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SEP 59
61

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994, AND FOR OTHER PURPOSES

OCTOBER 15, 1993.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 2520]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2520) "making appropriations for the Department of the Interior and Related Agencies, for the fiscal year ending September 30, 1994, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 8, 20, 21, 25, 29, 37, 40, 45, 48, 56, 60, 61, 63, 79, 83, 86, 92, 103, 104, 112, 119, 122.

That the House recede from its disagreement to the amendments of the Senate numbered 28, 31, 34, 36, 57, 58, 59, 64, 68, 70, 80, 91, 93, 96, 105, 106, 107, 108, 109, 110, 113, 114, 115, 116, and agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 4, 10, 12, 18, 23, 24, 27, 38, 39, 41, 42, 43, 49, 50, 51, 54, 62, 67, 69, 71, 72, 73, 74, 75, 76, 77, 81, 82, 84, 90, 95, 100, 101, 102, 111, 118, 120, 121, 123, 124, 125.

Amendment numbered 3:

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

In lieu of the sum proposed by said amendment insert: \$12,122,000; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$484,313,000; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$73,565,000; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$6,700,000; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$9,000,000; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$12,000,000; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$12,000,000; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$163,519,000; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$162,092,000; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,061,823,000; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: \$42,585,000; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$95,250,000; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$65,796,000; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$169,436,000; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$105,163,000; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,490,805,000; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$166,979,000; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$81,907,000; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$77,369,000; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$23,838,000; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$18,464,000; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$2,394,000; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$168,107,000; and the Senate agree to the same.

Amendment numbered 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: \$2,500,000; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

Delete the matter stricken and inserted by said amendment; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$430,674,000; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$690,375,000; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$254,025,000; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$206,800,000; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$86,553,000; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,645,877,000; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$7,500,000; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$296,982,000; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the first section number named in said amendment, insert: 313; and the Senate agree to the same.

SIDNEY R. YATES,
 JOHN P. MURTHA,
 NORMAN D. DICKS,
 TOM BEVILL,
 DAVID E. SKAGGS,
 RONALD D. COLEMAN,
 WILLIAM H. NATCHER,
 RALPH REGULA,
 JOSEPH M. MCDADE,
 JIM KOLBE

(except for amendments Nos.
 16, 17, 18, and 123),

RON PACKARD

(except for amendments Nos.
 16, 17, 18, and 123),

Managers on the Part of the House.

ROBERT C. BYRD,
 J. BENNETT JOHNSTON,
 PATRICK J. LEAHY,
 DENNIS DECONCINI,
 DALE BUMPERS,
 ERNEST F. HOLLINGS,
 HARRY REID,
 PATTY MURRAY,
 DON NICKLES,
 TED STEVENS,
 THAD COCHRAN,
 MARK O. HATFIELD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2520), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1994, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2520 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 103-158 or Senate Report 103-114 which are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, \$599,860,000, of which the following amounts shall remain available until expended: \$1,462,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(i)), and \$69,418,000 for the Automated Land and Mineral Record System Project: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its con-

tractors; and in addition, \$15,300,000 for Mining Law Administration program operations to remain available through September 30, 1994, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final fiscal year 1994 appropriation estimated at not more than \$599,860,000: Provided further, That in addition to funds otherwise available, not to exceed \$5,000,000 from annual mining claims fees shall be credited to this account for the costs of administering the mining claim fee program, and shall remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates \$599,860,000 for management of lands and resources instead of \$604,415,000 as proposed by the Senate. The House did not include funds for this account. The amendment also derives \$15,300,000 for mining law administration and \$5,000,000 for the administration of the mining claim fee program from mining claim fees, and prohibits the destruction of healthy wild horses and burros as proposed by the Senate.

The decrease from the amount proposed by the Senate consists of \$250,000 for oil and gas in energy and minerals development; \$55,000 for preparation of land for disposal and sale in Oregon, \$400,000 for land withdrawal reviews, and \$1,000,000 for land exchanges, all in lands and realty management; \$300,000 for the Rio Puerco watershed, NM, in soil, water, and air management; \$300,000 for riparian management, \$500,000 for threatened and endangered species habitat management, and \$750,000 for general habitat management, all in wildlife habitat management; \$50,000 for the Chacoan Outliers in cultural resources management; \$50,000 for the bicycle trail between Glendale and Powers, OR, and \$400,000 for general management activities, both in recreation resources management; and \$500,000 for facilities maintenance.

The managers agree that \$55,000 is available within funds for lands and realty management to allow the BLM to prepare for the disposal and sale of 1,500 acres of BLM-administered lands in order to compensate for the loss of local county tax revenues which results from the acquisition of the Wood River Ranch in the Klamath Basin, OR.

FIRE PROTECTION

The managers agree that within funds provided for Bureau of Indian Affairs presuppression activities \$300,000 is to complete the fire fuel break project around Glenallen, AK.

CONSTRUCTION AND ACCESS

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of the sum named in said amendment, insert:
\$10,467,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates \$10,467,000 for construction and access instead of \$10,817,000 as proposed by the Senate. The House made no such appropriation. The reduction below the amount proposed by the Senate consists of \$250,000 for a low-water crossing below Pathfinder Dam, WY; and \$100,000 for interpretation and visitor facilities at Forts Craig and Cummings, NM.

LAND ACQUISITION

Amendment No. 3: Appropriates \$12,122,000 for land acquisition instead of \$14,877,000 as proposed by the House and \$8,177,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Book Cliffs, UT	245,000
Cache Creek, CA	700,000
Central Valley Wetlands, CA	900,000
Cowiche Canyon Preserve, WA	400,000
Desert Tortoise Habitat	700,000
Garden Park Fossil Area, CO	500,000
Idaho Lands	1,450,000
McIntire Spring, CO	550,000
Morongo Canyons, CA	200,000
Pechanga Burial Grounds, CA	300,000
San Pedro NCA, AZ	1,000,000
Santa Rosas Mountains, CA	1,000,000
West Eugene Wetlands, OR	750,000
Wood River, OR	1,400,000
Inholdings	750,000
Acquisition Management	1,277,000
Total, Bureau of Land Management	12,122,000

The managers acknowledge that Uintah County, Utah, has established a policy of no net gain of Federal land and no net loss of private property within the county, as a means to ensure a stable and secure tax base. Therefore, the funds to be used to complete acquisition of the Cripple Cowboy Ranch in the Book Cliffs/Bitter Creek, UT area cannot be expended until the Bureau of Land Management (1) identifies a list of specific Federal acreage located throughout Uintah County, which is equal in value and equal in amount to the acreage involved with the full acquisition of the Cripple Cowboy Ranch, that will be exchanged to the county in a diligent and timely manner, and (2) has consulted with the Uintah County Commission.

OREGON AND CALIFORNIA GRANT LANDS

The managers agree that the Bureau of Land Management may reprogram funds within this account for watershed assessment and restoration, up to a maximum of \$17,300,000. Within 60 days of enactment, the Department shall report to the Committees on Appropriations as to which programs were decreased to provide the watershed funds.

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal range-lands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,025,000, to remain available until expended: Provided, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: Provided further, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary

structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides indefinite appropriations for range improvements; service charges, deposits, and forfeitures; and miscellaneous trust funds as proposed by the Senate. The House bill included no appropriations for these accounts.

The amendment also includes administrative provisions for the Bureau of Land Management as proposed by the Senate, amended to delete references to expenditures for Oregon and California Railroad and Coos Bay Wagon Road grant lands no longer required. The House had no similar provision.

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 5: Appropriates \$484,313,000 for resource management instead of \$492,229,000 as proposed by the House and \$476,831,000 as proposed by the Senate.

The net change to the House position includes the following:

Increases:

Bay estuary program coordination	\$75,000
Platte River studies	196,000
Middle Rio Grande Bosque project	200,000
Alaska accident prevention, safety and survival training	300,000
Nevada Negotiated Water Settlement Act	100,000
Alaska refuge operations (transfer from NBS)	665,000
Alaska subsistence harvest	250,000
Harvest information	250,000
Training	700,000
Philadelphia port of entry	100,000
Baltimore port of entry	200,000

Decreases:

Endangered species:	
Prelisting	250,000
Listing	250,000
Consultation	1,500,000
Recovery	2,125,000
Washington State ecosystems project	138,000
Chicago Wetlands Office	143,000
Bay estuary program:	
Puget Sound	69,000
San Francisco Bay	25,000
Long Island Sound/So. New England	100,000
Hydropower licensing/relicensing	125,000
Environmental contaminants	500,000

National Wetlands Inventory	1,100,000
Challenge Cost Share	250,000
Air quality activities	250,000
Habitat Management	800,000
Refuge operations and maintenance	375,000
Water rights	250,000
Maintenance	500,000
RESERVA	150,000
North American Waterfowl Management Program Coordina- tion	125,000
Fisheries stewardship	500,000
Interjurisdictional rivers	427,000
Space rental	1,000,000

The managers agree to the following:

1. Up to \$100,000 within habitat conservation is available for model wetlands restoration at The Wilds, Ohio.
2. \$400,000 is included within the recovery budget for Mexican wolf recovery programs.
3. The Service is to follow the guidance provided in House Report 103-158 regarding the innovative habitat conservation program in southern California.
4. None of the reduction for habitat management below the House level is specifically directed at Patuxent NWR, MD.
5. While \$665,000 has been transferred back to refuge operations in Alaska from the National Biological Survey, the Service should continue to coordinate with the NBS on those activities which have been conducted for several years by the Alaska Research Center.

The managers urge the Fish and Wildlife Service to complete its review of the regulations governing the release and harvest of captive-reared mallards on State licensed regulated shooting areas. The Service should review all data bases on this issue, including its current study on duck release programs as well as other studies in progress, and present its findings to the Committees on Appropriations and other interested parties before considering any changes in regulations.

The managers recognize the importance of the Treaty Indian Catch Monitoring Program and the essential role of the U.S. Fish and Wildlife Service in providing technical assistance in support of this program for the collection and dissemination of Tribal commercial fisheries harvest data. The managers encourage the Service to do everything in its power to ensure the continued success of the Treaty Indian Catch Monitoring Program.

Amendment No. 6: Earmarks \$2,500,000 for the National Fish and Wildlife Foundation as proposed by the House instead of \$1,500,000 as proposed by the Senate.

Amendment No. 7: Deletes Senate provision earmarking \$100,000 for the purpose of compiling and maintaining a database consisting of big game and small game population levels and hunter harvests in, and adjacent to, areas under consideration for wolf reintroduction. While not specifying a certain dollar amount, the managers urge the Service to compile this data within available funds consistent with the objectives identified in the Senate bill language and, in particular, to make use of data already available and to cooperate with State efforts already underway to establish a comprehensive big game database.

Amendment No. 8: Deletes Senate earmark of \$40,000 for the research program relating to habitat and repopulation studies and possible interactions between wolves and mountain lions in and around Yellowstone National Park. This issue is addressed under the National Biological Survey.

CONSTRUCTION

Amendment No. 9: Appropriates \$73,565,000 for construction instead of \$53,209,000 as proposed by the House and \$75,388,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Site	Description	Amount
Aransas NWR, TX	Office/residence replacement	294,000
Bear River MBR, UT	Flood damage repair	250,000
Bozeman Fish Tech Center, MT	Fish contaminant building	1,160,000
Cape Romain NWR, SC	Replacement visitor center	1,550,000
Chehalis River, WA	River restoration	200,000
Crab Orchard NWR	Water tower rehabilitation	439,000
Eastern Shore of Virginia NWR, VA	Complete visitor center	1,000,000
Hatchie NWR, TN	Handicapped fishing access	500,000
Hawaii Captive Breeding Facility, HI	Endangered bird species	1,500,000
Hawaii Refuges, HI	Fencing	450,000
Kenai NWR, AK	Skilak Loop	2,000,000
Ketchikan Eco Services, AK	Replace dock facilities	1,350,000
Lake Ilo NWR, ND	Improve dam safety	9,280,000
Lower Truckee River, NV	Restore habitat	450,000
Makah NFH, WA	Road rehabilitation	500,000
National Ed & Training Center, WV	Training Center	21,280,000
Noxubee NWR, MS	Plan bridge replacement	800,000
Ottawa NWR, OH	Metzger Marsh dike	1,800,000
Ouray NWR, UT	Endangered razorback sucker	970,000
	Pelican Lake Pipeline	714,000
Pacific Institute of Natural Sciences, OR .....	.....	650,000
Pacific Island NWR, HI	Repair seawall	500,000
Panther Swamp NWR, MS	Replace 4 bridges	1,375,000
Prime Hook NWR, DE	Replace office/visitor center	342,000
Tensas NWR, LA	Access road	2,620,000
Togiak NWR, AK	Employee housing (3)	1,145,000
Trempealeau NWR, WI	Entrance road bridge	351,000
Upper Souris NWR, ND	High hazard dam	6,303,000
Walnut Creek NWR, IA	Refuge development	5,290,000
Wertheim NWR, NY	Building repairs	334,000
Wichita Mtns WR, OK	Grama Lake Dam	560,000
	Complete facility	600,000
	Waste water treatment system	150,000
William Finley NWR, OR	Muddy Creek Bridge replacement	130,000
Emergency projects .....	.....	1,000,000
Dam safety inspections .....	.....	594,000
Bridge Inspections .....	.....	579,000
Construction management .....	.....	5,540,000
Offset	Lake Elmer Thomas dam	- 985,000
Total .....	.....	73,565,000

No funds have been provided to the U.S. Fish and Wildlife Service for the pollution abatement facility at the Winthrop National Fish Hatchery, WA because this facility has been transferred to the Bureau of Reclamation.

The managers agree that the fiscal year 1994 appropriation ends the Federal contribution to the Pacific Institute of Natural Sciences.

The managers have provided an additional \$1.5 million to the Service for Phase I of the captive propagation facility for endangered species in Hawaii. Since the Service has stated that this project is a high priority, the managers expect the Service to include the funds needed for operation of this facility and Phase II construction in the fiscal year 1995 budget and beyond.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

of which \$1,800,000 shall be available as a grant from the United States Fish and Wildlife Service to Ducks Unlimited, Inc., for construction of the Federal portion of the dike and pumping station at Metzger Marsh: Provided, That notwithstanding any other provision of law a single procurement for the construction of facilities at the Walnut Creek National Wildlife Refuge, Iowa may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment restores House language stricken by the Senate regarding construction of a Metzger Marsh dike and pumping station at Ottawa NWR, OH and allows a single procurement to go forward for construction at Walnut Creek NWR, IA.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND

Amendment No. 11: Appropriates \$6,700,000 for natural resource damage assessment instead of \$7,260,000 as proposed by the House and \$6,260,000 as proposed by the Senate.

LAND ACQUISITION

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$82,655,000 for land acquisition instead of \$61,610,000 as proposed by the House and \$76,204,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

ACE River Basin, SC	3,000,000
Alaska Peninsula NWR, AK	250,000
Alaska Refuges	3,000,000
Archie Carr NWR, FL	1,390,000
Back Bay NWR, VA	500,000
Balcones Canyonlands NWR, TX	3,000,000
Bald Knob NWR, AR	1,000,000
Bogue Chitto NWR, LA	500,000
Buenos Aires NWR, AZ	1,200,000
Cache River, AR	3,000,000
Canaan Valley NWR, WV	2,000,000
Cape May NWR, NJ	2,100,000
Chincoteague NWR, VA	500,000

Columbian Deer NWR, WA	500,000
Connecticut River NWR (planning)	500,000
Cypress Creek NWR, IL	3,000,000
E.B. Forsythe NWR, NJ	4,500,000
Emiquon NWR, NJ	1,430,000
Grand Bay NWR, MS, AL	500,000
Grasslands (Gallo Ranch), CA	2,100,000
Grays Harbor NWR, WA	1,000,000
Great Swamp NWR, NJ	500,000
Kilauea NWR, HI	2,175,000
Lake Wales Ridge NWR, FL	2,000,000
Lower Rio Grande Valley NWR, TX	2,360,000
Lower Suwannee NWR, FL	1,000,000
Marais de Cygnes, KS	400,000
Minnesota Valley NWR, MN	1,000,000
Pelican Island NWR, FL	1,220,000
Pettaquamscutt NWR, RI	750,000
Rachel Carson NWR, ME	2,000,000
Red Rock Lakes, MT	400,000
Sacramento River NWR, CA	3,000,000
San Francisco Bay NWR, CA	2,500,000
St. Marks NWR, FL	780,000
Sippewisset Marsh, MA	800,000
Stewart B. McKinney NWR, CT	1,600,000
Stone Lakes NWR, CA	1,000,000
Tensas NWR, LA	1,900,000
Trinity River NWR, TX	1,000,000
Tualatin NWR, OR	2,000,000
Two Ponds Wetlands, CO	1,800,000
Wallkill NWR, NJ	2,000,000
Inholdings	1,000,000
Acquisition management	8,500,000
Emergency/hardships	1,000,000
National Fish and Wildlife Foundation	5,000,000
Total, Fish and Wildlife Service	82,655,000

The managers agree that the \$500,000 recommended for the implementation of the Silvio O. Conte Refuge Act of 1990 in the Connecticut River Basin will be used primarily to complete the planning process. The Conte refuge represents an opportunity for a new kind of wildlife refuge, one that emphasizes building on existing efforts to protect the ecosystem and on cooperative agreements between State, local, Federal agencies, private landowners, and nonprofit foundations and citizen organizations. The Department of the Interior should interpret the Connecticut River in the context of the region's cultural, geological and ecological history with the Fish and Wildlife Service and the National Park Service working in a coordinated fashion.

