



United States Department of the Interior

OFFICE OF THE SECRETARY  
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**Memorandum**

**To:** Addressees

**From:** Bonnie R. Cohen  
Assistant Secretary, Policy, Management and Budget

**Subject:** FY 1997 Interior and Related Agencies Appropriations

Attached is a package of tables and narrative information summarizing the FY 1997 Interior and Related Agencies Appropriations Act included in the Omnibus Consolidated Appropriations Act.

In addition to a summary of key budget numbers and the narrative, there are tables on specific funding for the Forest Plan, South Florida, and Land Acquisition; a table summarizing funding by bureau and account; and a table of funding for Departmental Management.

**Attachments**

**Addressees:** Deputy Secretary  
Chief of Staff  
Solicitor  
Assistant Secretaries  
Heads of Bureaus  
Inspector General  
PMB Office Heads  
Brooks Yeager  
Susan Rieff  
Melanie Beller  
Mike Gauldin  
Assistant Secretary Budget Contacts  
Bureau Budget Officers  
POB Analysts

Department of the Interior  
KEY BUDGET NUMBERS

(dollars in thousands)

	1996 Estimate	1997 President's Budget	1997 Enacted	1997 Enacted Change from 1996	
				Thousands of Dollars	Percent
Interior & Related Agencies	6,044,178	6,605,336	6,177,297	133,119	+2.2%
DOI Total	6,883,052	7,449,240	6,992,543	109,491	+1.6%
BLA/Indian Trusts Total	1,591,338	1,818,828	1,637,800	46,462	+2.9%
Land Management Operations composed of:	2,250,754	2,397,947	2,348,937	98,183	+4.4%
NPS Operations	1,081,481	1,173,304	1,152,311	70,830	+6.5%
BLM Operations	663,832	684,271	672,679	8,847	+1.3%
FWS Operations	505,441	540,372	523,947	18,506	+3.7%
which includes most funds for:					
Endangered Species	68,385	99,161	81,635	13,250	+19.4%
DOI Science	729,296	746,380	738,913	9,617	+1.3%
DOI Land Acquisition	98,681	186,000	108,804	10,123	+10.3%
Land Acq. Excluding Everglades Init.	98,681	86,000	108,804	10,123	+10.3%
Interior Bill Construction	285,778	306,739	305,673	19,895	+7.0%
All Other Department Funds 2/	1,927,205	1,993,346	1,852,416	-74,789	-3.9%

Notes:

1. Does not include emergency appropriations, the release of \$51.2 million in fire BA, nor the non-release of \$3.55M in TIA emergency appropriation.
2. The reduction includes \$64 million in savings from Bureau of Mines termination and \$25.6 million in MMS TMS adjustment. Without these changes there is an overall increase of \$14.1 million



UNITED STATES  
DEPARTMENT OF THE INTERIOR

**SUMMARY: FY 1997 INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS ACT**

The Department of the Interior is provided \$6.2 billion in regular 1997 funding in the Omnibus Consolidated Appropriations Act.

The Omnibus Act also provides \$100 million to replenish the Department's emergency contingency firefighting fund, which was depleted fighting 1996 fires; \$39.2 million in supplemental funding for 1996 damage caused by Hurricane Fran and other natural disasters; and \$10.1 million for the President's counter-terrorism initiative to fund protection of high risk National Park Service facilities and security measures for the Fish and Wildlife Service law enforcement program.

The regular funding in the Omnibus Act is \$133.1 million or 2.2% more than the amount provided in the 1996 Interior and Related Agencies Appropriations Act. It is \$428.0 million or 6.5% less than the amount requested by President Clinton.

The Act provides \$195.3 million or 3.2% more than the version of the Interior and Related Agencies Appropriations Act that passed the House of Representatives in June. It provides \$28.9 million or 0.5% less than the Interior and Related Agencies bill reported by the Senate Appropriations Committee in July.

Most of the operating accounts in the Department are funded in the Omnibus Act at levels close to those sought by the President. Operations programs of the National Park Service, the Fish and Wildlife Service and the Bureau of Land Management will receive \$2.35 billion, an increase of \$98.2 million or 4.4% over 1996. This is 1.7% or \$49 million less than the amount sought by the President. The scientific programs of the U.S. Geological Survey are funded at \$738.9 million, an increase of \$9.6 million over 1996 and \$7.5 million less than requested by the President.

The largest reductions from the President's budget in the Omnibus Act are in funding for the Bureau of Indian Affairs, South Florida restoration, and removal of the Elwha River dams in Washington State.

The Bureau of Indian Affairs is provided \$1.6 billion, an increase of \$29.6 million or 1.9% over 1996, but \$175.0 million or 10% less than sought by the President. Tribal

Priority Allocation programs are increased \$26.7 million above 1996, but this increase is less than one-fifth of the increased amount requested by the President. Health and safety construction is significantly reduced from the request.

The Omnibus Act provides no funding for the President's proposal for a \$100 million Everglades Fund to continue land acquisition necessary for restoration of water quantity and quality, but \$12 million for Everglades land acquisition is included in the regular National Park Service land acquisition account. The Act also rejects a \$111 million request for the full cost of restoring significant salmon runs in the Elwha River on Washington's Olympic Peninsula by buying and removing the Elwha and Glines Canyon Dams.

The Omnibus Act continues moratoria on issuance of mining patents and on certain Outer Continental Shelf lease sales that have appeared in prior years and were proposed in the President's 1997 budget. The Act also contains restrictions on issuance of final regulations concerning R.S. 2477 rights of way on public land and Alaska subsistence fishing. The Act adopts a modified version of a Senate-proposed amendment giving the State of Washington the option to purchase the Elwha River dams when and if they are acquired by the Federal Government. It includes a permanent provision denying the Narragansett Tribe of Rhode Island the ability to engage in gaming.

A number of legislative riders objected to by the Administration were dropped, including riders calling on the Secretary to develop a formula to distribute BIA funding to tribes (except those in Alaska) through block grants, restricting the authority of the Secretary to take lands into trust, and granting Indian tribal status to the Cook Inlet Region, Inc., a state-chartered corporation. Also deleted was a rider restricting implementation of a revised Tongass forest management plan.

The Bureau of Reclamation and the Central Utah Project Completion Act (CUPCA) are funded in a separate appropriations act, the 1997 Energy and Water Development Appropriations Act, which cleared the Congress as free standing legislation. That Act provides \$775.4 million for Bureau of Reclamation accounts, \$23.9 million below the comparable 1996 level and \$24.9 million below the 1997 President's budget. Congress added \$26.5 million for specific studies and construction projects, but more than offset this increase by cutting funding requested for Operation and Maintenance (-\$25.0 million), for other studies and construction projects (-\$23.5 million), and for General Administrative Expenses (-\$3.0 million). CUPCA is funded at \$43.6 million, the requested level.

Summarized in more detail below are the funding levels in the Omnibus Act for bureaus and offices of the Department and for key program areas funded. Also summarized are legislative provisions included in the Act.

## FUNDING LEVELS

### Land Management Operations

#### National Park Service Operations.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
NPS Operations (\$000)	1,081,481	1,173,304	1,135,139	1,156,784	1,152,311	+70,830 +6.5%	-20,993 -1.8%

The Omnibus Act funds NPS operations at \$1.15 billion, an increase of \$70.8 million over the 1996 level, but \$20.9 million less than the increase of \$91.8 million proposed by the President's budget.

The budget request sought \$49 million for a 3% increase at all parks, with 42 parks receiving an additional percentage increase and 39 parks receiving targeted increases for specific needs. The Omnibus Act funds this request. The Act also funds the following operational increases: (1) \$2 million of a requested \$3 million increase for inventory and monitoring; (2) \$2.5 million of a requested \$3 million increase for the cultural resources preservation program; (3) \$1 million for the Presidential inaugural; (4) \$3 million for cyclic maintenance (including \$1 million for cultural maintenance); (5) and \$1.1 million for James Garfield NHS, the German-American Cultural Center, the Belle Haven Marina, the National Park of American Samoa and Kalaupapa NHP.

While the Omnibus Act funds most of the President's request, it does reject \$7.5 million requested for air resources monitoring, geographic information systems, natural resource preservation programs, and the DOI museum property program. In addition, the Act rejects \$1 million in savings through the Administration's request to transfer certain Washington DC metropolitan area parkways to Maryland and Virginia. Finally, while the Act does not fund the Park Service's \$3.5 million training request, the Conference Report encourages the Service to submit a reprogramming up to \$2 million as long as the funds are redirected from travel or other downsizing initiatives.

House bill language to limit expenditures for the immediate Office of the Director, Office of Public Affairs or the Office of Congressional Affairs is not included in the Act.

Conference report language directs the Department to promulgate rules on the issuing of permits, rights-of-way and easements for telecommunications facilities proposed to be located on park lands, as well as refuge and BLM lands.

### South Florida Ecosystem Restoration.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
South Florida (\$000)	37,058	155,792	49,477	53,841	56,999	+19,941 +53.8%	-98,793 -63.4%

The Omnibus Act funds the South Florida initiative at \$56.9 million, a decrease of \$98.7 million from the request, but an increase of \$19.9 million over 1996. Nearly all of the decrease is attributable to the rejection of the President's \$100 million request for a new account, the Everglades Restoration Fund.

In lieu of funding the land acquisition proposed in the Everglades Restoration Fund, the Omnibus Act provides \$12 million in the regular NPS LWCF land acquisition program for land acquisition at Everglades National Park and Big Cypress National Preserve.

