITOR CENTER AT BISCAYNE NATIONAL PARK.

(a) DESIGNATION.—The Biscayne National Park visitor center, located on the shore of Biscayne Bay on Convoy Point, is designated as the Dante Fascell Visitor Center at Biscayne National Park.

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, or paper or other document of the United States to the Biscayne National Park visitor center is deemed to refer to the Dante Fascell Visitor Center at Biscayne National Park.

SEC. 1504. DESIGNATION OF CALIFORNIA COASTAL ROCKS AND ISLANDS WILDERNESS AREA TO BE ADMINISTERED BY BUREAU OF LAND MANAGEMENT.

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

(1) The California coastal rocks and islands are a critical component of a unique ecosystem of California.

(2) The California coastal rocks and islands comprise a narrow flight lane in the Pacific Flyway, providing protected nest sites as well as feeding and perching areas for millions of seabirds.

(3) This unique ecosystem is also important for the continued survival of endangered or threatened sea mammals, such as stellar sea lions and elephant seals.

(4) Designation of the California coastal rocks and islands as wilderness would add a significant natural component to the National Wilderness Preservation System.

(b) DESIGNATION AS WILDERNESS.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), all unreserved and unappropriated ocean islands in the State of California (as more fully described in subsection (c)) that, as of the date of the enactment of this Act, are under the jurisdiction of the Bureau of Land Management are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System, and shall be known as the California Coastal Rocks and Islands Wilderness.

(c) DESCRIPTION OF COVERED ISLANDS.—The ocean islands covered by subsection (b) are those islands, reefs, rocks, and islets lying

within three miles off the Pacific coast of the State of California from Oregon to the Mexican border and above the mean high tides, except those already reserved and appropriated for other uses as listed in the exhibit titled "Lands Not Affected By Wilderness Designation" dated February 26, 1997, and on file and available for public review in the California office of the Bureau of Land Management.

(d) MANAGEMENT AUTHORITY.—The California Coastal Rocks and Islands Wilderness shall remain under the jurisdiction of the Bureau of Land Management, and the islands, reefs, rocks, and islets designated as wilderness under subsection (b) are managed, as of the date of the enactment of this Act, under a memorandum of understanding by the California Department of Fish and Game.

(e) MANAGEMENT.—Subject to valid existing rights, the California Coastal Rocks and Islands Wilderness shall be administered by the Secretary of the Interior in accordance with the Wilderness Act, except that, with respect to such wilderness area, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(f) EFFECT ON OTHER LAWS.—This section shall take precedence over and supersede the temporary reservation made by the Act of February 18, 1931 (Chapter 226; 46 Stat. 1172).

SEC. 1505. SPANISH PEAKS WILDERNESS.

(a) AMENDMENT.—Section 2 of the Colorado Wilderness Act of 1993 (Public Law 103-77) is amended by adding the following new paragraph at the end of subsection (a):

"(20) Certain lands in the San Isabel National Forest which comprise approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated May 1997, and which shall be known as the Spanish Peaks Wilderness."

(b) MAP AND DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a boundary description of the area designated as the Spanish Peaks Wilderness by paragraph (20) of subsection 2(a) of the Colorado Wilderness Act of 1993, as amended by this section, with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such map and boundary description shall have the same force and effect as if included in the Colorado Wilderness Act of 1993, except that if the Secretary is authorized to correct clerical and typographical errors in such boundary description and map. Such map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(c) CONFORMING CHANGE.—Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103-77) is hereby repealed, and section 11 of such Act is renumbered as section 10.

SEC. 1506. ROSIE THE RIVETER NATIONAL PARK SERVICE AFFILIATED SITE.

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

(1) The City of Richmond, California, is located on the northeastern shore of San Francisco Bay and consists of several miles of waterfront which have been used for shipping and industry since the beginning of the 20th century. During the years of World War II, the population of Richmond grew from 220 to over 100,000.

(2) An area of Richmond, California, now known as Marina Park and Marina Green, was the location in the 1940's of the Richmond Kaiser Shipyards, which produced Liberty and Victory ships during World War II.

(3) Thousands of women of all ages and ethnicities moved from across the United States to Richmond, California, in search of high paying jobs and skills never before available to women in the shipyards.

(4) Kaiser Corporation supported women workers by installing child care centers at the shipyards so mothers could work while their children were well cared for nearby.

(5) These women, referred to as "Rosie the Riveter" and "Wendy the Welder", built hundreds of liberty and victory ships in record time for use by the United States Navy. Their labor played a crucial role in increasing American productivity during the war years and in meeting the demand for naval ships.

(6) In part the Japanese plan to defeat the United States Navy was predicated on victory occurring before United States shipyards could build up its fleet of ships.

(7) The City of Richmond, California, has dedicated the former site of Kaiser Shipyard #2 as Rosie the Riveter Memorial Park and will construct a memorial honoring American women's labor during World War II. The memorial will be representative of one of the Liberty ships built on the site during the war effort.

(8) The City of Richmond, California, is committed to collective interpretative oral histories for the public to learn of the stories of the "Rosies" and "Wendys" who worked in the shipyards.

(9) The Rosie the Riveter Park is a nationally significant site because there tens of thousands of women entered the work force for the first time, working in heavy industry to support their families and the War effort. This was a turning point for the Richmond, California, area and the nation as a whole, when women joined the workforce and successfully completed jobs for which previously it was believed they were incapable.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a feasibility study to determine whether—

(A) the Rosie the Riveter Park located in Richmond, California, is suitable for designation as an affiliated site to the National Park Service; and

(B) the Rosie the Riveter Memorial Committee established by the City of Richmond, California, with respect to that park is eligible for technical assistance for interpretative functions relating to the park, including preservation of oral histories from former works at the Richmond Kaiser Shipyards.

(2) REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall complete the study under paragraph (1) and submit a report containing findings, conclusions, and recommendations from the study to the Committee on Resources of the House of Representatives and the Committee on Energy and Environment of the Senate.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HASTERT, announced that the yeas had it.

Mr. MILLER of California objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 123
Nays 302

104.13 [Roll No. 489] YEAS—123

- Archer
- Arney
- Baker
- Ballenger
- Barr
- Barrett (NE)
- Barton
- Bateman
- Bereuter
- Bliley
- Blunt
- Boehner
- Bonilla
- Bono
- Brady (TX)
- Bryant
- Bunning
- Burton
- Buyer
- Callahan
- Calvert
- Cannon
- Chambliss
- Christensen
- Coble
- Collins
- Combest
- Cook
- Cooksey
- Cox
- Crane
- Cubin
- Deal
- DeLay
- Dickey
- Dingell
- Doolittle
- Dreier
- Duncan
- Dunn
- Fowler
- Frelinghuysen
- Galleghy
- Gibbons
- Gillmor
- Goodling
- Granger
- Hall (TX)
- Hansen
- Hastert
- Hastings (WA)
- Hayworth
- Hefley
- Herger
- Hill
- Hilleary
- Hunter
- Istook
- Jenkins
- Johnson, Sam
- Kim
- Kingston
- Knollenberg
- Kolbe
- Lewis (CA)
- Lewis (KY)
- Linder
- Lipinski
- Livingston
- Lucas
- Maloney (CT)
- McCollum
- McDade
- McHugh
- McInnis
- McKeon
- Metcalf
- Mica
- Norwood
- Ortiz
- Oxley
- Packard
- Parker
- Paxon
- Pickering
- Pitts
- Radanovich
- Redmond
- Regula
- Riley
- Rogers
- Ros-Lehtinen
- Roukema
- Royce
- Salmon
- Schaefer, Dan
- Schaffer, Bob
- Sessions
- Shadegg
- Shuster
- Skeen
- Smith (OR)
- Smith (TX)
- Snowbarger
- Solomon
- Souder
- Spence
- Stenholm
- Stump
- Tauzin
- Lucas
- Maloney (CT)
- McCollum
- McDade
- McHugh
- McInnis
- McKeon
- Metcalf
- Mica
- Norwood
- Ortiz
- Oxley
- Packard
- Young (AK)

NAYS—302

- Abercrombie
- Ackerman
- Aderholt
- Allen
- Andrews
- Bachus
- Baessler
- Baldacci
- Barcia
- Barrett (WI)
- Bartlett
- Bass
- Becerra
- Bentsen
- Berman
- Berry
- Billbray
- Bilirakis
- Bishop
- Blagojevich
- Blumenauer
- Boehlert
- Bonior
- Borski
- Boswell
- Boucher
- Boyd
- Brady (PA)
- Brown (CA)
- Brown (FL)
- Brown (OH)
- Burr
- Camp
- Campbell
- Canady
- Capps
- Cardin
- Carson
- Castle
- Chabot
- Chenoweth
- Clay
- Clayton
- Clement
- Clyburn
- Coburn
- Condit
- Conyers
- Costello
- Coyne
- Cramer
- Crapo
- Cummings
- Cunningham
- Danner
- Davis (FL)
- Davis (IL)
- Davis (VA)
- DeFazio
- DeGette
- Delahunt
- DeLauro
- Deutsch
- Diaz-Balart
- Dicks
- Dixon
- Doggett
- Dooley
- Doyle
- Edwards
- Ehlers
- Ehrlich
- Emerson
- Engel
- English
- Ensign
- Eshoo
- Etheridge
- Evans
- Everett
- Ewing
- Farr
- Fattah
- Fawell
- Filner
- Foley
- Forbes
- Ford
- Fossella
- Fox
- Frank (MA)
- Franks (NJ)
- Frost
- Furse
- Ganske
- Gejdenson
- Gephardt
- Gilchrest
- Gilman
- Gonzalez
- Goode
- Goodlatte
- Gordon
- Goss
- Graham
- Green
- Greenwood
- Gutierrez
- Gutknecht
- Hall (OH)
- Hamilton
- Harman
- Hastings (FL)
- Hilliard
- Hinchey
- Hinojosa
- Hobson
- Hoekstra
- Holden
- Hooley
- Horn
- Hostettler
- Houghton
- Hoyer
- Hulshof
- Hutchinson
- Hyde
- Inglis
- Jackson (IL)
- Jackson-Lee (TX)
- Jefferson
- John
- Johnson (CT)
- Johnson (WI)
- Johnson, E. B.
- Jones
- Kanjorski
- Kaptur
- Kasich
- Kelly
- Kennedy (RI)
- Kildee
- Kilpatrick
- Kind (WI)
- King (NY)
- Kleccka
- Klink
- Klug
- Kucinich
- LaHood
- Lampson
- Lantos
- Largent
- Latham
- LaTourette
- Lazio
- Leach
- Lee
- Levin
- Lewis (GA)
- LoBiondo
- Lofgren
- Lowey
- Luther
- Maloney (NY)
- Manton
- Manzullo
- Markey
- Martinez
- Mascara
- Matsui
- McCarthy (MO)
- McCarthy (NY)
- McDermott
- McGovern
- McHale
- McIntosh
- McIntyre
- McKinney
- McNulty
- Meehan
- Meek (FL)
- Meeks (NY)
- Menendez
- Millender-McDonald
- Miller (CA)
- Miller (FL)
- Minge
- Mink
- Moakley
- Mollohan
- Moran (KS)
- Moran (VA)
- Morella
- Murtha
- Myrick
- Nadler
- Neal
- Nethercutt
- Neumann
- Ney
- Northup
- Nussle
- Oberstar
- Obey
- Olver
- Owens
- Pallone
- Pappas
- Pascrell
- Pastor
- Paul
- Payne
- Pease
- Pelosi
- Peterson (MN)
- Peterson (PA)
- Petri
- Pickett
- Pombo
- Pomeroy
- Porter
- Portman
- Price (NC)
- Quinn
- Rahall
- Ramstad
- Rangel
- Reyes
- Riggs
- Rivers
- Rodriguez
- Roemer
- Rogan
- Rohrabacher
- Rothman
- Roybal-Allard
- Rush
- Ryun
- Sabo
- Sanchez
- Sanders
- Sandlin
- Sanford
- Sawyer
- Saxton
- Scarborough
- Schumer
- Scott
- Sensenbrenner
- Serrano
- Shaw
- Shays
- Sherman
- Shimkus
- Sisisky
- Skaggs
- Skelton
- Slaughter
- Smith (MI)
- Smith (NJ)
- Smith, Adam
- Smith, Linda
- Snyder
- Spratt
- Stabenow
- Stark
- Stearns
- Stokes
- Strickland
- Stupak
- Sununu
- Talent
- Tanner
- Tauscher
- Taylor (MS)
- Thompson
- Thurman
- Tiahrt
- Tierney
- Torres
- Towns
- Trafficant
- Turner
- Upton
- Velazquez
- Vento
- Visclosky
- Walsh
- Waters
- Watt (NC)
- Waxman
- Wexler
- Weygand
- White
- Whitfield
- Wise
- Wolf
- Woolsey
- Wynn
- Yates
- Young (FL)

NOT VOTING—9

- Fazio
- Gekas
- Hefner
- Kennedy (MA)
- Kennelly
- LaFalce
- McCrery
- Poshard
- Pryce (OH)

So the bill was not passed.

A motion to reconsider the vote whereby said bill was not passed was, by unanimous consent, laid on the table.

104.14 SUBMISSION OF CONFERENCE REPORT—H.R. 4104

Mr. KOLBE submitted a conference report (Rept. No. 105-789) on the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

104.15 ANTIMICROBIAL REGULATION

Mr. BLILEY moved to suspend the rules and pass the bill (H.R. 4679) to amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such Act, and for other purposes.

The SPEAKER pro tempore, Mr. NEY, recognized Mr. BLILEY and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. NEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶104.16 BORDER SMOG REDUCTION

Mr. BLILEY moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 8) to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicles emissions, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Smog Reduction Act of 1998".

SEC. 2. AMENDMENT OF CLEAN AIR ACT.

Section 183 of the Clean Air Act (42 U.S.C. 7511b) is amended by adding at the end the following:

"(h) VEHICLES ENTERING OZONE NONATTAINMENT AREAS.—

"(1) AUTHORITY REGARDING OZONE INSPECTION AND MAINTENANCE TESTING.—

"(A) IN GENERAL.—No noncommercial motor vehicle registered in a foreign country and operated by a United States citizen or by an alien who is a permanent resident of the United States, or who holds a visa for the purposes of employment or educational study in the United States, may enter a covered ozone nonattainment area from a foreign country bordering the United States and contiguous to the nonattainment area more than twice in a single calendar-month period, if State law has requirements for the inspection and maintenance of such vehicles under the applicable implementation plan in the nonattainment area.

"(B) APPLICABILITY.—Subparagraph (A) shall not apply if the operator presents documentation at the United States border entry point establishing that the vehicle has complied with such inspection and maintenance requirements as are in effect and are applicable to motor vehicles of the same type and model year.

"(2) SANCTIONS FOR VIOLATIONS.—The President may impose and collect from the operator of any motor vehicle who violates, or attempts to violate, paragraph (1) a civil penalty of not more than \$200 for the second violation or attempted violation and \$400 for the third and each subsequent violation or attempted violation.

"(3) STATE ELECTION.—The prohibition set forth in paragraph (1) shall not apply in any State that elects to be exempt from the prohibition. Such an election shall take effect upon the President's receipt of written notice from the Governor of the State notifying the President of such election.

"(4) ALTERNATIVE APPROACH.—The prohibition set forth in paragraph (1) shall not apply in a State, and the President may implement an alternative approach, if—

"(A) the Governor of the State submits to the President a written description of an alternative approach to facilitate the compliance, by some or all foreign-registered motor vehicles, with the

motor vehicle inspection and maintenance requirements that are—

"(i) related to emissions of air pollutants;

"(ii) in effect under the applicable implementation plan in the covered ozone nonattainment area; and

"(iii) applicable to motor vehicles of the same types and model years as the foreign-registered motor vehicles; and

"(B) the President approves the alternative approach as facilitating compliance with the motor vehicle inspection and maintenance requirements referred to in subparagraph (A).

"(5) DEFINITION OF COVERED OZONE NONATTAINMENT AREA.—In this section, the term 'covered ozone nonattainment area' means a Serious Area, as classified under section 181 as of the date of enactment of this subsection."

SEC. 3. GENERAL PROVISIONS.

(a) IN GENERAL.—The amendment made by section 2 takes effect 180 days after the date of enactment of this Act. Nothing in that amendment shall require action that is inconsistent with the obligations of the United States under any international agreement.

(b) INFORMATION.—As soon as practicable after the date of enactment of this Act, the appropriate agency of the United States shall distribute information to publicize the prohibition set forth in the amendment made by section 2.

SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the impact of the amendment made by section 2.

(b) CONTENTS OF STUDY.—The study under subsection (a) shall compare—

(1) the potential impact of the amendment made by section 2 on air quality in ozone nonattainment areas affected by the amendment; with

(2) the impact on air quality in those areas caused by the increase in the number of vehicles engaged in commerce operating in the United States and registered in, or operated from, Mexico, as a result of the implementation of the North American Free Trade Agreement.

(c) REPORT.—Not later than July 1, 1999, the Comptroller General of the United States shall submit to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the findings of the study under subsection (a).

The SPEAKER pro tempore, Mr. NEY, recognized Mr. BLILEY and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. NEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment was agreed to was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶104.17 CHILD ONLINE PROTECTION

Mr. TAUZIN moved to suspend the rules and pass the bill (H.R. 3783) to amend section 223 of the Communications Act of 1934 to require persons who are engaged in the business of selling or transferring, by means of the World

Wide Web, material that is harmful to minors to restrict access to such material by minors, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. NEY, recognized Mr. TAUZIN and Mr. MARKEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. NEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to amend the Communications Act of 1934 to require persons who are engaged in the business of distributing, by means of the World Wide Web, material that is harmful to minors to restrict access to such material by minors, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶104.18 FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. 505. An Act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 2561. An Act to amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.

¶104.19 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 4104

Mr. MCINNIS, by direction of the Committee on Rules, reported (Rept. No. 105-790) the resolution (H. Res. 579) waiving points of order against consideration of the conference report on the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶104.20 PROVIDING FOR CONSIDERATION OF H.J. RES. 131 AND WAIVING CERTAIN ENROLLMENT REQUIREMENTS FOR THE REMAINDER OF THE 105TH CONGRESS

Mr. MCINNIS, by direction of the Committee on Rules, reported (Rept. No. 105-791) the resolution (H. Res. 580)

providing for consideration of the joint resolution (H. J. Res. 131) waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

When said resolution and report were referred to the House Calendar and ordered printed.