The appropriation for acquisition at E.B. Forsythe NWR, NJ is for tracts at Chestnut Neck, Reedy Creek, Stout Creek and Manahawkin in the Barnegat Expansion Area.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

Amendment No. 13: Appropriates \$9,000,000 for the cooperative endangered species conservation fund instead of \$9,571,000 as proposed by the House and \$8,571,000 as proposed by the Senate.

NATIONAL WILDLIFE REFUGE FUND

Amendment No. 14: Appropriates \$12,000,000 for the National Wildlife Refuge Fund instead of \$11,748,000 as proposed by the House and \$13,748,000 as proposed by the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 15: Appropriates \$12,000,000 for the North American Wetlands Conservation Fund instead of \$11,257,000 as proposed by the House and \$13,257,000 as proposed by the Senate.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

Amendment No. 16: Appropriates \$163,519,000 for research, inventories, and surveys instead of \$163,604,000 as proposed by the House and \$156,837,000 as proposed by the Senate.

The net change to the House position includes the following:

Increases:

Restoration of House general reduction (species biology)	600,000
Restoration of House general reduction (population dynamics)	600,000
Restoration of House general reduction (ecosystems)	2,500,000
Reno biodiversity initiative	1,500,000
Patuxent operations	400,000
Stuttgart, AR facility	90,000

Decreases:

Genetics and systematics research	375,000
Endangered plant research	300,000
Population dynamics	300,000
Monitoring and inventory	500,000
Landscape functions	300,000
Large rivers	400,000
Southern forested wetlands	250,000
Ecological impacts of contaminants	250,000
Transfer to Bureau of Mines	400,000
Aquatic Gap Analysis	500,000
National Park Service inventories	500,000
Socioeconomics evaluation	500,000
Technical Support Center	200,000
Administration	1,000,000

The managers agree to the following:

1. Every effort should be made to keep administrative costs at a minimum. The managers do not want potential savings from consolidation of Department of the Interior research functions to be eroded by a significant growth in overhead positions; particularly important is to control the number of positions and dollars associated with Congressional and Public Affairs.

2. Money for a waterfowl survey in the Yukon-Kuskokwin NWR, AK and for Alaska marine mammal management is included within the amount provided as proposed in the budget and by the House. The managers expect the National Biological Survey to continue these activities in coordination with the U.S. Fish and Wildlife Service.

3. The Survey is to allocate \$40,000 for the research program relating to habitat and repopulation studies and possible interactions between wolves and mountain lions in and around Yellowstone National Park.

The managers have agreed to retain the Fish Farming Experimental Laboratory in Stuttgart, Arkansas, in the National Biological Survey. The managers are aware of concerns, however, that placing the Laboratory in the National Biological Survey may not be compatible with the Laboratory's legislative mandate under the Fish and Rice Rotation Act (P.L. 85-342). Because of this concern,

the managers will reexamine at the end of 1994 whether the Laboratory should be located in the National Biological Survey or if the unique research mandate and mission of the Laboratory might be better served by moving the Laboratory to the Fish and Wildlife Service's Fishery Operations or to the Department of Agriculture.

Amendment No. 17: Earmarks \$162,092,000 to remain available until September 30, 1995 instead of \$162,177,000 as proposed by the House and \$155,410,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: : *Provided, That none of the funds under this head shall be used to conduct new surveys on private property unless specifically authorized in writing by the property owner*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that funding for the National Biological Survey is provided only to the extent authorized by law and shall be used to continue ongoing research activities of the Department previously carried out by a variety of separate agencies within the Department. This provision is not intended to create or diminish any activity or power, whether express or implied. The funding is specifically limited in kind and scope to research and other activities expressly authorized by law.

While the managers support the goals outlined by the Secretary when he proposed creation of this new agency, i.e. to consolidate the collection and dissemination of biological information, concerns have been raised about the authorities of the new agency, particularly with respect to private property rights and the use of volunteers which should rightly be addressed through the authorizing process which is currently ongoing. The managers encourage the appropriate authorizing committees to act promptly to clarify the mission and responsibilities of this new agency. Language is also included requiring written permission of the property owner before conducting any new surveys on private property.

The amendment also deletes Senate language regarding use of volunteers and acceptance of lands, buildings, or equipment from public and private sources.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 19: Appropriates \$1,061,823,000 for operation of the National park system instead of \$1,059,033,000 as proposed by the House and \$1,063,335,000 as proposed by the Senate.

Changes to the Senate distribution of funds is as follows:

Increases:

Resource stewardship:

Special focus/new parks	1,007,000
Work force professionalization	900,000
Prototype monitoring	100,000
System level research	100,000
Carlsbad Caverns NP, NM	150,000
Everglades NP, FL	500,000
San Francisco Maritime NHP, CA	350,000
Santa Monica Mountains NRA, CA	310,000

Visitor services:	
Big Bend NP, TX (airplane operations)	125,000
Guadalupe Mountains NP, TX	370,000
Chamizal NMEM, TX	132,000
Cuyahoga Valley NRA, OH	1,200,000
Allegheny Portage RR, PA	150,000
Ft. Necessity NB, PA	250,000
Johnstown Flood NMEM, PA	100,000
Fords Theatre	75,000
Special Focus/New Parks	136,000
Maintenance: Special focus/new parks	714,000
Park Support: Special focus/new parks	155,000
Decreases:	
Cultural resources cyclic maintenance	844,000
Regional cyclic maintenance	2,474,000
Regional repair and rehabilitation	2,906,000
Base increase (Park support)	600,000
Challenge Cost Share	1,000,000
Poverty Point NM, LA	212,000
Keweenaw NHP, MI	300,000

The managers agree that there is no specific earmark for the Santa Fe Trail within the increase for the National Trail System and there is no earmark for the New Jersey Coastal Heritage Trail.

Within the amounts provided are the following:

1. \$350,000 for trails at Big South Fork NRA, TN.
2. \$50,000 for picnic shelters at Bighorn Canyon NRA, WY, and
3. \$40,000 for the Sterling Munro nature trail at North Cascades, NP, WA.

The managers are aware of the National Park Service's decision to remove the underground commercial concession operated facilities from the concessions contract at Carlsbad Caverns National Park. The managers encourage the Secretary to revisit this issue and to ensure that adequate opportunity will continue to be provided for public input on this decision. Among the factors that should be covered upon further review are: whether the lunchroom has a negative impact on the environmental integrity of the caverns, impact on the visitor experience, and consistency with 16 U.S.C. 20.

The managers agree to review funding for Keweenaw NHP, MI during consideration of the fiscal year 1995 appropriation.

Amendment No. 20: Strikes Senate language prohibiting the National Park Service from entering into concessionaire contracts that do not include a termination for cause clause. The House had no similar provision.

Amendment No. 21: Deletes Senate provision which reallocates two natural resource management positions for wolf reintroduction to improvement of the physical infrastructure of Yellowstone NP.

The managers expect that Yellowstone National Park will receive fair consideration in the allocation of the increased funds provided for park operations in fiscal year 1994. In allocating these resources, the Park Service should address the need for balance between funds for natural resource protection and visitor services. Any increases provided for natural resource activities should be targeted towards the protection and preservation of the significant natural resources which draw so many visitors to the first established national park, and not be used for activities associated with wolf reintroduction. At the same time, the park should seek to

maximize the provisions of the recently enacted Budget Reconciliation legislation related to funding for fee collection activities.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 22: Appropriates \$42,585,000 for national recreation and preservation instead of \$35,606,000 as proposed by the House and \$43,844,000 as proposed by the Senate. The agreement also deletes the Senate earmark of \$610,000 for the Roosevelt Campobello International Park Commission. Deleting this language in no way reduces the amount available to the Roosevelt Campobello International Park Commission.

Changes to the House position include increases of \$250,000 for the National Center for Preservation Technology, \$300,000 for International Park Affairs, \$25,000 for the Maine Acadian Cultural Preservation Commission, \$750,000 for the Native Hawaiian culture and arts program, \$5,304,000 for the Wheeling National Heritage area, \$400,000 for Steel Heritage Industry technical assistance and a decrease of \$50,000 in grant administration.

The funding level includes \$5,304,000 as proposed by the Senate, for the Wheeling project. These funds are made available subject to the passage of authorizing legislation, however, in the event authorizing legislation is not enacted prior to March 30, 1994, these funds will become available at that time. In the interim period, the Park Service may provide technical assistance funds only for the Wheeling project.

CONSTRUCTION

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$201,724,000 for construction instead of \$183,949,000 as proposed by the House and \$191,136,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Acadia NP, ME	Restore carriage roads	1,327,000
Alaska Parks	Employee housing	5,433,000
Alaska Parks	Communication system	2,560,000
Allegheny Portage Railroad, PA	Lemon House Rehabilitation	1,930,000
Biscayne NP, FL	Equipment, exhibits, trails	3,355,000
Blackstone River Valley NHC	Massachusetts/Rhode Island	500,000
Blue Ridge Parkway, VA	Hare Mill Pond dam	450,000
Boston NHP, MA	Old South Meeting House	2,400,000
Boston NHP, MA	Dorchester Heights	700,000
Boston NHP, MA	U.S.S. Constitution Museum	1,900,000
Boston Public Library, MA	Rehabilitation	2,000,000
Chamizal NM, TX	Landscape, lighting	840,000
Chickamauga-Chattanooga NMP	Road relocation	3,600,000
Chickasaw NRA, OK	Campground rehabilitation	1,420,000
Colonial NHP, VA	Jones Mill Pond dam	1,000,000
Coulee Dam NRA, WA	Boat launch	416,000
Crater Lake National Park, OR	Campground expansion	150,000
Cuyahoga Valley NRA, OH	Krejci toxic waste cleanup	3,800,000
	Armington dam safety mods	200,000
	Rehabilitate historic structures	1,000,000

Delaware Water Gap NRA, PA	Railroad track and bridges	2,000,000
	Raymondskill Falls Development	450,000
	Bushkill Access	1,300,000
	Trail Development	195,000
Denali NPP, AK	Mountain rescue center	1,487,000
	Teklinika restrooms	2,200,000
Franklin D. Roosevelt Memorial, DC		11,000,000
Gateway NRA, NY	Great Kills Bathhouse	7,150,000
Gateway NRA, NY	Reis Park	5,200,000
Gettysburg NMP, PA	Technical assistance	100,000
Grand Canyon NP, AZ	Employee housing	6,447,000
Great Basin NP, NV	Water system	250,000
Harpers Ferry National Historic Park	Lower town	2,637,000
Hot Springs, AR	Flood Control	350,000
Ice Age Scientific Reserve, WI	Exhibits	500,000
Independence NHP, PA	Rehabilitate utility system	15,100,000
Indiana Dunes NL, IN	Long Lake Wetlands Overlook	125,000
James A. Garfield NHS, OH	Site, building restoration	1,311,000
Jean Lafitte NHP, LA	Various projects	925,000
John D. Rockefeller Parkway, WY	Relocate Flagg Ranch	700,000
Kalaupapa NHP, HI		525,000
Lackawanna Heritage Park, PA	Technical assistance	670,000
Lincoln Research Center, IL	Begin construction	3,000,000
Lincoln Home NHS, IL	Dubois House rehabilitation	709,000
LBJ Ranch NHS, TX	Exhibits	1,400,000
Martin Luther King, Jr. NHS, GA	Visitor facilities	9,982,000
Mount Rainier NP, WA	Paradise water/sewer system	1,230,000
Mount Vernon Bicycle Trail, VA	Correct safety hazards	250,000
Natchez Trace Parkway, MS	Parkway construction	4,000,000
Natchez NHP, MS	Melrose	702,000
National Capital Parks, DC	Renovate White House utilities	4,200,000
National Capital Parks, DC	Lincoln/Jefferson Memorials	5,218,000
National Center for Preservation Technology, LA	Building rehabilitation	3,350,000
New England Conservatory, MA	Jordan Hall	1,500,000
New River Gorge NR, WV		830,000
Northwest Alaska Parks	Interagency headquarters facility	1,684,000
Pacific Northwest Region	Rehabilitation projects	1,844,000
Penn Center	Rehabilitation	500,000
Port Chicago NM, CA	Memorial fabrication/construction	308,000
Salem Maritime NHS, MA	Various projects	2,120,000
Sequoia NP, CA	Replace Giant Forest facilities	6,825,000
Stones River NB, TN	Trail connector	700,000
Thomas Stone NHS, MD	Main House restoration	1,000,000
Ulysses S. Grant NHS, MO	Restore historic structures	150,000
Upper Delaware Scenic & Rec Area	Towpaths, trunkwalls	1,310,000
Upper Susquehanna Heritage, PA	Technical assistance	50,000
War in the Pacific, GU	Monument	500,000
Weir Farm NHS, CT	Restore historic structures	395,000
Yosemite NP, CA	Maintenance/warehouse	4,890,000
Yosemite NP, CA	Employee housing	7,595,000
Emergency and Unscheduled		2,000,000
Housing rehabilitation		12,000,000
Planning		28,000,000
General Management Plans		6,600,000
Special resource studies		1,200,000
Strategic Planning Office		400,000
Offsets		- 10,321,000
Total		201,724,000

For general management plans, the managers have provided \$800,000 for the Presidio, CA as requested, \$125,000 for Weir Farms NHS, CT, \$100,000 for Organ Pipe NM, AZ, \$80,000 for Brown v. Board of Education, KS, \$81,000 for Great Egg Harbor, NJ, and \$107,000 for Stones River NB, TN.

In the category special resources studies, the managers expect the following studies to be carried out: Southwestern Camino Real and Colonial Missions, TX, NM, Golden Gate NRA (Pacifica), Hudson Valley Greenway, Rutherford B. Hayes, Virginia City, MT, Atchafalaya Basin, LA, Underground Railroad, Route 66 and Cedar Valley. No Specific dollar amount is assigned to any one special resource study in this list. Priority should be given to completion of ongoing studies before initiating new studies proposed in the budget and not identified herein. Where the House and Senate have identified the same amount for a study, the conference agreement includes the amount as provided by both Houses.

Within the planning amount, the managers agree to:

Boston NHP, MA	315,000
Carter Lake NP, OR	1,200,000
Glacier NP, MT (Chalet)	400,000
Jean Lafitte NPP, LA (Barataria levee)	100,000
Zion NP, UT (transportation plan)	360,000
Olympic NP, WA (Elwha dam)	2,800,000
Buffalo River, AR (Boundary study)	200,000
Fort Necessity NB, PA	775,000
James A. Garfield NHS, OH	210,000
Thomas Stone NHS, MD	150,000
Cuyahoga Valley NRA, OH	515,000
San Antonio Missions NHP, TX (exhibits)	30,000

Within the money set aside for emergencies, \$300,000 is for emergency repairs at the Glacier NP, MT chalets.

The managers are concerned about cost estimates in excess of \$150,000,000 related to the removal of the Elwha dam. The Department of the Interior is urged to look at the ultimate benefits from removal of the dam to determine whether the money spent removing the dam would result in a better return for natural systems that spending the same amount of money on other natural resource restoration projects.

The managers understand that a land acquisition program for the San Antonio Missions National Historical Park is currently underway, and that the Park's visitor center is scheduled to be completed in July 1995. The managers urge the National Park Service to request funding for exhibits and media production at the Visitor Center as as part of its fiscal year 1995 budget request.

The offset of \$10,321,000 includes \$4,100,000 from the Denali NP, AK hotel, \$4,377,000 from the Keith Albee Theater restoration and \$1,844,000 from A Walk on the Mountain.

The amount provided for Salem Maritime NHS, MA includes the following:

Central wharf site improvements	\$1,360,000
St. Joseph's Polish Club rehabilitation	250,000
Armory visitor center audio visual equipment	235,000
Education programs outreach	75,000
Project administration/archeology	125,000
Technical assistance	75,000
Total	\$2,120,000

The managers are aware of a commitment by the Lassen Volcanic National Foundation to provide a 50% match of Federal funds for a visitors center at Lassen Volcanic National Park and will give

every consideration to providing the Federal share in fiscal year 1995.

The managers request that the Park Service give consideration to the visitor facility needs at Fort Necessity NB, PA in the development of the fiscal year 1995 budget request.

The construction program of the National Park Service is of particular concern. Cost estimates continue to be unreliable. Projects seem to develop and expand with no thought given to the budget climate or their relationship to the overall mission within the National Park system. The priority system for rating park development projects is undecipherable and of no use to decisionmakers in weighing the merits of one project against another. The National Park Service needs to reconfigure its priority system so that more objective criteria are used and the overall needs of the system are taken into account. Further, while the managers appreciate the Park Service's commitment to high quality standards, these standards must be maintained within realistic fiscal constraints. The Park Service must begin looking at construction projects as we would our own budgets, i.e. is there a lower cost alternative that will serve the mission of the agency as well as the individual park unit. This issue is also addressed in Amendment No. 55.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert: *\$4,377,000 to be derived from amounts made available under this head in Public Law 101-512 as a grant for the restoration of the Keith Albee Theatre in Huntington, West Virginia, and \$1,844,000 to be derived from amounts made available under this head in Public Law 102-381 for a pedestrian walkway and interpretive park (A Walk on the Mountain): Provided, That \$2,000,000 for the Boston Public Library and \$500,000 for the Penn Center shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That of the funds provided under this heading, not to exceed \$350,000 shall be made available to the City of Hot Springs, Arkansas, to be used as part of the non-Federal share of a cost-shared feasibility study of flood protection for the downtown area which contains a significant amount of National Park Service property and improvements: Provided further, That notwithstanding any other provision of law a single procurement for the construction of the Franklin Delano Roosevelt Memorial may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18: Provided further, That for the purpose of performing an environmental impact statement (EIS) on the Paseo del Norte alignment, the National Park Service's proposed Calabacillas alternative road alignment, and any other alternative routes in association with the Petroglyph National Monument in Albuquerque, New Mexico \$400,000 are to be allocated to the City of Albuquerque to perform the EIS, only in the event that the City of Albuquerque and the National Park Service reach mutual agreement, within 75 days of the date of enactment*

of this Act, on the conditions that must be met for the study, such funds to be derived by transfer from balances available in the "Land acquisition and State assistance" account, National Park Service: Provided further, That \$1,500,000 for the New England Conservatory shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a upon designation as a National Historic Landmark

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment restores House language stricken by the Senate regarding the Boston Public Library, derives money for Penn Center from the Historic Preservation Fund, inserts a Senate provision regarding a Hot Springs, Arkansas flood study amended to include \$350,000 rather than \$450,000 as proposed by the Senate and inserts a Senate provision providing for a single procurement for the construction of the Franklin Delano Roosevelt Memorial.