The Omnibus Act funds \$8 million of the requested \$12.8 million increase for scientific research and modeling and South Florida task force operations. The \$8 million will need to be allocated among 11 projects that were proposed for funding and the operation of the Office of the Executive Director of the Task Force.

The Omnibus Act does not fund \$3 million in special park increases requested for operational requirements at South Florida parks. Construction for modified water deliveries is funded at \$2.8 million, which is the amount necessary to complete planned 1997 actions. Fish and Wildlife Service programs in South Florida are funded at \$6.7 million, a decrease of \$800,000 from the request. Funding at the President's request is provided for USGS (\$8.6 million) and BIA (\$399,000) programs.

### Elwha River Dams

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
Elwha Dams (\$000)	4,459	111,460	460	4,730	4,730	+271 +6.1%	-106,730 -95.9%

The President's budget included \$111 million in budget authority for restoration of the Elwha River in Olympic National Park. This fund was proposed to be spent over a period of years, beginning in 1998 after the completion of environmental studies, to purchase and remove the Elwha and Glines Canyon Dams and to fully restore the river and salmon runs. The Omnibus Act, like the House and Senate Interior bills, declines to accept this proposal. The Act includes \$4 million towards the \$29.5 million purchase price of the dams. To date, the Congress has appropriated \$8 million towards this purpose.

Bill language added by the Senate and adopted with some modifications in the Omnibus Act provides that upon appropriation of the full \$29.5 million purchase price, the State of Washington may acquire the dams from the Federal government for \$2 if it submits to Congress a binding agreement to remove the dams within a reasonable period of time, protect existing water quality for municipal and industrial users, and fulfill other obligations of the Secretary under the original authorizing legislation, the Elwha River Restoration Act (P.L. 102-495). Provisions of the original legislation related to management of additional project lands, project operation and replacement power and acquisition and purchase of lands for the benefit of the Lower Elwha Klallam Tribe will be repealed if the State exercises its option.

Base NPS funding contained in the Omnibus Act includes \$460,000 to complete Elwha environmental studies. The Act also includes an additional \$270,000 for fisheries restoration and habitat improvement projects on the Elwha River and its tributaries.

#### Fish and Wildlife Service Operations.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
FWS Operations (\$000)	502,610	540,372	520,519	529,527	523,947	+21,337 +4.2%	-16,425 -3.0%

The President's budget included high priority increases in the FWS Resource Management account for endangered species program operations (\$22.8 million); refuge operations and maintenance (\$10 million); recreational fisheries and whirling disease research (\$4.4 million); and the National Education and Training Center (\$2.0 million). As discussed in detail below, the Omnibus Act provides \$81.6 million, or \$17.5 million below the request, for endangered species programs. The Act includes approximately 90% of the requested \$10.0 million increase for highest priority refuge operations and maintenance. The Act does not fund the recreational fisheries initiative, but does provide an increase in the fisheries program of \$1.5 million, with funding targeted to research on whirling disease and marine mammal protection in Alaska. The Act allows \$1.55 million of the requested \$2.0 million increase for the NETC.

## Endangered Species Program.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
ESA Program (\$000)	68,385	99,161	80,385	84,585	81,635	+13,250 +19.4%	-17,526 -17.7%

The President requested \$99.2 million for ESA programs in the Fish and Wildlife Service, including increases of \$22 million in ESA operations and \$6 million for Habitat Conservation Plan grants. The Omnibus Act includes \$81.6 million, an increase of \$13.3 million over 1996, but \$17.5 million less than called for in the President's budget.

The budget requested \$5.2 million for the ESA candidate conservation program to fund proactive steps to keep species from being listed. The Omnibus Act funds the program at \$4.8 million. This provides \$1.0 million above 1996, but is \$527,000 below the request. There are 182 candidate species, with at least one species in almost every state from Maine to Hawaii. The Omnibus Act does not include any candidate conservation earmarks.

The ESA listing program resumed operation in April, after the lifting of a year-long moratorium on new listings imposed in the FY 1995 Defense Supplemental Appropriations Act. The program now faces a backlog of 242 proposed species; 182 candidate species; pending court orders to designate critical habitat for 6 species; and unresolved petitions to list or delist 57 species. The budget requested \$7.5 million to fund a full listing program and reduce this backlog. The Omnibus Act, like the House and Senate marks, provides \$5.0 million, \$1 million more than 1996, but one-third below the request. The Act does not include Senate bill language that required at least \$500,000 to be used for delisting, downlisting and withdrawal notices.

For the consultation program, the budget requested \$24 million to fully fund Section 7 consultations with other federal agencies, processing of Section 10 permits for the private sector, and progress on over 300 Habitat Conservation Plans to provide regulatory relief and certainty to local communities and landowners. The Omnibus Act funds the program at \$18 million. While this is \$2 million more than 1996 funding, it is still \$6.0 million below the request.

The budget requested \$46.4 million for recovery program efforts nationwide. The recovery program is funded at \$39.8 million in the Omnibus Act, \$3.3 million more than in 1996. The Act earmarks a total of \$2.0 million for local governments in southern California for implementing the Natural Communities Conservation Plan. This funding is to be provided through a direct FWS grant to the NCCP counties, rather than through the National Fish and Wildlife Foundation as in the past.

The Omnibus Act fully funds the \$6.0 million requested in the budget for a pilot Habitat Conservation Plan grant program to provide grants-to-states for land

acquisition required at the local level as a result of the HCP planning effort. The Act does not include a requested \$1.5 million increase for the Cooperative Endangered Species Fund for traditional grants to states for their role in conservation of candidate and listed species.

#### BLM Operations.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
BLM Ops. (\$000)	663,832	684,271	664,879	681,348	672,679	+8,847 +1.3%	-11,592 -1.7%

The Omnibus Act funds the Management of Lands and Resources account at \$572.2 million, \$5.6 million higher than the 1996 enacted level, but \$3.7 million less than the President's request. The Act funds \$14.7 million in increases requested in the budget for land resources, fisheries and wildlife, recreation, and facilities maintenance. Those increases are partially offset by a reduction of \$8.8 million proposed in the budget for the ALMRS land and mineral records system, which is entering its implementation phase.

The Omnibus Act restores in part the Resource Management Planning subactivity, which was eliminated in the House, providing \$6.0 million of the \$8.5 million requested in the budget. The Act provides just \$1 million of the \$4 million increase requested for BLM's abandoned mineland reclamation program. It also provides for an unbudgeted increase of \$1.9 million for conveyance of lands to the State of Alaska. Other program changes closely parallel the budget request.

The O&C grant lands account is funded in the Omnibus appropriation at \$100.5 million, \$7.9 million below the level requested in the President's budget. Most of the reduction from the budget reflects disallowance of all but \$500,000 of an \$8.2 million increase for the Jobs-in-the-Woods program for displaced timber workers. The appropriation provides all but \$400,000 of funding requested for implementation of the President's Forest Plan.

#### President's Forest Plan for the Pacific Northwest.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
Forest Plan (\$000)	55,101	79,206	60,760	68,756	64,614	+9,513 +17.2%	-14,592 -18%

The President's budget requested \$17.3 million for Fish and Wildlife Service activities related to the Forest Plan, including an increase for consultations (\$4 million) to assure that BLM and the Forest Service would be able to meet their timber targets under the Plan and the increased demand for habitat conservation

plans from the private sector and an increase (\$1.4 million) to provide expected regulatory relief to small landowners under the 4(d) rule and fund marbled murrelet recovery. The Omnibus Act provides \$13.5 million, which includes a \$1.0 million increase for consultations and a \$0.3 million increase for recovery. This funding shortfall will have major impacts to Forest Service and BLM timber sales, as well as HCPs for the private sector.

The Omnibus Act funds BLM operations at \$32.8 million, with unspecified facilities maintenance work as an additional increase. This amount is sufficient to allow BLM to complete its work to offer the planned 211 million board feet of timber for sale in 1997, although the reduction from the Forest Plan request will result in a reduction in reforestation of harvested areas and completion of fewer watershed analyses. Further, because of the constraint on FWS consultation funding, BLM may not be able to obtain full ESA clearances for its full planned program.

The Department's Jobs-in-the-Woods program is funded at \$13.7 million, which is \$9.3 million below the request.

### Science Programs

#### U.S. Geological Survey

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
USGS (\$000)	729,296	746,380	730,163	737,040	738,913	+9,617 +1.3%	-7,467 -1.0%

As a result of Congressional action in 1996, the USGS is the Department's sole science agency, incorporating biological research of the former National Biological Service, and minerals and materials information activities formerly conducted by the Bureau of Mines. The Omnibus Act provides \$738.9 million for the USGS. This represents a \$9.6 million increase over the FY 1996 enacted level, but a \$7.5 million decrease below the President's Budget request.

The Omnibus Act provides the full \$5 million requested by the President for the National Data Base Management program (MEDEA) to upgrade infrastructure to facilitate use of formerly-classified intelligence data in environmental and mapping programs. Funding for MEDEA was not included in either the House or the Senate bill.

The Omnibus Act provides increases over the President's request of \$387,000 for Advanced Cartographic Systems and \$2.0 million for the external earthquake grants program. It also increases the internal volcano hazards program by \$250,000.

The Omnibus Act provides \$4.5 million for the Water Resources Research Institutes; the budget proposed to end funding for this program. This increase came at the expense of reductions to water resources data collection and analysis.

The Omnibus Act provides \$137.5 million for Biological Research, a \$500,000 increase over the FY 1996 enacted level, with the increase targeted to expansion of state and federal partnerships in the Cooperative Research Unit System, as requested in the budget. The Act denies the increases sought by the President of \$5.8 million for high-priority science to support for Department land and resource management and other activities and \$300,000 to expand access to the National Biological Information Infrastructure.