¶104.21 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 4104

Mr. MCINNIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 579):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

On motion of Mr. MCINNIS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

Mr. MOAKLEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 231
Nays 194

¶104.22 [Roll No. 490] YEAS—231

| | | |
|--------------|-------------|---------------|
| Aderholt | Castle | Foley |
| Archer | Chabot | Forbes |
| Army | Chambliss | Fossella |
| Bachus | Chenoweth | Fowler |
| Baker | Christensen | Fox |
| Ballenger | Coble | Franks (NJ) |
| Barcia | Coburn | Frelinghuysen |
| Barr | Collins | Galleghy |
| Barrett (NE) | Combest | Ganske |
| Bartlett | Cook | Gekas |
| Barton | Cooksey | Gibbons |
| Bass | Costello | Gilchrest |
| Bateman | Cox | Gillmor |
| Bereuter | Crane | Gilman |
| Bilirakis | Crapo | Goode |
| Bliley | Cubin | Goodlatte |
| Blunt | Cunningham | Goodling |
| Boehlert | Davis (VA) | Goss |
| Boehner | Deal | Graham |
| Bonilla | DeLay | Granger |
| Bono | Dickey | Greenwood |
| Brady (TX) | Doolittle | Gutknecht |
| Bryant | Dreier | Hall (TX) |
| Bunning | Duncan | Hansen |
| Burr | Dunn | Hastert |
| Burton | Ehlers | Hastings (WA) |
| Buyer | Ehrlich | Hayworth |
| Callahan | Emerson | Hefley |
| Calvert | English | Herger |
| Camp | Ensign | Hill |
| Campbell | Everett | Hilleary |
| Canady | Ewing | Hobson |
| Cannon | Fawell | Hoekstra |

| | | |
|--------------|---------------|---------------|
| Horn | Metcalf | Schaefer, Dan |
| Hostettler | Mica | Schaffer, Bob |
| Houghton | Miller (FL) | Sensenbrenner |
| Hulshof | Mollohan | Sessions |
| Hunter | Moran (KS) | Shadegg |
| Hutchinson | Myrick | Shaw |
| Hyde | Neal | Shimkus |
| Inglis | Nethercutt | Shuster |
| Istook | Neumann | Skeen |
| Jenkins | Ney | Smith (MI) |
| John | Northup | Smith (NJ) |
| Johnson (CT) | Norwood | Smith (OR) |
| Johnson, Sam | Nussle | Smith (TX) |
| Jones | Oxley | Smith, Linda |
| Kasich | Packard | Snowbarger |
| Kildee | Pappas | Solomon |
| Kim | Parker | Souder |
| King (NY) | Paul | Spence |
| Kingston | Paxon | Stearns |
| Klug | Pease | Stump |
| Knollenberg | Peterson (PA) | Sununu |
| Kolbe | Petri | Talent |
| Kucinich | Pickering | Tauzin |
| LaHood | Pitts | Taylor (MS) |
| Lampson | Pombo | Taylor (NC) |
| Largent | Porter | Thomas |
| Latham | Portman | Thornberry |
| LaTourette | Quinn | Thune |
| Lazio | Radanovich | Tiahrt |
| Leach | Rahall | Turner |
| Lewis (CA) | Ramstad | Upton |
| Lewis (KY) | Redmond | Walsh |
| Linder | Regula | Wamp |
| Lipinski | Riggs | Watkins |
| Livingston | Riley | Watts (OK) |
| LoBiondo | Rogan | Weldon (FL) |
| Lucas | Rogers | Weldon (PA) |
| Manzullo | Rohrabacher | White |
| McColum | Roukema | Whitfield |
| McDade | Royce | Wicker |
| McHugh | Ryun | Wilson |
| McInnis | Salmon | Wolf |
| McIntosh | Sanford | Young (AK) |
| McKeon | Scarborough | Young (FL) |

NAYS—194

| | | |
|--------------|----------------|---------------|
| Abercrombie | Evans | Mascara |
| Ackerman | Farr | Matsui |
| Allen | Fattah | McCarthy (MO) |
| Andrews | Fazio | McCarthy (NY) |
| Baesler | Filner | McDermott |
| Baldacci | Ford | McGovern |
| Barrett (WI) | Frank (MA) | McHale |
| Becerra | Frost | McIntyre |
| Bentsen | Furse | McKinney |
| Berman | Gejdenson | McNulty |
| Berry | Gephardt | Meehan |
| Bilbray | Gonzalez | Meek (FL) |
| Bishop | Gordon | Meeks (NY) |
| Blagojevich | Green | Menendez |
| Blumenauer | Gutierrez | Millender- |
| Bonior | Hall (OH) | McDonald |
| Borski | Hamilton | Miller (CA) |
| Boswell | Harman | Minge |
| Boyd | Hastings (FL) | Mink |
| Brady (PA) | Hefner | Moakley |
| Brown (CA) | Hilliard | Moran (VA) |
| Brown (FL) | Hinchey | Morella |
| Brown (OH) | Hinojosa | Murtha |
| Capps | Holden | Nadler |
| Cardin | Hooley | Oberstar |
| Carson | Hoyer | Obey |
| Clay | Jackson (IL) | Olver |
| Clayton | Jackson-Lee | Ortiz |
| Clement | (TX) | Owens |
| Clyburn | Jefferson | Pallone |
| Condit | Johnson (WI) | Pascrell |
| Conyers | Johnson, E. B. | Pastor |
| Coyne | Kanjorski | Payne |
| Cramer | Kaptur | Pelosi |
| Cummings | Kelly | Peterson (MN) |
| Danner | Kennedy (MA) | Pickett |
| Davis (FL) | Kennedy (RI) | Pomeroy |
| Davis (IL) | Kilpatrick | Price (NC) |
| DeFazio | Kind (WI) | Rangel |
| DeGette | Kleczka | Reyes |
| Delahunt | Klink | Rivers |
| DeLauro | LaFalce | Rodriguez |
| Deutsch | Lantos | Roemer |
| Diaz-Balart | Lee | Ros-Lehtinen |
| Dicks | Levin | Rothman |
| Dingell | Lewis (GA) | Roybal-Allard |
| Dixon | Lofgren | Rush |
| Doggett | Lowe | Sabo |
| Dooley | Luther | Sanchez |
| Doyle | Maloney (CT) | Sanders |
| Edwards | Maloney (NY) | Sandlin |
| Engel | Manton | Sawyer |
| Eshoo | Markey | Schumer |
| Etheridge | Martinez | Scott |

| | | |
|-------------|------------|-----------|
| Serrano | Stenholm | Velazquez |
| Shays | Stokes | Vento |
| Sherman | Strickland | Visclosky |
| Sisisky | Stupak | Waters |
| Skaggs | Tanner | Watt (NC) |
| Skelton | Tauscher | Wexler |
| Slaughter | Thompson | Weygand |
| Smith, Adam | Thurman | Wise |
| Snyder | Tierney | Woolsey |
| Spratt | Torres | Wynn |
| Stabenow | Towns | |
| Stark | Traficant | |

NOT VOTING—9

| | | |
|----------|------------|--------|
| Boucher | Poshard | Waxman |
| Kennelly | Pryce (OH) | Weller |
| McCrery | Saxton | Yates |

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶104.23 TREASURY, POSTAL SERVICE APPROPRIATIONS FOR FY-1999

Mr. KOLBE, pursuant to House Resolution 579, called up the following conference report (Rept. No. 105-789):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4104) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, 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 Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed \$2,900,000 for official travel expenses; not to exceed \$150,000 for official reception and representation expenses; not to exceed \$258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, \$123,151,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than \$6,560,800: Provided further, That the Department is authorized to charge both direct and indirect costs to the Office of Foreign Assets Control in the implementation of this floor: Provided further, That the methodology for applying such charges will be the same method used in developing the Departmental Offices Fiscal Year 1999 President's Budget Justification to the Congress.

AUTOMATION ENHANCEMENT

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury,

\$28,690,000: Provided, That these funds shall remain available until September 30, 2000: Provided further, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems: Provided further, That \$6,000,000 of the funds appropriated for the Customs Modernization project may not be transferred to the United States Customs Service or obligated until the Treasury's Chief Information Officer, through the Treasury Investment Review Board, concurs on the plan and milestone schedule for the deployment of the system: Provided further, That \$6,000,000 of the funds made available for the Customs Modernization project may not be obligated for any major system investments prior to the development of an architecture which is compliant with the Treasury Information Systems Architecture Framework (TISAF) and the establishment of measures to enforce compliance with the architecture.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed \$2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$30,678,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, \$27,000,000, to remain available until expended: Provided, That none of the funds provided shall be available for obligation until September 30, 1999.

FINANCIAL CRIMES ENFORCEMENT NETWORK
SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$24,000,000: Provided, That funds appropriated in this account may be used to procure personal services contracts.

VIOLENT CRIME REDUCTION PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103-322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(1) As authorized by section 19001(e), \$119,000,000; of which \$3,000,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms for administering the Gang Resistance Education and Training program; of which \$1,400,000 shall be available to the Financial Crimes Enforcement Network; of which \$22,628,000 shall be available to the United States Secret Service, including \$6,700,000 for vehicle replacement, \$5,000,000 for investigations of counterfeiting, \$7,732,000 for the 2000 candidate/nominee protection program, and \$3,196,000 for forensic and related support of investigations of missing and exploited children, of which \$1,196,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended; of which \$65,472,000 shall be available for the United States Customs Service, including

\$54,000,000 for narcotics detection technology, \$9,500,000 for the passenger processing initiative, \$972,000 for construction of canopies for inspection of outbound vehicles along the Southwest border, and \$1,000,000 for technology investments related to the Cyber-Smuggling Center; of which \$2,500,000 shall be available to the Office of National Drug Control Policy, including \$1,000,000 for Model State Drug Law Conferences, and \$1,500,000 to expand the Milwaukee, Wisconsin High Intensity Drug Trafficking Area; and of which \$24,000,000 shall be available for Interagency Crime and Drug Enforcement;

(2) As authorized by section 32401, \$13,000,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: Provided, That notwithstanding sections 32401 and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER
SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed \$2 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed \$9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, \$71,923,000, of which up to \$13,843,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2001: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: (1) training United States Postal Service law enforcement personnel and Postal police officers; (2) State and local government law enforcement training on a space-available basis; (3) training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104-32; (4) training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and (5) travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the

end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS,
AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, \$34,760,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary for the detection and investigation of individuals involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, \$51,900,000, of which \$7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$196,490,000, of which not to exceed \$13,235,000 shall remain available until September 30, 2001, for information systems modernization initiatives.

FEDERAL FINANCING BANK

For liquidation of certain debts to the United States Treasury incurred by the Federal Financing Bank pursuant to section 9(b) of the Federal Financing Bank Act of 1973, \$3,317,960,000.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed \$15,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement, \$541,574,000, of which \$2,206,000 shall not be available for obligation until September 30, 1999; of which \$27,000,000 may be used for the Youth Crime Gun Interdiction Initiative; of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which \$1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: Provided, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 1999: Provided further, That of the

funds made available, \$4,500,000 shall be made available for the expansion of the National Tracing Center: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed \$40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, \$1,642,565,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed \$150,000 shall be available for payment for rental space in connection with pre-clearance operations, not to exceed \$4,000,000 shall be available until expended for research, not to exceed \$5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081, and up to \$8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That of the amount provided, an additional \$2,400,000 shall be made available for staffing and resources for the child pornography cyber-smuggling initiative: Provided further, That \$500,000 shall be available to fund the expansion of services at the Vermont World Trade Office: Provided further, That not to exceed \$2,500,000 shall be available until expended for relocation of the Customs Air Branch from Belle Chase, Louisiana, to Hammond, Louisiana: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be \$30,000: Provided further, That of the amount provided, \$9,500,000 shall not be available for obligation until September 30, 1999.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: (1) the interdiction of narcotics and other goods; (2) the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and (3) at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$113,688,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 1999 without the prior approval of the Committees on Appropriations.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103-182, \$3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$176,500,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until September 30, 2001, for information systems modernization initiatives: Provided, That the sum appropriated herein from the General Fund for fiscal year 1999 shall be reduced by not more than \$4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at \$172,100,000, and in addition, \$20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 102 of Public Law 101-380: Provided further, That notwithstanding any other provisions of law, effective upon enactment and thereafter, the Bureau of the Public Debt shall be fully and directly reimbursed by the funds described in section 104 of Public Law 101-136 (103 Stat. 789) for costs and services performed by the Bureau in the administration of such funds.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; programs to match information returns and tax returns; management services; rent and utilities; and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$3,086,208,000, of which up to \$3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed \$25,000 shall be for official reception and representation expenses: Provided, That of the amount provided, \$105,000,000 shall remain

available until expended for postage and shall not be obligated before September 30, 1999: Provided further, That, pursuant to 39 U.S.C. 3206(a), funds shall continue to be provided to the United States Postal Service for postage due: Provided further, That of the amount provided, \$25,000,000 shall not be available for obligation until September 30, 1999.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$3,164,189,000.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105-33), \$143,000,000, of which not to exceed \$10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$1,265,456,000, which shall remain available until September 30, 2000, and of which \$103,000,000 shall be available only for improvements to customer service.

INFORMATION TECHNOLOGY INVESTMENTS

For necessary expenses of the Internal Revenue Service, \$211,000,000, to remain available until September 30, 2002, for the capital asset acquisition of information technology systems, including management and related contractual costs of such acquisition, and including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds is available for obligation until September 30, 1999: Provided further, That none of these funds shall be obligated until the Internal Revenue Service and the Department of the Treasury submit to Congress for approval, a plan for expenditure that: (1) implements the Internal Revenue Service's Modernization Blueprint submitted to Congress on May 15, 1997; (2) meets the information systems investment guidelines established by the Office of Management and Budget and in the fiscal year 1998 budget; (3) is reviewed and approved by the Office of Management and Budget, the Department of the Treasury's IRS Management Board, and is reviewed by the General Accounting Office; (4) meets the requirements of the May 15, 1997 Internal Revenue Service's Systems Life Cycle program; and (5) is in compliance with acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in

taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide, as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 105. The Internal Revenue Service shall institute and enforce policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 106. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide a sufficient and effective 1-800 help line for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

SEC. 107. Notwithstanding any other provision of law, no reorganization of the field office structure of the Internal Revenue Service Criminal Investigators Division will result in a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

UNITED STATES SECRET SERVICE SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 739 vehicles for police-type use, of which 675 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed \$20,000 for official reception and representation expenses; not to exceed \$50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, \$600,302,000: Provided, That \$18,000,000 provided for protective travel shall remain available until September 30, 2000: Provided further, That of the amount provided, \$5,000,000 shall not be available for obligation until September 30, 1999.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, \$8,068,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1999, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1999 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "the explosive in a fixed shotgun shell" and inserting "an explosive";

(2) in paragraph (7), by striking "the explosive in a fixed metallic cartridge" and inserting "an explosive"; and

(3) by striking paragraph (16) and inserting the following:

"(16) The term 'antique firearm' means—

"(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

"(B) any replica of any firearm described in subparagraph (A) if such replica—

"(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

"(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

"(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term 'antique firearm' shall not include any

weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof."

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with the vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. EXCEPTION TO IMMUNITY FROM ATTACHMENT OR EXECUTION. (a) Section 1610 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(f)(1)(A) Notwithstanding any other provision of law, including but not limited to section 208(f) of the Foreign Missions Act (22 U.S.C. 4308(f)), and except as provided in subparagraph (B), any property with respect to which financial transactions are prohibited or regulated pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701-1702), or any other proclamation, order, regulation, or license issued pursuant thereto, shall be subject to execution or attachment in aid of execution of any judgment relating to a claim for which a foreign state (including any agency or instrumentality or such state) claiming such property is not immune under section 1605(a)(7).

"(B) Subparagraph (A) shall not apply if, at the time the property is expropriated or seized by the foreign state, the property has been held in title by a natural person or, if held in trust, has been held for the benefit of a natural person or persons.

"(2)(A) At the request of any party in whose favor a judgment has been issued with respect to a claim for which the foreign state is not immune under section 1605(a)(7), the Secretary of the Treasury and the Secretary of State shall fully, promptly, and effectively assist any judgment creditor or any court that has issued any such judgment in identifying, locating, and executing against the property of that foreign state or any agency or instrumentality of such state.

"(B) In providing such assistance, the Secretaries—

"(i) may provide such information to the court under seal; and

"(ii) shall provide the information in a manner sufficient to allow the court to direct the United States Marshall's office to promptly and effectively execute against that property."

(b) CONFORMING AMENDMENT.—Section 1606 of title 28, United States Code, is amended by inserting after "punitive damages" the following: "except any action under section 1605(a)(7) or 1610(f)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of the enactment of this Act.

(d) WAIVER.—The President may waive the requirements of this section in the interest of national security.

This title may be cited as the "Treasury Department Appropriations Act, 1999".

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$71,195,000, which shall remain available until September 30, 2000: Provided, That none of the funds provided shall be available for obligation until October 1, 1999: Provided further, That mail for overseas voting and mail for the blind shall continue to

be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1999.

This title may be cited as the "Postal Service Appropriations Act, 1999".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$250,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, \$52,344,000: Provided, That \$10,100,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$8,061,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114: Provided, That such amount shall not be available for expenses for domestic staff overtime.

In addition, for necessary expenses for domestic staff overtime, \$630,000: Provided, That such amount shall not become available for obligation until the Comptroller General of the United States notifies the Committees on Appropriations that: (1) the Executive Office of the President has received, reviewed, and commented on the draft report of the General Accounting Office with respect to its audit of the Executive Residence at the White House; and (2) the General Accounting Office has received the comments of the Executive Office of the President.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the

Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$3,512,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS) LIGHTING, INCLUDING ELECTRIC POWER AND FIXTURES, OF THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT; THE HIRE OF PASSENGER MOTOR VEHICLES; AND NOT TO EXCEED \$90,000 FOR OFFICIAL ENTERTAINMENT EXPENSES OF THE VICE PRESIDENT, TO BE ACCOUNTED FOR SOLELY ON HIS CERTIFICATE, \$334,000: provided, that advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$3,666,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, \$6,806,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$28,350,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget (OMB), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$60,617,000, of which not to exceed \$5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: Provided further, That the Director of OMB amends Section ____36 of OMB Circular A-110 to require Federal awarding agencies to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act: Provided further, That if the agency obtaining the data does so solely at the request of a private party, the agency may authorize a reasonable user fee equaling the incremental cost of obtaining the data: Provided further, That OMB is directed to submit a report by March 31, 1999, to the Committees on Appropriations, the Senate Committee on Governmental Affairs, and the House Committee on Government Reform and Oversight that: (1) identifies specific paperwork reduction accomplishments expected, constituting annual 5 percent reductions in paperwork expected in fiscal year 1999 and fiscal year 2000; and (2) issues guidance on the requirements of 5 U.S.C. Sec. 801(a)(1) and (3); sections 804(3), and 808(2), including a standard new rule reporting form for use under section 801(a)(1)(A) and (B).