The amendment also offsets the construction appropriation by \$4,377,000 with funds appropriated in P.L. 101-512 for the Keith Albee Theatre, provides \$1,500,000 for the New England Conservatory if it is designated a National Landmark and establishes conditions for transfer of \$400,000 to the City of Albuquerque for an environmental impact statement for a road either through or in the vicinity of Petroglyph, NM.

URBAN PARK AND RECREATION FUND

Amendment No. 25: Appropriates \$5,000,000 for the Urban park and recreation fund as proposed by the House. The Senate had no similar provisions.

LAND ACQUISITION AND STATE ASSISTANCE

Amendment No. 26: Appropriates \$95,250,000 for land acquisition and State assistance instead of \$89,460,000 as proposed by the House and \$95,587,000 as proposed by the Senate.

The managers agree to the following distribution:

Acadia NP, ME	3,500,000
Alaska National Park Areas	1,500,000
Appalachian Trail	6,000,000
Big Cypress NP, FL	3,000,000
Big South Fork WSR, TN	1,500,000
Brown V. Board of Education NHS, KS	175,000
Cape Cod NS, MA	825,000
Everglades NP, FL	3,000,000
Gettysburg NMP, PA	1,000,000
Golden Gate NRA (Phleger), CA	5,250,000
Indiana Dunes NL, IN	1,000,000
Kalaupapa NHP, HI	600,000
Little River Canyon NP, AL	6,000,000
Martin Luther King Jr NHS, GA	1,000,000
Mary McLeod Bethune House NHS, DC	635,000
Monocacy NB, MD	2,000,000
National Park of Samoa	300,000
Nez Perce NHP, OR	300,000
Palo Alto NB, TX	500,000
Pecos NM, NM	500,000
Petroglyph NM, NM	3,500,000
Saguaro NM, AZ	6,000,000
Salt River Bay NHP, VI	3,000,000
Santa Monica Mtns NRA, CA	4,000,000

Inholdings, Emergencies, Hardships	3,865,000
Acquisition Management	8,247,000
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Subtotal, Federal acquisitions	67,197,000
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Assistance to States:	
Matching grants	24,750,000
Administrative expenses	3,303,000
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Subtotal, Assistance to States	28,053,000
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Total, National Park Service	95,250,000

Money for the Appalachian Trail may be used for acquisitions in the Sterling Forest as long as it is in accord with the revised Appalachian Trail plan.

Paramount Ranch, Broome Ranch and properties in Zuma and Trancas Canyons, along the Backbone Trail and in Upper Topango Canyon are the only areas to which the \$4,000,000 for Santa Monica Mountains NRA is to be applied.

ADMINISTRATIVE PROVISIONS

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the National Park Service to recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time. The House had no such provision.

Amendment No. 28: Deletes House provision which limits overtime pay to any one individual employee of the United States Park Police to no more than \$20,000 per year. The managers will continue to monitor overtime to assure that it is not excessive.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

With regard to the coastal program, the managers recommend \$10,900,000. The differences from the House amounts are increases of \$100,000 for Lake Pontchartrain pollution studies and \$300,000 for coastal erosion and pollution studies in Hawaii, and decreases of \$100,000 for fundamental studies and \$300,000 for west central Florida erosion studies.

In addition to the funds specified in the coastal program for San Francisco Bay and the Florida Keys, the managers understand that funds from the marine portion of the program have also been allotted in support of these coastal studies for a total program of \$1,600,000 in San Francisco Bay and \$650,000 in the Florida Keys. These studies should be carried out according to the National Coastal Geology Program plan submitted to Congress earlier this year.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

Amendment No. 29: Appropriates \$193,197,000 for leasing and royalty management as proposed by the House instead of

\$192,897,000 as proposed by the Senate. There are two changes within the House-recommended amount. Environmental studies in the Outer Continental Shelf (OCS) lands activity are increased by \$100,000 and Federal audits in the royalty management program are decreased by \$100,000.

The managers agree that staffing reductions should not be applied to the Federal audit program and related activities, and expect the Minerals Management Service to ensure that contract buyout and buydown audits are addressed as quickly as possible. Staffing reductions also should be minimized in the environmental studies program. The managers suggest that the international program be examined for staffing reductions.

The managers do not object to the reprogramming of funds up to the Senate-recommended level for environmental studies from the OCS lands and general administration accounts to the extent such funds become available in fiscal year 1994. In particular, the headquarters OCS component should be reviewed as a potential reprogramming source.

Amendment No. 30: Earmarks \$65,796,000 for royalty management activities instead of \$65,896,000 as proposed by the House and \$64,896,000 as proposed by the Senate.

OIL SPILL RESEARCH

Amendment No. 31: Appropriates \$5,331,000 for oil spill research as proposed by the Senate instead of \$5,681,000 as proposed by the House.

BUREAU OF MINES

MINES AND MINERALS

Amendment No. 32: Appropriates \$169,436,000 for mines and minerals instead of \$169,336,000 as proposed by the House and \$171,584,000 as proposed by the Senate. The changes to the House position include increases of \$200,000 in health, safety and mining technology for respirable dust control; \$200,000 in environmental technology, abandoned mine reclamation, for constructed wetlands research; and, in mineral institutes, \$200,000 for the generic center for respirable dust, \$75,000 for the marine minerals technology center, and \$125,000 for the National mine land reclamation center. The increases are partially offset by decreases of \$500,000 in minerals and materials science for materials research at the Idaho National Engineering Laboratory and \$200,000 in environmental technology, control of mine drainage and liquid wastes, for constructed wetlands research.

No new funding has been provided for Western arctic coal research. The fiscal year 1993 funding for arctic coal research has not been expended and is available for research in fiscal year 1994. The siting and permit issues which caused the delay in project initiation recently have been resolved by the Bureau. The managers expect the Bureau to budget for needed ongoing research on arctic coal mining in future fiscal years.

The managers are concerned that insufficient emphasis is being placed on acid mine drainage research within the Department. Acid mine drainage continues to be a major problem at ac-

tive and abandoned mine sites. This year the managers have become aware of two major watershed problems caused by acid mine drainage; one involving the Casselman River in Pennsylvania and the other affecting the Pitt Creek watershed in Oklahoma. The managers expect the Bureau of Mines to provide technical assistance in each of these areas to help characterize the extent of the problem and identify alternative solutions. For Casselman River, the Bureau should work with the Casselman River Task Force which was established to address the acid mine drainage in that area. For Pitt Creek, the Bureau should work with all interested parties, including the University of Oklahoma which has done some research into the problem. The managers urge the Department to support the development of a systematic approach to acid mine drainage characterization and technology development research within the Bureau. Such an approach will be far superior to the current piecemeal approaches being explored on a site by site basis. The managers expect the Bureau's fiscal year 1995 budget to include a strategic long-range plan for acid mine drainage research, with sufficient funds to execute year one of that plan in fiscal year 1995.

The managers expect the Department to examine the coordination among the Bureau of Mines, the Minerals Management Service, and the U.S. Geological Survey on their marine minerals programs. In its March 1, 1994 report to the Committees on the advisability of transferring the marine minerals technology center to MMS, the Department should report on its plan to improve coordination and to ensure there is no duplication among the various marine minerals programs.

Amendment No. 33: Earmarks \$105,163,000 to remain available until expended for research programs instead of \$105,063,000 as proposed by the House and \$107,311,000 as proposed by the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

There are two changes within the House-recommended amount for the abandoned mine reclamation fund. In the Federal reclamation program high priority projects in non-program States and on Federal and Indian lands are decreased by \$250,000, and the rural abandoned mine program is increased by \$250,000.

Amendment No. 34: Deletes House language stricken by the Senate requiring that 16 full-time equivalent positions are maintained in the Wilkes-Barre, PA field office.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 35: Appropriates \$1,490,805,000 for operation of Indian programs instead of \$1,492,650,000 as proposed by the House and \$1,489,885,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of \$2,300,000 for tribal priority allocations; \$2,350,000 for non-recurring programs, including decreases of \$300,000 for Cheyenne River

Sioux prairie dog management (leaving \$1,200,000) and \$2,300,000 for water rights negotiation/litigation, and an increase of \$250,000 for attorneys' fees; \$1,600,000 under Area Office operations; including \$1,500,000 for child protection centers and a \$100,000 general reduction; and a net increase of \$2,555,000 for other recurring programs, including increases of \$1,000,000 for contract support, \$1,400,000 for new tribes funding for the Catawba Tribe of SC, \$250,000 for the Navajo Community College, and \$905,000 for resources management, and a decrease of \$1,000,000 for education facilities O&M; and a net increase of \$1,850,000 for Central office operations, including decreases of \$250,000 for land records management and a \$300,000 general reduction, and increases of \$75,000 for the Office of the Commissioner, \$1,000,000 for emergency management improvements, \$75,000 for CFO Act implementation, \$200,000 for contract management, \$300,000 for financial management, \$200,000 for construction management, \$200,000 for ADP support, \$250,000 for education program management and \$100,000 for the Joint Commission on Alaska Natives.

The net increase of \$905,000 over the House for other recurring programs, resources management consists of the following changes from the House amounts:

<i>Activity</i>	<i>Change</i>
Irrigation O&M	+\$300,000
Bison initiative	- 100,000
Native American Fish & Wildlife Society	- 50,000
Shellfish management	- 200,000
Great Lakes Indian Fish & Wildlife Commission	- 100,000
Chippewa-Ottawa Treaty Fisheries Mgt. Auth	- 25,000
Pacific Salmon Commission	- 100,000
Skagit Systems Cooperative	- 25,000
Timber-fish-wildlife	+100,000
Klamath conservation	+200,000
Summit Lake hatchery	+85,000
Bering Sea Fishermen	+800,000
Pyramid Lake Tribe	+20,000
Total	+905,000

The amount included for Bering Sea Fishermen includes \$500,000 for upgrades of salmon restoration and hatchery enhancement facilities and \$300,000 for salmon monitoring and research programs. No funds are included for fish handling equipment and facilities or for commercial marketing. The Fishermen's Association is encouraged to apply for business development grants or community economic development grants for these activities.

The managers have provided \$20,000 for the Pyramid Lake Tribe for the payments of fees related to the tribe's water settlement. These funds are provided on a one-time basis only, and the managers expect that all future funds related to the settlement will be provided from the tribe's settlement funds.

The amount included for timber-fish-wildlife is one-time funding only, for tribal activities related to the Pacific NW Forest Plan in 1994. The base amount for this initiative will remain at the 1993 level.

The managers understand the need for all Federal agencies with jurisdiction over Washoe Indian Reservation lands to work with the Tribe to enter into cooperative agreements, make efforts to cross train officers and to make other arrangements necessary

to improve law enforcement capabilities. Further, the Bureau of Indian Affairs should work with the Washoe Tribe to coordinate Federal assistance and ensure that much needed cooperative agreements are implemented promptly and properly.

The managers have agreed to a total funding level of \$7,002,000 for the Division of Accounting Management under Central Office operations. The managers agree that the Bureau may fill the additional positions needed in the Division to the extent funds can be made available within this total, including funds from savings in other parts of the Division's budget, such as travel and contractual services. Total spending for the Division for the fiscal year should be carefully monitored so that it does not exceed the above amount.

The managers have agreed to a total of \$91,223,000 for contract support, which includes \$6,415,000 for the self-governance tribes. Bill language proposed by the Senate earmarking the total amount available in 1994 has been modified to authorize payments of contract support shortfalls from previous years, based on amounts agreed to by tribes and the Inspector General's Office. Since making these prior year payments will reduce the amount of funds available for fiscal year 1994 contract support costs, the Bureau is directed to allocate funding in such a manner throughout the year that all tribes will be treated the same if there is a shortfall in contract support funds by the end of the year. The managers remain very concerned about the continued growth in contract support costs, and caution that it is unlikely that large increases for this activity will be available in future years' budgets. It is also a concern that significant increases in contract support will make future increases in tribal programs difficult to achieve. The managers believe the Bureau should look at establishing a self-determination fund for new or expanded contracting in the 1995 budget. The Bureau should also work with the tribes on possible methodologies for establishing advance notification requirements for new contracting.

For education, daily attendance should be taken at Bureau-funded schools for the 1993-1994 school year. Daily attendance information should be consolidated at the agency/area level and reported to the Office of Indian Education Programs. The Bureau should submit quarterly reports which include monthly data on enrollment, daily attendance, and the attendance rate. Staffing statistics on instructional, support or administrative positions should be reported after the first and fourth quarters, and should include student-to-staff ratios. The Bureau should also submit by November 15, 1993 a list of schools whose student enrollment warrants an immediate review because of variances in student counts from the previous school year. Information should also include the schedule of ISEP (Indian School Equalization Program) reviews.

Statistical information should be provided on the number of students who transfer in or out of BIA-funded schools or non-BIA schools, or have dropped out. In order to track transferring students, the Bureau should use Social Security numbers, which are required as identification numbers in other Federally-funded programs. The initial quarterly report should be submitted in January, 1994.

The managers are aware of efforts by the Department and Bureau to review the ISEP formula. The managers expect the Department and Bureau to work closely together on this effort, and expect the Department and Bureau to submit a plan for the review prior to initiating any agreements with any non-Departmental entities. The plan should specifically identify all individuals involved and the costs for the review. Costs should include, among other items, travel, personnel, and contract/agreement costs. The managers have not provided any funding specifically for this purpose and expect that a reprogramming will be submitted if the total funds required for the review exceed \$250,000.

School operations funding has been provided on the basis of the 185 schools included in the fiscal year 1994 budget request. Any additional schools for which the Bureau receives applications should be funded only after funding has been requested for those schools.

The managers agree that self-governance shortfall funds may continue to be used for planning grants, if needed, and the Lummi education project in 1994. The report requested by the Senate on staffing and funding by area, and levels of contracting, should be provided by April 1, 1994.

The managers have included an increase of \$250,000 for attorneys' fees, and expect the Bureau to give priority consideration to a request for fees from Alaska Legal Services.

With regard to new tribes funding for the Tillie Hardwick tribes, and managers understand that the tribes have agreed on a distribution methodology, not based on population size.

The Catawba Tribe is expected to follow established procedures for obtaining funding for newly Federally-recognized tribes.

Within water rights negotiation funding, up to \$480,000 is to be provided to the Skokomish Tribe for activities related to Cushman Dam, and up to \$500,000 each is to be provided for the Klamath water rights adjudication and the Pyramid Lake economic development plan. Under real estate, \$250,000 is provided to continue the Yurok Cadastral Survey.

Within water resource planning, \$347,000 is included for the Muckleshoot Tribe.

With regard to trust funds management, the managers understand the Special Projects Team (SPT) has been incorporated into the Office of Trust Funds Management (OTFM). The managers intend for all staff of the SPT to report to and be under the supervision of the director of OTFM. The managers reiterate the importance of all personnel in the Department and the Bureau ensuring that all required notifications, consultations, and/or approvals are undertaken or received prior to proceeding with future organizational changes. With regard to systems development efforts, the managers expect the Department and Bureau to work with GAO to identify existing systems that could be used for trust funds management, rather than proceeding with any new systems development efforts.

The managers expect that \$500,000 will be provided for activities of the Joint Reorganization Task Force and an additional \$350,000 will be provided from Central Office funds in 1994 for continued development of the Tribal Budget System. Additional

funds should be made available, if needed, to develop proposals aimed at streamlining workload and moving resources to the tribe or agency level. Any excess funds from those budgeted for the Planning Office may be used for this purpose. The managers understand that the funding for the Task Force includes funding for travel and activities of members of the Task Force only. Funding for travel and other activities for participants of Task Force activities who are not members of the Task Force comes from funding provided to the various programs of the Bureau. The managers expect the Bureau to work with the Task Force in developing the preliminary assessment of funding levels and inequities, and methods of distribution for equity funding in the future. The managers approve the process recommended by the Task Force for moving programs from other recurring programs to tribal priority programs based on tribal requests.

The report on the plan to downsize Central Office operations of the Bureau shall be submitted to the Committees by April 1, 1994.

The Bureau should re-examine its plans for the gaming staff and where it should be located, in line with the revised Indian Gaming legislation.

Under education, if the Bureau is not able to use all of the budgeted funds for early childhood education, such funds should be used for other school operations activities, such as the ISEP formula or transportation, as needed.

The Bureau should not shift any uncollected operation and maintenance charges at the Wapato irrigation project onto fee lands to cover revenue shortfalls from other nonpaying land within the project. However, this does not preclude future operations and maintenance rate adjustments as may be determined necessary and consistent with applicable law, regulation and policy. The Department and Bureau should ensure that any rate adjustments are carried out in an equitable manner among all water users served by the project.

The managers agree that \$200,000 is provided for the Summer Institute administered by the American Indian Law Center at the University of New Mexico.