The Omnibus Act includes \$2 million for unemployment compensation and workers compensation costs for former Bureau of Mines workers in the Departmental Management account, instead of in the USGS operations account as requested in the budget.

### Indian Programs

#### Bureau of Indian Affairs.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
BIA *	1,576,115	1,780,702	1,537,695	1,581,780	1,605,674	+29,559	-175,028
(\$000)						+1.9%	-10%

\*For comparability, all years exclude trust fund programs and administrative support transferred from BIA to the Office of Special Trustee.

The 1997 President's budget for BIA proposed \$205 million over the 1996 enacted level in order to restore funding to the local reservation programs tribes hold as their highest priority. The Omnibus Act level is \$29.6 million above the 1996 enacted level, but is \$175.0 million or 10% below the President's budget and \$100.5 million below 1995.

The greatest share of the increase requested by the President (+\$158 million) was directed at the Tribal Priority Allocation activity, which funds vital reservation programs such as tribal government, law enforcement, housing improvement, child welfare and elderly assistance services. The Omnibus Act level for TPA is \$680.9 million, which is \$130 million below the President's budget, but provides \$26.7 million above 1996. At the Omnibus Act level, TPA programs are \$58 million or 8% below the comparable 1995 level.

An increase of \$43 million was requested in the budget for school operations to maintain academic standards, cover statutory teacher salary increases, and serve an anticipated 3.5% increase in enrollment in school year 1997-98. The Act provides an increase of \$41.3 million.

The Act reduces the BIA Construction appropriation by \$28.3 million below the President's request of \$122.8 million and \$6.3 million below non-emergency 1996 construction funding. The Act funds the Navajo Indian Irrigation Project at \$25.5 million, \$3.5 million below the request and provides \$5 million to repair flood damage on the Wapato irrigation project in Washington State, which will be an addition to the \$12 million provided for the project for repairs in the 1996 supplemental appropriation. The conferees also added \$2.1 million to replace the Lac Courte Oreilles Elementary School. No funding is provided for the replacement of the Many Farms High School in Arizona or the Ute Mountain Ute Detention Center in Colorado.

**Office of the Special Trustee for American Indians.**

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
OST	20,439*	38,126*	19,126	36,338	32,126	+11,687	-6,000
(\$000)						+57.2%	-15.7%

\*For comparability purposes, includes 1995 carry forward balances of \$2.3 million and \$1.8 million in Administrative Costs transferred from BIA to OST in 1997. The base 1996 enacted level is \$16,315 and the 1997 budget request level is \$36,338.

The 1997 President's budget for the Office of Special Trustee included a \$17.7 million increase in budgetary resources necessary to implement critical improvement efforts to the Department's management of Indian trust funds. Primarily, the resources were proposed to be used to correct Individual Indian Money account management systems deficiencies that are in urgent need of repair.

Under the Omnibus Act approximately \$13.5 million will be available for improvement initiatives. Funds will be used primarily to begin implementation of improved systems for the management of Individual Indian Money Accounts. Funding is provided for the immediate Office of Special Trustee at the requested level of \$1.2 million, which will allow for completion of the Special Trustee's comprehensive strategic plan.

## Land Acquisition and Construction

### Land Acquisition.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
Land Acquisition (\$000)	98,681	86,000*	70,000	113,277	108,804	+9,734	+22,804
						+9.8%	+26.5%

\* Includes amounts requested for BLM, FWS, NPS. Does not include \$100 million requested for the Everglades Restoration Fund.

The President's budget sought \$86.0 million in the regular land acquisition accounts of the National Park Service, the Fish and Wildlife Service and BLM. An additional \$100.0 million in LWCF funding was sought in the Everglades Restoration Fund, which is discussed above.

The Omnibus Act funds the three regular LWCF accounts at \$108.8 million, including \$12 million for acquisitions proposed by the President through the Everglades Restoration Fund. This is \$22.8 million more than requested in the regular land acquisition accounts, but \$77.2 million below the President's total LWCF request.

Following the approach of the 1996 appropriations act, the House bill did not earmark LWCF funding for specific projects and directed that the Secretary submit a proposed list of acquisitions after enactment of 1997 appropriations. As did the Senate report, the report accompanying the Omnibus Act identifies specific projects. The Act's list, which totals \$79.6 million, differs significantly from the line item list proposed by Secretary Babbitt to accompany the budget. About one-half of the projects on the Secretary's list are omitted.

No funding is provided for NPS land acquisition grants to states. The NPS state grant program was not funded in 1996 or requested in the 1997 President's budget. Funding of \$1.5 million is provided to administer prior year grants, the amount requested in the budget.

### Construction.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
Construction* (\$000)	285,778	306,739	246,977	308,990	303,673	+19,895	-1,006
						+7.0%	-0.3%

\* Includes requests for the BLM, FWS, NPS, and BIA construction accounts.

The 1997 President's budget sought \$306.7 million for construction, an increase of \$21.0 million over the 1996 level, to address high priority infrastructure backlogs in the land management agencies and BIA. The Omnibus Act provides \$305.7 million,

\$1 million less than the budget. The Senate mark was \$309.0 million, \$2.3 million above the request. The House mark reduced construction by \$59.8 million compared to the budget, a decrease of almost 20%.

NPS construction is funded by Omnibus Act at \$163.4 million, \$20.2 million over the request. The BLM construction level of \$4.3 million adds two projects totaling \$1.2 million to the request. For FWS, the Act provides \$43.4 million, an increase of \$5.8 million over the request.

As discussed under BIA above, Omnibus Act level for BIA construction is \$94.5 million, \$28.3 million or 23% under the request level. Cuts were made in education (-\$12.9 million), public safety and justice (-\$10.1 million), resources management (\$2.7 million), and general administration (-\$2.6 million).

### Other Bureaus and Offices

#### Office of Surface Mining

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
OSM (\$000)	269,712	274,157	270,659	273,757	271,757	+2,045 +0.8%	-2,400 -0.9

The Omnibus Appropriations Act funds the Appalachian Clean Streams Initiative at \$4 million, just \$300,000 less than the President's Budget. The President's Budget proposed funding ACSI through a net increase of \$4.3 million over the 1996 enacted level for the AML State Reclamation Grant program. However, the Omnibus Act funds ACSI partially through an increase of \$2 million for the AML program and partially through use of \$2 million in base AML funding. With the exception of ACSI and AML State Reclamation Grant funding, the Omnibus Act essentially endorses the President's request, including providing \$1.5 million for the Small Operator Assistance Program, which the House had deleted.

#### Minerals Management Service.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
MMS	188,752	189,434	188,995	165,995	163,395	-25,357	-26,039
Offsetting Receipts (\$000)	+15,400	+15,400	+15,400	+41,000	+41,000	+25,600	+25,600

The Omnibus Act funds MMS at the President's budget request, with the exception of a reduction of \$439,000 in general administration. This level of funding is

provided through a combination of appropriations and offsetting collections authority. The Omnibus Act raises the cap on offshore receipts that MMS is authorized to retain and apply to the OCS program by \$25.6 million with an equivalent reduction in appropriations. The Omnibus Act does not provide a \$2.6 million increase in Offshore funding that was recommended in the Senate mark in connection with the increase the offshore receipts cap.

#### Insular Affairs.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
Insular Affairs* (\$000)	90,101	88,726	88,726	88,826	88,726	-1,375 -1.5%	0

\* Includes mandatory appropriations.

The Omnibus Act basically endorses the President's budget request, rejecting small tradeoffs the House and Senate had recommended in their versions of the 1997 Interior bill.

#### Departmental Management.

	<u>96 Enacted</u>	<u>97 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Omnibus</u>	<u>+/- 1996</u>	<u>+/- Budget</u>
DM (\$000)	57,338*	59,196	53,691	58,991	58,286	+948	-910
Mines Cost Absorption (\$000)			-2,000	0	-2,000	-2,000	-2,000

\*For comparability 96 enacted amount includes the separate construction management account (\$500,000), funding for which was requested in DM in 1997.

Omnibus Act provides \$58.3 million, or \$910,000 below the President's budget. While this level provides an increase of \$948,000 above the 1996 enacted level, it includes \$2 million to cover the unemployment and workers compensation costs of former Bureau of Mines employees. The statement of the managers provides that any excess funds not required for the Bureau of Mines payments may be used for central services activities in Departmental Management.

### MAJOR LEGISLATIVE LANGUAGE ITEMS

Significant language items in the Omnibus Act include the following:

**Moratorium on Patenting Mining Claims.** As proposed by the President, the Omnibus Act continues the moratorium on accepting and processing patent applications that originally adopted in the 1995 Interior and Related Agencies Act and continued in 1996. The continued moratorium "grandfathers" patent

applications that were grandfathered under the 1995 and 1996 moratoria. There were 359 such applications pending on July 1, 1996. (§314).

**OSC Moratoria.** As proposed by the President, the Act continues four moratoria on Outer Continental Shelf leasing that have appeared in the Interior and Related Agencies Act for several years. (§§ 109-112).

**Narragansett Gaming.** The Omnibus Act amends the 1978 Rhode Island Indian Claims Settlement Act to prohibit the Narragansett Tribe from conducting gaming under the Indian Gaming Regulatory Act. This amendment overturns the decision of the First Circuit Court of Appeals in Rhode Island v. Narragansett Indian Tribe, 19 F.3d 685 (1994), holding that the Tribe could game. (§ 330).

**Alaska Subsistence.** The Act reenacts a 1996 provision that prohibits publication or implementation of an interim or final rule to implement a 9th Circuit Court of Appeals decision holding that the Federal subsistence program under the Alaska National Interest Lands Conservation Act (ANILCA) must cover subsistence fishing in waters where there are Federal reserved water rights. (§ 317).