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed \$8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$48,042,000, of which \$30,100,000 shall remain available until expended, consisting of \$1,100,000 for policy research and evaluation, and \$16,000,000 for the

Counterdrug Technology Assessment Center for counternarcotics research and development projects, and \$13,000,000 for the continued operation of the technology transfer program: Provided, That the \$16,000,000 for the Counterdrug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: Provided further, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS
HIGH INTENSITY DRUG TRAFFICKING AREAS
PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$182,477,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That funding shall be provided for existing High Intensity Drug Trafficking Areas at no less than the total fiscal year 1998 level consisting of funding from this account as well as the Violent Crime Reduction Trust Fund.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 100-690, as amended, \$214,500,000, to remain available until expended: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the funds provided, \$185,000,000 shall be to support a national media campaign to reduce and prevent drug use among young Americans: Provided further, That none of the funds provided for the support of a national media campaign may be obligated for the following purposes: to supplant current anti-drug community based coalitions; to supplant current pro bono public service time donated by national and local broadcasting networks; for partisan political purposes; or to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet-level officials, or other Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213, absent advance notice to the Committees on Appropriations and the Senate Judiciary Committee: Provided further, That: (1) the Office of National Drug Control Policy (ONDCP) will require a pro bono match commitment up-front as part of its media buy from each and every seller of ad time and space; (2) ONDCP, or any agent acting on its behalf, may not obligate any funds for the creative development of advertisements from for-profit organizations, not including out-of-pocket production costs and talent re-use payments, unless: (A) the advertisements are intended to reach a minority, ethnic or other special audience that cannot be obtained on a pro bono basis within the time frames required by ONDCP's advertising and buying agencies; and (B) ONDCP receives prior approval from the Committees on Appropriations; (3) ONDCP will submit within 3 months of the enactment of this Act an implementation plan to the Committees on Appropriations to secure corporate sponsorship equaling 40 percent of the appropriated amount in fiscal year 1999, the definition of which is a contribution that is not received as a result of leveraging funds to receive said sponsorship, corporate sponsorship equaling 60 percent of the appropriated amount in fiscal year 2000, corporate sponsorship equaling 80 percent of the appropriated amount in fiscal year 2001, corporate sponsorship equaling 100 percent of the appropriated amount in fiscal year 2002; (4)

the funds provided for the support of a national media campaign may be used to fund the purchase of media time and space, talent re-use payments, out-of-pocket advertising production costs, testing and evaluation of advertising, evaluation of the effectiveness of the media campaign, the negotiated fees for the winning bidder on the request for proposal recently issued by ONDCP, partnership with community, civic, and professional groups, and Government organizations related to the media campaign, entertainment industry collaborations to fashion anti-drug messages in movies, television programming, and popular music, interactive (Internet and new) media projects/activities, public information (News Media Outreach), and corporate sponsorship/participation; (5) ONDCP shall not obligate funds provided for the national media campaign for fiscal year 1999 until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Committees on Appropriations, and may obligate not more than 75 percent of these funds until ONDCP has submitted the evaluation and results of Phase II of the campaign to the Committees on Appropriations; and (6) ONDCP is required to report to the Committees on Appropriations not only quarterly, but also to provide monthly itemized reports of all expenditures and obligations relating to the media campaign as well as the specific parameters of the national media campaign, and shall report to Congress within 1 year on the effectiveness of the national media campaign based upon the measurable outcomes provided to Congress previously: Provided further, That of the funds provided, \$4,500,000 shall be available for transfer to the Agricultural Research Service for anti-drug research and related matters: Provided further, That of the funds provided, \$20,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: Provided further, That of the funds provided, \$5,000,000 shall be available for the chronic users study.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, \$1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1999".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO
ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28, \$2,464,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, \$36,500,000, of which no less than \$4,402,500 shall be available for internal automated data processing systems, and of which not to exceed \$5,000 shall be available for reception and representation expenses: Provided, That of the amounts appropriated for salaries and expenses, \$1,120,000 may not be obligated until the Federal Election Commission submits a plan for approval to the House Committee on Appropriations for the expenditure of such funds.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and

elsewhere, \$22,586,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), \$450,018,000 to be deposited into the Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$5,605,018,000, of which: (1) \$492,190,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New construction:

Arkansas:
Little Rock, U.S. courthouse, \$3,436,000

California:
San Diego, U.S. courthouse, \$15,400,000
San Jose, U.S. courthouse, \$10,800,000

Colorado:
Denver, U.S. courthouse, \$83,959,000
District of Columbia:
Southeast Federal Center remediation, \$10,000,000

Florida:
Jacksonville, U.S. courthouse, \$86,010,000
Orlando, U.S. courthouse, \$1,930,000

Massachusetts:
Springfield, U.S. courthouse, \$5,563,000

Michigan:
Sault Sainte Marie, border station, \$572,000

Mississippi:
Biloxi-Gulfport, U.S. courthouse, \$7,543,000

Missouri:
Cape Girardeau, U.S. courthouse, \$2,196,000

Montana:
Babb, Piegan border station, \$6,165,000

New York:
Brooklyn, U.S. courthouse, \$152,626,000
New York, U.S. Mission to the United Nations, \$3,163,000

Oregon:

Eugene, U.S. courthouse, \$7,190,000
 Tennessee:
 Greenville, U.S. courthouse, \$28,229,000
 Texas:
 Laredo, U.S. courthouse, \$28,105,000
 West Virginia:
 Wheeling, U.S. courthouse, \$29,303,000
 Nationwide:
 Non-prospectus, \$10,000,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That notwithstanding any other provision of law in order to rescind a General Services Administration property sale, the General Services Administration is authorized to re-acquire that parcel of land on Block 111, East Denver, Denver, Colorado, which was sold at public auction by the Federal Government to its present owner pursuant to paragraphs (6) and (7) of section 12 of Public Law 94-204 (43 U.S.C. 1611 note) at a price equivalent to the 1988 auction sale price plus the amount of cumulative consumer price index, pursuant to the methodology as used in Public Law 104-42, Sec. 107(a), from the closing date of the sale until the date of re-acquisition by the Federal Government, offset by any net income received from the property by the present owner since the 1988 sale: Provided further, That the funds provided in Public Law 102-393 for Hilo, Hawaii, shall be expended for the planning and design of the Mauna Kea Astronomy Educational Center, notwithstanding Public Law 103-123, and of the funds provided not more than \$475,000 is to be disbursed in this fiscal year: Provided further, That all funds for direct construction projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the funds provided for non-prospectus construction projects, \$2,100,000 shall be available until expended for acquisition, lease, construction, and equipping of flexiplace telecommuting centers: Provided further, That from the funds made available under this heading in this or prior Acts of Congress, the Administrator of General Services may purchase at a price he determines appropriate, notwithstanding any other provision of law, property adjacent to the new courthouse currently under construction in Scranton, Pennsylvania; and (2) \$668,031,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services: Provided further, That of the amount provided, \$161,500,000 shall not be available for obligation until September 30, 1999: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and alterations:

California:
 San Francisco, Appraisers Building, \$29,778,000
 Colorado:
 Lakewood, Denver Federal Center, Building 25, \$29,351,000
 District of Columbia:
 Federal Office Building, 10B, \$13,844,000
 Interstate Commerce Commission, Connecting Wing Complex, Customs Building, Phase 3/3, \$83,959,000
 Old Executive Office Building, \$25,210,000
 Department of State, Phase I, \$29,779,000
 New York:
 Brookhaven, Internal Revenue Service, Service Center, \$20,019,000
 New York, U.S. Courthouse, 40 Foley Square, \$4,782,000

Pennsylvania:
 Philadelphia, Byrne-Green, Federal Building-U.S. Courthouse, \$11,212,000
 Virginia:
 Reston, J.W. Powell Building, \$9,151,000
 Nationwide:
 Chlorofluorocarbons Program, \$25,000,000
 Energy Program, \$25,000,000
 Design Program, \$16,710,000
 Basic Repairs and Alteration, \$344,236,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the re-programming guidelines of the appropriate committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the amount provided, \$100,000 shall be used to address the lighting issues at the Byrne-Green Federal Courthouse in Philadelphia, Pennsylvania: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, \$1,600,000 shall be provided to complete the alterations required at the Milwaukee, Wisconsin Courthouse: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, \$1,100,000 may be used to provide a new fence surrounding the Suitland Federal Complex in Suitland, Maryland: Provided further, That \$5,700,000 of the funds provided under this heading in Public Law 103-329 for the Holtsville, New York, IRS Service Center shall remain available until September 30, 1999: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects: (3) \$215,764,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$2,583,261,000 for rental of space which shall remain available until expended: Provided further, That of the amount provided, \$15,000,000 shall not be available for obligation until September 30, 1999; and (5) \$1,554,772,000 for building operations which shall remain available until expended: Provided further, That of the amount provided \$68,000,000 shall not be available for obligation until September 30, 1999: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That for the purposes of this authorization, and hereafter, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with

the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That the remaining balances and associated assets and liabilities of the Pennsylvania Avenue Activities account are hereby transferred to the Federal Buildings Fund to be effective October 1, 1998, and that all income earned after that effective date that would otherwise have been deposited to the Pennsylvania Avenue Activities account shall thereafter be deposited to the Federal Buildings Fund, to be available for the purposes authorized by Public Laws 104-134 and 104-208, notwithstanding subsection 210(f)(2) of the Federal Property and Administrative Services Act, as amended: Provided further, That of the amount provided, \$475,000 shall be made available for the 1999 Women's World Cup Soccer event: Provided further, That of the amount provided, \$600,000 shall be made available for the 1999 World Alpine Ski Championships: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 1999, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of \$5,605,018,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed \$5,000 for official reception and representation expenses; \$109,594,000: Provided, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: Provided further, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment

and Public Works: Provided further, That \$100,000 is provided to the property disposal activity for the Racine, Wisconsin, property transfer identified in General Services Administration General Provision section 409.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, \$32,000,000: Provided, That not to exceed \$10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, \$2,241,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1999 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2000 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2000 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104-106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund Limitations on Revenue", claims against the Govern-

ment of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. From the funds made available under the heading "Federal Buildings Fund Limitations on Revenue", in addition to amounts provided in budget activities above, up to \$5,000,000 shall be available for the demolition, cleanup and conveyance of the property at block 35 and lot 2 of block 36 in Anchorage, Alaska: Provided, That notwithstanding any other provision of law, the Administrator of General Services shall, not later than 18 months after the date of the enactment of this Act, demolish and remove all buildings, structures and other fixtures on the property at block 35 and lot 2 of block 36, Anchorage Original Townsite East Addition, Anchorage, Alaska, excluding any portion dedicated for use by the Centers for Disease Control and Prevention: Provided further, That the remediation of said parcel shall include the removal of all asbestos, lead and any other contamination, and restoration of the property, to the extent practicable, to an undeveloped condition: Provided further, That upon completion of the activities required for the demolition and removal of buildings, and notwithstanding any other provision of law, the Administrator of General Services shall convey to the municipality of Anchorage, without reimbursement, all right, title, and interest of the United States to the property.

SEC. 409. The Administrator of General Services may convey to the City of Racine, Wisconsin, all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located on 2310 Center Street, commencing at the intersection of the North line of 24th Street and the center line of Center Street, being the point of the beginning; thence Northerly along the center line of Center Street, 426 feet to the South line of 23rd Street extended East; thence Westerly along the South line of 23rd Street extended East; 325 feet to the West line of Franklin Street extended South; thence southerly along the West line of Franklin Street extended South to a point on the North line of 24th Street; thence Easterly along the North line of 24th Street to the point of beginning located in Racine, Wisconsin, and which contains the U.S. Army Reserve Center.

SEC. 410. DEPARTMENT OF TRANSPORTATION HEADQUARTERS. (a) IN GENERAL.—The Administrator of General Services shall—

(1) enter into an operating lease to acquire space for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998: Provided, That the annual rent payment does not exceed \$55,000,000.

(b) TERMS.—The authority granted in subsection (a) is effective only to the extent that the lease acquisition meets the guidelines for operating leases set forth in the joint statement of the managers for the conference report to the Balanced Budget Agreement of 1997, as determined by the Director of the Office of Management and Budget.

SEC. 411. Notwithstanding any other provision of law, the requirement under section 407 of Public Law 104-208 (110 Stat. 3009-337-38), that the Administrator of General Services charge user fees for flexiplace telecommuting centers that approximate commercial charges for comparable space and services but in no instance less than the amount necessary to pay the cost of establishing and operating such centers, shall not apply to the user fees charged for the period beginning October 1, 1996, and ending September 30, 1998, for the telecommuting centers established as part of a pilot telecommuting demonstration program in the Washington, D.C. metropolitan area by Public Laws 102-393, 103-123, 103-329, 104-52, and 104-208: Provided, That for these centers in the pilot demonstration pro-

gram for the period beginning October 1, 1998, and ending September 30, 2000, the Administrator shall charge fees for Federal agency use of a telecenter based on 50 percent of the Administrator's annual costs of operating the center, including the reasonable cost of replacement for furniture, fixtures, and equipment: Provided further, That effective October 1, 2000, the Administrator shall charge fees for Federal agency use of the demonstration telecommuting centers based on 100 percent of the annual operating costs, including the reasonable cost of replacement for furniture, fixtures, and equipment: Provided further, That, to the extent such user charges do not cover the Administrator's costs in operating these centers, appropriations to the General Services Administration are authorized to reimburse the Federal Buildings Fund for any loss of revenue.

SEC. 412. (a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall convey to the University of Miami, by negotiated sale or by negotiated land exchange and by not later than September 30, 1999, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) PROPERTY DESCRIBED.—The property referred to in paragraph (1) is real property in Miami-Dade County, Florida, including improvements thereon, comprising the Federal facility known as the United States Naval Observatory/Alternate Time Service Laboratory, consisting of approximately 76 acres. The exact acreage and legal description of the property shall be determined by a survey that is satisfactory to the Administrator.

(b) CONDITION REGARDING USE.—Any conveyance under subsection (a) shall be subject to the condition that during the 10-year period beginning on the date of the conveyance, the University shall use the property, or provide for use of the property, only for—

(1) a research, education, and training facility complementary to longstanding national research missions, subject to such incidental exceptions as may be approved by the Administrator;

(2) research-related purposes other than the use specified in paragraph (1), under an agreement entered into by the Administrator and the University; or

(3) a combination of uses described in paragraph (1) and paragraph (2), respectively.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(d) REVERSION.—If the Administrator determines at any time that the property conveyed under subsection (a) is not being used in accordance with this section, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

SEC. 413. The Administrator of General Services is directed to reincorporate the elements of the original proposed design for the façade of the United States Courthouse, London, Kentucky, project into the revised design of the building in order to ensure compatibility of this new facility with the historic U.S. Courthouse in London, Kentucky, to maintain the stateliness of the building. Construction or design of the London, Kentucky, project should not be diminished in anyway to achieve this goal.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1997, \$4,250,000, to remain available until expended, of which \$3,000,000 will be for capitalization of the Fund, and \$1,250,000 will be for annual operating expenses.

MERIT SYSTEMS PROTECTION BOARD
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, \$25,805,000, together with not to exceed \$2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION
OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, \$224,614,000: Provided, That of the amount provided, \$7,861,000 shall not be available for obligation until September 30, 1999: Provided further, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$11,325,000, to remain available until expended, of which \$2,000,000 is for an architectural and engineering study for the renovation of the Archives I facility, of which \$4,000,000 is for encasement of the Charters of Freedom, and of which \$875,000 is for a requirements study and design of the National Archives Anchorage, Alaska, facility.

NATIONAL HISTORICAL PUBLICATIONS AND
RECORDS COMMISSION
GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, \$10,000,000, to remain available until expended: Provided, That of the amount provided, \$4,000,000 shall not be available for obligation until September 30, 1999.

OFFICE OF GOVERNMENT ETHICS
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$8,492,000.

OFFICE OF PERSONNEL MANAGEMENT
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as

amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$85,350,000; and in addition \$91,236,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: Provided further, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7 through 1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 1999, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$960,000; and in addition, not to exceed \$9,145,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS,
EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS,
EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND
DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 103-424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, \$8,720,000.

UNITED STATES TAX COURT
SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$32,765,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1999".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. 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. 502. 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. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 1999 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describ-

ing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1999 from appropriations made available for salaries and expenses for fiscal year 1999 in this Act, shall remain available through September 30, 2000, for each such account for the purposes authorized; Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds; Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. Funds provided in this Act may be used to initiate or continue projects or activities to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) computer conversion until such time as supplemental appropriations are made available for that purpose; Provided, That the program, project, or activity from which funds are obligated for Y2K conversion activities shall be reimbursed when such supplemental appropriations are made available.

SEC. 514. Hereafter, any payment of attorneys fees, costs, and sanctions required to be made by the Federal Government pursuant to the order of the district court in the case *Association of American Physicians and Surgeons, Inc. v. Clinton*, 989 F. Supp. 8 (1997), or any appeal of such case, shall be derived by transfer from amounts made available in this or any other Act for any fiscal year for "Compensation of the President and the White House Office—Salaries and Expenses".

SEC. 515. Notwithstanding section 515 of Public Law 104-208, 50 percent of the unobligated balances available to the White House Office, Salaries and Expenses appropriations in fiscal year 1997, shall remain available through September 30, 1999, for the purposes of satisfying the conditions of section 515 of this Act.

SEC. 516. The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992, as amended (20 U.S.C. 5601 et seq.), is amended as follows:

(a) in section 11, by—

(1) deleting the heading and inserting "Use of the Institute by a Federal Agency or Other Entity."; and

(2) adding the following new subsection at the end:

"(e) NON-FEDERAL ENTITIES.—

"(1) Non-Federal entities, including State and local governments, Native American tribal governments, nongovernmental organizations and persons, as defined in 1 U.S.C. 1, may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict involving the Federal Government related to the environment, public lands, or natural resources.

"(2) PAYMENT INTO THE ENVIRONMENTAL DISPUTE RESOLUTION FUND.—Entities utilizing services pursuant to this subsection shall reimburse the Institute for the costs of services provided. Such amounts shall be deposited into the Environmental Dispute Resolution Fund established under section 10."; and

(b) in section 12, by:

(1) deleting "IN GENERAL—" and inserting "(a) IN GENERAL—"; and

(2) adding the following new subsection:

"(b) THE INSTITUTE.—The authorities set forth above shall, with the exception of paragraph (4), apply to the Institute established pursuant to section 10."; and

(c) in section 10(b), by adding before the period the following: "including not to exceed \$1,000 annually for official reception and representation expenses".

SEC. 517. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department, or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may, in fiscal year 1999 and thereafter, reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of such services; Provided, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$8,100 except station wagons for which the maximum shall be \$9,100; Provided, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and

by not to exceed \$4,000 for special heavy-duty vehicles; Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976; Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992; Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with; Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both; Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law; Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention

programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this heading, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available. Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 612. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 1999, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 614 of the Treasury and General Government Appropriations Act, 1998, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1999, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with section 614; and

(2) during the period consisting of the remainder of fiscal year 1999, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1999 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1999 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1998 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1998, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1998, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1998.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 615. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 616. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for train-

ing which cannot be accommodated in existing Center facilities.

SEC. 617. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1999 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 618. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

- (7) the Director of Central Intelligence.