Funding to complete the fire fuel break project around Glenallen, Alaska, is provided through the Bureau of Land Management fire protection program.

Within the funds provided for law enforcement under tribal priority allocations, transitional funding is provided for the Sac and Fox detention center.

Bill language has been included directing the Bureau to form a Joint Task Force with Alaska Natives and the State of Alaska to determine what role the Bureau should play with regard to Alaska's rural schools and Alaska Native education, and what other resources might be identified to assist the educational program of these schools. Among other issues, the task force, with the membership as specified in the Senate report, should look at ways of improving educational achievement, including the use of telecommunications technology, and initiatives aimed at cultural preservation, health education and parenting education.

Consistent with the Administration's efforts to reduce unnecessary administrative expenditures, the Bureau should closely monitor travel costs. The managers have not imposed a funding limitation on travel. However, the managers expect the Central Office program managers, area office directors, and agency directors to review carefully meeting agendas where travel is required to ensure that meetings are centrally located and attendance is limited to essential personnel. Meetings should be organized to limit the amount of time that attendees are away from their normal work assignments to avoid disruption in services provided by the Bureau. To the extent possible, travel should be restricted for programs where funding shortfalls may occur. The Bureau should submit a list of all nationwide or area-wide meetings or conferences planned for 1994 including location, number and description of attendees, and expected costs by November 1, 1993. An updated list, including actual costs incurred to date, should be submitted to the Committees by April 1, 1994.

Amendment No. 36: Provides \$49,226,000 for housing and road maintenance programs as proposed by the Senate instead of \$52,582,000 as proposed by the House.

Amendment No. 37: Provides \$1,983,000 for litigation support as proposed by the House instead of \$2,483,000 as proposed by the Senate.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That of the amount appropriated under this head in Public Law 102-381, any unobligated balance as of September 30, 1993 related to the Alaska Native Claims Settlement Act shall remain available until expended and may be obligated under a grant to the Alaska Native Foundation for education, training, and technical assistance to Alaskan village corporations for reconveyance requirements*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The language will allow remaining fiscal year 1993 Alaska Native Claims Settlement Act funds, not to exceed \$250,000, to remain available as a grant to the Alaska Native Foundation for assistance to Alaskan village corporations.

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided further, That not to exceed \$91,223,000 of the funds in this Act shall be available for payments to tribes and tribal organizations for indirect costs associated with contracts or grants or compacts authorized by the Indian Self-Determination Act of 1975, as amended, for fiscal year 1994 and previous years*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to language which limits the amount for indirect costs associated with contracts, grants and compacts to \$91,223,000, and provides this amount for such costs incurred in 1994 and shortfall amounts from previous years. This matter is discussed in more detail under Amendment No. 35.

Amendment No. 40: Deletes Senate proposed language which addressed eligibility of Alaska Native villages for Indian roads program funding. The House had no similar provision. Based on written and oral confirmation that the BIA has provided, the managers understand that certain road projects in Craig, AK are in fact eligible to seek funding as Indian roads.

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which includes all Indian reservation roads identified in the 1990 BIA Juneau Area Transportation Study in the BIA system for distribution of highway trust fund formula funds in fiscal year 1994. The provision will expire when the new BIA formula is implemented. The managers intend for any road funds distributed to the Juneau Area under this provision, or to any other area, which cannot be obligated in fiscal year 1994 to be redistributed to other areas which can obligate the funds by the end of the fiscal year.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for review and approval of reorganization proposals by the Task Force on Bureau of Indian Affairs Reorganization and the Committees on Appropriations. The House had no similar provision.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that funds appropriated for tribally-controlled community colleges distributed prior to September 30, 1994 and invested under current law are deemed to be in compliance with Title III of the Tribally Controlled Community Colleges Assistance Act. The House had no similar provision.

CONSTRUCTION

Amendment No. 44: Appropriates \$166,979,000 for construction instead of \$172,799,000 as proposed by the House and \$150,429,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of increases of \$700,000 under tribal government for contract support, \$180,000 under general administration for Cow Creek Band of Umpquas land acquisition, and \$1,450,000 for Bennett Freeze housing improvements; and decreases of \$2,000,000 under education for advance planning and design, \$4,000,000 under public safety and justice for the Sac and Fox detention center, and a net decrease of \$2,150,000 under resource management. This net decrease consists of increases of \$1,900,000 for Colorado River tribes irrigation project, \$200,000 for Hogback irrigation project, \$650,000 for Walker River irrigation project, and decreases of \$4,300,000 for the Navajo Indian irrigation project and \$600,000 for the San Carlos irrigation project.

Of the amount provided for the Walker River project, \$150,000 shall be used only for the tribal cost share of water monitoring by the U.S. Geological Survey.

The study requested in the House report on the possibility of establishing a construction/lease program and related legislative and administrative changes that would be required, should also address how the number of such facilities and related funding would be controlled were such a program to be implemented.

The managers have provided an additional \$4,000,000, to allow completion of the Chinle detention center, and have agreed to funding of \$4,000,000 included in the budget to allow the Sac and Fox detention center to begin construction in 1994. The Bureau should include funding to complete the Sac and Fox facility in the fiscal year 1995 budget.

The BIA should work with the State of Alaska Task Force on Rural Bulk Fuel Storage on issues related to aging fuel storage tanks in Alaska Native communities. The BIA should determine the ownership and responsibility for the storage tanks and submit a report on the cost of replacing the leaking tanks by October 1, 1994.

The managers have agreed to provide \$1,450,000 for Navajo housing improvements in the Bennett Freeze area. The managers have approved this one-time funding earmark to address some of the most pressing needs in the Bennett Freeze area. The funds are to be used to make repairs and renovations to existing homes. In cases where a home is determined to be unsafe or too deteriorated to repair or renovate, a replacement home may be built and the existing structure demolished. The managers encourage the tribe and the BIA to complete a survey of the housing needs in the Bennett Freeze area and to incorporate the results of the survey into existing funding mechanisms through the Bureau and other Federal agencies. To the extent the needs in the Bennett Freeze area greatly expand the existing backlog, increased funds should be requested in future budget requests for existing programs.

The managers note that the Hopi Tribe has appealed the court decision on the Bennett Freeze. The inclusion of funds for housing repairs is not intended in any way to jeopardize or take a position on that appeal.

Amendment No. 45: Deletes Senate proposed language that would have made funds provided previously or hereafter for the Wind River Irrigation Project non-reimbursable. A Solicitor's opinion from April, 1992 confirmed that legislation dating to 1905 made construction costs for the project reimbursable, and the tribes involved should seek a review by the appropriate authorizing committees of whether this designation should be changed.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Amendment No. 46: Appropriates \$81,907,000 for administration of territories instead of \$82,107,000 as proposed by the House and \$81,457,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of \$200,000 for American Samoa, \$100,000 each from operations and construction grants.

Amendment No. 47: Provides \$77,369,000 for technical and maintenance assistance, disaster recovery and grants instead of \$77,569,000 as proposed by the House and \$76,869,000 as proposed by the Senate. The decrease of \$200,000 under the amount proposed by the House is discussed under Amendment No. 46.

Amendment No. 48: Provides \$4,538,000 for the Office of Territorial and International Affairs as proposed by the House instead of \$4,588,000 as proposed by the Senate.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds a reference to any subsequent legislation related to Commonwealth of the Northern Mariana Islands covenant grant funding. In the absence of authorizing legislation providing differently, the managers intend for all covenant grant funding in fiscal year 1994 to be used for capital development projects only, and none to be used for government operations, and all such funds shall be subject to the Northern Marianas providing appropriate matching funds as determined by the Secretary of the Interior. All capital improvement funding shall be subject to applicable Federal grant regulations. In addition, of the \$27,220,000 included in the Act, \$3,000,000 should be made available for the American War Memorial Park, pursuant to an agreement between the Northern Marianas and the Secretary of the Interior regarding a new monument, wayside exhibits and definition of the park entrance and boundaries, and after consultation with the American Battle Monuments Commission.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the program of operations and maintenance improvement in the territories, the Northern Mariana Islands, Palau, and the Freely Associated States. The House has no similar provision.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that disaster assistance funds may be used as non-Federal matching funds for Federal Emergency Management Administration grants. The House had no similar provision.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Amendment No. 52: Appropriates \$23,838,000 for the Trust Territory instead of \$24,038,000 as proposed by the House and \$23,338,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of a decrease of \$59,000 for Trust Territory administration and a net decrease of \$141,000 for Republic of Palau operations, including an increase of \$59,000 for the Weather Service and a decrease of \$200,000 for the operations grant.

The managers agree technical assistance funds should be provided to Palau for political education and other costs related to the referendum scheduled for November, based on a request from the Government of Palau.

The managers understand additional funds of up to \$700,000 may be required for the Koror-Babeldaob bridge project. If the De-

partment agrees with the new estimates, there is no objection to reprogramming other available capital improvement funds to the bridge project.

Amendment No. 53: Provides \$18,464,000 for operations of the Government of Palau instead of \$18,605,000 as proposed by the House and \$17,964,000 as proposed by the Senate. The decrease of \$141,000 from the amount proposed by the House is discussed under Amendment No. 52.

DEPARTMENTAL OFFICES

OFFICE OF HEARINGS AND APPEALS

The Office of Hearings and Appeals is expected to review the recommendations associated with the Fish Alaska, Inc. equitable claim arising from Fish and Wildlife Service actions in the Togiak National Wildlife Refuge and report to the Committees no later than March 1, 1994.

ECOSYSTEM RESTORATION FUND

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates \$7,000,000 to an ecosystem restoration fund to implement the President's Forest Plan for "Jobs in the Woods" ecosystem restoration in Northern California, Washington, and Oregon. The appropriation provides that the Secretary may transfer these funds to the Bureau of Land Management, the United States Fish and Wildlife Service and the Bureau of Indian Affairs for implementation. The House made no such appropriation.

The managers direct that none of the funds be used for rural community assistance, as funds for that purpose are contained in Forest Service appropriations.

The managers further agree that in future budget requests, funds for activities covered by this account should be requested in the regular agency appropriations accounts.

The managers encourage the Department of the Interior to give consideration to initiating a Wildstock Restoration Initiative in the State of Washington within Fish and Wildlife Service activities in the Ecosystems Restoration Fund.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 55: Appropriates \$2,394,000 for construction management instead of \$2,494,000 as proposed by the House and \$2,194,000 as proposed by the Senate.

Given the current budget climate, dollars will continue to be constrained for the foreseeable future. One continuing drain on the funds needed to operate and maintain the public lands and their facilities is the pressure to continue to develop new and in many cases needed visitor and other facilities. The managers are concerned about their ability to meet the growing operations needs and address the capital improvement needs on the public lands.

The managers recommend that a task force be established under the leadership of the Assistant Secretary for Policy, Management and Budget to review the Department's construction programs for BLM, FWS and the NPS. This team should include a representative from each of the three agencies as well as a representative from the Assistant Secretary's office. The managers recommend that the task force consider all options for restructuring the construction program including a consolidated approach to Department construction operations. This may include a recommendation that Denver Service Center operations be discontinued with more responsibilities handled in the regional offices or in the parks where appropriate. The team should also consider ways to build incentives into the system so that all parties, including Denver, the regions and the parks control project costs and scope. This may include the use of more localized architects and engineers and construction project managers.

In reviewing the construction programs the managers recommend the task force review methods of controlling the costs and scope of construction projects. Particularly with respect to larger projects, it may be feasible and advisable for the agencies to provide a range of alternatives for meeting the management objective. It is also recommended that the general management planning process be reviewed for it is at this point that many of the expectations for development first become established.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

Amendment No. 56: Appropriates \$1,000,000 for the National Indian Gaming Commission as proposed by the House instead of \$1,500,000 as proposed by the Senate.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 57: Deletes House provision prohibiting the use of funds in the Act for accepting and processing applications for patents and on patenting Federal lands under the general mining laws, as proposed by the Senate. Legislation dealing with this issue is under active consideration in the Congress.

Amendment No. 58: Deletes House provision providing exceptions to the limitations contained in Amendment No. 57, as proposed by the Senate.

Amendment No. 59: Deletes House provision prohibiting the use of funds for operation and support of Grazing Advisory Boards, as proposed by the Senate. Grazing Advisory Boards are addressed in Amendment No. 123.

Amendment No. 60: Deletes Senate provision which prohibited an increase in entrance fees at the Blackwater National Wildlife Refuge, Maryland. The managers understand that the Department has agreed not to increase these fees in fiscal year 1994.

The managers are aware of concerns that the proposed fee increases at Blackwater may have resulted in a fee level incompatible with fees charged at other nearby non-Federal facilities and may have had an adverse impact on visitation to the refuge. The managers expect the Fish and Wildlife Service to examine expand-

ing the number of refuges in the fee collection program, implementing more effective methods of fee collection at refuges that are not recovering their expenses, or shifting the burden more to commercial users of the refuges, before considering proposals to increase entrance fees at Blackwater.

Amendment No. 61: Deletes Senate provision prohibiting the use of funds to implement an agreement between the Secretary of the Interior and Save Our Cumberland Mountains, Inc. (SOCM). The Secretary has assured the managers that the Department will not execute a new agreement with SOCM but will implement through directives, memoranda of understanding, and rulemaking those principles from the draft agreement needed to ensure sound government policy. The managers expect the Department and the Office of Surface Mining Reclamation and Enforcement to follow appropriate rulemaking procedures and to solicit and objectively consider the comments of all interested parties prior to implementing any policy changes. In particular, the States should be consulted fully on any changes to the operation and maintenance of the Applicant Violator System.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Retain the matter inserted by said amendment, amended as follows:

In lieu of the first section number named in said amendment, insert: *114*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment deems the holder of permit LP-GLBA005-93 to be a person who, on or before January 1, 1979, was engaged in adequately providing visitor services of the type authorized in the permit within Glacier Bay National Park.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 63: Appropriates \$193,083,000 for forest research as proposed by the House instead of \$192,983,000 as proposed by the Senate. Within this amount, there is an increase of \$300,000 over the amount proposed by the House for resource analysis, for the Southwestern forestry research program; and a decrease of \$300,000 under forest management research, for the Washington Forest Landscape Management Project.

INTERNATIONAL FORESTRY

Amendment No. 64: Deletes the International Forestry account as proposed by the Senate. This account is addressed under amendment No. 67.

STATE AND PRIVATE FORESTRY

Amendment No. 65: Appropriates \$168,107,000 for State and private forestry instead of \$148,955,000 as proposed by the House and \$169,107,000 as proposed by the Senate. The increase over the amount proposed by the House consists of decreases of \$1,000,000 for forest pest management, \$2,478,000 for the stewardship program, \$2,068,000 for stewardship incentives/tree planting, \$1,000,000 to urban forestry, and \$250,000 to Northern forest lands study; and increases of \$1,000,000 for rural development in the Northeast and Midwest, \$500,000 for seedlings and nurseries, \$10,000,000 for community assistance and \$5,000,000 for old growth diversification related to the Pacific Northwest Forest Plan, \$6,948,000 for Forest Legacy, and \$2,500,000 for the Columbia River Gorge Skamania Conference Center. In addition to the \$1,000,000 reduction in pest management, the managers have also agreed to transfer \$3,000,000 from pest suppression (\$1,500,000 each from the Federal and cooperative programs) to fire protection within this account.

The earmarks contained in both the House and Senate reports for urban forestry and stewardship incentives are maintained, with the exception of \$2,100,000 for the Metropolitan Greenspace Demonstration program.

The managers have agreed to additional funds for the seedlings and nurseries program, and encourage the State of Alaska to seek funds from this source for its genetics and tree improvement facilities.

Under special projects, \$100,000 is provided to WOODNET and the Northwest Forest Products Consortium in Washington State, for purposes of continued development of a regional demonstration export assistance and diversification program in the Pacific Northwest.

With respect to the Washington share of the funding for old growth diversification projects, these funds are to be provided through the Washington State Department of Trade and Economic Development—Forest Products Value-Added Program.

With regard to the Forest Legacy program, any political subdivision within New York State must agree to include itself, in order to participate in the program. A subdivision is defined as a village, city, town, or county.

The managers are aware of rural development efforts in the Hamakua, HI area and expect the Forest Service to consider any proposals from this program in the context of the rural development program, to the same extent consideration would be given to other rural development proposals using forestry.

Amendment No. 66: Modifies language proposed by the House to provide that a grant of \$2,500,000 shall be provided to the Texas Reforestation Foundation from funds previously appropriated to the National Tree Trust. The House had proposed a grant of \$3,000,000. Any such grant should be consistent with the overall program goals and objectives of the National Tree Trust.

INTERNATIONAL FORESTRY

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which establishes an International Forestry account and appropriates \$6,996,000. The House had included this account in a different location and included an appropriation of \$11,996,000, which was stricken by the Senate in Amendment No. 64, previously discussed.

NATIONAL FOREST SYSTEM

Amendment No. 68: Deletes reference to Forest Service Law Enforcement as proposed by the Senate.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *\$1,304,891,000, including not less than \$55,552,000 for law enforcement*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates \$1,304,891,000 for the national forest system instead of \$1,237,272,000 as proposed by the House and \$1,300,153,000 as proposed by the Senate, and includes language earmarking not less than \$55,552,000 for law enforcement within this account.