**Section 2477 of the Revised Statutes.** The Omnibus Act adopts Senate Committee language prohibiting any final rule concerning R.S. 2477, a now repealed statute that allowed for rights-of-way to be established across Federal public land, from taking effect unless approved by the Congress. The House-passed bill would have continued a 1996 provision that prohibits the use of funds for developing, promulgating and implementing a R.S. 2477 rule. (§ 108)

**Elwha River Dams.** As discussed above in connection with funding for removal of the Elwha River dams, the Omnibus Act includes an amendment to the Elwha River Restoration Act that will permit the State of Washington to purchase the dams when and if they are acquired by the Federal government. (§ 114)

**Visitor Fee Demonstration Project.** The Act extends for one year the three-year fee demonstration project for BLM, FWS and NPS, as well as the U.S. Forest Service in the Department of Agriculture, authorized in the 1996 Interior and Related Agencies Act. Because the 1996 Act was not enacted until mid-way through 1996, authority for the land management agencies to begin the project was delayed. The Act also expands the number of demonstration sites from 50 to 100 per agency. (§ 319).

**Franchise Fund.** As requested in the President's budget, the Act establishes a Department of the Interior franchise fund to be available for costs of capitalizing and operating central administrative services. (§ 113).

**Oxon Cove Land Exchange.** The Act authorizes, but does not require, the National Park Service to exchange a 50 acre tract in Oxon Cove Park (a unit of National Capital Parks-East) for nearby land owned by the Corrections Corporation of

America. CCA proposes to use the 50 acre tract to build a for-profit women's correctional institution. (§ 323).

**Tribal Sovereign Immunity.** The Act leaves in place a 1996 provision that requires that funding for self-governance tribes in Washington State be reduced by 50% if they resort during 1996 or 1997 to legal self-help remedies in disputes with non-tribal owners of land within reservations. Repeal of this provision had been requested by the Administration.

Among the legislative riders appearing in the House or Senate bills that are not included in the final Omnibus Act are the following:

**BIA Block Grants.** The Act does not include a Senate Committee bill provision requiring the Secretary to develop a formula for direct payments to tribes (other than those in Alaska) of non-education funding in the Operation of Indian Programs account. Upon adoption of the formula, tribes would have had the option of receiving a direct payment or receiving total operational services from BIA. Self-Determination contracting and Self-Governance compacting would have apparently been superseded and use of funds received by a tribe in a direct payment would not have been subject to oversight by BIA. (Senate, § 118).

**Trust Acquisitions.** The Act does not include House-passed language that would have prohibited the Secretary from taking land into trust for a tribe under section 5 of the Indian Reorganization Act unless the tribe agreed with state and local officials to collect and remit sales and excise taxes on purchases made at any retail establishment on the land by non-members of the tribe. (House § 322)

**Cook Inlet Region, Inc.** The Act does not include a Senate proposal to designate the Cook Inlet Region, Inc., a State-chartered Alaska Native Claims Settlement Act corporation, as an Indian tribe. (Senate § 121).

**Pennsylvania Avenue.** The Act does not contain language proposed in the House bill to prohibit use of funds for the redesign of Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Appropriations Committees. (House § 115) The Conference report states that the Appropriations Committees are concerned about the costs of long term improvements for Pennsylvania Avenue and expresses support for the decision of the National Capital Planning Commission to table consideration of a final design for the Avenue until completion of an EIS considering traffic, economic and historic preservation issues.

**Mount Graham.** The Act does not continue a 1996 provision that provides sufficiency language to block a challenge to the approval by the Forest Service of the proposed relocation of the site for one of the telescopes on Mount Graham. Continuation of this provision was proposed in the House bill (House § 317), but it

was deleted in the Senate, apparently on the basis that the 1996 provision permanently authorized the relocation.

### **Technical Note**

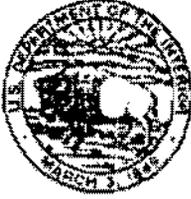
Amounts shown as "1996 enacted" may differ slightly from numbers in the House and Senate reports and the support table prepared by the Committees. The amounts shown do not include the one-time FY 1996 emergency supplemental appropriation for 1995-1996 storm damage. They have also been adjusted to reflect the spread to individual accounts of the Interior Department's share (\$8.2 million) of an across-the-board rescission of administrative and personnel services appropriations included in the 1996 Omnibus Appropriations Act and the reappropriation of expired prior year balances in BIA and the Fish and Wildlife Service.

### **Legislative History**

The FY 1997 Interior and Related Agencies Appropriations Act was reported by the House Appropriations Committee on June 18, 1996, H.Rept. No. 104-625. It was passed by the full House on June 20 by a vote of 242 to 174.

The legislation was reported by the Senate Appropriations Committee on July 16, 1996, S.Rept. No. 104-319. The full Senate took up the bill on September 13, adopting a number of mostly minor amendments. The Senate continued debate on the bill through September 18, but took no final action.

The Omnibus Consolidated Appropriations Act incorporates the Interior and Related Agencies and other unfinished appropriations bills as part of the Conference Report on the Defense Appropriations bill, H.R. 3610. H.Rept. No. 104-863. The Conference Report was adopted by the House on September 28 and the Senate on September 30.



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Assistant Secretary—Policy, Management and Budget

OCT 24 1997

NOTE

To: The Secretary

Attached is a detailed summary of the 1998 Interior bill reported by the Conference on Wednesday. Conference action on matters in which you have been particularly interested is as follows:

- **\$700 Million.** The \$700 million becomes \$699 and DOI is allotted \$532 million in bill language to pay for Headwaters (\$250 million), a payment to Humboldt County (\$10 million) and high priority land acquisitions and critical maintenance (\$272 million). Among the myriad of legislative provisions associated with the authorizations the bill provides for Headwaters and the New World Mine are the restriction on additional Headwaters land acquisition. Appraisals for both projects are required, but they may be acquired for more than appraised value if you or Secretary Glickman certify that a higher price is in the interests of the U.S. A \$10 million Montana coal lands transfer is included, but in a form that OMB assures us is subject to line item veto.
- **Enzi Amendment.** The Enzi amendment on gaming procedures is retained as written. The description of the amendment in the Statement of the Managers is consistent with the Solicitor's interpretation that the amendment does not preclude adoption of implementing regulations, although the Statement doesn't specifically endorse that interpretation.
- **Alaska Subsistence.** We understand the compromise was retained without change.
- **FWS Region 8.** The House's restriction on a new regional office without Committee approval is retained. The Statement of the Managers encourages the Department to examine "a variety of cost-effective alternatives, including non-traditional alternatives, to deal with the Service's west coast workload problem."

- **USGS Competitive Grants.** The Conference did not provide the \$2.5 million proposed by the House and did not include the report language we suggested that would have encouraged use of competitive grants.
- **Grizzly Bear Reintroduction.** The Burns-Craig amendment is retained, but is modified to allow issuance of a ROD on reintroduction during 1998.
- **World Heritage Program/MAB.** A restriction on new MAB Biosphere Reserve nominations is included, but restrictions on the World Heritage Program have been eliminated.
- **Alaska Escrow Fund.** The McCain/Stevens \$800 million Alaska escrow fund is retained, but the purposes for which interest from the fund may be appropriated are changed. BLM and FWS are added to NPS as authorized recipients for deferred maintenance funding. Payments to Louisiana for West Delta drainage are also added as an authorized purpose. Authorization for use of the fund for stateside LWCF grants is dropped.
- **Stampede Mine.** The Murkowski amendment is revised to provide for arbitration and to shift the cost of a settlement from Departmental Management to the NPS.
- **Everglades Funds.** The Conference provides the flexibility we sought to provide funds from the \$76 million for Everglades land acquisition to the State.
- **ESA Listing.** Funds for the listing program are earmarked in bill language, foreclosing diversion of other funds to the listing program. The Managers Statement discloses that this earmark was requested by the Department.
- **Recreation Fee Demonstration Program.** The Conference adopts the House proposal to allow demonstration sites to keep all fee revenue, allowing NPS to retain an additional \$49 million in 1998.
- **BLM Prescribed Fire Operations.** The Conference funds prescribed fire in the BLM operations account at \$1 million, rather than the \$2 million we requested. The Wildland Fire Account is funded at our request level of \$280 million, but earmarks totaling \$2.6 million for a new hotshot crew in Alaska and for the Billings tanker base will slightly reduce our planned allocations of the funding.
- **Lake Clark/CIRI.** The Conference dropped the proposal for trial de novo and application of the Indian canon of construction and instead included language developed by John Lesly that will allow all parties to the lawsuit to introduce any relevant evidence.



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Office of Budget

**SUMMARY: CONFERENCE ACTION ON THE FY 1998 INTERIOR AND  
RELATED AGENCIES APPROPRIATIONS ACT**

Funding of \$7.2 billion for the Department of the Interior is contained in the 1998 appropriations bill reported from Conference on October 22. A total of \$6.65 billion is included for regular Interior appropriations accounts. An additional \$532 million is provided as the Interior Department's share of the special Land and Water Conservation Fund Act allocation agreed to as part of the Bipartisan Budget Agreement and requested by the President in a budget amendment.

The funding in regular accounts in the Conference bill is \$361.7 million or 5.8% more than enacted 1997 appropriations, not including unreleased 1997 fire contingency funds and the emergency funds provided in the recently enacted Emergency Supplemental Appropriations Act.