SEC. 619. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 620. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 621. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems.

SEC. 622. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the

date of the enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 623. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 624. Notwithstanding any other provision of law, no part of any funds provided by this Act or any other Act beginning in fiscal year 1999 and thereafter shall be available for paying Sunday premium pay to any employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 625. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 626. Section 626(b) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in section 101(f) of Public Law 104-208 (110 Stat. 3009-360), the Omnibus Consolidated Appropriations Act, 1997, is amended to read as follows: "(b) Until September 30, 1999, or until the end of the current FTS 2000 contracts, whichever is earlier, subsection (a) shall continue to apply to the use of the funds appropriated by this or any other Act."

SEC. 627. (a) DEFINITIONS.—In this section—

(1) the term "crime of violence" has the meaning given that term in section 16 of title 18, United States Code; and

(2) the term "law enforcement officer" means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes reasonable action, including the use of force, to—

(1) protect an individual in the presence of the officer from a crime of violence;

(2) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(3) prevent the escape of any individual who the officer reasonably believes to have com-

mitted in the presence of the officer a crime of violence.

SEC. 628. FEDERAL FIREFIGHTERS OVERTIME PAY REFORM ACT OF 1998. (a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding at the end the following new subsection:

"(f) In applying subsection (a) of this section with respect to a firefighter who is subject to section 5545b—

"(1) such subsection shall be deemed to apply to hours of work officially ordered or approved in excess of 106 hours in a biweekly pay period, or, if the agency establishes a weekly basis for overtime pay computation, in excess of 53 hours in an administrative workweek; and

"(2) the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay under section 5545b(b)(1)(A) or (c)(1)(B), as applicable, and such overtime hourly rate of pay may not be less than such hourly rate of basic pay in applying the limitation on the overtime rate provided in paragraph (2) of such subsection (a)."; and

(2) by inserting after section 5545a the following new section:

"§ 5545b. Pay for firefighters

"(a) This section applies to an employee whose position is classified in the firefighter occupation in conformance with the GS-081 standard published by the Office of Personnel Management, and whose normal work schedule, as in effect throughout the year, consists of regular tours of duty which average at least 106 hours per biweekly pay period.

"(b)(1) If the regular tour of duty of a firefighter subject to this section generally consists of 24-hour shifts, rather than a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) paragraph (1) of such section shall be deemed to require that the annual rate be divided by 2756 to derive the hourly rate; and

"(B) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on the hourly rate under subparagraph (A);

"(2) For the purpose of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(A)) for all hours in such firefighter's regular tour of duty (including overtime hours).

"(c)(1) If the regular tour of duty of a firefighter subject to this section includes a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) the provisions of such section shall apply to the hours within the basic 40-hour workweek;

"(B) for hours outside the basic 40-hour workweek, such section shall be deemed to require that the hourly rate be derived by dividing the annual rate by 2756; and

"(C) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on subparagraphs (A) and (B), as each applies to the hours involved.

"(2) For purposes of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include—

"(A) an amount computed under paragraph (1)(A) for the hours within the basic 40-hour workweek; and

"(B) an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(B)) for all hours outside the basic 40-hour workweek that are within such firefighter's regular tour of duty (including overtime hours).

"(d)(1) A firefighter who is subject to this section shall receive overtime pay in accordance with section 5542, but shall not receive premium pay provided by other provisions of this subchapter.

"(2) For the purpose of applying section 7(k) of the Fair Labor Standards Act of 1938 to a firefighter who is subject to this section, no violation referred to in section 7(k) shall be deemed to have occurred if the requirements of section 5542(a) are met, applying section 5542(a) as provided in subsection (f) of that section: Provided, That the overtime hourly rate of pay for such firefighter shall in all cases be an amount equal to one and one-half times the firefighter's hourly rate of basic pay under subsection (b)(1)(A) or (c)(1)(B) of this section, as applicable.

"(3) The Office of Personnel Management may prescribe regulations, with respect to firefighters subject to this section, that would permit an agency to reduce or eliminate the variation in the amount of firefighters' biweekly pay caused by work scheduling cycles that result in varying hours in the regular tours of duty from pay period to pay period. Under such regulations, the pay that a firefighter would otherwise receive for regular tours of duty over the work scheduling cycle shall, to the extent practicable, remain unaffected."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545a the following:

"5545b. Pay for firefighters."

(c) TRAINING.—Section 4109 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training."

(d) INCLUSION IN BASIC PAY FOR FEDERAL RETIREMENT.—Section 8331(3) of title 5, United States Code, is amended—

(1) by striking "and" after subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting the following:

"(E) with respect to a criminal investigator, availability pay under section 5545a of this title;

"(F) pay as provided in section 5545b (b)(2) and (c)(2); and"; and

(4) by striking "subparagraphs (B), (C), (D), and (E)" and inserting "subparagraphs (B) through (G)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after October 1, 1998.

(f) REGULATIONS.—Under regulations prescribed by the Office of Personnel Management, a firefighter subject to section 5545b of title 5, United States Code, as added by this section, whose regular tours of duty average 60 hours or less per workweek and do not include a basic 40-hour workweek, shall, upon implementation of this section, be granted an increase in basic pay equal to 2 step-increases of the applicable General Schedule grade, and such increase shall not be an equivalent increase in pay. If such increase results in a change to a longer waiting period for the firefighter's next step increase, the firefighter shall be credited with an additional year of service for the purpose of such waiting period. If such increase results in a rate of basic pay which is above the maximum rate of the applicable grade, such resulting pay rate shall be treated as a retained rate of basic pay in accordance with section 5363 of title 5, United States Code.

(g) NO REDUCTION IN REGULAR PAY.—Under regulations prescribed by the Office of Personnel Management, the regular pay (over the established work scheduling cycle) of a firefighter subject to section 5545b of title 5, United States Code, as added by this section, shall not be re-

duced as a result of the implementation of this section.

SEC. 629. (1) Not later than 180 days after the date of the enactment of this Act, the Director of the Office of National Drug Control Policy, the Secretary of the Treasury, and the Attorney General shall conduct a joint review of Federal efforts and submit to the appropriate congressional committees, including the Committees on Appropriations, a plan to improve coordination among the Federal agencies with responsibility to protect the borders against drug trafficking. The review shall also include consideration of Federal agencies' coordination with State and local law enforcement agencies. The plan shall include an assessment and action plan, including the activities of the following departments and agencies:

- (A) Department of the Treasury;
- (B) Department of Justice;
- (C) United States Coast Guard;
- (D) Department of Defense;
- (E) Department of Transportation;
- (F) Department of State; and
- (G) Department of the Interior.

(2) The purpose of the plan under paragraph (1) is to maximize the effectiveness of the border control efforts in achieving the objectives of the national drug control strategy in a manner that is also consistent with the goal of facilitating trade. In order to maximize the effectiveness, the plan shall:

(A) specify the methods used to enhance cooperation, planning and accountability among the Federal, State, and local agencies with responsibilities along the Southwest border;

(B) specify mechanisms to ensure cooperation among the agencies, including State and local agencies, with responsibilities along the Southwest border;

(C) identify new technologies that will be used in protecting the borders including conclusions regarding appropriate deployment of technology;

(D) identify new initiatives for infrastructure improvements;

(E) recommend reinforcements in terms of resources, technology and personnel necessary to ensure capacity to maintain appropriate inspections;

(F) integrate findings of the White House Intelligence Architecture Review into the plan; and

(G) make recommendations for strengthening the HIDTA program along the Southwest border.

SEC. 630. (a) FLEXIPLACE WORK TELECOMMUTING PROGRAMS.—For fiscal year 1999 and each fiscal year thereafter, of the funds made available to each Executive agency for salaries and expenses, at a minimum \$50,000 shall be available only for the necessary expenses of the Executive agency to carry out a flexiplace work telecommuting program.

(b) DEFINITIONS.—For purposes of this section:

(1) EXECUTIVE AGENCY.—The term "Executive agency" means the following list of departments and agencies: Department of State, Treasury, Defense, Justice, Interior, Labor, Health and Human Services, Agriculture, Commerce, Housing and Urban Development, Transportation, Energy, Education, Veterans' Affairs, General Services Administration, Office of Personnel Management, Small Business Administration, Social Security Administration, Environmental Protection Agency, and the United States Postal Service.

(2) FLEXIPLACE WORK TELECOMMUTING PROGRAM.—The term "flexiplace work telecommuting program" means a program under which employees of an Executive agency are permitted to perform all or a portion of their duties at a flexiplace work telecommuting center established under section 210(l) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(l)) or other Federal law.

SEC. 631. (a) MERITORIOUS EXECUTIVE.—Section 4507(e)(1) of title 5, United States Code, is amended by striking "\$10,000" and inserting

"an amount equal to 20 percent of annual basic pay".

(b) DISTINGUISHED EXECUTIVE.—Section 4507(e)(2) of title 5, United States Code, is amended by striking "\$20,000" and inserting "an amount equal to 35 percent of annual basic pay".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, or the date of the enactment of this Act, whichever is later.

SEC. 632. (a) CAREER SES PERFORMANCE AWARDS.—Section 5384(b)(3) of title 5, United States Code, is amended—

(1) by striking "3 percent" and inserting "10 percent"; and

(2) by striking "15 percent" and inserting "20 percent".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, or the date of the enactment of this Act, whichever is later.

SEC. 633. (a) INTERNATIONAL POSTAL ARRANGEMENTS.—Section 407 of title 39, United States Code, is amended to read as follows:

"§407. International Postal Arrangements

"(a)(1) The Secretary of State shall have primary responsibility for formulation, coordination and oversight of policy with respect to United States participation in the Universal Postal Union, including the Universal Postal Convention and other Acts of the Universal Postal Union, amendments thereto, and all postal treaties and conventions concluded within the framework of the Convention and such Acts.

"(2) Subject to subsection (d), the Secretary may, with the consent of the President, negotiate and conclude treaties, conventions and amendments referred to in paragraph (1).

"(b)(1) Subject to subsections (a), (c), and (d), the Postal Service may, with the consent of the President, negotiate and conclude postal treaties and conventions.

"(2) The Postal Service may, with the consent of the President, establish rates of postage or other charges on mail matter conveyed between the United States and other countries.

"(3) The Postal Service shall transmit a copy of each postal treaty or convention concluded with other governments under the authority of this subsection to the Secretary of State, who shall furnish a copy to the Public Printer for publication.

"(c) The Postal Service shall not conclude any treaty or convention under the authority of this section or any other arrangement related to the delivery of international postal services that is inconsistent with any policy developed pursuant to subsection (a).

"(d) In carrying out their responsibilities under this section, the Secretary and the Postal Service shall consult with such federal agencies as the Secretary or the Postal Service considers appropriate, private providers of international postal services, users of international postal services, the general public, and such other persons as the Secretary or the Postal Service considers appropriate."

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that any treaty, convention or amendment entered into under the authority of section 407 of title 39 of the United States Code, as amended by this section, should not grant any undue or unreasonable preference to the Postal Service, a private provider of postal services, or any other person.

(c) TRADE-IN-SERVICE PROGRAMS.—The second sentence of paragraph (5) of section 306(a) of the Trade and Tariff Act of 1984 (19 U.S.C. 2114b(5)) is amended by inserting "postal and delivery services," after "transportation."

(d) TRANSFER OF FUNDS.—In fiscal year 1999 and each fiscal year hereafter, the Postal Service shall allocate to the Department of State from any funds available to the Postal Service such sums as may be reasonable, documented and auditable for the Department of State to carry out the activities of section 407 of title 39, United States Code.

SEC. 634. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 635. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 636. No funds appropriated in this or any other Act for fiscal year 1999 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling." Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 637. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes,

and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 638. (a) IN GENERAL.—For calendar year 2000, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

- (A) in the aggregate;
- (B) by agency and agency program; and
- (C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

- (1) measures of costs and benefits; and
- (2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 639. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.

SEC. 640. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 641. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 642. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 643. The Director of the United States Marshals Service is directed to conduct a quarterly threat assessment on the Director of the Office of National Drug Control Policy.

SEC. 644. Section 636(c) of Public Law 104-208 is amended as follows:

(1) In subparagraph (1) by inserting after "United States Code" the following: "any agency or court in the Judicial Branch,";

(2) In subparagraph (2) by amending "prosecution, or detention" to read: "prosecution, detention, or supervision"; and

(3) In subparagraph (3) by inserting after "title 5," the following: "and, with regard to the Judicial Branch, mean a justice or judge of the United States as defined in 28 U.S.C. 451 in

regular active service or retired from regular active service, other judicial officers as authorized by the Judicial Conference of the United States, and supervisors and managers within the Judicial Branch as authorized by the Judicial Conference of the United States,".

SEC. 645. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 646. Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to, upon submission of proper documentation (as determined by the Secretary), reimburse importers of large capacity military magazine rifles as defined in the Treasury Department's April 6, 1998 "Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles", for which authority had been granted to import such firearms into the United States on or before November 14, 1997, and released under bond to the importer by the U.S. Customs Service on or before February 10, 1998: Provided, That the importer abandons title to the firearms to the United States: Provided further, That reimbursements are submitted to the Secretary for his approval within 120 days of the enactment of this provision. In no event shall reimbursements under this provision exceed the importers cost for the weapons, plus any shipping, transportation, duty, and storage costs related to the importation of such weapons. Money made available for expenditure under 31 U.S.C. 1304(a) in an amount not to exceed \$1,000,000 shall be available for reimbursements under this provision: Provided further, That accepting the compensation provided under this provision is final and conclusive and constitutes a complete release of any and all claims, demands, rights, and causes of action whatsoever against the United States, its agencies, officers, or employees arising from the denial by the Department of the Treasury of the entry of such firearms into the United States. Such compensation is not otherwise required by law and is not intended to create or recognize any legally enforceable right to any person.

SEC. 647. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1999 under section 5303 and 5304 of title 5, United States Code, shall be an increase of 3.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 1999.

SEC. 648. INTERNATIONAL MAIL REPORTING REQUIREMENT. (a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by adding after section 3662 the following:

"§3663. Annual report on international services

"(a) Not later than July 1 of each year, the Postal Rate Commission shall transmit to each House of Congress a comprehensive report of the costs, revenues, and volumes accrued by the Postal Service in connection with mail matter conveyed between the United States and other countries for the previous fiscal year.

"(b) Not later than March 15 of each year, the Postal Service shall provide to the Postal Rate Commission such data as the Commission may

require to prepare the report required under subsection (a) of this section. Data shall be provided in sufficient detail to enable the Commission to analyze the costs, revenues, and volumes for each international mail product or service, under the methods determined appropriate by the Commission for the analysis of rates for domestic mail."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 39, United States Code, is amended by adding after the item relating to section 3662 the following:

"3663. Annual report on international services."

SEC. 649. EXTENSION OF SUNSET PROVISION.—Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended by striking "(2)" and all that follows through "10 years" and inserting the following:

"(2) SUNSET.—Effective 15 years".

SEC. 650. IMPORTATION OF CERTAIN GRAINS. (a) FINDINGS.—The Congress finds that—

(1) importation of grains into the United States at less than the cost to produce those grains is causing injury to the United States producers of those grains;

(2) importation of grains into the United States at less than the fair value of those grains is causing injury to the United States producers of those grains;

(3) the Canadian Government and the Canadian Wheat Board have refused to disclose pricing and cost information necessary to determine whether grains are being exported to the United States at prices in violation of United States trade laws or agreements.

(b) REQUIREMENTS.—

(1) The Customs Service, consulting with the United States Trade Representative and the Department of Commerce, shall conduct a study of the efficiency and effectiveness of requiring that all spring wheat, durum or barley imported into the United States be imported into the United States through a single port of entry.

(2) The Customs Service shall report to the Committee on Appropriations and the Senate Committee on Finance and the House Committee on Ways and Means not later than 90 days after the effective date of this Act on the results of the study required by paragraph (1).

SEC. 651. DESIGNATION OF EUGENE J. MCCARTHY POST OFFICE BUILDING. (a) IN GENERAL.—The building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, shall be known and designated as the "Eugene J. McCarthy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Eugene J. McCarthy Post Office Building".

SEC. 652. The Administrator of General Services may provide, from government-wide credit card rebates, up to \$3,000,000 in support of the Joint Financial Management Improvement Program as approved by the Chief Financial Officer's Council.

SEC. 653. Section 6302(g) of title 5, United States Code, is amended by inserting after "chapter 35" the following: "or section 3595".

SEC. 654. ASSESSMENT OF FEDERAL REGULATIONS AND POLICIES ON FAMILIES. (a) PURPOSES.—The purposes of this section are to—

(1) require agencies to assess the impact of proposed agency actions on family well-being; and

(2) improve the management of executive branch agencies.

(b) DEFINITIONS.—In this section—

(1) the term "agency" has the meaning given the term "Executive agency" by section 105 of title 5, United States Code, except such term does not include the General Accounting Office; and

(2) the term "family" means—

(A) a group of individuals related by blood, marriage, adoption, or other legal custody who live together as a single household; and

(B) any individual who is not a member of such group, but who is related by blood, marriage, or adoption to a member of such group, and over half of whose support in a calendar year is received from such group.

(c) FAMILY POLICYMAKING ASSESSMENT.—Before implementing policies and regulations that may affect family well-being, each agency shall assess such actions with respect to whether—

(1) the action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment;

(2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children;

(3) the action helps the family perform its functions, or substitutes governmental activity for the function;

(4) the action increases or decreases disposable income or poverty of families and children;

(5) the proposed benefits of the action justify the financial impact on the family;

(6) the action may be carried out by State or local government or by the family; and

(7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

(d) GOVERNMENTWIDE FAMILY POLICY COORDINATION AND REVIEW.—

(1) CERTIFICATION AND RATIONALE.—With respect to each proposed policy or regulation that may affect family well-being, the head of each agency shall—

(A) submit a written certification to the Director of the Office of Management and Budget and to Congress that such policy or regulation has been assessed in accordance with this section; and

(B) provide an adequate rationale for implementation of each policy or regulation that may negatively affect family well-being.

(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(A) ensure that policies and regulations proposed by agencies are implemented consistent with this section; and

(B) compile, index, and submit annually to the Congress the written certifications received pursuant to paragraph (1)(A).

(3) OFFICE OF POLICY DEVELOPMENT.—The Office of Policy Development shall—

(A) assess proposed policies and regulations in accordance with this section;

(B) provide evaluations of policies and regulations that may affect family well-being to the Director of the Office of Management and Budget; and

(C) advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and family in the United States.

(e) ASSESSMENTS UPON REQUEST BY MEMBERS OF CONGRESS.—Upon request by a Member of Congress relating to a proposed policy or regulation, an agency shall conduct an assessment in accordance with subsection (c), and shall provide a certification and rationale in accordance with subsection (d).