The increase over the amount proposed by the House consists of increases of \$5,957,000 for cooperative law enforcement, \$9,633,000 for NFS drug control, \$39,962,000 for NFS law enforcement, \$9,300,000 for timber sales, and \$12,017,000 for transfer of law enforcement funds; and decreases of \$1,500,000 for trail maintenance, \$1,700,000 for recreation management, \$350,000 for wilderness, \$350,000 for cultural resources, \$3,150,000 for wildlife and fish (including \$250,000 for neotropical migratory birds, \$500,000 for wildlife habitat monitoring, \$400,000 for inland fish management, \$750,000 for TE&S species recovery and \$250,000 for preventing listings, \$800,000 for anadromous fish management, and a general reduction of \$200,000), \$500,000 for range management, and \$1,700,000 for soil and water improvements.

Under timber sales, the managers have included \$2,000,000 of the \$4,000,000 increase proposed by the House for costs of converting all new timber sales to tree measurement in 1994. Additional funds for this purpose, up to the total of \$4,000,000, are available within the contingency funds of \$8,000,000 which were reduced by the House and which have been restored to the budget. The increase over the House for timber sales also includes an increase of \$3,500,000 for harvest administration and a general reduction of \$200,000.

Under the NFS law enforcement line item, the managers have included \$888,000 transferred from the Construction account. Additional amounts that will be available to the law enforcement organization in 1994 are \$8,497,000 from Fire protection and \$2,632,000 from permanent appropriations. The total available for

law enforcement in 1994 will be \$66,681,000. The law enforcement funding from Fire protection should be transferred to the NFS law enforcement line item in the 1995 budget request, and the request should also indicate how much it is estimated will be made available from permanent appropriations for law enforcement each year. The managers have also agreed to increases over the budgeted amounts of \$500,000 for the timber theft task force and \$400,000 for criminal investigations.

With regard to the organizational structure for the law enforcement program, the managers direct the Forest Service to establish a separate, independent chain of command for the staff working on criminal investigation activities, with all levels of this organization (forest or region) reporting directly to the chief law enforcement officer in the Washington office, who will report directly to the Chief of the Forest Service. At no level of the organization (district, forest, or regional office) should criminal investigations personnel report to or be under the supervision of anyone other than the appropriate law enforcement supervisor. For the general law enforcement personnel, the organization will be as recently revised by the Forest Service to conform with the recommendations of the President's Council on Integrity and Efficiency. The managers reiterate the importance of maintaining complete investigative independence, and expect any personnel who fail to comply with the law or who interfere with criminal investigations to be disciplined appropriately. The managers also expect the Forest Service to impose severe penalties on any personnel who fail to refer potential criminal activities to the law enforcement or criminal investigations staff for determination of appropriate action. For oversight purposes, a copy of all criminal investigations initiated in the Forest Service should be provided to the Office of the Assistant Secretary for Natural Resources.

The funding recommended by the managers for the timber sales program is essentially the same as requested in the budget, with slight adjustments due to the shift to tree measurement sales. The managers have not included any specific distribution of the fiscal year 1994 timber sales program on a regional basis because of the considerable uncertainty that exists in the program at the present time. In allocating the resources provided, however, the Forest Service should be attentive to the areas where the greatest opportunity exists for sales to proceed, and taking into account such factors as current on-the-ground conditions, the need to comply fully with existing legal requirements, the certainty of the timber base as a result of legislation and land management plans, current market demand, and actual sale and harvest activity in each of the regions in recent years. No specific reductions are to be allocated to a forest solely on the basis of a below cost determination.

Some of the funds included in the budget for contingency costs associated with the need to bring the Forest Service organization to a size compatible with the decreased timber program are retained. These funds may be used to address market demand requirements in the event they are not needed for other purposes. In addition, the managers have included bill language providing the Forest Service with "early out" authority so that the need for costly reductions in force and relocations might be kept to a minimum.

Savings resulting from use of these authorities are to be retained in the program in order to address the increased costs associated with tree measurement, ecosystem management, and watershed work.

With respect to below cost, the Forest Service should continue to implement the recommendations of the cost efficiency study in order to achieve cost savings in the program. The Service should engage in further review of the program with flexibility available in the different regions to consider alternatives to enhance the likelihood of achieving positive results, while remaining sensitive to the local and community impacts of the timber sales program. Ecosystem management, tree measurement, and other changes in the way of doing business on the national forests may increase the costs of the timber program without leading to a commensurate increase in timber values, which may affect the gain/loss calculation on forests nationwide. This situation increases the need for the Forest Service to become more proactive in its review process as it evaluates the potential costs and revenues of sales before investing large sums of money into timber sales preparation. The managers encourage the Administration to continue reviewing options for dealing with below cost sales while remaining responsive to these concerns. The managers do not direct or prohibit the Forest Service from considering the use of minimum bids in fiscal year 1994. However, if minimum bids are considered, the Forest Service should make every effort to minimize the organizational overhead costs included in such a rate, and should clearly link the bid rate with the direct costs associated with specific sales. Any consideration of minimum bids should also be responsive to the timber sale economics in different regions of the country, including terrain, species, values, and other factors.

With respect to the Pacific Northwest and the follow-up to the Forest Conference, funding is included for both the Interior Department and the Forest Service to engage in watershed assessment and restoration activities. Additional funds are provided in the State and Private Forestry account to deal with some of the community assistance aspects of the program. If additional needs are identified for fiscal year 1994, the Forest Service should comply with the Committees' reprogramming guidelines. This requirement includes any proposed use of the Secretary's transfer authorities. The primary focus for the watershed work should be on completing the necessary assessment work for the key watersheds. To aid in this effort, language is included allowing use of salvage funds for this purpose, up to a total of \$26,000,000. These efforts are to be undertaken using the interagency team approach, involving other agencies as well as Forest Service Research and State and Private Forestry, and overhead costs are to be kept to a minimum. The Forest Service should report to the Committees on Appropriations no later than December 15, 1993, on the following issues related to watershed work: proposed methodology for allocating funds, accountability for expenditure of funds, how the costs of watershed work will be measured in comparison to base funding provided, and procedures to be used for monitoring.

In addition to the use of up to \$26,000,000 from salvage funds for watershed assessment work, the managers have agreed to the

retention of prior year language regarding uses of the salvage fund. No specific earmarks are provided, but attention should be given to the drought and forest health problems in the Eastside of Washington and Oregon, the Sierras, the Tahoe Basin, the Chugach NF, and the Francis Marion NF.

The specific language related to log scaling and tree measurement is discussed under amendment No. 81. The switch to tree measurement is for sales to be prepared in fiscal year 1994, and is not a direction that sales already prepared are to be reworked. The managers expect the Forest Service to continue to negotiate with the holders of long term contracts to switch to tree measurement sales for fiscal year 1995. In the event negotiations are not successful, the terms of the existing contracts would continue. The Forest Service should continue to engage in the necessary activities to ensure that its personnel are properly trained and certified in the quality and accuracy of the tree measurement system. This includes making sure that cruise design standards are in place, and that check cruise validations occur.

With respect to the Tongass NF, the managers estimate that the timber sales preparation level in 1944 will be between 280 million board feet, the House proposed level, and 420 million board feet, the level proposed by the Senate. The managers note there are contingency funds in the timber sales budget which can be drawn upon to prepare sales for the higher level, or whatever actual level is achievable based on current market conditions and legal requirements. This preparation level combined with work to enhance the timber pipeline over the last three years is scheduled to bring the pipeline to about a three years' supply level in the Tongass NF.

With reference to the language in the House report regarding group selection in Region 5, the managers are unaware if the recent report on the Sierra range referred to has been subject to formal peer review by the scientific community. The managers understand there is not unanimity of support for group selection among the scientific, environmental, and industrial communities as there is not unanimity of support for the interim CASPO (California Spotted Owl) strategy. The managers understand that the Forest Service will continue to implement the CASPO strategy, adopted as an interim strategy by the Forest Service on March 1, 1993 for now, which in contrast to group selection was subject to peer review. The managers, however, expect Region 5 of the Forest Service to continue to consider and review fully innovative forest management practices as alternatives to the interim CASPO strategy which are generally consistent with the applicable principles of the Forest Conference and Administration's policies. The managers understand that one of the alternatives being considered through the EIS process is group selection.

Within the funds provided, there is \$1,000,000 each in OR and WA to continue harvest cutting and silviculture demonstrations, and to initiate two new restoration projects in young stands, in conjunction with the Olympic Natural Resources Center. Within the \$1,000,000 for OR, \$750,000 is to continue the demonstration program on the Umpqua NF, which includes the Douglas Project among the partners; and \$250,000 is to initiate the new demonstration project.

The managers understand that the \$200,000 earmarked in both the House and Senate reports for studying the conversion of roads to trails will be used for such studies on as many forests as possible in Region 6, with the Gifford Pinchot NF being the first priority.

The managers are aware of concerns regarding the process used by the Forest Service in allocating funds among the various forests and regions, and are particularly troubled about reports that the funding levels for some forests have been reduced in order to fund other forests. While one forest is not to be funded at the expense of the others, with limited budgetary resources and changing policy direction, no forest can be guaranteed a funding level from one year to the next. These allocations must necessarily be made each year by the Forest Service. Although the Forest Service may take into consideration the funding levels provided in prior years in allocating its funds, as well as other appropriate factors such as the forest plans, the plans should not be the sole basis for allocating funds, since the budget assumptions of the plans are not necessarily consistent from one forest to the next. As the managers have stated previously, earmarks agreed to in final conference action are to be considered a part of the affected forest's base, unless identified to the contrary in the next year's budget.

FOREST SERVICE LAW ENFORCEMENT

Amendment No. 70: Deletes the separate appropriation for law enforcement as proposed by the Senate. This matter is discussed under Amendment No. 69.

CONSTRUCTION

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *\$249,002,000, including road obliteration and watershed restoration*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates \$249,002,000 for construction instead of \$237,423,000 as proposed by the House and \$264,795,000 as proposed by the Senate, and adds language authorizing use of the funds for road obliteration and watershed restoration. The increase over the amount proposed by the House consists of decreases of \$888,000 for transfer to the law enforcement program under the National forest system account (including decreases of \$15,000 from facilities and \$873,000 from roads), and \$10,000,000 for the watershed restoration program, leaving \$20,000,000; and increases of \$2,867,000 for facilities, \$19,000,000 for road construction (including increases of \$3,000,000 for timber roads, \$12,000,000 for purchaser construction support, \$1,000,000 for recreation roads, and \$3,000,000 for general purpose roads), and \$600,000 for trails.

The increase for facilities includes the following changes from the amounts proposed by the House:

<i>Project</i>	<i>Change</i>
Wayne, NF Supervisor's Office	-\$130,000
Recreation:	
Lewis and Clark visitors center, MT	+300,000
Columbia River Gorge Discovery Center	+1,186,000
Ocoee River	+1,840,000
Wayne NF, OH	-246,000
National Forests, TX	-665,000
Badin Lake, Uwharrie NF, NC	-250,000
Winding Stair Mountain	+785,000
Ketchikan, AK visitors center	+1,100,000
Seneca Rocks, WV visitors center	+3,147,000
Toiyabe NF, NV	+600,000
Wenatchee NF, WA	+200,000
White Mountain NF, NH	+400,000
El Portal visitors center, PR	-2,400,000
Cradle of Forestry, NC	-500,000
General reduction	-2,500,000
Subtotal	+2,867,000
Transfer to NFS law enforcement	-15,000
Total	+2,852,000

The remaining funds for the National Forests in TX are for the Boles Field and Boykin Springs projects. Of the funds for Badin Lake, \$250,000 is for a water line to serve the recreation complex. Within the funds for the Toiyabe NF, up to \$300,000 may be used for the Spring Mountain NRA management plan.

The managers have included \$300,000 for planning and design of the Lewis and Clark visitors center, MT, and \$228,000 is included, as requested in the budget, for planning the Hudson, NE education and learning center. The additional \$600,000 earmarked in the Senate report for the Lewis and Clark center is not agreed to, and should be used for the projects for which these funds were originally budgeted. These funds are provided on the basis that they will be matched on a 50/50 cost-sharing basis from non-Federal sources. The managers also agree that the total scope of these two projects should be reduced, so that total costs for completing construction of these centers do not exceed \$6,000,000 each. The managers have agreed that Federal funds will be provided on a 50/50 cost-sharing basis for completion of these projects, for a total estimate not to exceed \$3,000,000 in Federal funds for each facility. It is the expectation of the managers that additional appropriations for these projects will not be made until evidence of the non-Federal matching funds is available.

The managers have agreed that they will consider funding for new visitors centers in the future if such facilities are of reasonable scope and cost, on a 50/50 Federal/non-Federal cost-sharing basis. The managers are aware of the proposed Northern Great Lakes visitors center in WI, and the commitment from the WI State Legislature and Governor to provide 50 percent funding for the project. The Forest Service is expected to review any funding request for this facility in line with the above policy, and to include funding in the 1995 budget request or in a proposed reprogramming to the Committees in fiscal year 1994 if a decision is made to proceed with the project.

With regard to the comprehensive management plan revision for the Hell's Canyon NRA, the managers have earmarked \$200,000 in the National Forest System account and \$120,000 in

the Construction account for the plan revision process in fiscal year 1994, which was budgeted for the Dug Bar recreation facilities construction. The managers encourage the Forest Service to proceed with the revision as expeditiously as possible. While the plan is being revised, the managers agree that up to \$2,170,000 in construction funds including roads, facilities and trails may be spent in fiscal year 1994 for projects in the NRA, including road rehabilitation aimed at safety improvements and resource protection, and overlooks. The managers request the Forest Service to review each project before proceeding to determine if it is a project which should be reexamined during the plan revision process. The Forest Service should not spend funds in 1994 for new recreation site development (excluding overlooks) or other facilities which might be reconsidered as part of the plan revision process.

The managers understand the budget contains \$340,000 in facilities funds and \$140,000 in trails funds for the Red Bluff Recreation Area, Mendocino NF, and the budget also contains \$425,000 for Tahoe/Tallac, \$5,613,000 for Mount St. Helens, \$450,000 for Multnomah Falls, and \$4,300,000 for Corney Lake.

The increase in trails consists of a general reduction of \$500,000 and an increase of \$1,100,000 for the Glendale to Powers, OR bicycle trail.

The managers have included \$20,000,000 for comprehensive watershed restoration activities on the westside forests of Washington, Oregon and northern California, with funds to be distributed proportionately, based on the highest priority watersheds. The House had included \$30,000,000 for these projects, and the Senate had included \$17,000,000. The funds are to be used both for road projects, such as road closure, obliteration, revegetation and drainage improvements, and watershed projects such as riparian revegetation, erosion control, and slide stabilization. The first priority for these funds should be to secure key watersheds, and rehabilitation projects should be undertaken only when watershed inventory and analysis have been completed (funds for these assessments have been provided for under the salvage sales fund). Projects selected should be those with the greatest impact on factors limiting salmon spawning, rearing and holding habitat, and projects with the greatest long-term positive impact should be favored over those with short-term benefits.

As discussed under the National Forest System account, the managers expect that projects will proceed only after proper analysis and planning take place through an interagency team review. An interagency, interdisciplinary scientific review team should be established to review and approve any existing "off the shelf" projects, as well as new projects, to ensure projects selected will provide the most ecological benefits for the dollar. Projects in key watersheds in which inventory, long-range planning, and cost/benefit analysis have been completed should receive priority in allocating funds. The managers reiterate the examples of projects to receive priority consideration listed in the House report, including the Skagit River Wild and Scenic Management Area because of its scenic and ecological importance.

Within road construction funds, there is \$562,000 for the Wayne NF, OH and \$85,000 for the Bankhead NF, AL. Within trail

construction funds, there is \$700,000 for the Bankhead NF, AL, \$120,000 for the Allegheny NF, PA, and \$400,000 for the Wayne NF, OH.

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *\$20,000,000 is for watershed restoration; \$99,347,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides for \$20,000,000 to be available for watershed restoration and \$99,347,000 to be available for construction and acquisition of buildings and other facilities within the Construction appropriation in 1994. The House had proposed \$96,495,000 for facilities construction, and the Senate had proposed \$97,867,000. Neither the House nor Senate had included an earmark for watershed restoration in the bill, although both had earmarked an amount for this purpose in the report accompanying the bill. The changes from the amounts proposed by the House for these activities are discussed under Amendment No. 71.

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which provides \$129,655,000 for construction and repair of forest roads and trails instead of \$140,228,000 as proposed by the House and \$166,928,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The changes from the amount proposed by the House are discussed under Amendment No. 71.

LAND ACQUISITION

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates \$64,250,000 for land acquisition instead of \$56,700,000 as proposed by the House and \$51,050,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Alpine Lakes Management Area, WA	700,000
Appalachicola NF, FL	2,000,000
Appalachian Trail	2,000,000
Caribbean NF, PR	450,000
Chattooga WSR, NC, SC, GA	2,000,000
Cherokee NF, TN	550,000
Cleveland NF, CA	2,000,000
Colorado Wilderness Inholdings	1,250,000
Columbia Gorge NSA, OR, WA	1,000,000
Croatan NF, NC	500,000
Daniel Boone, NF, KY	2,000,000
Finger Lakes NF, NY	800,000
Flathead NF, MT	500,000
Francis Marion NF, SC	850,000

Gallatin NF, MT	3,000,000
Green Mountain NF, VT	3,000,000
Hoosier NF, IN	500,000
Kisatchie NF, LA	500,000
Lake Tahoe Basin, CA, NV	2,000,000
Little Beaver Creek W&SR, OH	2,200,000
Los Padres NF, CA	2,000,000
Mark Twain NF, MO	1,000,000
Michigan Lakes and Streams	500,000
Mount Baker-Snoqualmie NF, WA	1,300,000
Old Chief Joseph Grave Site, OR	(300,000)
Olympic NF, WA	1,000,000
Oregon Dunes NRA, OR	5,200,000
Osceola NF (Pinhook Swamp), FL	1,500,000
Ouachita NF, AR, OK	500,000
Ozark NF, AR	1,000,000
Pacific Northwest Streams	1,900,000
Roosevelt NF (Cherokee Park), CO	2,700,000
Salmon WSR, ID	1,700,000
San Bernardino NF, CA	1,000,000
Shawnee NF, IL	400,000
Superior NF, MN	300,000
Talladega NF, AL	300,000
Toiyabe NF, CA	1,000,000
Toiyabe NF, NV	2,200,000
Uwharrie NF, NC	500,000
Wayne NF, OH	500,000
Emergency, inholdings	1,750,000
Acquisition Management	8,500,000
Total, Forest Service	64,250,000

The \$500,000 for Croatan NF, NC, does not commit the managers to future appropriations.