The Conference level for regular accounts is \$80.4 million more than the amount requested for the Department by President Clinton in the 1998 budget submitted in February. It is \$129.1 million above the House funding level for these accounts and \$54.4 million more than the Senate level for the accounts.

At the Conference level, the National Park Service will receive \$54.8 million above 1997 in increases that will go directly to the park level. National wildlife refuges will receive an increase of \$41.8 million or 23% above 1997. The Conference funds BIA Tribal Priority Allocation programs at the President's request, an increase of \$76.5 million or 11.3% over 1997.

The Department's \$532 million share of the special LWCF fund will provide up to \$250 million for acquisition of the Headwaters Forest in California, \$10 million for an associated payment to Humboldt County, California, and at least \$272 million for other high priority land acquisitions and exchanges and for critical maintenance needs. The U.S. Forest Service will receive \$167 million from the special fund for acquisition of the New World Mine adjacent to Yellowstone National Park, maintenance and improvement of the Beartooth Highway east of Yellowstone, and additional land acquisitions, exchanges and critical maintenance.

As requested by the President, the Conference bill continues the moratorium on patenting of hardrock mining claims and the four OCS leasing moratoria.

Other legislative provisions in the bill include:

- An amendment to the recreation fee demonstration that will allow demonstration sites to keep all fees that they collect during 1998 and 1999. This amendment will increase the amount available to National parks by an estimated \$51.5 million in 1998.
- A provision requiring that all tribes receive at least \$160,000 in TPA funding and providing that about one-third of the 1998 TPA increase be distributed based on the recommendations of a task force of federal and tribal representatives.
- A prohibition of approval by the Secretary of new tribal-state compacts for class III gaming, except for tribal-state compacts approved by a state in accordance with state law.
- A provision delaying issuance of revised regulations on surface management of hardrock mining until November, 1998, and requiring that the Secretary consult with the governors of states containing land open to location under the General Mining Law.

Summarized in more detail below are funding levels for bureaus and offices of the Department and for key program areas, as well as major legislative provisions included in the bill. Two attached tables show funding by bureau and office and by key program area.

Note: To maintain a reasonable degree of consistency with House, Senate and 1998 President's Budget comparisons to 1997, the "1997 enacted" numbers used below include emergency funding provided in the 1997 Interior and Related Agencies Appropriations Act, but not emergency funding contained in the recently enacted FY 1997 Emergency Supplemental Act. Items containing emergency funding from the 1997 Interior Act are specifically noted.

## FUNDING LEVELS

### Land Management Operations

#### National Park Service Operations

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
NPS Operations (\$000)	1,154,611	1,220,325	1,232,325	1,250,429*	1,233,664	+79,053 +6.8%
						13,339* +1.0%

\*The Senate included transfer of \$17.1 million for equipment replacement from construction. The House funded equipment replacement in construction, as proposed in the budget. The Conference funds equipment replacement, in construction.

The Conference level for the Operation of the National Park System account includes \$54.8 million for increases at the park level. As requested in the President's budget, all parks will receive uncontrollable cost increases and a 1% across-the-board increase. Specific increases totaling \$25.5 million are provided for special needs at 93 parks, an increase of \$9.0 million and 30 parks above the budget. The Conference included a House proposal to allow the Park Service to retain all revenues collected at parks participating in the recreation fee demonstration program. The Department's current estimate is that this provision would result in a \$49.2 million net increase in fee revenue for parks.

Other increases in the ONPS account include \$1.0 million of the \$3.5 million requested for a Vanishing Treasures initiative to preserve endangered prehistoric ruins in the desert Southwest; the requested \$2.0 million for historic structures stabilization; and \$1.0 million for cultural cyclic maintenance. No funding is provided for proposed NPS cooperative ecosystem study units.

The Conference level includes \$12.0 million for Everglades science in the ONPS account, rather than in the Everglades Restoration account proposed in the budget. Taking this transfer into account the overall ONPS funding level is \$1.3 million above the President's budget.

#### Fish and Wildlife Service Operations

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
Resource Mgt. (\$000)	526,047*	561,614	591,042	585,064	594,842	68,795 +13.1%
						33,228 +5.9%

\* Includes \$0.6 million emergency supplemental.

The Conference funds refuge operations and maintenance at \$219.5 million, an increase of \$40.8 million above 1997 and \$27.5 million above the budget request. An additional \$1.0 million is provided as a separate line item for Salton Sea NWR recovery actions. Other increases above the request include \$250,000 for migratory

bird surveys; \$779,000 for law enforcement; \$2.3 million for additional habitat conservation projects; and \$1.8 million for fisheries programs, including \$400,000 for Atlantic salmon conservation. The Conference funds the \$4.1 million increase requested for National Conservation Training Center operations and fully funds the Service's requested 1998 uncontrollable costs. The Endangered Species program is funded at \$1.6 million below the request (see below).

### Endangered Species Program

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
Endangered Species (\$000)	67,385	78,781	76,081	77,181	77,181	9,796	-1,600
						+14.5%	-2.0%

The Conference increases candidate conservation to \$5.7 million, \$800,000 above the budget. Increases are included for Alabama sturgeon and Prebles Meadows Jumping Mouse conservation. The Conference funds the listing program at the request level of \$5.2 million. Funding for listing is earmarked in bill language, statutorily capping the amount that may be spent on the program. Recovery is funded at \$42.5 million, an increase of \$300,000 above the request; the increase is earmarked for a wolf reintroduction study on Washington's Olympic Peninsula. The Conference funds the ESA consultation program at \$23.8 million, which is \$5.9 million above the enacted level, but \$2.7 million below the request.

### BLM Operations

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
BLM Ops.* (\$000)	678,679**	688,901	682,997	680,257	684,676	+5,997	-4,225
						+9%	-0.6%

\* Includes BLM's Management of Lands and Resources and Oregon and California Grant Lands accounts.

\*\*Includes \$6.0 million in emergency funds for restoration of lands damaged by fire.

Operations and planning at the new Grand Staircase-Escalante National Monument are funded by the Conference at \$6.4 million, as requested. The Conference also provides a requested increase of \$1.0 million for invasive weed management.

The Conference funds BLM's wild horse and burro program at the 1997 level of \$15.9 million. This is \$2.4 below the budget request, but \$5.0 million above the level proposed by the Senate. The Automated Land and Minerals Record System is funded at \$32.9 million, a reduction of \$1.0 million below the request. A number of other BLM operating programs are also funded below the request. The Conference provided only \$300,000 of the \$2.4 million increase requested for law enforcement; \$1.0 million of the \$3.4 million increase requested for abandoned mine land reclamation; and \$2.3 million of the \$3.3 million increase for facilities maintenance. An increase of \$1 million for prescribed fire is also denied.

The bill increases funding above the request by \$2.3 million for the Alaska conveyance program, \$2.1 million for preparation of the Integrated Activity Plan/EIS at the National Petroleum Reserve-Alaska, \$700,000 for the Alaska Resources Library and Information Services Consortium, and an additional \$1.3 million for wildlife and fisheries programs, of which \$500,000 is for a joint land cover mapping project with the Department of Defense in Alaska.

### Wildland Fire Management

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
Wild. Fire Mgt.	252,042	280,103	280,103	282,728	280,103	+28,061	0
Emer. Funding (\$000)	[100,000*]	0	0	0	0	[-100,000]	0
						+11.1%	+0%

\* 1997 emergency funding, \$50 million of which was released by the President for 1996-1997 fire costs and \$50 million of which remains available in a contingency fund.

The Conference funds the full \$280.1 million requested for the wildland fire management appropriation. Excluding \$100 million in 1997 emergency funding, this represents an increase of \$28.1 million over the 1997 enacted level. Within the appropriated amount, \$2.6 million is earmarked for a new hotshot crew in Alaska and for reconstruction of a tanker base in Billings, Montana. As much as \$19 million of operations funds will be spent in 1998 on the first year of what is expected to be a multi-year effort to increase fire use and other treatments on Federal lands. Both the House and Senate supported the Administration's proposal to fund fuels management activities from within Interior and Forest Service Wildland Fire Operations. And, as directed in the House report language, the Department plans to establish a fire sciences capability at a cost of up to \$4 million.

### Regional Initiatives

#### South Florida Ecosystem Restoration

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
South Florida (\$000)	56,970	135,947	135,847	135,847	135,847	+78,877	-100
						+138.4%	-0.1%

The Conference funds essentially all of the \$135.9 million sought in the budget for Interior agencies involved in Everglades restoration. However, as did both the House and Senate, the Conference rejected the President's proposal to establish a \$100 million Everglades Restoration Fund and instead provided the \$100 million in existing National Park Service accounts, including \$12.0 million in the ONPS account for scientific research, \$12.0 million in the construction account to be provided to the Army Corps of Engineers for continued construction of the modified water delivery project at Everglades National Park, and \$76.0 million in the land acquisition account. The land acquisition amount is earmarked to complete Federal land acquisition at Everglades National Park (\$66.0 million) and

Big Cypress National Preserve (\$10.0 million), but the Conference accepted Senate bill language that allows these funds to be redirected to the State of Florida for land acquisition to provide a buffer between natural and urban areas in South Florida, as well as to acquire lands within Stormwater Treatment Area 1 East and to reimburse the State for past acquisitions in that area.

In addition to requesting funds for 1998, the President's Budget proposed advance appropriations of \$331.8 million for fiscal years 1999 through 2002 for additional land purchases, scientific research, and completion of the modified water delivery project. The Conference, like the Senate and House, does not provide any advance appropriations.