(f) JUDICIAL REVIEW.—This section is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

SEC. 655. None of the funds appropriated pursuant to this Act or any other provision of law may be used for any system to implement section 922(t) of title 18, United States Code, unless the system allows, in connection with a person's delivery of a firearm to a Federal firearms licensee as collateral for a loan, the background check to be performed at the time the collateral is offered for delivery to such licensee: Provided, That the licensee notifies local law enforcement within 48 hours of the licensee receiving a denial on the

person offering the collateral: Provided further, That the provisions of section 922(t) shall apply at the time of the redemption of the firearm.

TITLE VIII—TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 801. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO DISTRICT OF COLUMBIA RETIREMENT FUNDS.

(a) PERMITTING OTHER FEDERAL ENTITIES TO ADMINISTER PROGRAM.—Section 11003 of the Balanced Budget Act of 1997 (D.C. Code, sec. 1-761.2) is amended—

(1) in paragraph (1), by inserting “, and includes any agreement with a department, agency, or instrumentality of the United States entered into under that section” after “the Trustee”; and

(2) in paragraph (10), by striking “, partnership, joint venture, corporation, mutual company, joint-stock company, trust, estate, unincorporated organization, association, or employee organization” and inserting “, partnership; joint venture; corporation; mutual company; joint-stock company; trust; estate; unincorporated organization; association; employee organization; or department, agency, or instrumentality of the United States”.

(b) PERMITTING WAIVER OF RECOVERY OF AMOUNTS PAID IN ERROR.—Section 11021(3) of such Act (D.C. Code, sec. 1-763.1(3)) is amended by inserting “, or waive recoupment or recovery of,” after “recover”.

(c) PERMITTING USE OF TRUST FUND TO COVER ADMINISTRATIVE EXPENSES.—Section 11032 of such Act (D.C. Code, sec. 1-764.2) is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—Amounts in the Trust Fund shall be used—

“(1) to make Federal benefit payments under this subtitle;

“(2) subject to subsection (b)(1), to cover the reasonable and necessary expenses of administering the Trust Fund under the contract entered into pursuant to section 11035(b);

“(3) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary's responsibilities under this subtitle; and

“(4) for such other purposes as are specified in this subtitle.”; and

(2) in subsection (b)(2), by inserting “(including expenses described in section 11041(b))” after “to administer the Trust Fund”.

(d) PROMOTING FLEXIBILITY IN ADMINISTRATION OF PROGRAM.—Section 11035 of such Act (D.C. Code, sec. 1-764.5) is amended—

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

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

“(c) SUBCONTRACTS.—Notwithstanding any provision of a District Retirement Program or any other law, rule, or regulation, the Trustee may, with the approval of the Secretary, enter into one or more subcontracts with the District Government or any person to provide services to the Trustee in connection with its performance of the contract. The Trustee shall monitor the performance of any such subcontract and enforce its provisions.

“(d) DETERMINATION BY THE SECRETARY.—Notwithstanding subsection (b) or any other provision of this subtitle, the Secretary may determine, with respect to any function otherwise to be performed by the Trustee, that in the interest of economy and efficiency such function shall be performed by the Secretary rather than the Trustee.”.

(e) PROCESS FOR REIMBURSEMENT OF DISTRICT GOVERNMENT FOR EXPENSES OF INTERIM ADMINISTRATION.—Section 11041 of such Act (D.C. Code, sec. 1-765.1) is amended—

(1) in subsection (b), by striking “The Trustee shall” and inserting “The Secretary or the Trustee shall, at such times during or after the period of interim administration described in subsection (a) as are deemed appropriate by the Secretary or the Trustee”;

(2) in subsection (b)(1), by inserting “the Secretary or” after “if”; and

(3) in subsection (c), by striking “the replacement plan adoption date” and inserting “such time as the Secretary notifies the District Government that the Secretary has directed the Trustee to carry out the duties and responsibilities required under the contract”.

(f) ANNUAL FEDERAL PAYMENT INTO FEDERAL SUPPLEMENTAL FUND.—Section 11053 of such Act (D.C. Code, sec. 1-766.3) is amended—

(1) by amending subsection (a) to read as follows:

“(a) ANNUAL AMORTIZATION AMOUNT.—At the end of each applicable fiscal year the Secretary shall promptly pay into the Federal Supplemental Fund from the General Fund of the Treasury an amount equal to the annual amortization amount for the year (which may not be less than zero).”;

(2) in subsection (b), by striking “freeze date” and inserting “effective date of this Act”;

(3) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(4) by inserting after subsection (a) the following new subsection:

“(b) ADMINISTRATIVE EXPENSES.—During each applicable fiscal year, the Secretary shall pay into the Federal Supplemental Fund from the General Fund of the Treasury amounts not to exceed the covered administrative expenses for the year.”.

(g) TECHNICAL CORRECTIONS.—(1) Section 11012(c) of such Act (D.C. Code, sec. 1-752.2(c)) is amended by striking “District of Columbia Retirement Board” and inserting “District Government”.

(2) Section 11033(c)(1) of such Act (D.C. Code, sec. 1-764.3(c)(1)) is amended by striking “consisting” in the first place that it appears.

(3) Section 11052 of such Act (D.C. Code, sec. 1-766.2) is amended by inserting “to” after “may be made only”.

SEC. 802. CLARIFYING TREATMENT OF DISTRICT OF COLUMBIA EMPLOYEES TRANSFERRED TO FEDERAL RETIREMENT SYSTEMS.

(a) ELIGIBILITY OF NONJUDICIAL EMPLOYEES OF DISTRICT OF COLUMBIA COURTS FOR MEDICARE AND SOCIAL SECURITY BENEFITS.—Section 11246(b) of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 755) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) CONFORMING AMENDMENTS TO INTERNAL REVENUE CODE AND SOCIAL SECURITY.—(A) Section 3121(b)(7)(C) of the Internal Revenue Code of 1986 (relating to the definition of employment for service performed in the employ of the District of Columbia) is amended by inserting “(other than the Federal Employees Retirement System provided in chapter 84 of title 5, United States Code)” after “law of the United States”.

“(B) Section 210(a)(7)(D) of the Social Security Act (42 U.S.C. 410(a)(7)(D)) (relating to the definition of employment for service performed in the employ of the District of Columbia), is amended by inserting “(other than the Federal Employees Retirement System provided in chapter 84 of title 5, United States Code)” after “law of the United States.”.

(b) VESTING UNDER PREVIOUS DISTRICT OF COLUMBIA RETIREMENT PROGRAM.—For purposes of vesting pursuant to section 2610(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-627.10(b)), creditable service with the District for employees whose participation in the District Defined Contribution Plan ceases as a result of the implementation of the Balanced Budget Act of 1997 shall include—

(1) continuous service performed by non-judicial employees of the District of Columbia courts after September 30, 1997; and

(2) service performed for a successor employer, including the Department of Justice or the Dis-

trict of Columbia Offender Supervision, Defender, and Courts Services Agency established under section 11233 of the Balanced Budget Act of 1997, that provides services previously performed by the District government.

SEC. 803. METHODOLOGY FOR DESIGNATING ASSETS OF RETIREMENT FUND.

Section 11033 of the Balanced Budget Act of 1997 (D.C. Code, sec. 1-764.3) is amended by adding at the end the following new subsection:

“(e) **METHODOLOGY FOR DESIGNATING ASSETS.**—

“(1) **IN GENERAL.**—In carrying out subsection (b), the Secretary may develop and implement a methodology for designating assets after the replacement plan adoption date that takes into account the value of the District Retirement Fund as of the replacement plan adoption date and the proportion of such value represented by \$1.275 billion, together with the income (including returns on investments) earned on the assets of and withdrawals from and deposits to the Fund during the period between such date and the date on which the Secretary designates assets under subsection (b). In implementing a methodology under the previous sentence, the Secretary shall not be required to determine the value of designated assets as of the replacement plan adoption date. Nothing in this paragraph may be deemed to effect the entitlement of the District Retirement Fund to income (including returns on investments) earned after the replacement plan adoption date on assets designated for retention by the Fund.

“(2) **EMPLOYEE CONTRIBUTIONS; JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.**—The Secretary may develop and implement a methodology comparable to the methodology described in paragraph (1) in carrying out the requirements of subsection (c) and in designating assets to be transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund pursuant to section 124(c)(1) of the District of Columbia Retirement Reform Act (as amended by section 11252).

“(3) **DISCRETION OF THE SECRETARY.**—The Secretary’s development and implementation of methodologies for designating assets under this subsection shall be final and binding.”.

SEC. 804. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO JUDICIAL RETIREMENT PROGRAM.

(a) **ADMINISTRATION OF JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.**—Section 11-1570, District of Columbia Code, as amended by section 11251 of the Balanced Budget Act of 1997, is amended as follows:

(1) In subsection (b)(1)—

(A) by striking “title I of the National Capital Revitalization and Self-Government Improvement Act of 1997” and inserting “subtitle A of title XI of the Balanced Budget Act of 1997”; and

(B) by inserting after the second sentence the following new sentences: “Notwithstanding any other provision of District law or any other law, rule, or regulation, any Trustee, contractor, or enrolled actuary selected by the Secretary under this subsection may, with the approval of the Secretary, enter into one or more subcontracts with the District of Columbia government or any person to provide services to such Trustee, contractor, or enrolled actuary in connection with its performance of its agreement with the Secretary. Such Trustee, contractor, or enrolled actuary shall monitor the performance of any subcontract to which it is a party and enforce its provisions.”.

(2) In subsection (b)(2)—

(A) by striking “chief judges of the District of Columbia Court of Appeals and Superior Court of the District of Columbia” and inserting “Secretary”;

(B) by striking “and the Secretary”;

(C) by striking “and appropriations”; and

(D) by striking “and deficiency”.

(3) By amending subsection (c) to read as follows:

“(c)(1) Amounts in the Fund are available—

“(A) for the payment of judges retirement pay, annuities, refunds, and allowances under this subchapter;

“(B) to cover the reasonable and necessary expenses of administering the Fund under any agreement entered into with a Trustee, contractor, or enrolled actuary under subsection (b)(1), including any agreement with a department, agency or instrumentality of the United States; and

“(C) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary’s responsibilities under this subchapter.

“(2) Notwithstanding any other provision of District law or any other law, rule, or regulation—

(A) the Secretary may review benefit determinations under this subchapter made prior to the date of the enactment of the Balanced Budget Act of 1997, and shall make initial benefit determinations after such date; and

“(B) the Secretary may recoup or recover, or waive recoupment or recovery of, any amounts paid under this subchapter as a result of errors or omissions by any person.”.

(4) In subsection (d)(1)—

(A) by striking “Subject to the availability of appropriations, there shall be deposited into the Fund” and inserting “The Secretary shall pay into the Fund from the General Fund of the Treasury”; and

(B) by striking “(beginning with the first fiscal year which ends more than 6 months after the replacement plan adoption date described in section 103(13) of the National Capital Revitalization and Self-Government Improvement Act of 1997”.

(5) In subsection (d)(2)(A)—

(A) by striking “June 30, 1997” and inserting “September 30, 1997”; and

(B) by striking “net the sum of future normal cost” and inserting “net of the sum of the present value of future normal costs”.

(6) In subsection (d)(3), by striking “shall be taken from sums available for that fiscal year for the payment of the expenses of the Court, and”.

(7) By adding at the end the following new subsections:

“(h) For purposes of the Internal Revenue Code of 1986—

“(1) the Fund shall be treated as a trust described in section 401(a) of the Code that is exempt from taxation under section 501(a) of the Code;

“(2) any transfer to or distribution from the Fund shall be treated in the same manner as a transfer to or distribution from a trust described in section 401(a) of the Code; and

“(3) the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

“(i) For purposes of the Employee Retirement Income Security Act of 1974, the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

“(j) To the extent that any provision of subpart A of part I of subchapter D of the chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 401 et seq.) is amended after the date of the enactment of this subsection, such provision as amended shall apply to the Fund only to the extent the Secretary determines that application of the provision as amended is consistent with the administration of this subchapter.

“(k) Federal obligations for benefits under this subchapter are backed by the full faith and credit of the United States.”.

(b) **REGULATORY AUTHORITY OF SECRETARY.**—Section 11251 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 756) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

“(b) **REGULATIONS; EFFECT ON REFORM ACT.**—Title 11, District of Columbia Code, is amended by adding the following new section:

‘§ 11-1572. Regulations; effect on Reform Act

“(a) The Secretary is authorized to issue regulations to implement, interpret, administer and carry out the purposes of this subchapter, and, in the Secretary’s discretion, those regulations may have retroactive effect, except that nothing in this subsection may be construed to permit the Secretary to issue any regulation to retroactively reduce or eliminate the benefits to which any individual is entitled under this subchapter.

“(b) This subchapter supersedes any provision of the District of Columbia Retirement Reform Act (Public Law 96-122) inconsistent with this subchapter and the regulations thereunder.”;

(3) by amending subsection (c) (as so redesignated) to read as follows:

“(c) **CLERICAL AMENDMENTS.**—

“(1) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by amending the item relating to section 11-1570 to read as follows:

‘11-1570. The District of Columbia Judicial Retirement and Survivors Annuity Fund.’.

“(2) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by adding at the end the following new item:

‘11-1572. Regulations; effect on Reform Act.’.

(c) **TERMINATION OF PREVIOUS FUND AND PROGRAM.**—Section 124 of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1-714), as amended by section 11252(a) of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a), by inserting “(except as provided in section 11-1570, District of Columbia Code)” after “the following”;

(2) in subsection (c)(1), by striking “title I of the National Capital Revitalization and Self-Government Improvement Act of 1997” and inserting “subtitle A of title XI of the Balanced Budget Act of 1997”; and

(3) in subsection (c)(2)—

(A) by striking “(2) The” and inserting “(2) In accordance with the direction of the Secretary, the”;

(B) by striking “in the Treasury” and inserting “at the Board”; and

(C) by striking “appropriated” and inserting “used”.

(d) **ADMINISTRATION OF RETIREMENT FUNDS.**—Section 11252 of the Balanced Budget Act of 1997 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

“(b) **TRANSITION FROM DISTRICT OF COLUMBIA ADMINISTRATION.**—Sections 11023, 11032(b)(2), 11033(d), and 11041 shall apply to the administration of the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1-714), the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11-1570, District of Columbia Code, and the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code, except as follows:

“(1) In applying each such section—

“(A) any reference to this subtitle shall instead refer to subchapter III of chapter 15 of title 11, District of Columbia Code;

“(B) any reference to the District Retirement Program shall be deemed to include the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code;

“(C) any reference to the District Retirement Fund shall be deemed to include the District of Columbia Judges Retirement Fund established

under section 124 of the District of Columbia Retirement Reform Act;

“(D) any reference to Federal benefit payments shall be deemed to include judges retirement pay, annuities, refunds and allowances under subchapter III of chapter 15 of title 11, District of Columbia Code;

“(E) any reference to the Trust Fund shall instead refer to the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11-1570, District of Columbia Code;

“(F) any reference to section 11033 shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

“(G) any reference to chapter 2 shall instead refer to section 11-1570, District of Columbia Code.

“(2) In applying section 11023—

“(A) any reference to the contract shall instead refer to the agreement referred to in section 11-1570(b), District of Columbia Code; and

“(B) any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11-1570(b), District of Columbia Code.

“(3) In applying section 11033(d)—

“(A) any reference to this section shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

“(B) any reference to the Trustee shall instead refer to the Secretary or the Trustee or contractor referred to in section 11-1570(b), District of Columbia Code.

“(4) In applying section 11041(b), any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11-1570(b), District of Columbia Code.”; and

(3) by adding at the end the following new subsection:

“(d) EFFECTIVE DATE.—The provisions of subsection (c) shall take effect on the date on which the assets of the District of Columbia Judges Retirement Fund are transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund.”.

(e) MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS.—(1) Sections 11-1568(d) and 11-1569, District of Columbia Code, are each amended by striking “Mayor” each place it appears and inserting “Secretary of the Treasury”.

(2) Section 11-1568.2, District of Columbia Code, is amended by striking “Mayor of the District of Columbia” each place it appears and inserting “Secretary of the Treasury”.

(3) Section 121(b)(1)(A) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1-711(b)(1)(A)), as amended by section 11252(c)(1) of the Balanced Budget Act of 1997 (as redesignated by subsection (d)(1)), is amended in the matter preceding clause (i), by striking “11” and inserting “12”.

(4) Section 11-1561(4), District of Columbia Code, as amended by section 11253(b) of the Balanced Budget Act of 1997, is amended by striking “sections” and inserting “section”.

(5) Section 11253(c) of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 759) is amended to read as follows:

“(c) TREATMENT OF FEDERAL SERVICE OF JUDGES.—Section

11-1564, District of Columbia Code, is amended—

“(1) in subsection (d)(2)(A), by striking “section 1-1814” and inserting “section 1-714) or the District of Columbia Judicial Retirement and Survivors Annuity Fund (established by section 11-1570); and

“(2) in subsection (d)(4), by striking “Judges Retirement Fund established by section 124(a) of the District of Columbia Retirement Reform Act” and inserting “Judicial Retirement and Survivors Annuity Fund under section 11-1570.”.

(6) Section 11253 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 759) is amended by adding at the end the following new subsection:

“(d) REDEPOSITS TO FUND.—Section 11-1568.1(4)(A), District of Columbia Code, is amended by striking “Judges Retirement Fund” and inserting “Judicial Retirement and Survivors Annuity Fund”.

(f) EFFECTIVE DATE.—The amendments made by subsections (a)(2), (a)(4), and (a)(6) shall take effect October 1, 1998.

SEC. 805. EFFECTIVE DATE.

Except as otherwise specifically provided, this title and the amendments made by this title shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

This Act may be cited as the “Treasury and General Government Appropriations Act, 1999”.

And the Senate agree to the same.

JIM KOLBE,
FRANK WOLF,
ERNEST ISTOOK, JR.,
ANNE M. NORTHUP,
ROBERT B. ADERHOLT,
BOB LIVINGSTON,
JOSEPH MCDADE,

Managers on the Part of House.

BEN NIGHTHORSE
CAMPBELL,
RICHARD SHELBY,
LAUCH FAIRCLOTH,
TED STEVENS,
ROBERT C. BYRD,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. KOLBE, the previous question was ordered on the conference report to its adoption or rejection.

Mr. HOYER moved to recommit the conference report on H.R. 4104 to the committee of conference with instructions to the managers on the part of the House to insist on section 624 of H.R. 4104 dealing with contraceptive prescription coverage under the Federal Health Benefit Plan.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said conference report?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that the nays had it.

Mr. HOYER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GUTKNECHT, by unanimous consent, announced that further proceedings on the motion were postponed.

¶104.24 MULTICHANNEL VIDEO COMPETITION

Mr. TAUZIN moved to suspend the rules and pass the bill (H.R. 2921) to amend the Communications Act of 1934 to require the Federal Communications Commission to conduct an inquiry into the impediments to the development of competition in the market for multi-channel video programming distribution; as amended.