The managers expect the Forest Service to complete expeditiously the study mandated by the recently passed Colorado Wilderness Act of 1993 regarding inholdings in the Spanish Peaks planning area. Also the managers direct the Forest Service to provide the Committees on Appropriations a report on the status of all Forest Service wilderness inholdings, including information about the conflicts such inholdings pose for wilderness management.

The managers direct the Forest Service to use the Pacific Northwest Stream funds to support the highest priority projects within the region. The managers further expect that resources provided will be divided equitably between projects in Oregon and Washington.

The managers understand that the \$2,200,000 in funding for land acquisition in the Toiyabe National Forest in Nevada will complete the purchase of the Fibreboard properties. The managers direct the funds to be used exclusively to conclude the Fibreboard acquisition in fiscal year 1994.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter inserted by said amendment, insert: *, and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total*

sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above, and for watershed assessment activities: Provided, That notwithstanding any other provision of law, monies received from the timber salvage sales program shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The language provides for the use of salvage sale funds for timber sales preparation to replace sales lost to fire or other causes and to replace sales inventory on the shelf, and for the 25 per centum payments to local governments from salvage sales receipts. The language has been modified from prior years to include watershed assessment activities as an allowable use of the fund. The Forest Service may use up to \$26,000,000 in salvage funds for watershed assessment activities. As discussed under Amendment Nos. 68 and 71, the primary focus for the watershed work should be to complete the assessment work for the key watersheds before proceeding with restoration projects on a piecemeal basis. These efforts are to be undertaken using the interagency team approach.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes House language on the Shawnee NF and inserts Senate language prohibiting the use of funds for clearcutting or even aged management in hardwood stands on the Shawnee NF to the greatest extent possible and in accordance with the Shawnee NF plan.

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

None of the funds made available in this Act shall be used for timber sale planning or scoping using clearcutting in the Ouachita and Ozark-St. Francis National Forests in Arkansas, except for sales that are necessary as a result of natural disaster or a threat to forest health, or for maintaining or enhancing wildlife habitat, or habitat for endangered and threatened species, or for research purposes.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment changes language included in different forms by both the House and Senate to prohibit the use of funds for clearcutting in the Ouachita and Ozark-St. Francis National Forests in Arkansas, with certain specified exemptions.

Amendment No. 78: Deletes House proposed language and Senate proposed language which would have prohibited the use of funds to alter the forest stand composition in the Ozark-St. Francis and Ouachita National Forests in Arkansas.

Amendment No. 79: Restores House proposed language which had been stricken by the Senate, which prohibits the use of funds

in this Act to plan or conduct timber sales or build roads in three specified areas of the Chattahoochee NF, GA. Such activities will be deferred until a revision of the forest's land management plan, which will address possible designation of the three areas as wilderness or scenic areas, is completed.

Amendment No. 80: Strikes House language authorizing salvage sales in Regions 5 and 6 with certain conditions, as proposed by the Senate. This matter is addressed under Amendment No. 118.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

None of the funds available to the Forest Service in this Act shall be used to begin preparation of timber sales in fiscal year 1994 using the scaling method: Provided, That this limitation shall not apply to timber salvage sales: Provided further, That thinning sales may be prepared using the scaling method if determined by the Regional Forester to be the most effective means of achieving a stated environmental objective: Provided further, That this limitation shall not apply to sales prepared pursuant to existing timber contracts: Provided further, That any timber sales prepared during fiscal year 1994 which involve the use of the scaling method must be scaled by the Forest Service, or under contracts issued by the Forest Service and paid for using deposits by the timber purchaser.

Total outlays by the Forest Service pursuant to the cooperative work trust funds accounts (12-8028-0-7-302) shall not exceed \$279,668,000 in fiscal year 1994.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment revises the House proposed language requiring new timber sales prepared in fiscal year 1994 to be prepared as tree measurement, or lump sum, sales, to add certain exceptions for salvage and thinning sales; and adds language proposed by the Senate as part of Amendment No. 124, which provides a cap on Knutson-Vandenberg (K-V) funds for fiscal year 1994, in the amount of \$279,668,000.

With regard to the scaling language, in the case of the exceptions for salvage or thinning sales, the Forest Service is to scale the logs using its own personnel, or is to enter into contracts to provide scaling or weighing services for obtaining volumes of these sales. If contracts are entered into, the Forest Service is to require the timber purchaser to pay for these services by depositing funds into a cooperative account. In this manner, the Forest Service will have direct contract authority over the organization providing the scaling services.

Before any salvage or thinning sales are prepared as scaled sales, the Forest Service should issue policy guidance to all its regions as to how such sales will be defined consistently throughout the National Forest System. Once the policy guidance is issued, sales proposed to be categorized as salvage or thinning sales should be forwarded to the Regional Forester for review and compliance

with the policy. The managers believe this step is necessary in order to prevent abuses in the way in which salvage and thinning are defined. The managers have provided the flexibility for the use of scaling in salvage and thinning sales this fiscal year, but if misuses of the definition occur, it is unlikely that this flexibility would be continued in future years. The managers also request a report be provided by April 1, 1994, with a final update after the end of the fiscal year, showing the volume contained in salvage and thinning sales by region for fiscal year 1993, and the volume of such sales by region for fiscal year 1994.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes reimbursement of the Agricultural Stabilization and Conservation Service for administration of the stewardship incentives program, not to exceed 10 percent of the program funding level. The House had no similar provision.

Amendment No. 83: Deletes Senate language providing a pilot program for land management stewardship end result contracts on certain national forests. The managers are aware of the progress made with these contracts, and expect projects under the pilot program to continue in fiscal year 1994. The Forest Service should complete the review requested in House report 103-158. In addition, if these pilot projects prove to be another tool to address ecosystem management objectives, the Administration should come forward with a legislative proposal for consideration by the relevant authorizing committees.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The language allows the Forest Service to use appropriated funds to assist rural communities located both within and outside the boundaries of National forest system lands.

DEPARTMENT OF ENERGY

CONTRACTOR PAY FREEZE

The Administration submitted a budget amendment reducing requests for the various Department of Energy accounts for fiscal year 1994 by amounts estimated to be saved in implementing a one-year freeze on certain contractor salaries. In the case of Naval Petroleum and Oil Shale Reserves and Strategic Petroleum Reserves such reductions had already been considered and made. For energy conservation, fossil energy research and development, and the Energy Information Administration, reductions are being made that the managers believe in total more than offset the need for specific additional reductions for the pay freezes.

COORDINATION OF TECHNOLOGY DEVELOPMENT

The managers are aware of increased Federal efforts related to research, development, demonstration, and commercialization of fuel cells, alternative fuels, natural gas, coal, and electric and other vehicle technology and related infrastructure. The managers are concerned that these Federal efforts be well coordinated to avoid inefficient duplication. The managers expect the Secretary of Energy to ensure that within the Department of Energy, related programs are well coordinated and that technology transfer efforts of the national laboratories are coordinated through the relevant research and development programs. To ensure that these programs are coordinated with other Federal agencies, the managers expect the Secretary of Energy to seek to execute agreements with other Federal agencies which describe the respective responsibilities of the agencies involved in the programs. The Secretary should submit a report by April 1, 1994, on these efforts, both within the Department of Energy and with other agencies. Fiscal year 1995 budget material should include the level of both Department and other Federal efforts for each affected program.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 85: Appropriates \$430,674,000 for fossil energy research and development instead of \$433,163,000 as proposed by the House and \$429,070,000 as proposed by the Senate. The net decrease below the amount proposed by the House consists of increases of \$625,000 for coal technology export, and \$2,000,000 for materials development, both in advanced research and technology development; \$2,000,000 in direct liquefaction to begin support of bench-scale work using Exxon facilities; \$1,750,000 for advanced concepts in pressurized fluidized bed combustion; \$2,000,000 for work on externally-fired systems in advanced combustion technology; \$850,000 to complete briquetting and coking facilities and operations at existing CTC facilities for coproducts production in coal gasification; \$1,000,000 for the Oil Recovery Technology Partnership, \$500,000 for thermodynamics research at the National Institute for Petroleum and Energy Research (NIPER), and \$350,000 for continued work on the Gypsy field by the University of Oklahoma, all in advanced extraction and process technology; \$2,000,000 for the reservoir class field program in light oil enhanced oil recovery; \$500,000 for the new drilling technology initiative in gas resource and extraction; \$350,000 to provide for light hydrocarbons to liquids research at the University of Oklahoma in gas utilization; \$1,000,000 for the university consortium, and \$1,000,000 for Morgantown Energy Technology Center (METC) work both in high efficiency gas turbine development in gas utilization; \$250,000 for the UNDEERC jointly sponsored research program, in cooperative research and development; and \$1,000,000 for renovation of METC Building 4 in facilities; and decreases of \$250,000 in coal preparation, \$9,000,000 from unobligated balances for generic bench-scale experimental units at Pittsburgh Energy Technology Center (PETC) in coal liquefaction; \$1,114,000 for coprocessing research in direct coal liquefaction; \$2,500,000 for advanced research in combustion systems; \$500,000 for alternative

fuels in combustion systems; \$2,000,000 for the Illinois mild gasification facility in coal gasification; \$500,000 for the California Oil and Gas Alliance in advanced extraction and process technology; \$500,000 for the Illinois-Michigan gas atlas in gas resource and extraction; \$500,000 for light hydrocarbons to liquids research in gas utilization; and \$2,800,000 in molten carbonate fuel cells.

The managers agree that:

1. Funds for air toxics in flue gas cleanup are for the facility support described in the House report. If future plans to support Clean Air Act requirements contain additional incremental support for air toxics research above the \$5 million, 5-year program in the House report, it should be carried out on a competitive basis, including such facilities as those at Southern Research Institute, if applicable.

2. That \$625,000 in coal technology export is for initial implementation of section 1332 of the Energy Policy Act of 1992. The managers expect that the funding provided will be used by the Department to identify potential markets for clean coal technologies in developing countries and countries with economies in transition from nonmarket economies and to identify existing, or new, financial mechanisms or financial support to be provided by the Federal government that will enhance the ability of U.S. industry to participate in these markets. The Secretary is to report to the Appropriations Committees of the House and Senate within six months after the date of enactment of this Act on potential coal technology export markets and the financing mechanisms and/or levels of Federal government support necessary to assist U.S. industry participation in these markets. In addition, the managers expect the Secretary to consider input from U.S. industry in order to assess the potential for U.S. industry participation in the development of clean coal technology projects in the developing countries and countries with economies in transition.

3. That materials development research should be redirected and focused on anticipating and solving high temperature materials problems related to the more advanced fossil energy research and development programs such as Combustion 2000, hot particulate cleanup, and fuel cell activities. Materials development should be focused through a single integrated materials program that emphasizes broad industry and laboratory participation. Institutions and university/industry consortia with a foundation of background knowledge and experience in product design issues for these technologies, such as Argonne National Lab, Pennsylvania State University, West Virginia University, and the Cooperative Research Partnership which concentrates on the non-fuel uses of coal to produce coal derived carbon materials, should be given priority consideration in broadening the participation base.

4. In alternative fuels, the added funds above the budget may be used for either in-house research or characterization of beneficiated fuels.

5. Including the \$3,000,000 provided in this appropriation, the total amount appropriated to date for the Illinois mild gasification facility is \$9,430,000.

6. The Oil Recovery Technology Partnership program should be expanded to include Lawrence Berkeley Laboratory. On this basis

the Partnership activity would also contain \$1,000,000 identified for the California Oil and Gas Alliance. The managers agree with the Senate report language on the operating processes of the Partnership, and these processes should also be applied to the California work as well while assuring a minimum of \$1,000,000 for California projects in fiscal year 1994.

7. Funds provided in advanced extraction and process technology for Gypsy field work by the University of Oklahoma should be for a specific well-defined scope of work within an overall program for the field involving significant non-Federal funding.

8. The Department should plan to complete the Illinois-Michigan basin gas atlas in future years.

9. Within funds provided for molten carbonate fuel cells, no more than \$1,000,000 is to be expended for work not related to stack development or demonstrations. The managers further agree that, if funds are provided in fiscal year 1994 to the Department of Defense for fuel cell demonstrations or research activity as is contemplated in the House-passed Defense appropriations bill, the Department must coordinate its efforts with the Department of Defense so as to minimize duplication and coordinate efforts to assure a program which efficiently uses government funds, particularly with regard to expensive demonstration activity.

10. Within the overall total for jointly sponsored research at UNDEERC, up to \$500,000 may be used for studies of Alaskan energy service options, all of which must be matched on at least a 50-50 basis by non-Federal sources.

11. No funding is contemplated currently for a State-of-the-art version of the High Performance Power system in the research and development program.

12. No reports beyond the one recently issued by the General Accounting Office and the one requested in the fiscal year 1993 Senate report are required for the magnetohydrodynamics (MHD) program. MHD funds that would have been used for the report specified by the Senate should be used to assist in program close-out activities.

13. Requests for not more than \$350,000 for follow-on funding for studies by the University of Oklahoma on the use of liquefied natural gas (LNG) as a fuel for the heavy trucking industry should be considered in the alternative fuels development activity in energy conservation.

Amendment No. 86: Deletes Senate proposed language concerning a procurement for a facility renovation at Morgantown Energy Technology Center (METC). The House had no similar provision.

The managers have recommended an increase of \$1,000,000 in Amendment No. 85 to initiate demolition and begin environmental remediation required for health and safety renovations at METC's Building 4. The managers expect the demolition and renovation to begin in fiscal year 1994, and also expect the Department to include the additional \$3,300,000 required for this high priority health and safety project in its fiscal year 1995 budget request.

ENERGY CONSERVATION

Amendment No. 87: Appropriates \$690,375,000 for energy conservation instead of \$702,825,000 as proposed by the House and \$677,013,000 as proposed by the Senate. The net increase above the amount proposed by the Senate consists of increases of \$500,000 for lighting applications at Lawrence Berkeley Laboratory, and \$1,000,000 from an unspecified Senate reduction, both in the lighting and appliances activity in buildings; \$1,000,000 for oil heating research in the heating and cooling equipment activity in buildings; \$250,000 for advanced buildings in the residential sector, and \$562,000 for retrofit technology research, both in the buildings system research activity; \$1,000,000 for industrial waste utilization and conversion to continue existing projects, and \$500,000 in industrial waste minimization, both in industrial wastes; \$500,000 in industrial cogeneration; \$500,000 for continuous fiber ceramic composites in industrial enabling materials; \$2,000,000 for materials development in transportation; \$500,000 for the Sandia Livermore Combustion Research Facility in the heat engine development activity in transportation; \$1,000,000 for integrated resource planning in the utility sector; and \$8,593,000 for low income weatherization grants; and decreases of \$500,000 for metalcasting research in industrial materials processing; \$500,000 for the ongoing PEM (proton exchange membrane) fuel cell program; and \$500,000 for the on-board hydrogen storage PEM fuel cell program, both in electric and hybrid propulsion development in transportation; \$250,000 for joint ventures in technical and financial assistance; \$1,793,000 for training and technical assistance in weatherization; and \$1,000,000 for demand-side management grants in the State energy conservation grant program.

The managers agree that:

1. The Department should encourage and cooperate with utilities and a nationwide utility consortium developing incentive programs for the development of high efficiency clothes washers similar to those programs previously developed for refrigerators. Several manufacturers are developing such high efficiency products.

2. The Department of Energy should take advantage of all opportunities to incorporate the best available technologies for energy efficiency in any new or modified buildings, including those built by third parties and leased to the Department or its contractors. Particular emphasis should be placed on windows, lighting, sensors, heating and cooling systems, and automated energy management systems. The managers believe the Department should take every available opportunity to showcase technologies that have been supported by the Energy Conservation appropriation over the past several years.

3. No reductions in the industrial waste minimization program should be applied to the National Industrial Competitiveness through Energy, Environment, and Economics (NICE 3) activity.

4. Pursuant to authorizing legislation the metalcasting competitive research program is designed to raise the productivity of the metalcasting industry through research in materials and process technology. The dissemination of information and education activities based on such research and other advanced technologies on

metalcasting should be extended to small and medium-sized casting companies. Accordingly, the solicitation for fiscal year 1994 funds must be for proposals which contain both research and dissemination and education activities that enable the results to be transferred in a manner accessible to these small and medium-sized metalcasting companies.

5. To the extent possible the integrated resource planning activity in the utility sector should include activities encouraging innovative State regulatory authority implementation of demand-side management techniques including participation in proceedings by weatherization program subgrantees as authorized by section 112 of the Energy Policy Act of 1992 (Public Law 102-486).

6. Funding for joint venture activities in the technical and financial assistance area is not for the solicitation of project proposals. This amount will allow detailed planning and more precise definition of activities to be funded under future potential project solicitations. No funding for such solicitation will be considered prior to presentation of more detailed program plans.

7. Distribution of the \$3,000,000 originally provided in fiscal year 1992 for a weatherization incentive fund shall be as described in the Senate report.