#### President's Forest Plan for the Pacific Northwest

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
Endangered Species (\$000)	68,214	71,099	69,355	70,807	70,706	+2,492	-393
						+3.6%	-0.6%

The Conference fully funds BLM implementation efforts with \$35.4 million, which will allow BLM to meet its 1998 timber target of 211 mmbf. The Fish and Wildlife request is also fully funded, with the exception of the request for endangered species consultations which is funded at \$4.6 million, \$875,000 above the 1997 level, but \$393,000 below the request. The Jobs in the Woods program is funded at \$13.7 million, the 1997 enacted level.

#### Elwha River Dams

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
Elwha (\$000)	4,730	24,900	3,000	3,000	3,000	-1,730	-21,900
						-36.6%	-88.0%

The 1998 budget request included \$21.8 million which, when combined with prior year appropriations of \$8.0 million, would have been sufficient to acquire the Elwha and Glines Canyon dams. In addition, the budget requested \$3.1 million for the first year of planning and design and \$83.3 million in advance appropriations for fiscal years 1999 through 2003 to complete removal of the dams and restoration of the Elwha River.

The Conference provides \$3.0 million as an installment towards the cost of acquiring the dams, the same amount as proposed by both the House and Senate. Senate bill language accompanying the additional \$700 million for high priority land acquisitions (see below) anticipated that funds could be included for Elwha and Glines Canyon acquisition in the acquisition lists to be submitted to the Congress by the Administration. The Conference bill does not include this language, but neither does it prohibit inclusion of funds for Elwha and Glines acquisition on an

Administration list. The Conference did not approve the \$3.1 million for construction planning or the requested advance appropriations for dam removal and reconstruction.

### Bureau of Indian Affairs

	<u>97 Enacted*</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
BIA	1,616,280	1,731,779	1,683,918	1,702,427	1,701,991	+83,711	-29,788
(\$000)						+5.3%	-1.7%

\* 1997 enacted level includes \$12.6 million in emergency funding.

The Conference agreement funds BIA at \$1.7 billion, an increase of \$83.7 million above the 1997 enacted level, but \$29.8 million below the President's request.

The Conference level maintains funds for the Tribal Priority Allocations activity at the President's budget level of \$757.3 million, an increase of \$76.5 million over 1997. The Conference adopted Senate bill language directing BIA to distribute the increase (adjusted for fixed costs, internal transfers and formula driven programs not part of tribes' TPA base) by distributing the funds necessary to ensure that all of the tribes receive at least \$160,000 in base funding, and then allocating the remaining amount (approximately \$27.3 million) according to the recommendations of a task force of federal and tribal representatives.

The President's budget sought an increase of \$16.8 million for school operations to maintain academic accreditation standards, provide safe transportation and serve an anticipated 3 percent increase in total school population in the 1998-99 school year. The Conference level provides an increase of \$10.2 million for school operations, \$6.6 million below the request. While the President's budget sought a \$3.0 million increase for Tribal Colleges, the Conference level falls \$500,000 short of meeting the President's request.

The 1998 request included an increase of \$9.5 million for trust responsibility activities in the Operation of Indian Programs account, such as water rights negotiation, environmental clean-up, and elimination of backlogs in adjudication and certification of title and ownership of Indian lands. The Conference level provides an increase of only \$1.8 million for these programs.

The BIA Construction appropriation of \$125.1 million is essentially the same as the President's budget request. The appropriation will increase education construction by \$5.2 million above the request to provide initial facility replacement work for the Pyramid Lake and Sac and Fox Schools and final repair at WaHeLut School. The Conference level provides the \$9.1 million requested in the President's budget for replacement of the Ute Mountain Ute Detention Center. Within resources management construction, safety of dams is funded at \$2.0 million below the requested level of \$22.0 million, and the Navajo Indian Irrigation Project is funded at the requested level of \$25.5 million.

The appropriation level for Land and Water Settlements is \$16.0 million below the request. \$25.0 million is provided for the Ute Indian Water Rights Settlement, \$16.5 million less than the request.

### Office of the Special Trustee for American Indians

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
OST (\$000)	34,120	39,337	32,126	35,689	33,907	-213 -0.06%	-5,430 -13.8%

The Conference provides \$33.9 million for the Office of the Special Trustee, slightly below 1997 enacted, and \$5.4 below the request. At this level it is estimated that about \$14 million will be available for trust management improvement initiatives, as opposed to \$19 million at the request level.

### Science Programs

#### U.S. Geological Survey

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
Surveys, Investigations and Research (\$000)	740,051*	745,388	755,795	758,160	759,160	+19,109 +3.0%	+13,772 +2.0%

\* 1997 enacted level includes \$1.1 million in emergency funding.

The Conference provides USGS with a \$7.6 million increase over 1997 for biological research, including \$5.0 million of the \$7.5 million requested in the budget for enhanced research for, and technical assistance, to the Department's land managers. The Conference did not accept a House proposal to add \$2.5 million to establish a pilot competitive grant program to support multi-disciplinary research needs, but did adopted a House increase of \$3.0 million for the EROS Data Center to work on the Ohio Consortium Initiative. The Conference mark provides increases of \$3.0 million for the Global Seismic Network, \$1.0 million for volcano monitoring in Alaska and Hawaii and \$2.0 million for minerals work in Alaska. The Conference funds Water Resources Research Institutes at the 1997 enacted level of \$4.5 million and the conference report instructs that the current policy related to competitive grants for the Institutes be continued. The report also states that the funding increase for Cooperative Research Units is to fill vacancies at existing units, not to establish new units. Finally, report language establishes research related to hypoxia in the Gulf of Mexico as a high priority.

## Land Acquisition and Construction

### Land Acquisition

	<u>97 Enacted</u>	<u>96 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/-1977</u>	<u>+/- Budget</u>
Land Acq.*	108,804	125,360	194,000	192,582	217,122	+108,318	+91,762
Special Acct.**	0	700,000	0	700,000	699,000**	+699,000	-1,000

(\$000)

\* Includes LWCF funding for NPS, FWS and BLM. \*\*Special account would be available for land acquisition and critical maintenance by NPS, FWS, BLM and the U.S. Forest Service. Under the Conference bill \$532 million is provided for Interior agencies and \$167 million for USPS.

The Conference funds the regular National Park Service land acquisition program at \$143.3 million, a net of increase of \$70.8 million above the President's budget. As in the House and Senate, \$76.0 million of the increase above the budget results from funding Everglades land acquisition in this account, rather than in a Everglades Restoration Fund as proposed by the Administration.

The Conference provides \$11.2 million for regular BLM land acquisition, \$1.3 million above the February budget. The FWS is allocated \$62.6 million by the Conference, \$18.0 million above the budget request.

In addition to regular LWCF funding, the Conference provides \$699 million of the \$700 million agreed to in the Bipartisan Budget Agreement for a special LWCF program. Of the total, \$532 million is for Interior agencies and \$167 for the U.S. Forest Service.

As envisioned at the time of the Budget Agreement, up to \$250 million is provided for acquisition of the Headwaters Forest in California and up \$65 million is provided for acquisition of the New World Mine adjacent to Yellowstone National Park. The Headwaters acquisition will be charged against the Interior allocation, the New World Mine against the Forest Service allocation. In connection with these two acquisitions, the Conference agreement provides \$10 million for a payment to Humboldt County, California and \$12 million for plowing, maintenance and repair of the Beartooth Highway east of Yellowstone.

The Conference bill includes extensive legislative provisions authorizing and placing conditions on the Headwaters and New World Mine acquisitions. The effective date of the authorizations is delayed 180 days to allow the House and Senate authorizing committees to consider additional authorizing legislation related to the two projects. Among the conditions imposed in the Conference bill is a requirement for current appraisals for both properties. However, the properties may be acquired at more than appraised value if explained in writing to the authorizing committees and certified by the relevant Secretary to be in the best interest of the United States. For Headwaters, additional conditions include requirements that the State of California meet its \$130 million funding

commitment for Headwaters and that a multi-species habitat conservation plan for adjacent Pacific Lumber Company timber properties be approved. The bill limits further Headwaters land acquisition unless specifically authorized in subsequent legislation and also limits Federal post-acquisition spending for administration of the Headwaters Forest to \$300,000 (except for law enforcement and emergency activities); \$200,000 of the spending must be matched by state or private funds. The bill authorizes (but does not require) the Secretary to establish a Headwater Forest Management Trust to manage the Forest.

Among the New World Mine related provisions in the Conference bill is a requirement that the Secretary transfer either three specific coal tracts or \$10 million in other Federal mineral rights in Montana to the State.

The remaining balance of the LWCF fund after Headwaters, New World Mine and associated costs is \$362 million, \$272 million for Interior and \$90 million for the Forest Service. The Budget Agreement envisioned that this balance would be available for high priority land acquisitions and exchanges. The Conference agreement expands the purposes of the fund to include critical maintenance. The Secretaries of Interior and Agriculture are to use reprogramming procedures to submit requests for use of the balance to the House and Senate Appropriations Committees for consideration. The Conference Report states, "The managers encourage the Secretaries to emphasize the critical maintenance backlogs that they have identified on public lands, which total more than \$2 billion for the Forest Service and approximately \$7 billion for the land management agencies in the Department of the Interior. Requests for additions to the public lands base should be evaluated carefully, and priority should be given to those acquisitions which complete a unit, consolidate lands for more efficient management, or address critical resource needs."

### Construction

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
Construction*	346,864**	314,193	302,652	343,702	388,212	+41.5	+74.0
(\$000)						+12.0%	+23.6%

\* Includes BLM, FWS, NPS, and BIA construction accounts. \*\*1997 enacted level includes \$24.9 million in emergency funding.