The SPEAKER pro tempore, Mr. GUTKNECHT, recognized Mr. TAUZIN and Mr. MARKEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: “An Act to promote the competitive viability of direct-to-home satellite television service.”.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶104.25 CORPORAL HAROLD GOMEZ POST OFFICE

Mr. MCHUGH moved to suspend the rules and pass the bill (H.R. 4616) to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the “Corporal Harold Gomez Post Office”.

The SPEAKER pro tempore, Mr. GUTKNECHT, recognized Mr. MCHUGH and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCHUGH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

¶104.26 MERVYN DYMALLY POST OFFICE

Mr. MCHUGH moved to suspend the rules and pass the bill (H.R. 2348) to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the “Mervyn Dymally Post Office Building”.

The SPEAKER pro tempore, Mr. GUTKNECHT, recognized Mr. MCHUGH and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCHUGH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to clause 5, rule 1, announced that further proceedings on the motion were postponed.

¶104.27 H.R. 4616—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to clause 5, rule 1, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4616) to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Corporal Harold Gomez Post Office".

The question being put,
Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 425
affirmative Nays 0

¶104.28 [Roll No. 491]
YEAS—425

| | | |
|--------------|---------------|----------------|
| Abercrombie | Clement | Frost |
| Ackerman | Clyburn | Furse |
| Aderholt | Coble | Galleghy |
| Allen | Coburn | Ganske |
| Andrews | Collins | Gejdenson |
| Archer | Combest | Gekas |
| Armey | Condit | Gephardt |
| Bachus | Conyers | Gibbons |
| Baesler | Cook | Gilchrest |
| Baker | Costello | Gillmor |
| Baldacci | Cox | Gilman |
| Ballenger | Coyne | Gonzalez |
| Barcia | Cramer | Goode |
| Barr | Crane | Goodlatte |
| Barrett (NE) | Crapo | Goodling |
| Barrett (WI) | Cubin | Gordon |
| Bartlett | Cummings | Goss |
| Barton | Cunningham | Graham |
| Bass | Danner | Granger |
| Bateman | Davis (FL) | Green |
| Becerra | Davis (IL) | Gutierrez |
| Bentsen | Davis (VA) | Gutknecht |
| Bereuter | Deal | Hall (OH) |
| Berman | DeFazio | Hall (TX) |
| Berry | DeGette | Hamilton |
| Bilbray | Delahunt | Hansen |
| Bilirakis | DeLauro | Harman |
| Bishop | DeLay | Hastert |
| Blagojevich | Deutsch | Hastings (FL) |
| Bliley | Diaz-Balart | Hastings (WA) |
| Blumenauer | Dickey | Hayworth |
| Blunt | Dicks | Hefley |
| Boehlert | Dingell | Hefner |
| Boehner | Dixon | Herger |
| Bonilla | Doggett | Hill |
| Bonior | Dooley | Hilleary |
| Bono | Doolittle | Hilliard |
| Borski | Doyle | Hinchey |
| Boswell | Dreier | Hinojosa |
| Boucher | Duncan | Hobson |
| Boyd | Dunn | Hoekstra |
| Brady (PA) | Edwards | Holden |
| Brady (TX) | Ehlers | Hooley |
| Brown (CA) | Ehrlich | Horn |
| Brown (FL) | Emerson | Hostettler |
| Brown (OH) | Engel | Houghton |
| Bryant | English | Hoyer |
| Bunning | Ensign | Hulshof |
| Burr | Eshoo | Hunter |
| Burton | Etheridge | Hutchinson |
| Buyer | Evans | Hyde |
| Callahan | Everett | Inglis |
| Calvert | Ewing | Istook |
| Camp | Farr | Jackson (IL) |
| Campbell | Fattah | Jackson-Lee |
| Canady | Fawell | (TX) |
| Cannon | Fazio | Jefferson |
| Capps | Filner | Jenkins |
| Cardin | Foley | John |
| Carson | Forbes | Johnson (CT) |
| Castle | Ford | Johnson (WI) |
| Chabot | Fossella | Johnson, E. B. |
| Chambliss | Fowler | Johnson, Sam |
| Chenoweth | Fox | Jones |
| Christensen | Frank (MA) | Kanjorski |
| Clay | Franks (NJ) | Kaptur |
| Clayton | Frelinghuysen | Kasich |

| | | |
|--------------------|---------------|--------------|
| Kelly | Myrick | Shaw |
| Kennedy (MA) | Nadler | Shays |
| Kennedy (RI) | Neal | Sherman |
| Kildee | Nethercutt | Shimkus |
| Kilpatrick | Neumann | Shuster |
| Kim | Ney | Sisisky |
| Kind (WI) | Northup | Skaggs |
| King (NY) | Norwood | Skeen |
| Kingston | Nussle | Skelton |
| Klecza | Oberstar | Slaughter |
| Klink | Obey | Smith (MI) |
| Klug | Olver | Smith (NJ) |
| Knollenberg | Ortiz | Smith (OR) |
| Kolbe | Owens | Smith (TX) |
| Kucinich | Oxley | Smith, Adam |
| LaFalce | Packard | Smith, Linda |
| LaHood | Pallone | Snowbarger |
| Lampson | Pappas | Snyder |
| Lantos | Parker | Solomon |
| Largent | Pascrell | Souder |
| Latham | Pastor | Spence |
| LaTourette | Paul | Spratt |
| Lazio | Paxon | Stabenow |
| Leach | Payne | Stark |
| Lee | Pease | Stearns |
| Levin | Pelosi | Stenholm |
| Lewis (CA) | Peterson (MN) | Stokes |
| Lewis (GA) | Peterson (PA) | Strickland |
| Lewis (KY) | Petri | Stump |
| Linder | Pickering | Stupak |
| Lipinski | Pickett | Sununu |
| Livingston | Pitts | Talent |
| LoBiondo | Pombo | Tanner |
| Lofgren | Pomeroy | Tauscher |
| Lowey | Porter | Tauzin |
| Lucas | Portman | Taylor (MS) |
| Luther | Price (NC) | Taylor (NC) |
| Maloney (CT) | Quinn | Thomas |
| Maloney (NY) | Radanovich | Thompson |
| Manton | Rahall | Thornberry |
| Manzullo | Ramstad | Thune |
| Markey | Rangel | Thurman |
| Martinez | Redmond | Tiahrt |
| Mascara | Regula | Tierney |
| Matsui | Reyes | Torres |
| McCarthy (MO) | Riggs | Towns |
| McCarthy (NY) | Riley | Trafigant |
| McCollum | Rivers | Turner |
| McDade | Rodriguez | Upton |
| McDermott | Roemer | Velazquez |
| McGovern | Rogan | Vento |
| McHale | Rohrabacher | Visclosky |
| McHugh | Ros-Lehtinen | Walsh |
| McInnis | Rothman | Wamp |
| McIntosh | Roukema | Waters |
| McIntyre | Roybal-Allard | Watkins |
| McKeon | Royce | Watt (NC) |
| McKinney | Rush | Watts (OK) |
| McNulty | Ryun | Waxman |
| Meehan | Sabo | Weldon (FL) |
| Meek (FL) | Salmon | Weldon (PA) |
| Meeks (NY) | Sanchez | Weller |
| Menendez | Sanders | Wexler |
| Metcalfe | Sandlin | Weygand |
| Mica | Sanford | White |
| Millender-McDonald | Sawyer | Whitfield |
| Miller (FL) | Saxton | Wicker |
| Minge | Scarborough | Wilson |
| Mink | Schaefer, Dan | Wise |
| Moakley | Schaffer, Bob | Wolf |
| Mollohan | Schumer | Woolsey |
| Moran (KS) | Scott | Wynn |
| Moran (VA) | Sensenbrenner | Young (AK) |
| Morella | Serrano | Young (FL) |
| Murtha | Sessions | |
| | Shadegg | |

NOT VOTING—9

| | | |
|-----------|-------------|------------|
| Cooksey | McCrery | Pryce (OH) |
| Greenwood | Miller (CA) | Rogers |
| Kennelly | Poshard | Yates |

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶104.29 H.R. 2348—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to clause 5, rule 1, announced the further unfin-

ished business to be the motion to suspend the rules and pass the bill (H.R. 2348) to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Dymally Post Office Building".

The question being put,
Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 421
affirmative Nays 1

¶104.30 [Roll No. 492]
YEAS—421

| | | |
|--------------|---------------|----------------|
| Abercrombie | Coyne | Gutierrez |
| Ackerman | Cramer | Gutknecht |
| Aderholt | Crane | Hall (OH) |
| Allen | Crapo | Hall (TX) |
| Andrews | Cubin | Hamilton |
| Archer | Cummings | Hansen |
| Armey | Cunningham | Harman |
| Bachus | Danner | Hastert |
| Baesler | Davis (FL) | Hastings (FL) |
| Baker | Davis (IL) | Hastings (WA) |
| Baldacci | Davis (VA) | Hayworth |
| Ballenger | Deal | Hefley |
| Barcia | DeFazio | Hefner |
| Barr | DeGette | Herger |
| Barrett (NE) | Delahunt | Hill |
| Barrett (WI) | DeLauro | Hilleary |
| Bartlett | DeLay | Hilliard |
| Barton | Deutsch | Hinchey |
| Bass | Diaz-Balart | Hinojosa |
| Bateman | Dickey | Hobson |
| Becerra | Dicks | Hoekstra |
| Bentsen | Dingell | Holden |
| Berman | Dixon | Hooley |
| Berry | Doggett | Horn |
| Bilbray | Dooley | Hostettler |
| Bilirakis | Doolittle | Houghton |
| Bishop | Doyle | Hoyer |
| Blagojevich | Dreier | Hulshof |
| Bliley | Duncan | Hunter |
| Blumenauer | Dunn | Hutchinson |
| Blunt | Edwards | Hyde |
| Boehlert | Ehlers | Inglis |
| Boehner | Ehrlich | Istook |
| Bonilla | Emerson | Jackson (IL) |
| Bonior | Engel | Jackson-Lee |
| Bono | English | (TX) |
| Borski | Ensign | Jefferson |
| Boswell | Eshoo | Jenkins |
| Boucher | Etheridge | John |
| Boyd | Evans | Johnson (CT) |
| Brady (PA) | Everett | Johnson (WI) |
| Brady (TX) | Ewing | Johnson, E. B. |
| Brown (CA) | Fazio | Johnson, Sam |
| Brown (FL) | Farr | Jones |
| Brown (OH) | Fattah | Kanjorski |
| Bryant | Fawell | Kaptur |
| Bunning | Filner | Kasich |
| Burr | Foley | |
| Burton | Forbes | |
| Buyer | Ford | |
| Callahan | Fossella | |
| Calvert | Fowler | |
| Camp | Fox | |
| Campbell | Frank (MA) | |
| Canady | Franks (NJ) | |
| Cannon | Frelinghuysen | |
| Capps | Frost | |
| Cardin | Furse | |
| Carson | Galleghy | |
| Castle | Ganske | |
| Chabot | Gejdenson | |
| Chambliss | Gekas | |
| Chenoweth | Gephardt | |
| Christensen | Gibbons | |
| Clay | Gilchrest | |
| Clayton | Gillmor | |
| | Gilman | |
| | Gonzalez | |
| | Goode | |
| | Goodlatte | |
| | Goodling | |
| | Gordon | |
| | Goss | |
| | Graham | |
| | Granger | |
| | Green | |
| | Costello | |
| | Cox | |
| | Greenwood | |

Lipinski Parker Skeen
 Livingston Pascrell Skelton
 LoBiondo Paul Slaughter
 Lofgren Paxon Smith (MI)
 Lowey Payne Smith (OR)
 Lucas Pease Smith (TX)
 Luther Pelosi Smith, Adam
 Maloney (CT) Peterson (MN) Smith, Linda
 Maloney (NY) Peterson (PA) Snowbarger
 Manton Petri Snyder
 Manzullo Pickering Souder
 Markey Pickett Spence
 Martinez Pitts Spratt
 Mascara Pombo Stabenow
 Matsui Pomeroy Stark
 McCarthy (MO) Porter Stearns
 McCarthy (NY) Portman Stenholm
 McCollum Price (NC) Stokes
 McDade Quinn Strickland
 McDermott Radanovich Stump
 McGovern Rahall Stupak
 McHale Ramstad Sununu
 McHugh Rangel Talent
 McInnis Redmond Tanner
 McIntosh Regula Tauscher
 McIntyre Reyes Tauzin
 McKeon Riggs Taylor (MS)
 McKinney Riley Taylor (NC)
 McNulty Rivers Thomas
 Meehan Rodriguez Thompson
 Meek (FL) Roemer Thornberry
 Meeks (NY) Rogan Thune
 Menendez Rogers Thurman
 Metcalf Rohrabacher Tiahrt
 Mica Ros-Lehtinen Tierney
 Millender- Rothman Torres
 McDonald Roukema Towns
 Miller (FL) Roybal-Allard Traficant
 Minge Royce Turner
 Mink Rush Upton
 Moakley Ryun Velazquez
 Mollohan Sabo Vento
 Moran (KS) Salmon Visclosky
 Moran (VA) Sanchez Walsh
 Morella Sanders Wamp
 Murtha Sandlin Waters
 Myrick Sanford Watkins
 Nadler Sawyer Watt (NC)
 Neal Saxton Watts (OK)
 Nethercutt Scarborough Waxman
 Neumann Schaefer, Dan Weldon (FL)
 Ney Schaffer, Bob Weldon (PA)
 Northrup Schumer Weller
 Norwood Scott Wexler
 Nussle Sensenbrenner Weygand
 Oberstar Serrano White
 Obey Sessions Whitfield
 Olver Shadegg Wicker
 Ortiz Shaw Wilson
 Owens Shays Wise
 Oxley Shimkus Woolsey
 Packard Shuster Wynn
 Pallone Sisisky Young (AK)
 Pappas Skaggs Young (FL)

NAYS—1

Bereuter
 NOT VOTING—12

Conyers Pastor Smith (NJ)
 Kennelly Poshard Solomon
 McCrery Pryce (OH) Wolf
 Miller (CA) Sherman Yates

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶104.31 H.R. 4104—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to the previous order of the House, announced the unfinished business to be the question on agreeing to the motion to recommit the conference report on H.R. 4101 to the committee of conference with instructions for the managers on the part of the House to insist on section 624 of

H.R. 4104 dealing with contraceptive prescription coverage under the Federal Health Benefit Plan.

The question being put,
 Will the House agree to said motion?
 The vote was taken by electronic device.

It was decided in the { Yeas 202
 negative } Nays 226

¶104.32 [Roll No. 493] YEAS—202

Abercrombie Gilman Morella
 Ackerman Gonzalez Murtha
 Allen Gordon Nadler
 Andrews Granger Neal
 Baesler Green Oberstar
 Baldacci Gutierrez Obey
 Barrett (WI) Hamilton Olver
 Bass Harman Owens
 Becerra Pallone Hastings (FL) Pascrell
 Bentsen Hefner Tauzin
 Berman Hilliard
 Bilbray Hinchey
 Bishop Hinojosa
 Blagojevich Hooley Pickett
 Blumenauer Horn Pomeroy
 Boehlert Hoyer Porter
 Bonior Jackson (IL) Price (NC)
 Borski Jackson-Lee Ramstad
 Boswell (TX) Rangel
 Boucher Jefferson Reyes
 Boyd Johnson (CT) Rivers
 Brady (PA) Johnson (WI) Rodriguez
 Brown (CA) Johnson, E. B. Roemer
 Brown (FL) Kanjorski Rothman
 Brown (OH) Kaptur Roukema
 Capps Kelly Roybal-Allard
 Cardin Kennedy (MA) Rush
 Carson Kennedy (RI) Sabo
 Castle Kilpatrick Sanchez
 Clay Kind (WI) Sanders
 Clayton Kleczka Sandlin
 Clement Klug Sawyer
 Clyburn Kucinich Schumer
 Condit Lampson Scott
 Conyers Lantos Serrano
 Coyne Lazio Shays
 Cramer Leach Sherman
 Cummings Lee Sisisky
 Davis (FL) Levin Skaggs
 Davis (IL) Lewis (GA) Slaughter
 DeFazio Lofgren Smith, Adam
 DeGette Lowey Snyder
 Delahunt Luther Spratt
 DeLauro Maloney (CT) Stabenow
 Deutsch Maloney (NY) Stark
 Dicks Manton Stokes
 Dingell Markey Strickland
 Dixon Martinez Tanner
 Doggett Matsui Tauscher
 Dooley McCarthy (MO) Thompson
 Edwards McCarthy (NY) Thurman
 Engel McDermott Tierney
 Ensign Torres
 Eshoo Towns
 Etheridge Trafficant
 Evans McIntyre
 Farr McKinney
 Fattah McNulty
 Fazio Meehan
 Filner Meek (FL)
 Ford Meeks (NY)
 Fox Menendez
 Frank (MA) Millender-
 Frelinghuysen McDonald
 Frost Miller (CA)
 Furse Minge
 Gejdenson Mink
 Gephardt Moakley
 Moran (VA) Wynn

NAYS—226

Aderholt Bliley Canady
 Archer Blunt Cannon
 Armey Boehner Chabot
 Bachus Bonilla Chambliss
 Baker Bono Chenoweth
 Ballenger Brady (TX) Christensen
 Barcia Bryant Coble
 Barr Bunning Coburn
 Barrett (NE) Burr Collins
 Bartlett Burton Combust
 Barton Buyer Cook
 Bateman Callahan Cooksey
 Bereuter Calvert Costello
 Berry Camp Cox
 Bilirakis Campbell Crane

Crapo John Redmond
 Cubin Johnson, Sam Regula
 Cunningham Jones Riggs
 Danner Kasich Riley
 Davis (VA) Kildee Rogan
 Deal Kim Rogers
 DeLay King (NY) Rohrabacher
 Diaz-Balart Kingston Ros-Lehtinen
 Dickey Klink Royce
 Doolittle Knollenberg Ryun
 Doyle Kolbe Salmon
 Dreier LaFalce Sanford
 Duncan LaHood Saxton
 Dunn Largent Scarborough
 Ehlers Latham Schaefer, Dan
 Ehrlich LaTourette Schaffer, Bob
 Emerson Lewis (CA) Sensenbrenner
 English Lewis (KY) Sessions
 Everett Linder Shadegg
 Ewing Lipinski Shaw
 Fawell Livingston Shimkus
 Foley LoBiondo Shuster
 Forbes Lucas Skeen
 Fossella Manzullo Skelton
 Fowler Mascara Smith (MI)
 Franks (NJ) McCollum Smith (NJ)
 Gallegly McDade Smith (TX)
 Ganske McHugh Smith, Linda
 Gekas McInnis Snowbarger
 Gibbons McIntosh Solomon
 Gilchrist McKeon Souder
 Gillmor Metcalf Spence
 Goode Mica Stearns
 Goodlatte Miller (FL) Stenholm
 Goodling Mollohan Stump
 Goss Moran (KS) Stupak
 Graham Myrick Sununu
 Greenwood Nethercutt Talent
 Gutknecht Neumann Tauzin
 Hall (OH) Ney Taylor (MS)
 Hall (TX) Northrup Taylor (NC)
 Hansen Norwood Thomas
 Hastert Nussle Thornberry
 Hastings (WA) Ortiz Thune
 Hayworth Oxley Tiahrt
 Hefley Packard Walsh
 Herger Pappas Wamp
 Hill Parker Watkins
 Hilleary Paul Watts (OK)
 Hobson Paxon Weldon (FL)
 Hoekstra Pease Weldon (PA)
 Holden Peterson (MN) Weller
 Hostettler Peterson (PA) White
 Houghton Petri Whitfield
 Hulshof Pickering Wicker
 Hunter Pitts Wilson
 Hutchinson Pombo Wolf
 Hyde Portman Young (AK)
 Inglis Quinn Young (FL)
 Istook Radanovich
 Jenkins Rahall

NOT VOTING—6

Kennelly Poshard Smith (OR)
 McCrery Pryce (OH) Yates

So the motion to recommit the conference report with instructions was not agreed to.