Amendment No. 88: Earmarks \$254,025,000 for energy conservation grant programs instead of \$261,325,000 as proposed by the House and \$248,225,000 as proposed by the Senate. The earmark consists of \$206,800,000 for the weatherization assistance program, \$18,310,000 for the State energy conservation program, and \$28,915,000 for the institutional conservation program.

Amendment No. 89: Earmarks \$206,800,000 for the weatherization assistance program instead of \$213,600,000 as proposed by the House and \$200,000,000 as proposed by the Senate.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that earmarks \$18,310,000 for the State energy conservation program instead of \$18,810,000 as proposed by the House and \$19,310,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The reduced earmark is based on actions agreed to in Amendment No. 87.

Amendment No. 91: Earmarks \$19,366,000 for steel and aluminum research as proposed by the Senate instead of \$18,091,000 as proposed by the House.

Amendment No. 92: Deletes Senate proposed language delineating items allowable for cost-sharing and providing for payback of government funds in steel and aluminum research, and specifying cost-sharing percentages and procedures for protection of proprietary information for battery and hybrid vehicle research. The House had no similar provision.

The managers direct the Department of Energy to continue steel and aluminum research under the same guidelines that have been in place since the inception of the program, and not to implement any changes to cost-sharing criteria or payback requirements without prior consultation with the appropriate Committees of Congress.

SPR PETROLEUM ACCOUNT

Amendment No. 93: Places an outlay ceiling of \$75,580,000 on the use of funds from this account for oil acquisition in fiscal year 1994 as proposed by the Senate instead of \$79,580,000 as proposed by the House.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 94: Appropriates \$86,553,000 for the Energy Information Administration instead of \$86,053,000 as proposed by the House, and \$86,953,000 as proposed by the Senate. The increase of \$500,000 over the House is to begin preparation for the collection of greenhouse gas data.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which waives a thirty-day waiting period for a contract to conduct activities at the Department of Energy's research facilities at Bartlesville, OK. The House had no similar provision.

REVISION OF AMOUNTS FOR DEPARTMENT OF ENERGY

Amendment No. 96: Deletes a general reduction of \$49,764,000 for Fossil energy research and development and a general increase of \$24,873,000 for Energy Conservation contained in the House bill, as proposed by the Senate. Amounts for fossil energy research and development are addressed in Amendment No. 85, and amounts for energy conservation are addressed in Amendment No. 87.

DEPARTMENT OF HEALTH AND HUMAN SERVICES—INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 97: Appropriates \$1,645,877,000 for Indian health services instead of \$1,652,394,000 as proposed by the House and \$1,641,592,000 as proposed by the Senate. The changes to the House position include increases in hospitals and clinics of \$1,400,000 in new tribes funding for the Catawba Tribe in South Carolina and \$325,000 for the Tulsa, Oklahoma operating unit, and an increase in alcohol and substance abuse of \$135,000 to fund the Gila River regional youth treatment center at 75 percent of need, consistent with the other regional treatment centers. The increases are offset by decreases in hospitals and clinics of \$50,000 for improved health services for the Shoalwater Bay Tribe of Washington, \$50,000 for AIDS treatment and \$5,977,000, which is transferred to the facilities account, to bring operating units to 60 percent of the level of need funded. There are also decreases of \$100,000 in mental health for the Bay Mills child sexual abuse treatment and prevention program, which leaves the funding for that program at the fiscal year 1993 level; \$900,000 in community health representatives; \$800,000 in direct operations; and \$500,000 in contract support costs for new and expanded contracts funded through the Indian self-determination fund.

The managers agree that:

1. A total of \$680,000 is to be made available for the Shoalwater Bay Tribe of Washington and should remain in the base for future budgets;

2. IHS should continue to work with the Mississippi Choctaw Tribe to ensure sufficient funds are provided for the tuberculosis program;

3. Funds allocated by the IHS to the Tulsa, Oklahoma clinic may be used for expanded lease space, consistent with the IHS lease priority system;

4. A portion of the California share of the increase above the budget request for contract health services may be used for the California contract health demonstration project to the extent the tribes in that area agree to such a use.

5. IHS should work with the Department of the Interior to review carefully contract support cost requirements, and report to the Committees on the results of that review, including any suggested improvements to the current procedures for estimating these costs; and

6. The IHS needs to work closely with the Bureau of Indian Affairs to develop a cost effective, integrated approach to dealing with child abuse in Indian country; the fiscal year 1995 budget request for each agency should make this program a high priority.

Amendment No. 98: Earmarks \$7,500,000 for the self-determination fund instead of \$8,000,000 as proposed by the House and \$7,000,000 as proposed by the Senate.

INDIAN HEALTH FACILITIES

Amendment No. 99: Appropriates \$296,982,000 for Indian health facilities instead of \$296,997,000 as proposed by the House and \$293,682,000 as proposed by the Senate. The changes in the House-recommended level include increases of \$300,000 in new and replacement hospitals for planning of the Winnebago hospital in Nebraska; \$5,977,000 which is transferred from the hospital and clinics account to bring operating units to 60 percent of the level of need funded; and, in outpatient care facilities, \$708,000 for planning of the Second Mesa health center in Arizona and \$500,000 each for site work at the Fort Belknap and White Earth health centers in Montana. The increases are offset by decreases of \$7,000,000 in maintenance and improvement, \$500,000 in dental units, and \$500,000 in injury prevention.

The managers agree that:

1. The \$5,977,000 transferred from hospitals and clinics should be placed in a new budget subactivity titled: "Facilities/Space for Increase in Level of Need Funded";

2. The \$465,000 unobligated balance remaining from the Phoenix area regional youth treatment center project may be used for planning and construction of a satellite facility at an alternate site in Nevada in keeping with the original agreement for servicing that area; and

3. While there is no increase above the budget request for sanitation facilities, IHS should work with the tribes in the Navajo area and the Yukon-Kuskokwin region of Alaska to en-

sure the extraordinary needs in those areas are appropriately integrated in the sanitation deficiency priority system.

The managers are aware of several potential reprogramming needs within IHS, including funds to conduct feasibility studies and site surveys for projects awaiting placement in the facilities construction priority system, to purchase land for expansion of the Gallup Indian Medical Center, and to standardize hospital and clinic designs. The managers support these efforts and are ready to approve reprogrammings for them to the extent existing projects are completed at less than the originally estimated costs. The managers suggest that, in line with the Vice President's National Performance Review, IHS managers be empowered to make these funding realignments, with advance notification to the House and Senate Committees on Appropriations, and that the processing of these reprogrammings through the bureaucracy be accomplished in a matter of days rather than over several months as has been the norm in the past.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Retain the matter proposed by said amendment amended as follows:

In lieu of the sum named in said amendment insert: \$300,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment precludes the use of planning funds for the Winnebago Hospital in Nebraska until a program justification document has been approved. The House had no similar provision. The Senate had proposed \$500,000 in planning funds and the managers have agreed to provide \$300,000.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the use of funds to renovate existing buildings to meet additional space requirements. The House had no similar provision.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: : *Provided further, That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by Title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under Title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment deletes a House provision, stricken by the Senate, requiring approval of staffing reductions by the Committees on Appropriations and inserts a provision permitting the transfer of funds from existing tribal contracts to self-governance compacts.

The managers stress that the necessary personnel resources must be made available to ensure that there are sufficient health professionals at each IHS hospital and outpatient facility. It is unrealistic to assume that IHS can provide needed staff with contract rather than in-house personnel. The managers expect the IHS to keep the Committees fully informed of any proposed personnel reductions or realignments following the established reprogramming procedures. Further, the managers encourage both the Department of Health and Human Services and the Office of Management and Budget to exempt the increased staff needed for new and expanded IHS facilities from the baseline on which government-wide staffing reductions are assessed. The managers also note that the vast majority of IHS personnel in high-graded positions are physicians and believe any staffing reductions in the higher graded positions should not be applied to physician and health professional positions.

DEPARTMENT OF EDUCATION—OFFICE OF ELEMENTARY AND
SECONDARY EDUCATION

INDIAN EDUCATION

Amendment No. 103: Appropriates \$83,500,000 for Indian education as proposed by the House instead of \$83,405,000 as proposed by the Senate.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Amendment No. 104: Appropriates \$26,936,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the House instead of \$28,436,000 as proposed by the Senate. Funding for housing improvements in the Bennett Freeze area is addressed under the Bureau of Indian Affairs in Amendment No. 44.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 105: Appropriates \$302,349,000 for salaries and expenses as proposed by the Senate instead of \$302,083,000 as proposed by the House.

Amendment No. 106: Provides that \$24,552,000 shall remain available until expended as proposed by the Senate instead of \$27,579,000 as proposed by the House.

NATIONAL FOUNDATION ON THE ARTS AND THE
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Amendment No. 107: Appropriates \$140,836,000 for grants and administration as proposed by the Senate instead of \$137,228,450 as proposed by the House.

MATCHING GRANTS

Amendment No. 108: Appropriates \$29,392,000 for matching grants as proposed by the Senate instead of \$28,634,900 as proposed by the House.

Amendment No. 109: Earmarks \$12,858,000 for challenge grants as proposed by the Senate instead of \$13,187,000 as proposed by the House.

NATIONAL ENDOWMENT FOR THE HUMANITIES

The managers agree to the distribution of funds proposed by the House which includes \$250,000 more for the National Heritage Preservation Program than proposed by the Senate. The Senate had included \$250,000 more than the House for the U.S. Newspaper program.

ADMINISTRATIVE PROVISIONS

Amendment No. 110: Deletes House language which prohibits continuation of the President's Committee on the Arts and the Humanities as proposed by the Senate.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that funds appropriated to the Franklin Delano Roosevelt Memorial Commission in fiscal year 1993 shall remain available until expended. The House had no similar provision.

The managers also have provided \$11,000,000 in the National Park Service construction account to continue construction of the memorial.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PUBLIC DEVELOPMENT

Amendment No. 112: Appropriates \$4,289,000 for public development as proposed by the House instead of \$4,389,000 as proposed by the Senate.

TITLE III—GENERAL PROVISIONS

Amendment No. 113: Deletes House proposed language stricken by the Senate which would have prohibited the use of funds in

this Act for any sale of unprocessed timber to be exported by the purchaser from Federal lands in the State of Texas.

Amendment No. 114: Deletes House-proposed provision establishing a monetary floor for payments from timber receipts to States for National Forests affected by decisions related to the Northern Spotted Owl, as proposed by the Senate. Such payments have been addressed in Public Law 103-66, the Budget Reconciliation Act of 1993.

Amendment No. 115: Deletes House-proposed provision establishing a monetary floor for payments to Oregon and California land grant counties, based on timber receipts, as proposed by the Senate. Such payments have been addressed in Public Law 103-66, the Budget Reconciliation Act of 1993.

Amendment No. 116: Deletes House provision, stricken by the Senate, which would have made the Speaker of the House a Regent of the Smithsonian Institution.

Amendment No. 117: Restores House-proposed provision on compliance with the Buy American Act which was stricken by the Senate and changes the section number.

Amendment No. 118: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Retain the matter inserted by said amendment, amended as follows:

In lieu of the section number named in said amendment, insert: 314

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides for timber salvage sales in the Pacific Northwest on Forest Service and Bureau of Land Management lands, subject to existing environmental and forest management laws, and changes the section number.

Amendment No. 119: Deletes Senate provision prohibiting the use of funds to initiate projects with total cost in excess of \$500,000 unless provided for in the budget justifications or in the appropriations bill and/or reports. The managers remain concerned about the explosion of new proposals which carry significant outyear cost implications, but which have not gone through the budget review process. While many of these types of proposals may be well-intentioned, they must be considered in the context of the overall budget. Available discretionary dollars will become more and more constrained in the years ahead, and it is imperative that parties interested in the programs funded in the bill understand that requests for additional funding will increasingly have to come at the expense of other projects in the budget, including base operational funds. At a time when many agencies are highlighting the constraints of the operational base, the managers believe it important that the linkage between these matters be recognized and understood.

Amendment No. 120: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Retain the matter inserted by said amendment, amended as follows:

In lieu of the Section number named in said amendment, insert: 315

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment limits funding for sales of giant sequoias pending completion of a management implementation plan, and changes the section number.

Amendment No. 121: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Retain the matter inserted by said amendment, amended as follows:

In lieu of the Section number named in said amendment, insert: 316

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment limits increases in government housing rental rates to no more than 10 per cent of the rental rates which were in effect on September 1, 1993.

Amendment No. 122: Deletes language proposed by the Senate which would have amended the Food, Agriculture, Conservation, and Trade Act of 1990 to provide a new definition of the term "rural community". The House had no similar provision. The language has been passed as a separate bill by both the House and the Senate, and it is not necessary to carry this provision in this Act.

Amendment No. 123: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 317. GRAZING.

Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding the following new sections:

"SEC. 405. GRAZING FEES.

"(a) ESTABLISHMENT.—The Secretary of the Interior and the Secretary of Agriculture shall annually establish grazing fees.

"(b) PHASE-IN.—The grazing fee for the grazing years 1994, 1995, and 1996 shall be as follows:

"(1) Grazing Fee for 1994=\$2.39 per AUM

"(2) Grazing Fee for 1995=\$2.92 per AUM

"(3) Grazing Fee for 1996=\$3.45 per AUM

"(c) CALCULATION.—Beginning in the grazing year 1997, the grazing fee per AUM shall be equal to a \$3.45 base value multiplied by the forage value index computed annually from data supplied by the National Agricultural Statistics Service, in accordance with the following formula:

"Grazing Fee per AUM=\$3.45 × Forage Value Index

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'Forage Value Index (FVI)' means the average estimate (weighted by AUMs) of the annual rental charge per AUM for pasturing cattle on private rangelands in the 17 contiguous Western States (Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming) divided by \$8.67 (average for the years 1990, 1991, and 1992); and

"(2) the term 'Animal Unit Month (AUM)' means the amount of forage necessary for the sustenance of 1 cow or its equivalent for a period of 1 month.

"(e) INCREASES OR DECREASES.—Any annual increase or decrease in the grazing fee occurring after 1996 shall be limited to not more than 15 percent of the fee in the previous year.

"(f) LANDS AFFECTED.—Fees shall be charged for livestock grazing upon or crossing the public lands and other lands administered by the Bureau of Land Management and the National Forest System lands in the 17 contiguous Western States, excluding the National Forests in Texas, at a specified rate per animal unit month.

"(g) GRAZING AFFECTED.—The full fee shall be charged for each paying animal unit which is defined as each animal 6 months of age or over at the time of entering the public lands, or National Forest System lands, for all weaned animals regardless of age, and for such animals as will become 12 months of age during the authorized period of use. No charge will be made for animals under 6 months of age at the time of entering the public lands, or National Forest System lands, that are the natural progeny of animals upon which fees are paid, provided they will not become 12 months of age during the authorized period of use, or for progeny born during that period.

"SEC. 406. RANGELAND REFORM.

"(a) REGULATIONS.—The Secretary of the Interior shall promulgate regulations to establish payment dates, late fee assessments, and service charges for the grazing fee established pursuant to section 405 of this Act and as provided for in section 4130.7-3 of title 43, Code of Federal Regulations.

"(b) EXECUTIVE ORDER.—Executive Order No. 12548 (43 U.S.C. 1905 note) shall not apply to grazing fees established after the date of enactment of this section.

"(c) PROPOSED DECISIONS AND APPEALS ON PERMITS OR LEASES.—The Secretary of the Interior shall issue regulations providing for decisions and appeals of final decisions on grazing permits or leases. Such regulations shall provide the following:

"(1) CHANGES IN LIVESTOCK MANAGEMENT PRACTICES.—After consultation, reductions of permitted use or changes in livestock management practices necessary to protect rangeland ecosystem health shall be implemented through a documented agreement or by decision of the authorized officer. Determinations regarding the ecological health of ecosystems or the actions necessary to achieve healthy ecosystems shall be based on the standards and guidelines promulgated pursuant to subsection (o), or monitoring, inventory, or other forage production data acceptable to the authorized officer.

"(2) **OTHER CHANGES.**—When the authorized officer determines that the soil, vegetation, or other resources on the public lands require protection because of conditions such as drought, fire, flood, or insect infestation, or when continued grazing use poses a significant risk of resource damage from these factors, after consultation with, or a reasonable attempt to consult with affected permittees or lessees, other interested parties, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock, or modify authorized grazing use. Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals.

"(d) **WATER RIGHTS.**—Subject to valid water rights existing on the date of enactment, no water rights shall be obtained for grazing-related actions on public lands except in the name of the United States.

"(e) **SUBLEASING.**—A leasing surcharge shall be added by the Secretary of the Interior to the grazing fee billings for authorized leasing of base property to which public land grazing preference is attached or authorized grazing of livestock owned by persons other than the permittee or lessee. The surcharge shall be in addition to any other fees that may be charged for using public land forage. Surcharges shall be paid for grazing use calculated in accordance with the following:

"(1) 20 percent of the grazing bill for the permitted grazing use that is attached to a leased base property by an approved transfer, or that was leased and attached to the base property of another party through an approved transfer.

"(2) 50 percent of the grazing bill for pasturing livestock owned by persons other than the permittee or lessee under a grazing authorization.

"(3) 70 percent of the grazing bill when base property is leased and a transfer has been approved and livestock owned by persons other than the permittee or lessee are pastured under a grazing authorization.

"(f) **UNAUTHORIZED GRAZING USE.**—

"(1) **VIOLATIONS.**—

"(A) Violation of section 4140.1(b)(1) of title 43, Code of Federal Regulations, constitutes unauthorized grazing use.