The Conference funds the construction accounts in the land management bureaus and Bureau of Indian Affairs at a total of \$388.2 million. In addition, as discussed above, a portion of the special \$699 million LWCF fund may be made available for critical maintenance.

The Conference funds NPS construction at \$214.9 million; \$64.9 million more than the President's request. Included in the NPS mark are funds to plan and prepare for the relocation of the Cape Hatteras Lighthouse and to begin the Oklahoma City Bombing Memorial. The Conference report directs the Department and NPS to (1)

appoint a committee to review the NPS construction practices, with primary emphasis on the role of the Denver Service Center; 2) work with independent consultants to develop design and construction guidelines; and 3) propose a two-year action plan for reducing the park housing inventory.

The FWS construction program is funded at \$45.0 million, \$9.1 million above the request. The BLM program is funded at the \$3.3 million, \$100,000 higher than the President's request. The Conference level for BIA construction is \$125.1 million, essentially the same as the request. Funding is provided for the health and safety replacement of the Ute Mountain Ute Detention Center and for new schools at Pyramid Lake and Sac and Fox.

### Other Bureaus, Offices, and Programs

#### Office of Surface Mining

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
OSM	271,757	271,057	275,061	275,061	273,061	+1,304	+2,004
(\$000)						+0.5%	+0.7%

The Conference report funds the Appalachian Clean Streams Initiative at \$5.0 million, an increase of \$1.0 million, as requested by the President. The measure funds OSM's uncontrollable fixed cost increases by providing additional budget authority, rather than through selected program decreases as proposed in the President's budget. The Conferees dropped two different add-ons: the Senate's \$2.0 million increase to fund an acid mine drainage technology initiative in cooperation with the National Mine Land Reclamation Center and the House's increase of \$2.0 million for regular AML State Reclamation Grants.

#### Minerals Management Service

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
MMS							
Direct Approps.	163,395	164,040	145,739	141,840	143,639	-19,756	-20,401
Receipts	<u>41,000</u>	<u>41,000</u>	<u>65,000</u>	<u>65,000</u>	<u>65,000</u>	<u>+24,000</u>	<u>+24,000</u>
Total Funding	204,395	205,040	210,739	206,840	208,639	+4,244	+3,599
(\$000)						+2.1%	+1.8%

For the Outer Continental Shelf program, the Conference measure provides the \$6.3 million increase requested by the President to enable MMS to fulfill its offshore responsibilities in the face of surging activity in the Gulf of Mexico. The Conference rejected a \$1 million increase proposed by the House for an OCS information clearinghouse at the University of New Orleans, but acceded to the Senate position by providing \$1.2 million for the Marine Minerals Resource Centers Program, a program previously funded by the Bureau of Mines.

The conferees reconciled the discrepancy in the House and Senate funding levels for the Royalty Management Program (RMP) by providing a \$2.4 million increase over the President's Budget. The Senate had endorsed the President's Budget request, which proposed a \$3.7 million reduction in part to offset the Offshore increases. The House rejected the proposed \$3.7 million reduction and added funding to partially cover uncontrollable cost increases.

Consistent with the action of both the House and the Senate, the Conference derives substantial savings in budget authority by raising the cap on MMS's offsetting collections authority by \$24 million, thereby allowing MMS to retain the dramatic increase in OCS rental rates generated by the booming lease sales in the Gulf of Mexico. By substituting offsetting receipts for direct appropriations, the Conference agreement increases the MMS operating budget by \$3.6 million, but reduces MMS direct appropriations \$20.4 million below the President's budget.

#### NPS External Programs/Heritage Areas

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
NR&P (\$000)	37,976	42,063	43,934	45,284	44,259	+6,283 +16.5%	+2,196 +5.2%

The 1998 budget proposed \$42.1 million for NPS external programs in the National Recreation and Preservation account, including an increase of \$2.8 million for grants and technical assistance for heritage areas authorized in the 1996 Omnibus Park Act and an increase of \$1.0 million for watershed restoration. The Conference disapproves the \$1.0 million for watershed restoration, but provides \$5.4 million for heritage areas.

#### Historic Preservation Fund/HBCUs

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
HPF (\$000)	32,712	42,112	36,912	39,812	40,812	+8,100 +24.8%	-1,300 -3.1%

The 1998 budget proposed increases of \$9.0 million for grants to historically black colleges and universities as a first installment of a \$27 million program to restore historic buildings at these institutions authorized by the 1996 Omnibus Parks Act. The Conference provides \$200,000 for the National Park Service to assess the conditions at the HBCUs authorized to receive funding under the Omnibus Act and \$4 million for restoration projects at HBCUs authorized to receive funding. The Conference provides a requested increase of \$400,000 for grants-in-aid to Indian Tribes.

## Payments in Lieu of Taxes

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
PILT	113,500	101,500	113,500	124,000	120,000	+10,500	+18,500
(\$000)						+9.3%	+18.2%

The Conference bill provides an increase in PILT of \$18.5 million over the budget and \$6.5 million over the 1997 enacted and House levels. Another provision of the bill changes the method of calculating payments to census areas and certain cities in Alaska. The effect of this provision will be to increase by approximately \$500,000 PILT payments to Alaska.

## Insular Affairs

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- Budget</u>
Insular Affairs*	88,726	87,659	88,659	87,759	88,059	-667	+400
(\$000)						-0.1%	+0.1%

\* Includes mandatory appropriations.

The Conference agreement includes very small increases of \$0.3 million and \$0.1 million over the request for General Technical Assistance and Enewetak food support, respectively. Otherwise, the Conference funds Insular Affairs as requested in the President's Budget, including requested increases of \$1.0 million for the Brown Tree Snake (BTS) Eradication and Control Program and \$1.0 million for the Operations and Maintenance Improvement Program (OMIP). Most, if not all, of the BTS increase will be dedicated to research, as opposed to control and containment activities. The OMIP increase will be targeted to insular health facilities.

## Departmental Management

	<u>97 Enacted</u>	<u>98 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>+/- 1997</u>	<u>+/- House</u>
DM	58,286	58,286	58,286	58,286	58,286	0	0
(\$000)						0%	0%

The Conference funds Departmental Management at \$58.3 million, the same level as 1997 and the President's Budget. In addition, the separate appropriation for the Office of the Solicitor is funded at the requested level of \$35.4 million, the same as 1997. The Office of Inspector General receives the requested amount of \$24.5 million, \$61,000 above 1997.

## MAJOR LEGISLATIVE LANGUAGE ITEMS

**Moratorium on Patenting Mining Claims.** As proposed by the President, the Conference bill continues the moratorium on accepting and processing patent applications originally adopted in the 1995 Interior and Related Agencies Act and continued in 1996 and 1997. The continued moratorium "grandfathers" patent applications that were grandfathered under the earlier moratoria. (§314)

**Mining Law Regulations.** The Conference accepted a Senate amendment concerning the Department's ongoing rulemaking to update and modernize regulations on surface management of hardrock mines. Under the amendment, the Secretary may proceed with the rulemaking, but must consult with the governors of states containing lands open to location under the General Mining Law and may not publish a proposed rule before November 15, 1998. (§339)

**OCS Moratoria.** The Conference bill continues four moratoria on Outer Continental Shelf leasing that have appeared in the Interior and Related Agencies Act for several years. As proposed by the President, the moratoria are slightly revised to conform to the recently adopted OCS five year plan. (§§108-111)

**R.S. 2477.** The Conference bill does not continue a 1997 provision prohibiting any final rule concerning R.S. 2477, a now repealed statute that allowed for rights-of-way to be established across unreserved public land, from taking effect unless approved by the Congress. The Conference report cites a recent Comptroller General ruling that the 1997 provision is permanent law. The House had proposed to continue the provision.

**TPA Means Testing.** The Conference adopts Senate bill language that directs BIA to distribute the 1998 increase for Tribal Priority Allocations (adjusted for fixed costs, internal transfers and formula driven programs not part of tribes' TPA base) by distributing the funds necessary to ensure that all of the tribes receive at least \$160,000 in base funding, and then allocating the remaining amount (approximately \$27.3 million) according to the recommendations of a task force of federal and tribal representatives. The Conference adds language that clarifies how the Secretary is to proceed in distributing the remaining amount if the task force does not reach unanimous agreement. (§118)

**Gaming.** The Conference agreed to a Senate amendment prohibiting the Secretary from approving tribal-state compacts for class III gaming entered into after enactment of the 1998 Interior Appropriations Act, except for tribal-state compacts approved by a state in accordance with state law. The amendment does not prohibit the Secretary from conducting a rulemaking to establish a process for situations in which a tribe and a state cannot agree on a compact, but would prohibit the implementation of any resulting regulation. (§129)

**Tribal Sovereignty.** The Conference adopted Senate language holding the Secretary responsible for ensuring that the Huron Cemetery in Kansas is used only for religious and cultural purposes that are compatible with the use of the land as a cemetery and burial ground. (§ 125)

**Lake Clark National Park.** The Conference extends for one year the time within which the Cook Inlet Regional Corporation and ANCSA village corporations in the Cook Inlet region may bring a lawsuit to enforce a claim that they are entitled to make land selections within Lake Clark National Park and Preserve. An amendment proposed in Conference to provide that the lawsuit would be tried de novo and that the agreement on which the corporations' claim is based would be treated as Indian legislation is not included in the bill as reported. However, language is included to allow all parties to the lawsuit to introduce any relevant evidence. (§121)