The question being put,
 Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that pursuant to clause 7 of rule XV the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 290
 affirmative } Nays 137

¶104.33 [Roll No. 494] YEAS—290

Aderholt Bateman Boyd
 Allen Bereuter Brady (TX)
 Archer Berry Brown (FL)
 Armey Bilbray Bryant
 Bachus Bilirakis Bunning
 Baesler Bishop Burr
 Baker Bliley Burton
 Ballenger Blunt Buyer
 Barcia Boehlert Callahan
 Barr Boehner Calvert
 Barrett (NE) Bonilla Camp
 Bartlett Bono Campbell
 Barton Borski Canady
 Bass Boswell Cannon

| | | | | | |
|---------------|---------------|---------------|----------------|---------------|---------------|
| Capps | Hutchinson | Portman | Frost | Luther | Ros-Lehtinen |
| Cardin | Hyde | Price (NC) | Furse | Maloney (CT) | Rothman |
| Castle | Inglis | Quinn | Gedjenson | Maloney (NY) | Roybal-Allard |
| Chabot | Istook | Radanovich | Gephardt | Matsui | Rush |
| Chambliss | Jenkins | Rahall | Gonzalez | McCarthy (MO) | Sanchez |
| Christensen | John | Ramstad | Goodlatte | McCarthy (NY) | Sanders |
| Clayton | Johnson (CT) | Redmond | Gordon | McDemott | Sandlin |
| Clement | Johnson, Sam | Regula | Green | McGovern | Sanford |
| Coble | Jones | Reyes | Gutierrez | McKinney | Schaffer, Bob |
| Coburn | Kanjorski | Riggs | Harman | McNulty | Schumer |
| Collins | Kaptur | Riley | Hastings (FL) | Meehan | Sensenbrenner |
| Combest | Kasich | Rodriguez | Hefner | Meeks (NY) | Serrano |
| Condit | Kelly | Rogan | Hilliard | Menendez | Sherman |
| Cook | Kildee | Rogers | Hinchey | Millender- | Skaggs |
| Cooksey | Kim | Rohrabacher | Hooley | McDonald | Smith, Adam |
| Costello | King (NY) | Roukema | Jackson (IL) | Miller (CA) | Stabenow |
| Cox | Kingston | Royce | Jackson-Lee | Minge | Stark |
| Cramer | Klink | Ryun | (TX) | Mink | Stokes |
| Cubin | Klug | Sabo | Jefferson | Moran (KS) | Tauscher |
| Cunningham | Knollenberg | Salmon | Johnson (WI) | Nadler | Taylor (MS) |
| Danner | Kolbe | Sawyer | Johnson, E. B. | Neumann | Thompson |
| Davis (FL) | Kucinich | Saxton | Kennedy (MA) | Obey | Thurman |
| Davis (VA) | LaFalce | Scarborough | Kennedy (RI) | Owens | Tierney |
| Deal | LaHood | Schaefer, Dan | Kilpatrick | Pallone | Towns |
| DeLay | Lampson | Scott | Kind (WI) | Paul | Velazquez |
| Dickey | Largent | Sessions | Klecza | Payne | Waters |
| Dicks | Latham | Shadegg | Lantos | Pelosi | Watt (NC) |
| Dooley | LaTourrette | Shaw | Lee | Peterson (MN) | Waxman |
| Doyle | Lazio | Shays | Levin | Petri | Wexler |
| Dreier | Leach | Shimkus | Lewis (GA) | Rangel | Woolsey |
| Dunn | Lewis (CA) | Shuster | Lofgren | Rivers | |
| Ehlers | Lewis (KY) | Sisisky | Lowey | Roemer | |
| Ehrlich | Linder | Skeen | | | |
| Emerson | Lipinski | Skelton | | | |
| English | Livingston | Slaughter | | | |
| Ensign | LoBiondo | Smith (MI) | | | |
| Everett | Lucas | Smith (NJ) | | | |
| Ewing | Manton | Smith (TX) | | | |
| Fawell | Manzullo | Smith, Linda | | | |
| Fazio | Martinez | Snowbarger | | | |
| Foley | Mascara | Snyder | | | |
| Forbes | McCollum | Solomon | | | |
| Ford | McDade | Souder | | | |
| Fossella | McHale | Spence | | | |
| Fowler | McHugh | Spratt | | | |
| Fox | McInnis | Stearns | | | |
| Franks (NJ) | McIntosh | Stenholm | | | |
| Frelinghuysen | McIntyre | Strickland | | | |
| Galleghy | McKeon | Stump | | | |
| Ganske | Meek (FL) | Stupak | | | |
| Gekas | Metcalf | Sununu | | | |
| Gibbons | Mica | Talent | | | |
| Gilchrest | Miller (FL) | Tanner | | | |
| Gillmor | Moakley | Tauzin | | | |
| Gilman | Mollohan | Taylor (NC) | | | |
| Goode | Moran (VA) | Thomas | | | |
| Goodling | Morella | Thornberry | | | |
| Goss | Murtha | Thune | | | |
| Graham | Myrick | Tiahrt | | | |
| Granger | Neal | Torres | | | |
| Greenwood | Nethercutt | Trafficant | | | |
| Gutknecht | Ney | Turner | | | |
| Hall (OH) | Northup | Upton | | | |
| Hall (TX) | Norwood | Vento | | | |
| Hamilton | Nussle | Visclosky | | | |
| Hansen | Oberstar | Walsh | | | |
| Hastert | Olver | Wamp | | | |
| Hastings (WA) | Ortiz | Watkins | | | |
| Hayworth | Oxley | Watts (OK) | | | |
| Hefley | Packard | Weldon (FL) | | | |
| Herger | Pappas | Weldon (PA) | | | |
| Hill | Parker | Weller | | | |
| Hilleary | Pascrell | Weygand | | | |
| Hinojosa | Pastor | White | | | |
| Hobson | Paxon | Whitfield | | | |
| Hoekstra | Pease | Wicker | | | |
| Holden | Peterson (PA) | Wilson | | | |
| Horn | Pickering | Wise | | | |
| Hostettler | Pickett | Wolf | | | |
| Houghton | Pitts | Wynn | | | |
| Hoyer | Pombo | Young (AK) | | | |
| Hulshof | Pomeroy | Young (FL) | | | |
| Hunter | Porter | | | | |

NAYS—137

| | | |
|--------------|------------|-------------|
| Abercrombie | Carson | Diaz-Balart |
| Ackerman | Chenoweth | Dingell |
| Andrews | Clay | Dixon |
| Baldacci | Clyburn | Doggett |
| Barrett (WI) | Conyers | Doolittle |
| Becerra | Coyne | Duncan |
| Bentsen | Crane | Edwards |
| Berman | Crapo | Engel |
| Blagojevich | Cummings | Eshoo |
| Blumenauer | Davis (IL) | Etheridge |
| Bonior | DeFazio | Evans |
| Boucher | DeGette | Farr |
| Brady (PA) | Delahunt | Fattah |
| Brown (CA) | DeLauro | Filner |
| Brown (OH) | Deutsch | Frank (MA) |

| | | |
|----------|------------|-------|
| Kennelly | Poshard | Yates |
| Markey | Pryce (OH) | |
| McCreery | Smith (OR) | |

NOT VOTING—7

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶104.34 SUSPENSION OF THE RULES
NOTICE

Mr. HULSHOF, pursuant to House Resolution 575, at 9:42 p.m. announced the Speaker would recognize Members for motions to suspend the rules under clause 2 of rule XXVII with respect to the following bills and resolutions that may be considered on Thursday, October 8: H.R. 4364, depository institution regulatory streamlining; H. Res. 578 science policy report; H. Res. 565, importance of mammograms to fight cancer; H.R. 2263, congressional medal posthumously to Theodore Roosevelt; H.R. 4506, international child labor relief; H.R. 4660, to provide rewards for information leading to the arrest and conviction of an act of international terrorism; H. Con. Res. 320, supporting the people of Estonia, Latvia, and Lithuania, and condemning the Nazi Soviet Pact of Non-Agression of 1939; H. Res. 557, expressing support for U.S. government efforts to identify Holocaust-era assets; H. Con. Res. 331, expressing the sense of the Congress concerning the inadequacy of sewage infrastructure facilities in Tijuana, Mexico; H. Con. Res. 309, condemning the forced abduction of Ugandan children; H.R. 3874, William F. Goodling Child Nutrition Reauthorization; S. 2206, Coats Human Services Reauthorization; S.J. Res. 51, granting the consent of Congress to the Potomac Highlands Airport Authority Compact; S. 1026 to reauthorize the Export-Import Bank of the United States; and H.R. 2281 copyright treaties implementation.

¶104.35 BASEBALL ANTITRUST

Mr. HYDE moved to suspend the rules and pass the bill of the Senate (S. 53) to require the general application of the antitrust laws to major league baseball, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. GUTKNECHT, recognized Mr. HYDE and Mr. CONYERS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶104.36 FAIRNESS IN MUSIC LICENSING

Mr. SENSENBRENNER moved to suspend the rules and pass the bill of the Senate (S. 505) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

The SPEAKER pro tempore, Mr. GUTKNECHT, recognized Mr. SENSENBRENNER and Ms. JACKSON-LEE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶104.37 SUBMISSION OF CONFERENCE
REPORT—H.R. 3150

Mr. GEKAS submitted a conference report (Rept. No. 105-794) on the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶104.38 SUSPENSION OF THE RULES
NOTICE

Mr. MCCOLLUM, pursuant to House Resolution 575, at 10:30 p.m. announced the Speaker would recognize Members for motions to suspend the rules under

clause 2 of rule XXVII with respect to the following bills and resolutions that may be considered on Thursday, October 8: H. Con. Res. 335, H1-B Technical Corrections; H. Con. Res. 334, relating to Taiwan's participation in the World Health Organization; H. Con. Res. 302, recognizing the importance of children and families in the United States and expressing support for the goals of National Kids Day and National Family Month.

¶104.39 CRIME IDENTIFICATION
TECHNOLOGY

Mr. MCCOLLUM moved to suspend the rules and pass the bill of the Senate (S. 2022) to provide for the improvement of interstate criminal justice identification, information, communications, and forensics; as amended.

The SPEAKER pro tempore, Mrs. WILSON, recognized Mr. MCCOLLUM and Ms. JACKSON-LEE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. WILSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶104.40 IDENTITY FRAUD

Mr. MCCOLLUM moved to suspend the rules and pass the bill (H.R. 4151) to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. WILSON, recognized Mr. MCCOLLUM and Ms. JACKSON-LEE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. WILSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶104.41 CRIME VICTIMS WITH
DISABILITIES AWARENESS

Mr. MCCOLLUM moved to suspend the rules and pass the bill of the Sen-

ate (S. 1976) to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

The SPEAKER pro tempore, Mrs. WILSON, recognized Mr. MCCOLLUM and Ms. JACKSON-LEE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. WILSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶104.42 LAW ENFORCEMENT OFFICER
HIRING

Mr. MCCOLLUM moved to suspend the rules and pass the bill (H.R. 804) to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that Federal funds made available to hire or rehire law enforcement officers are used in a manner that produces a net gain of the number of law enforcement officers who perform nonadministrative public safety services.

The SPEAKER pro tempore, Mrs. WILSON, recognized Mr. MCCOLLUM and Ms. JACKSON-LEE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. WILSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶104.43 IRELAND CULTURAL AND
TRAINING PROGRAM

Mr. SMITH of Texas moved to suspend the rules and pass the bill (H.R. 4293) to establish a cultural and training program for disadvantaged individuals from Northern Ireland and the Republic of Ireland; as amended.

The SPEAKER pro tempore, Mrs. WILSON, recognized Mr. SMITH of Texas and Ms. JACKSON-LEE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. WILSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to establish a cultural training program for disadvantaged individuals to assist the Irish peace process."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶104.44 SUBPOENA

The SPEAKER pro tempore, Mrs. WILSON, laid before the House the following communication from Mr. DELAHUNT:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 6, 1998.

Hon. NEWT GINGRICH,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena for documents issued by the Plymouth Superior Court, Commonwealth of Massachusetts, in the case of *Pert Dickie, et al. v. Kelly Regan, et al.*

The subpoena appears to relate to my official duties. I am currently consulting with the Office of General Counsel to determine whether compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

WILLIAM D. DELAHUNT.

¶104.45 ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 449. An Act to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

H.R. 930. An Act to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses.

H.R. 1481. An Act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

H.R. 1836. An Act to amend chapter 89 of title 5, United States Code, to improve ad-

ministration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes.

H.R. 3381. An Act to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co. and other entities.

¶104.46 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 314. An Act to provide a process for identifying the functions of the Federal Government that are not inherently governmental functions, and for other purposes.

¶104.47 BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On October 6, 1998:

H.R. 4101. Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4103. Making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

THURSDAY, OCTOBER 8 (LEGISLATIVE DAY OF OCTOBER 7), 1998

And then,

¶104.48 ADJOURNMENT

On motion of Mr. HULSHOF, at 12 o'clock and 1 minute a.m., Thursday, October 8 (legislative day of Wednesday, October 7), 1998, the House adjourned.

¶104.49 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KOLBE: Committee of Conference. Conference report on H.R. 4104. A bill making appropriations for the Treasury Department, the United States Postal Service, and the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105-789). Ordered to be printed.

Mr. MCINNIS: Committee on Rules. House Resolution 579. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105-790). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 580. Resolution providing for consideration of the joint resolution (H.J. Res. 131) waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999

(Rept. No. 105-791). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. Report in the matter of Franklin L. Haney (Rept. No. 105-792). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. H.R. 3828. A bill to amend title XVIII of the Social Security Act to improve access to health care services for certain Medicare-eligible veterans; with an amendment (Rept. No. 105-793 Pt. 1). Ordered to be printed.

Mr. HYDE: Committee of Conference. Conference report on H.R. 3150. A bill to amend title 11 of the United States Code, and for other purposes (Rept. No. 105-794). Ordered to be printed.

Mr. HYDE: Committee on the Judiciary. House Resolution 581. Resolution authorizing and directing the Committee on the Judiciary to investigate whether sufficient grounds exist for the impeachment of William Jefferson Clinton, President of the United States (Rept. No. 105-795). Referred to the House Calendar.

¶104.50 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3828. Referral to the Committees on Veterans' Affairs and Commerce extended for a period ending not later than October 9, 1998.

¶104.51 DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Science discharged from further consideration. H.R. 3610 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

¶104.52 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself and Mr. MCCOLLUM):

H.R. 4712. A bill to amend title 17, United States Code, to extend the term of copyright, to provide for a music licensing exemption, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey:

H.R. 4713. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local real property taxes paid by certain taxpayers aged 65 or older who do not itemize their deductions and to provide for the establishment of senior citizen real property tax accounts; to the Committee on Ways and Means.

By Mr. CAMPBELL:

H.R. 4714. A bill to amend the Internal Revenue Code of 1986 to exempt certain transactions at fair market value between partnerships and private foundations from the tax on self-dealing and to require the Secretary of the Treasury to establish an exemption procedure from such taxes; to the Committee on Ways and Means.

By Mr. BURR of North Carolina:

H.R. 4715. A bill to remove Federal impediments to retail competition in the electric power industry, thereby providing opportunities within electricity restructuring; to the Committee on Commerce.

By Mr. GILMAN:

H.R. 4716. A bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the

Philippines; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. DINGELL, Mr. TAUZIN, Mr. BAKER, Mr. JOHN, Mr. CHAMBLISS, Mr. BOB SCHAFFER, Mr. LAMPSON, Mr. BARCIA of Michigan, and Mr. JEFFERSON):

H.R. 4717. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Resources.

By Mr. JACKSON of Illinois (for himself, Mr. CONYERS, Ms. WATERS, Mr. STOKES, Mr. SCOTT, Mr. BECERRA, Mr. LEWIS of Georgia, Ms. MILLENDER-McDONALD, Mr. WATT of North Carolina, Ms. LEE, Ms. PELOSI, Mr. KIL-DEE, Mr. KENNEDY of Massachusetts, Ms. LOFGREN, Mr. CUMMINGS, Mrs. MINK of Hawaii, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. DAVIS of Illinois, Ms. VELAZQUEZ, Ms. KILPATRICK, Mr. TORRES, Mr. MEEKS of New York, Ms. CHRISTIAN-GREEN, Mr. HASTINGS of Florida, Mr. SANDERS, Ms. CARSON, Mr. GUTIERREZ, Mr. WYNN, Mr. SERRANO, Ms. FURSE, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. RUSH, Mr. THOMPSON, Ms. MCKINNEY, Mr. HILLIARD, Mr. FALEOMAVAEGA, Mr. OWENS, Mr. PAYNE, and Mr. BLAGOJEVICH):

H.R. 4718. A bill to amend title VII of the Civil Rights Act of 1964 to make such title fully applicable to the judicial branch of the Federal Government; to the Committee on the Judiciary.

By Mr. BEREUTER:

H.R. 4719. A bill to establish the International Financial Institution Reexamination and Review Commission; to the Committee on Banking and Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. GEJDENSON):

H.R. 4720. A bill to amend title XVIII of the Social Security Act to extend for 6 months the contracts of certain managed care organizations under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISTOOK (for himself, Mr. ADERHOLT, Mr. BACHUS, Mr. BARCIA of Michigan, Mr. BLUNT, Mr. CANNON, Mr. COBURN, Mr. CRANE, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. KING of New York, Mr. LARGENT, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mrs. MYRICK, Mr. PITTS, Mrs. LINDA SMITH of Washington, Mr. SMITH of New Jersey, and Mr. WELDON of Florida):

H.R. 4721. A bill to establish restrictions on the provision to minors of contraceptive drugs and devices through family planning projects under title X of the Public Health Service Act, and for other purposes; to the Committee on Commerce.