"(B) The authorized officer shall determine whether a violation is nonwillful, willful, or repeated willful.

"(C) Violators shall be liable in damages to the United States for the forage consumed by their livestock, for injury to public lands and other property of the United States caused by their unauthorized grazing use, and for expenses incurred in impoundment and disposal of their livestock, and may be subject to civil penalties or criminal sanction for such unlawful acts.

"(2) **NOTICE AND ORDER TO REMOVE.**—

“(A) Whenever a violation has been determined to be nonwillful and incidental, and the owner of the unauthorized livestock is known, the authorized officer shall notify the alleged violator that a violation has been reported, that the violation must be corrected, and how it can be settled, based upon the discretion of the authorized officer.

“(B) Whenever it appears that a violation exists and the owner of the unauthorized livestock is known, written notice of unauthorized use and order to remove livestock by a specified date shall be served upon the alleged violator or the agent of record, or both, by certified mail or personal delivery. The written notice shall also allow a specified time from receipt of notice for the alleged violator to show that there has been no violation or to make settlement under paragraph (3).

“(C) When neither the owner of the unauthorized livestock nor his agent is known, the authorized officer may proceed to impound the livestock under paragraph (3).

“(3) SETTLEMENT.—

“(A) The authorized officer shall determine whether the violation is nonwillful, willful, or repeated willful. Where violations are repeated willful, the authorized officer shall take action under section 4170.1-1(b) of title 43, Code of Federal Regulations. The amount due for settlement shall include the value of forage consumed as determined under subparagraph (B). Settlement for willful and repeated willful violations shall also include the full value for all damages to the public lands and other property of the United States, and all reasonable expenses incurred by the United States in detecting, investigating, resolving violations, and livestock impoundment costs.

“(B) For purposes of subparagraph (A), the value of forage consumed shall be determined as follows:

“(i) For nonwillful violations, the value of forage consumed as determined by the average monthly rate per AUM for pasturing livestock on privately owned land (excluding irrigated land) for the 17 Western States as published annually by the Department of Agriculture. The authorized officer may approve nonmonetary settlement of unauthorized use when the authorized officer determines that each of the following conditions are met:

“(I) Evidence shows that the unauthorized use occurred through no fault of the livestock operator.

“(II) The forage use is insignificant.

“(III) The public lands have not been damaged.

“(IV) Nonmonetary settlement is in the best interests of the United States.

“(ii) For willful violations, twice the value of forage consumed as determined in clause (i) of this paragraph.

“(iii) For repeated willful violations, three times the value of the forage consumed as determined in clause (i) of this paragraph.

“(iv) Payment made under this paragraph does not relieve the alleged violator of any criminal liability under Federal or State law.

“(v) Violators shall not be authorized to make grazing use on the public lands administered by the Bureau of Land Management until any amount found to be due the United States under this section has been paid. The authorized officer may take action under section 4160.1-2 of title 43, Code of Federal Regulations, to cancel or suspend grazing authorizations or to deny approval of applications for grazing use until such amounts have been paid. The proposed decision shall include a demand for payment.

“(g) RESOURCE ADVISORY COUNCILS.—

“(1) One or more resource advisory councils, as provided for in section 309, shall be established for the area within the jurisdiction of each Bureau of Land Management State Office to provide guidance on the management of public lands and resources.

“(2) The Secretary or a designee of the Secretary shall appoint not less than 10 nor more than 15 members to serve on each resource advisory council. One appointee of each resource advisory council shall be an official elected to a position in State or local government serving the people of the area for which the council is established.

“(3) A resource advisory council advises the Bureau of Land Management official to whom it reports regarding multiple use plans and programs for public lands and resources within its area.

“(4) A resource advisory council and its subcommittees shall meet at the call of the designated Federal officer and elect their own officers. The designated Federal officer shall attend all meetings of the council and its subcommittees.

“(5) Administrative support for a resource advisory council and its subcommittees shall be provided by the office of the designated Federal officer.

“(h) RANGE IMPROVEMENT FUND.—

“(1) With respect to public lands, in addition to range developments accomplished through other resources management funds, authorized range improvement may be secured through the use of the appropriated range improvement fund provided for by section 401 of this Act. One-half of the available funds shall be expended in the State and district from which they were derived. The remaining one-half of the fund shall be allocated, on a priority basis, by the Secretary or designee for on-the-ground ecosystem rehabilitation, protection and improvement.

“(2) All appropriated funds for range improvement are to be used for cost-effective investment in improvements that benefit all rangeland resources, including riparian area rehabilitation, improvement, and protection, fish and wildlife habitat improve-

ment or protection, soil and water resource improvement, wild horse and burro habitat management facilities, vegetation improvement and management, and livestock grazing management. The funds may be used for activities including the planning, design, layout, modification, and monitoring and evaluating the effectiveness of specific range improvement projects.

“(3) During the planning of the range development or range improvement programs, authorized officers shall consult affected permittees, lessees, and other interested parties.

“(i) RANGE IMPROVEMENT OWNERSHIP.—

“(1) With respect to public lands, any permittee or lessee may apply for a range improvement permit to install, use, maintain, or modify range improvements that are needed to achieve management objectives within his or her designated allotment. The permittee or lessee shall agree to provide full funding for construction, installation, modification, or maintenance. Such range improvement permit may be issued at the discretion of the authorized officer.

“(2) The permittee or lessee may hold the title to all temporary range improvements authorized as livestock handling facilities such as corrals and dipping vats and temporary, readily removable improvements such as troughs for hauled water. The authorization for permanent water developments, such as spring developments, wells, reservoirs, stock tanks, and pipelines, shall be through cooperative range improvement agreements to protect the public interest for multiple use of rangeland ecosystems. The United States shall assert its claims and exercise its rights to water developed on public lands to benefit the public lands and resources thereon.

“(3) Where a permittee or lessee cannot make use of the forage available for livestock and an application for nonuse has been denied or the opportunity to make use of the available forage is requested by the authorized officer, the permittee or lessee shall cooperate with the temporary authorized use of forage by another operator, when it is authorized by the authorized officer following consultation with the preference permittee or lessee.

“(4) A permittee or lessee shall be reasonably compensated for the use and maintenance of improvements and facilities by the operator who has an authorization for temporary grazing use.

“(5) The authorized officer may mediate disputes about reasonable compensation and, following consultation with the interested parties, make a determination concerning the fair and reasonable share of operation and maintenance expenses and compensation for use of improvements and facilities.

“(6) Where a settlement cannot be reached, the authorized officer shall issue a temporary grazing authorization including appropriate terms and conditions and the requirement to compensate the preference permittee or lessee for the fair share of operation and maintenance as determined by the authorized officer under subpart 4160 of title 43, Code of Federal Regulations.

“(j) MANDATORY QUALIFICATIONS.—

"(1) Except as provided in sections 4110.1-1, 4130.3, and 4130.4-3 of title 43, Code of Federal Regulations, to qualify for a grazing permit or lease on the public lands an applicant must own or control land or water base property, and must be—

"(A) a citizen of the United States or have properly filed a valid declaration of intention to become a citizen or a valid petition for naturalization;

"(B) a group or association authorized to conduct business in the State in which the grazing use is sought, all members of which are qualified under subparagraph (A); or

"(C) a corporation authorized to conduct business in the State in which the grazing use is sought.

"(2) Any applicant who currently holds or has previously held a Federal grazing permit or lease, either directly or indirectly, must be determined by the authorized officer to have a satisfactory record of performance.

"(3) The applicant and any affiliate must at the time of permit or lease issuance be determined by the authorized officer to be in substantial compliance with the terms and conditions of any Federal or State grazing permit or lease presently held and with the rules and regulations applicable to those permits and leases. The authorized officer may take into consideration circumstances beyond the control of the applicant or affiliate in determining whether the applicant and affiliate, if any, are in compliance with existing permit or lease terms and conditions and applicable rules and regulations.

"(4) Any applicant or affiliate who has had any Federal or State grazing permit or lease canceled for violation of the permit or lease within the 36 calendar months immediately preceding the date of application shall be deemed to have an unsatisfactory performance record.

"(5) In determining whether affiliation exists, the authorized officer shall consider all appropriate factors, including, but not limited to, common ownership, common management, identity of interests among family members, and contractual relationships.

"(6) Applicants shall submit an application and any other information requested by the authorized officer in order to determine that all qualifications have been met.

"(k) **SUSPENDED NONUSE.**—The Secretary shall promulgate regulations to remove references in existing regulations to long-term suspended nonuse.

"(l) **PROHIBITED ACTS.**—The Secretary shall promulgate regulations which would make violations of the Wild Horse and Burro Act, Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other Federal or State laws concerning conservation, protection of natural or cultural resources, and protection of environmental quality prohibited acts. Upon the expiration of appeal or review periods following a conviction for violation or an administrative finding of violation of these laws the authorized officer may consider cancellation or suspension of permits and leases when the violation occurred on public land or is found to be related to authorized grazing of public land.

“(m) RANGE IMPROVEMENTS.—Subject to valid rights existing on the date of enactment of this section, all rights to permanent improvements contained on or in public lands are vested in the United States.

“(n) CONSERVATION NONUSE.—The Secretary shall promulgate regulations to authorize persons or entities owning or controlling base property which is capable of serving as a base for livestock use of public lands to apply for up to 10 consecutive years of conservation use of a permit or lease, and up to 3 consecutive years of temporary nonuse.

“(o) STANDARDS.—The Secretary of the Interior shall develop standards and guidelines that establish minimum conditions for the protection of rangeland ecological health. These standards and guidelines shall be promulgated pursuant to the National Environmental Policy Act of 1969, and chapter 5 of title 5, United States Code, to the extent each is applicable. Permits and leases shall incorporate applicable standards and guidelines to ensure the proper management of public rangelands. These standards and guidelines shall provide for—

“(1) the restoration and protection of riparian values, such as healthy wildlife and fish habitat and diverse vegetation;

“(2) compliance with the Clean Water Act (33 U.S.C. 1251 et seq.);

“(3) compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

“(4) restoration, maintenance, and improvement of ecosystem health, such as diversity, resilience, and sustainability.”

SEC. 318. USE OF FUNDS.

Except as provided by this Act, none of the funds made available to the Secretary of the Interior by this Act may be used to implement any grazing reform program, including a grazing fee increase, unless Congress has approved such program or fee increase. Nothing in this section shall prohibit the Secretary from promulgating regulations, modifying existing regulations, or taking other actions, as necessary, to implement the provisions of sections 405 and 406 of the Federal Land Policy and Management Act of 1976 as added by this Act.

SEC. 319. REPEAL.

Section 403 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1753) is repealed.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The original Senate amendment placed a moratorium on changes in grazing fees and changes in grazing management practices. The House had no similar provision.

The amendment agreed to by the managers provides for the following:

(1) Increases in grazing fees for public lands and National Forest System lands from the current level of \$1.86 per animal unit month (AUM) to \$2.39 per AUM in 1994; \$2.92 per AUM in 1995; and \$3.45 per AUM in 1996.

(2) After 1996 the grazing fee will be adjusted by a Forage Value Index defined in the law, subject to a maximum increase or decrease of 15% each year.

(3) grazing management reforms can only be implemented to the extent approved by Congress, including the following items:

(a) range management decisions on permits or leases are effective on the date of issuance, unless a stay is granted pending action on an appeal.

(b) all water rights accrue to the United States, subject to valid water rights existing upon enactment.

(c) the government will collect a surcharge of from 20 to 70 percent from permittees who sublease to third parties.

(d) unauthorized use violations are subject to either monetary or nonmonetary penalties.

(e) grazing advisory boards are replaced by resource advisory boards with broader representation.

(f) the use of range improvement funds is expanded.

(g) title to permanent range improvements accrues to the United States subject to valid rights existing upon enactment.

(h) permittees who have had a Federal or State permit or lease cancelled for violations may not obtain another permit for 36 months.

(i) suspended non-use on allotments is deleted as a concept.

(j) willful violations of certain environmental laws may be cause for cancellation of permits or leases, after expiration of appeal or review periods, if they affect public lands or are related to grazing on public lands.

(k) periods of non-use for conservation purposes are authorized.

(l) national standards are to be developed through the normal regulatory process.

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

SEC. 320. FOREST SERVICE SEPARATION PAY.—(a) In order to avoid or minimize the need for involuntary separations, effective for the period beginning upon the date of enactment of this Act through and including September 30, 1994, the Secretary of Agriculture, under such regulations and subject to such conditions as the Secretary of Agriculture may prescribe, shall have authority to offer separation pay to employees of the Forest Service to the same extent the Secretary of Defense is authorized to offer separation pay to employees of a defense agency in section 5597 of title 5, United States Code.

(b) In the event that an authority is enacted to offer separation pay or a voluntary separation incentive similar to such section 5597 of title 5, United States Code, but applicable to employees in the executive branch generally, the authority under subsection (a) shall terminate.

(c) Such payments may be made to employees who agree, during a continuous 90 day period designated by the agency head, beginning no earlier than the date of enactment of this Act and ending

no later than September 30, 1994, to separate from service with the agency, whether by retirement or resignation.

(d) An employee who has received a voluntary separation incentive under this section and accepts employment with the Government of the United States within 2 years of the date of the separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive to the agency that paid the incentive.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides authority to the Secretary of Agriculture to offer separation pay to employees of the Forest Service, in order to minimize the need for involuntary separations. Under the President's Forest Plan in the Pacific Northwest, as well as for other reasons in other areas of the country, the Forest Service will have to reduce the number of its employees significantly during fiscal year 1994, and without this authority, a large portion of the 1994 budget could be required for the costs of a Reduction-in-Force. With this authority, savings of \$25,000,000 could be achieved, compared to the cost of a RIF. The language also provides that this authority will terminate when government-wide authority is enacted into law. The language also provides for full repayment of any payment received under this authority if the employee receiving the payment is reemployed with the Government within two years of the separation date.

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 321. None of the funds provided in this Act may be used to implement the Bureau of Land Management/United States Forest Service comprehensive strategy for Pacific salmon and steelhead habitat (PACFISH) or to impose interim guidelines for such strategy in the Tongass National Forest: Provided, That nothing in this section shall be construed to enlarge or diminish minimum timber no harvest buffer zones required by the Tongass Timber Reform Act or to enlarge or diminish site-specific management prescriptions which increase no harvest fish stream buffer zones applied under the Tongass Land Management Plan and existing standards and guidelines of the Tongass National Forest.

And on page 52, line 21 of the House engrossed bill, H.R. 2520, strike "\$150,000 on October 1, 1993, \$250,000,000" and insert "\$125,000,000 on October 1, 1993, \$275,000,000"

The managers on the part of the Senate will move to concur in the amendment on the House to the amendment of the Senate.

The managers recognize that Alaska is the only State which has statutory minimum no harvest buffer zones on State, private, and Federal lands resulting from Federal and State laws. For this reason and because of the differences between the existing good condition of anadromous fish habitat in Alaska and other areas of the country, the managers have revised Senate proposed language to prohibit implementation of the PACFISH strategy in Alaska in 1994. The language also clarifies that this prohibition does not

apply to any management prescriptions involving anadromous fish habitat under current standards and guidelines in the Tongass NF.

The managers recognize that more studies are needed prior to making any decisions on implementing the strategy in Alaska. The Forest Service therefore should proceed with stream analyses and studies and review procedures related to the PACFISH strategy in 1994 in order to study the effectiveness of the current procedures, such as buffer strips, and to determine if any additional protection is needed. The Forest Service should provide an interim report on studies conducted to date to the Appropriations Committees by April 1, 1994. Funding for such studies and analyses shall come from salvage funds identified previously for that purpose and other programs such as soil, water and air, and research.

The amendment also reduces the amounts of funds available for the fifth round of projects in the Department of Energy's clean coal technology account in fiscal year 1994 by \$25,000,000 to \$125,000,000. The funds are to be made available in fiscal year 1995.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1994, is defined by the managers as follows:

As provided for by section 256(1)(2) of Public Law 99-177, as amended, and for the purposes of a Presidential Order issued pursuant to section 254 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1994.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all increases over the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1994 recommended by the Committee of Conference, with comparisons to the fiscal year 1993 amount, the 1994 budget estimates, and the House and Senate bills for 1994 follow:

New budget (obligational) authority, fiscal year 1993	\$12,199,956,000
Budget estimates of new (obligational) authority, fiscal year 1994	13,617,688,000
House bill, fiscal year 1994	12,685,169,000
Senate bill, fiscal year 1994	13,346,699,000

Conference agreement, fiscal year 1994	13,388,038,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1993	+1,188,082,000
Budget estimates of new (obligational) authority, fiscal year 1994	- 229,650,000
House bill, fiscal year 1994	+702,869,000
Senate bill, fiscal year 1994	+41,339,000

SIDNEY R. YATES,
 JOHN P. MURTHA,
 NORMAN D. DICKS,
 TOM BEVILL,
 DAVID E. SKAGGS,
 RONALD D. COLEMAN,
 WILLIAM H. NATCHER,
 RALPH REGULA,
 JOSEPH M. MCDADE,
 JIM KOLBE

(except for amendments Nos.
 16, 17, 18, and 123),

RON PACKARD

(except for amendments Nos.
 16, 17, 18, and 123),

Managers on the Part of the House.

ROBERT C. BYRD,
 J. BENNETT JOHNSTON,
 PATRICK J. LEAHY,
 DENNIS DECONCINI,
 DALE BUMPERS,
 ERNEST F. HOLLINGS,
 HARRY REID,
 PATTY MURRAY,
 DON NICKLES,
 TED STEVENS,
 THAD COCHRAN,
 MARK O. HATFIELD,

Managers on the Part of the Senate.

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