**Alaska Subsistence.** The Conference bill continues until December 1, 1998, a provision appearing in 1996 and 1997 that prohibits publication or implementation of an interim or final rule to implement a 9th Circuit Court of Appeals decision holding that, in the absence of a state program providing a rural subsistence hunting and fishing preference, the Federal subsistence program under the Alaska National Interest Lands Conservation Act must cover subsistence fishing in waters where there are Federal reserved water rights. The bill also includes a set of amendments to the subsistence provisions of ANILCA that will take effect if Alaska adopts a rural preference before December 1, 1998. (§316)

**Grizzly Bear Reintroduction.** The Conference bill includes an amendment adopted in the full Senate Committee that prohibits spending in 1998 to reintroduce grizzly bears into the Selway-Bitterroot Ecosystem in central Idaho and western Montana, but allows for receipt of public comments on a draft EIS on the project and for conduct of a habitat-based population viability study. The Conference modified the amendment to also allow the issuance of a record of decision on reintroduction. (§342)

**Kantishna Mining Claims.** The Conference bill includes, with minor modifications, a Senate provision providing for a legislative taking, effective 90 days after enactment, of all patented and valid unpatented mining claims in the Kantishna Mining District in Denali National Park whose owners consent in writing to such a taking. Payment for the taking is to be from the Claims and Judgment Fund. (§120)

**Interior Columbia River Basin Ecosystem Management Project.** The Conference bill modifies and adds requirements to a provision included by the House that required the Secretaries of Agriculture and Interior to analyze the economic and social conditions of communities within the project area. The Conference language requires that the two Secretaries submit a report prior to the release of the final EISs for the project that provides a description of all planned "project decisions," the time required to make and costs of those decisions, and an estimate of goods and

services to be produced from Federal lands in the Project area over a five-year period. The requirement for a separate socioeconomic analysis called for by the House is also continued. This analysis is to be published for public comment and later incorporated into the final EISs. (§ 323)

**Man and the Biosphere Program/World Heritage Program.** The Conference bill prohibits the expenditure of any funds for nominations for designation of Biosphere Reserves until such time as legislation is enacted authorizing U.S. participation in the Man and the Biosphere program. A House provision limiting spending on the World Heritage Program is not included in the Conference bill. (§327)

**Recreation Fee Demonstration Program.** The Conference accepts a House proposal to allow the land management bureaus to retain all fees collected at demonstration fee sites. Under current law, bureaus may retain only those demonstration fee revenues that are in excess of 1994 collections. The Department's estimate of the change, as agreed to by the Conference, is that it would allow the National Park Service to retain an additional \$51.5 million in 1998. (§320)

The Conference also retains a second House amendment to the fee demonstration authority prohibiting the use of fee revenue to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and Senate Appropriations Committees, but limits the requirement to structures costing more than \$500,000. (§321)

**FWS Regional Office.** The Conference bill includes House language that prohibits establishment of a new regional office in the Fish and Wildlife Service without advance approval of the Appropriations Committees. (House §114)

**Use of Alaska Submerged Lands Settlement Revenues.** The Conference bill includes a modified version of a Senate provision establishing an Environmental Improvement and Restoration Fund. The new fund is to be capitalized with one-half of the estimated \$1.6 billion to be recovered by the United States as a result of the Supreme Court's recent decision on disputed submerged lands oil revenues in U.S. v. State of Alaska. Under the Conference agreement, each year 80 percent of the interest earned by the Fund is available for appropriation to NPS, FWS, BLM, and the U.S. Forest Service for capital improvements and resource protection, and for payment to the State of Louisiana and its lessees for oil and gas drainage in the West Delta field. Twenty percent is made available for the Department of Commerce for marine research activities. The Conference adopted a sunset provision, specifying that if interest is not appropriated from the Fund by December 15, 1998, the Fund shall terminate and the balance in the Fund, including accrued interest, shall be applied to reduce the Federal deficit. (Title IV)

**Glacier Bay Ferry Service.** The Conference bill includes a provision directing the National Park Service to initiate a competitive process to allow one entry per day for

a passenger ferry from Juneau into Bartlett Cove. This is a modification of a provision included in the Senate bill authorizing entry by a particular carrier. (§127)

**Oxon Cove Land Exchange.** The Conference adds a new provision directing a land exchange whereby the Department would convey to the Corrections Corporation of America 42 acres of Oxon Cove Park located in the District of Columbia and managed by the National Park Service for 84 acres located in Prince Georges County, Maryland, that are adjacent to the park. CCA proposes to use the tract to build a for-profit women's correctional institution. A 1997 rider authorized (but did not direct) this exchange. The conference provides discretion to the Secretary to not acquire the 84 acres if the lands are contaminated with hazardous substances. (§135)

**Pennsylvania Avenue.** A new provision added in Conference prohibits the expenditure of funds appropriated in the 1998 Interior and Related Agencies Act for the planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without advance approval of the Appropriations Committees. (§348)

DEPARTMENT OF THE INTERIOR  
FY 1998 APPROPRIATIONS

(S in thousands)

	FY 1997 Enacted Level *	FY 1998 President's Budget	House Allowance	Senate Allowance	Conference Allowance	Conference less 1997	Conference less Pres. Budget
Bureau of Land Management	1,145,648	1,121,539	1,128,538	1,138,323	1,135,917	-9,731	+14,378
Minerals Management Service	163,395	164,040	145,739	141,840	143,639	-19,756	-20,401
Office of Surface Mining	271,757	271,057	275,061	275,061	273,061	+1,304	+2,004
U.S. Geological Survey	740,051	745,388	755,795	758,160	759,160	+19,109	+13,772
Fish and Wildlife Service	670,596	687,923	725,126	728,716	745,387	+74,791	+57,464
National Park Service	1,435,858	1,598,900	1,564,062	1,605,659	1,646,926	+211,068	+48,026
Bureau of Indian Affairs	1,616,280	1,731,779	1,683,918	1,702,427	1,701,991	+85,711	-29,788
Departmental Management	58,286	58,286	58,286	58,286	58,286	0	0
Priority Land Acq., Exchanges, & Maint.**	0	532,000	0	532,000	532,000	+532,000	0
Insular Affairs	88,726	87,659	88,659	87,759	88,059	-667	+400
Office of the Solicitor	35,443	35,443	35,443	35,443	35,443	0	0
Office of Inspector General	24,439	24,500	24,439	24,500	24,500	+61	0
Office of Special Trustee	34,120	39,337	32,126	35,689	33,907	-213	-5,430
National Indian Gaming Commission	1,000	1,000	1,000	1,000	1,000	0	0
<b>Subtotal, Interior Subcomm., current accounts</b>	<b>6,285,599</b>	<b>7,098,651</b>	<b>6,518,192</b>	<b>7,124,863</b>	<b>7,179,276</b>	<b>+893,677</b>	<b>+80,425</b>
Bureau of Reclamation	775,393	892,065	869,144	829,492	869,161	+93,768	-22,904
Central Utah Project Completion Ac	43,627	41,153	41,153	41,153	41,153	-2,474	0
<b>Total, DOI, current accounts</b>	<b>7,104,619</b>	<b>8,032,069</b>	<b>7,428,489</b>	<b>7,995,508</b>	<b>8,089,590</b>	<b>+987,445</b>	<b>+57,521</b>

\* Includes released supplemental funds appropriated in P.L. 104-208 and non-emergency funds appropriated in P.L. 105-18. Does not include emergency funds appropriated in P.L. 105-18.

\*\* \$700 million in LWCF funds was requested in an amendment to the President's Budget pursuant to the Bipartisan Budget Agreement for Interior agencies and the Forest Service. The Interior share of the Conference Mark, \$532 million, is used for comparability.

**Department of the Interior**  
**KEY BUDGET NUMBERS**  
(current BA in millions of dollars)

	1997 Enacted*	1998 President's Budget	1998 House	1998 Senate	1998 Conference Mark	1998 Conference Mark Differences from President's Budget	
						Millions of Dollars	Percent
Interior & Related Agencies	6,286	7,099	6,518	7,125	7,179	+80	+1.1%
DOI Total	7,105	8,032	7,428	7,996	8,090	+58	+0.7%
BIA/Indian Trusts Total	1,650	1,771	1,716	1,738	1,736	-35	-2.0%
Land Management Operations composed of:	2,359	2,471	2,506	2,516	2,513	+42	+1.7%
NPS Operations	1,155	1,220	1,232	† 1,250	† 1,234	+13	+1.1%
BLM Operations	679	689	683	680	685	-4	-0.6%
FWS Operations	526	562	591	585	595	+33	+5.9%
Wildland Fire Management	302	280	280	283	280	0	0.0%
Interior Science	740	745	756	758	759	+14	+1.8%
Interior Land Acquisition	109	201**	194	193	217	+16	+7.8%
Interior Construction	347	314	303	359	368	+74	+23.6%
Land Acq., Exch., & Main. ***	0	532	0	532	532	0	0.0%
BOR/CUP	819	933	910	871	910	-23	-2.5%
Departmental Offices (w/o OST)	208	207	208	207	207	+0	+0.2%
Everglades Restoration, NPS	57	136	136	136	136	-0	-0.1%
All Other Funds	695	702	680	665	671	-31	-4.4%

\* Includes released emergency supplemental funds appropriated in P.L. 104-208 and non-emergency funds in P.L. 105-18, but not the emergency funds from that law. Excludes external transfers, but includes a BIA/OST internal transfer.

\*\* Includes \$76.1 million from Everglades Restoration Fund for comparability.

\*\*\* \$700 million in LWCF funds was requested in an amendment to the President's Budget pursuant to the Bipartisan Budget Agreement for Interior agencies and the Forest Service. The Interior share of the Conference Mark, \$532 million, is used for comparability.

† Reflects a \$16.9 million transfer of function in the budget from NPS construction to ONPS for the equipment replacement program.