By Mrs. MALONEY of New York (for herself, Ms. PRYCE of Ohio, Ms. NORTON, Mrs. ROUKEMA, Mr. ABERCROMBIE, Mr. ALLEN, Mr. BERMAN, Mr. BISHOP, Mr. BOUCHER, Mr. BRADY

of Pennsylvania, Mr. BROWN of Ohio, Mrs. CAPPS, Ms. CARSON, Mrs. CLAYTON, Ms. DEGETTE, Ms. DELAURO, Ms. DUNN of Washington, Mr. FARR of California, Mr. FILNER, Mr. FOLEY, Mr. FORBES, Mr. FROST, Ms. FURSE, Mr. GOODE, Mr. GUTIERREZ, Ms. HOOLEY of Oregon, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Ms. KILPATRICK, Mr. KOLBE, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mrs. MORELLA, Mrs. MYRICK, Mr. OBERSTAR, Ms. PELOSI, Mr. RANGEL, Ms. RIVERS, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. TOWNS, Mr. UNDERWOOD, Mr. WAXMAN, Ms. WOOLSEY, and Mr. YATES):

H.R. 4722. A bill to create a National Museum of Women's History Advisory Committee; to the Committee on Resources.

By Mr. MANZULLO:

H.R. 4723. A bill to amend title XIX of the Social Security Act to deduct a children's contribution from the amount of income applied monthly to payment for the cost of care in an institution for an individual receiving medical assistance under a State Medicaid plan; to the Committee on Commerce.

By Mr. RODRIGUEZ:

H.R. 4724. A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; to the Committee on Resources.

By Mr. SMITH of New Jersey:

H.R. 4725. A bill to provide surveillance and research to better understand the prevalence and pattern of autism and other pervasive developmental disabilities so that effective treatment and prevention strategies can be implemented; to the Committee on Commerce.

By Mr. STARK:

H.R. 4726. A bill to amend title XVIII of the Social Security Act to reduce the maximum financial risk permitted for physicians participating in Medicare+Choice plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. DINGELL, Mr. BROWN of Ohio, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, and Mr. MCGOVERN):

H.R. 4727. A bill to amend title XVIII of the Social Security Act to delay the 15% reduction and to make revisions in the per beneficiary and per visit payment limits on payment for health services under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATKINS:

H.R. 4728. A bill to amend the Internal Revenue Code of 1986 to provide an increased credit for medical research; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. DOOLITTLE, Mr. MCINNIS, Mr. GIBBONS, Mrs. CUBIN, Mr. SESSIONS, Mr. POMBO, Mr. RADANOVICH, Mr. MCKEON, Mr. BOB SCHAFFER, and Mr. HANSEN):

H.R. 4729. A bill to provide for protection of the Minnesota Valley National Wildlife Refuge and endangered species and other

wildlife that inhabit or uses that refuge, and to ensure that scarce refuge land in and around the Minneapolis, Minnesota, metropolitan area is not subjected to physical or auditory impairment; to the Committee on Resources.

By Mr. SOLOMON:

H.J. Res. 131. A joint resolution waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999; to the Committee on House Oversight.

By Mr. SOLOMON (for himself, Mr. GILMAN, Mr. BERUTER, and Mr. BROWN of Ohio):

H. Con. Res. 334. Concurrent resolution relating to Taiwan's participation in the World Health Organization; to the Committee on International Relations.

By Mrs. NORTHUP (for herself and Mr. YOUNG of Florida):

H. Con. Res. 335. Concurrent resolution recognizing the 50th anniversary of the National Institute of Allergy and Infectious Diseases, and for other purposes; to the Committee on Commerce.

By Mr. SENSENBRENNER (for himself and Mr. EHLERS):

H. Res. 578. A resolution expressing the sense of the House of Representatives that the print of the Committee on Science entitled "Unlocking Our Future: Toward a New National Science Policy" should serve as a framework for future deliberations on congressional science policy and funding; to the Committee on Science.

By Mr. HASTINGS of Florida (for himself and Mr. KENNEDY of Rhode Island):

H. Res. 582. A resolution directing the Committee on the Judiciary to undertake an inquiry into whether grounds exist to impeach Kenneth W. Starr, an independent prosecutor of the United States; to the Committee on Rules.

¶104.53 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCCOLLUM:

H.R. 4730. A bill for the relief of Robert Anthony Broley; to the Committee on the Judiciary.

By Mr. WATKINS:

H.R. 4731. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EAGLE FEATHERS; to the Committee on Transportation and Infrastructure.

¶104.54 ADDITIONAL SPONSORS

H.R. 26: Mr. RILEY.
 H.R. 158: Mr. BOSWELL.
 H.R. 676: Mr. QUINN.
 H.R. 746: Mr. FRANK of Massachusetts.
 H.R. 900: Mr. SAWYER, Mr. LIPINSKI, Mr. COSTELLO, and Mr. BROWN of Ohio.
 H.R. 902: Mr. SHAW.
 H.R. 1061: Mr. DEAL of Georgia.
 H.R. 1197: Mr. FARR of California.
 H.R. 1354: Mr. MALONEY of Connecticut.
 H.R. 1371: Mr. WATKINS.
 H.R. 1401: Mr. BROWN of California.
 H.R. 1441: Mr. PETERSON of Minnesota.
 H.R. 2098: Mrs. WILSON.
 H.R. 2263: Mr. MCHUGH.
 H.R. 2346: Mr. GREEN, Mr. HOLDEN, Mr. BISHOP, Mr. UNDERWOOD, and Mr. FROST.
 H.R. 2375: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. FILNER,

Mr. FROST, Mr. CLAY, Mr. MCNULTY, Mr. POSHARD, Mr. ACKERMAN, and Mr. ENGEL.

H.R. 2754: Ms. ESHOO and Ms. RIVERS.

H.R. 2908: Mr. ALLEN and Mr. BILBRY.

H.R. 2914: Mr. MCGOVERN and Mr. HASTINGS of Florida.

H.R. 2938: Mr. PETERSON of Pennsylvania, Ms. CHRISTIAN-GREEN, and Mr. ABERCROMBIE.

H.R. 2991: Ms. PELOSI and Mr. OXLEY.

H.R. 3046: Mrs. KELLY.

H.R. 3081: Mr. UNDERWOOD.

H.R. 3230: Mr. HAYWORTH.

H.R. 3236: Mr. ADAM SMITH of Washington.

H.R. 3553: Ms. DEGETTE and Ms. ESHOO.

H.R. 3707: Mr. EHRlich.

H.R. 3783: Mr. ADERHOLT.

H.R. 3814: Mr. FORBES, Mr. REDMOND, Mr. FRANK of Massachusetts, Mr. SMITH of New Jersey, Mr. DOOLITTLE, Mr. CAMP, and Mr. MANZULLO.

H.R. 3815: Mr. MALONEY of Connecticut, Mr. INGLIS of South Carolina, Mr. TALENT, and Mr. MCDERMOTT.

H.R. 3835: Mr. MASCARA, Mr. PICKETT, Mrs. MINK of Hawaii, and Mr. DICKEY.

H.R. 3855: Mr. ADERHOLT.

H.R. 3879: Mrs. MYRICK, Mr. FOSSELLA, Mr. HUNTER, and Mr. COLLINS.

H.R. 3900: Mr. SANDLIN.

H.R. 3912: Mr. ROHRBACHER and Mr. BALLENGER.

H.R. 3949: Mrs. CHENOWETH.

H.R. 4012: Mr. BACHUS.

H.R. 4071: Mr. BUNNING of Kentucky and Ms. HOOLEY of Oregon.

H.R. 4126: Mr. CRAMER and Mr. ADERHOLT.

H.R. 4170: Mr. COMBEST.

H.R. 4213: Mrs. MCCARTHY of New York and Mr. NADLER.

H.R. 4214: Mr. UNDERWOOD.

H.R. 4339: Mr. LIPINSKI.

H.R. 4340: Mr. BILIRAKIS and Mr. WAMP.

H.R. 4377: Mr. KASICH.

H.R. 4383: Mr. SHIMKUS and Mr. STUMP.

H.R. 4395: Mr. RUSH.

H.R. 4403: Mr. SANDERS, Mr. HILLIARD, and Ms. MCCARTHY of Missouri.

H.R. 4449: Mr. WISE and Mr. HEFNER.

H.R. 4450: Mr. GUTIERREZ.

H.R. 4467: Mrs. KENNELLY of Connecticut, Mr. MANTON, and Mr. HILLIARD.

H.R. 4513: Mr. SKEEN.

H.R. 4522: Mr. RUSH.

H.R. 4552: Ms. LOFGREN and Ms. KAPTUR.

H.R. 4577: Mr. PETERSON of Minnesota.

H.R. 4590: Mr. DEFAZIO.

H.R. 4591: Mr. UNDERWOOD.

H.R. 4592: Mr. KENNEDY of Massachusetts.

H.R. 4596: Mr. MCHUGH.

H.R. 4611: Ms. SLAUGHTER and Mr. FROST.

H.R. 4621: Mr. WISE.

H.R. 4627: Mr. DELAHUNT, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. GREEN, Ms. JACKSON-LEE of Texas, and Ms. DEGETTE.

H.R. 4643: Mr. MCHUGH.

H.R. 4644: Mr. MCHUGH.

H.R. 4648: Mr. MOAKLEY and Mr. OLVER.

H.R. 4653: Mr. SANDLIN, Mr. PASCRELL, Mrs. CAPPS, Mr. BROWN of Ohio, and Ms. KILPATRICK.

H.R. 4672: Mr. MCHUGH.

H.R. 4683: Mr. DEUTSCH and Mr. GANSKE.

H. Con. Res. 13: Mrs. WILSON

H. Con. Res. 52: Mr. MCHUGH and Mr. BUNNING of Kentucky.

H. Con. Res. 69: Mr. DEAL of Georgia.

H. Con. Res. 114: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 229: Mr. BALLENGER, Mrs. FOWLER, Mr. HEFNER, Mr. MENENDEZ, and Mr. MILLER of California.

H. Con. Res. 236: Mr. ISTOOK, Mr. INGLIS of South Carolina, Mr. ENGLISH of Pennsylvania, Mrs. MYRICK, and Mr. GIBBONS.

H. Con. Res. 249: Mr. DINGELL and Ms. SANCHEZ.

H. Con. Res. 258: Mr. ENGLISH of Pennsylvania, Mr. CONYERS, Mr. MARKEY, Ms. RIVERS, Mr. HORN, Ms. ROYBAL-ALLARD, and Mr. BERMAN.

H. Con. Res. 283: Ms. MCKINNEY.
 H. Con. Res. 316: Mr. LUTHER.
 H. Con. Res. 325: Mr. ABERCROMBIE.
 H. Con. Res. 328: Mr. GILCHREST, Mr. MCHUGH, Mr. DUNCAN, and Mr. BARTON of Texas.
 H. Con. Res. 331: Mr. SHERMAN.
 H. Res. 559: Mr. LANTOS and Mr. PORTER.
 H. Res. 565: Ms. ESHOO, Ms. STABENOW, Mrs. THURMAN, Ms. KAPTUR, and Ms. GRANGER.
 H. Res. 566: Mr. LEVIN, Mr. KUCINICH, and Mr. QUINN.

THURSDAY, OCTOBER 8, 1998 (105)

The House was called to order by the SPEAKER.

¶105.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, October 7, 1998.

Mr. SOLOMON, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, *viva voce*, Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

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| | | | | Nays | 72 | | | | | | | | | |
| Answered present | 9 | | | | | | | | | | | | | |
| | 72 | | | | | | | | | | | | | |
| | 9 | | | | | | | | | | | | | |

¶105.2 [Roll No. 495] YEAS—325

| | | |
|--------------|-------------|---------------|
| Abercrombie | Campbell | Edwards |
| Allen | Canady | Ehlers |
| Andrews | Capps | Ehrlich |
| Archer | Cardin | Emerson |
| Armey | Castle | Eshoo |
| Bachus | Chabot | Etheridge |
| Baessler | Chambliss | Evans |
| Baker | Chenoweth | Everett |
| Baldacci | Christensen | Ewing |
| Ballenger | Clayton | Farr |
| Barcia | Clement | Fawell |
| Barr | Coble | Foley |
| Barrett (NE) | Coburn | Forbes |
| Barrett (WI) | Collins | Ford |
| Bartlett | Combest | Fossella |
| Barton | Condit | Fowler |
| Bass | Cook | Franks (NJ) |
| Bateman | Cooksey | Frelinghuysen |
| Bentsen | Cox | Frost |
| Bereuter | Coyne | Galleghy |
| Berman | Cramer | Ganske |
| Bilbray | Crapo | Gejdenson |
| Bilirakis | Cubin | Gekas |
| Bishop | Cummings | Gilchrest |
| Blagojevich | Danner | Gillmor |
| Bliley | Davis (IL) | Gilman |
| Blumenauer | Davis (VA) | Gonzalez |
| Blunt | Deal | Goode |
| Boehlert | DeGette | Goodlatte |
| Boehner | Delahunt | Goodling |
| Bonilla | DeLauro | Gordon |
| Bono | DeLay | Goss |
| Boswell | Deutsch | Graham |
| Boucher | Diaz-Balart | Granger |
| Boyd | Dickey | Greenwood |
| Brady (TX) | Dicks | Hall (OH) |
| Bryant | Dingell | Hall (TX) |
| Bunning | Doggett | Hamilton |
| Burr | Dooley | Harman |
| Burton | Doolittle | Hastert |
| Buyer | Doyle | Hastings (WA) |
| Callahan | Dreier | Hayworth |
| Calvert | Duncan | Hilleary |
| Camp | Dunn | Hobson |

| | | |
|----------------|--------------------|---------------|
| Hoekstra | McKeon | Sanders |
| Holden | McKinney | Sandlin |
| Hoolley | Meehan | Sawyer |
| Horn | Mica | Saxton |
| Hostettler | Millender-McDonald | Schumer |
| Hoyer | Miller (FL) | Sensenbrenner |
| Hunter | Minge | Serrano |
| Hutchinson | Mink | Sessions |
| Inglis | Moakley | Shaw |
| Istook | Moran (VA) | Shays |
| Jackson (IL) | Morella | Sherman |
| Jenkins | Murtha | Shimkus |
| John | Myrick | Shuster |
| Johnson (CT) | Nadler | Sisisky |
| Johnson (WI) | Neal | Skaggs |
| Johnson, E. B. | Nethercutt | Smith (NJ) |
| Johnson, Sam | Neumann | Smith (OR) |
| Jones | Ney | Smith (TX) |
| Kanjorski | Northup | Smith, Linda |
| Kaptur | Norwood | Snowbarger |
| Kelly | Nussle | Snyder |
| Kennedy (MA) | Ortiz | Solomon |
| Kennelly | Owens | Souder |
| Kildee | Oxley | Spence |
| Kilpatrick | Packard | Spratt |
| Kim | Pappas | Stabenow |
| Kind (WI) | Parker | Stearns |
| King (NY) | Pascrell | Stokes |
| Kingston | Pastor | Stump |
| Kleczka | Paul | Sununu |
| Klink | Paxon | Talent |
| Klug | Payne | Tanner |
| Knollenberg | Pease | Tauscher |
| Kolbe | Pelosi | Tauzin |
| LaHood | Peterson (MN) | Taylor (NC) |
| Lampson | Peterson (PA) | Thomas |
| Lantos | Pickering | Thornberry |
| Largent | Pitts | Thune |
| Latham | Pombo | Thurman |
| LaTourrette | Pomeroy | Tiahrt |
| Lazio | Porter | Tierney |
| Leach | Portman | Torres |
| Levin | Price (NC) | Trafigant |
| Lewis (CA) | Quinn | Turner |
| Lewis (KY) | Radanovich | Upton |
| Linder | Rahall | Walsh |
| Lipinski | Rangel | Wamp |
| Livingston | Redmond | Watkins |
| Lofgren | Regula | Watt (NC) |
| Lowe | Riley | Watts (OK) |
| Lucas | Rivers | Waxman |
| Luther | Rodriguez | Weldon (FL) |
| Maloney (NY) | Roemer | Weldon (PA) |
| Markey | Rogers | Wexler |
| Mascara | Rohrabacher | Weygand |
| Matsui | Ros-Lehtinen | White |
| McCarthy (MO) | Rothman | Whitfield |
| McCarthy (NY) | Roukema | Wilson |
| McCollum | Roybal-Allard | Wise |
| McDermott | Royce | Wolf |
| McHale | Rush | Woolsey |
| McHugh | Ryun | Yates |
| McInnis | Salmon | Young (AK) |
| McIntosh | Sanchez | Young (FL) |
| McIntyre | | |

NAYS—72

| | | |
|------------|------------------|---------------|
| Ackerman | Gutierrez | Pallone |
| Aderholt | Gutknecht | Pickett |
| Becerra | Hansen | Poshard |
| Berry | Hastings (FL) | Ramstad |
| Bonior | Hefley | Rogan |
| Borski | Hill | Sabo |
| Brady (PA) | Hilliard | Schaffer, Bob |
| Brown (CA) | Hinchev | Scott |
| Brown (FL) | Hulshof | Skelton |
| Brown (OH) | Jackson-Lee (TX) | Smith (MI) |
| Clay | Kennedy (RI) | Stark |
| Clyburn | Kucinich | Stenholm |
| Costello | LaFalce | Stupak |
| DeFazio | Lee | Taylor (MS) |
| English | Lewis (GA) | Thompson |
| Ensign | LoBiondo | Towns |
| Fattah | Manzullo | Velazquez |
| Fazio | McGovern | Vento |
| Filner | McNulty | Visclosky |
| Fox | Meeks (NY) | Waters |
| Frank (MA) | Menendez | Weller |
| Furse | Moran (KS) | Wicker |
| Gephardt | Oberstar | Wynn |
| Gibbons | Olver | |
| Green | | |

ANSWERED "PRESENT"—9

| | | |
|------------|----------|---------|
| Carson | Martinez | Reyes |
| Cunningham | Metcalf | Sanford |
| Manton | Petri | Shadegg |

NOT VOTING—28

| | | |
|------------|--------------|---------------|
| Cannon | Hyde | Pryce (OH) |
| Conyers | Jefferson | Riggs |
| Crane | Kasich | Scarborough |
| Davis (FL) | Maloney (CT) | Schaefer, Dan |
| Dixon | McCrery | Skeen |
| Engel | McDade | Slaughter |
| Hefner | Meek (FL) | Smith, Adam |
| Herger | Miller (CA) | Strickland |
| Hinojosa | Mollohan | |
| Houghton | Obey | |

So the Journal was approved.

¶105.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 678. An Act to require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.

H.R. 1659. An Act to provide for the expedient completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes.

H.R. 2000. An Act to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

H.R. 2411. An Act to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

H.R. 2795. An Act to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 4079. An Act to authorize the construction of temperature control devices at Folsom Dam in California.

H.R. 4081. An Act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

H.R. 4166. An Act to amend the Idaho Admission Act regarding the sale or lease of school land.

H.R. 4655. An Act to establish a program to support a transition to democracy in Iraq.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3528. An Act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3874) "An Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes."

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested: