

SCHEDULE OF APPENDIXES

Appendix A: Authorities for Transferring the Center 317

Appendix B: National Park Service and U.S. Fish and Wildlife Service Memorandum of Agreement (2004) 329

Appendix C: MNRRA Enabling Legislation 335

Appendix D: Public Scoping Report 351

Appendix E: Consultation and Coordination Letters 367

Appendix F: U.S. Fish and Wildlife Service Endangered Species Consultation Letter 421

Appendix G: Demolition Costs for the Center, Final Report 425

APPENDIX A: AUTHORITIES FOR TRANSFERRING THE CENTER

PUBLIC LAW 104-134—APR. 26, 1996

110 STAT. 1321

* Public Law 104-134
104th Congress

An Act

Making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

Apr. 26, 1996
[H.R. 3019]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 101. For programs, projects or activities in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.

AN ACT

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes

Departments of
Commerce,
Justice, and
State, the
Judiciary, and
Related Agencies
Appropriation
Act, 1996.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$74,282,000; including not to exceed \$3,317,000 for the Facilities Program 2000, and including \$5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended: *Provided*, That not to exceed 48 permanent positions and 55 full-time equivalent workyears and \$7,477,000 shall be expended for the Department Leadership Program, exclusive of augmentation that occurred in these offices in fiscal year 1995: *Provided further*, That not to exceed 76 permanent positions and 90 full-time equivalent workyears and \$9,487,000 shall be expended for the Offices of Legislative Affairs, Public Affairs and Policy Development: *Provided further*, That the latter three aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

110 STAT. 1321–167 PUBLIC LAW 104–134—APR. 26, 1996

30 USC 191b. or Tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That beginning in fiscal year 1996 and thereafter, the Secretary shall take appropriate action to collect unpaid and underpaid royalties and late payment interest owed by Federal and Indian mineral lessees and other royalty payors on amounts received in settlement or other resolution of disputes under, and for partial or complete termination of, sales agreements for minerals from Federal and Indian leases.

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES

MINES AND MINERALS

Government
organization.
30 USC 1 note.

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, \$64,000,000, to remain available until expended, of which not to exceed \$5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: *Provided*, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: *Provided further*, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations: *Provided further*, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets,

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-168

liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: *Provided further*, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function became effective: *Provided further*, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: *Provided further*, That the reference to “function” includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be.

Effective date.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral products that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska, to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to the University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate.

43 USC 1473a note.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; \$95,470,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1996: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1996 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provision of law, appropri-

30 USC 1211 note.

APPENDIX C—H.R. 3423

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

TITLE I—DEPARTMENT OF THE INTERIOR**BUREAU OF LAND MANAGEMENT****MANAGEMENT OF LANDS AND RESOURCES**

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$646,218,000, to remain available until expended, of which \$2,147,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l-6a(i)); and of which \$2,500,000 shall be available in fiscal year 2000 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, \$33,529,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$646,218,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities, and of which \$2,500,000, to remain available until expended, is for coalbed methane Applications for Permits to Drill in the Powder River Basin: *Provided*, That unless there is a written agreement in place between the coal mining operator and a gas producer, the funds available herein shall not be used to process or approve coalbed methane Applications for Permits to Drill for well sites that are located within an area, which as

113 STAT. 1501A-170 PUBLIC LAW 106-113—APPENDIX C

(3) The Secretary may, at the request of the head of an executive branch agency, waive the repayment under paragraph (2) if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) In addition to any other payment which is required to be made under subchapter III of chapter 83 of title 5, United States Code, the Bureau of Indian Affairs shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Bureau of Indian Affairs to whom a voluntary separation incentive payment has been or is to be paid under the provisions of this section.

(c) Employees of the Bureau of Indian Affairs, in Central Office West divisions that are moved due to the implementation of the National Academy of Public Administration recommendations and who are entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Bureau of Indian Affairs may pay, the total amount of severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Bureau of Indian Affairs.

(d) Employees of the Bureau of Indian Affairs, in Central Office West divisions that are moved due to the implementation of the National Academy of Public Administration recommendations and who voluntarily resign on or before December 31, 1999, or who are separated, shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A) if they elect to continue health benefits after separation. The Bureau of Indian Affairs shall pay for 12 months the remaining portion of required contributions.

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

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

SEC. 140. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further

PUBLIC LAW 106-113—APPENDIX C 113 STAT. 1501A-171

appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 141. None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes until March 15, 2000. The rulemaking must be consistent with existing statutory requirements.

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

“SEC. 4. EXPIRATION OF AUTHORITY.

“Notwithstanding the time period limitation specified in section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)) or any other provision of law, the authority for the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia under this Act shall expire on December 31, 2003.”.

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

(2) by adding at the end the following:

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

SEC. 144. EXTENSION OF DEADLINE FOR RED ROCK CANYON NATIONAL CONSERVATION AREA. (a) IN GENERAL.—Section 3(c)(1) of Public Law 103-450 (108 Stat. 4767) is amended by striking “the date 5 years after the date of enactment of this Act” and inserting “May 2, 2000”.

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

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

107TH CONGRESS } 2d Session }	HOUSE OF REPRESENTATIVES	{ REPORT 107-564
----------------------------------	--------------------------	---------------------

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES
APPROPRIATIONS BILL, 2003

JULY 11, 2002.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. SKEEN, from the Committee on Appropriations,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 5093]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2003. The bill provides regular annual appropriations for the Department of the Interior (except the Bureau of Reclamation) and for other related agencies, including the Forest Service, the Department of Energy, the Indian Health Service, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities.

CONTENTS

	<i>Page number</i>	
	<i>Bill</i>	<i>Report</i>
Department of the Interior:		
Bureau of Land Management	2	10
U.S. Fish and Wildlife Service	12	25
National Park Service	23	40
U.S. Geological Survey	32	59
Minerals Management Service	34	66
Office of Surface Mining Reclamation and Enforcement	37	68
Bureau of Indian Affairs	39	73
Departmental Offices	47	81
General Provisions	54	92
Related Agencies:		
★ 80-696		

These funds may not be expended until the Service presents a more detailed plan to the Committee on how these funds will be spent. The following funds are provided to the George Washington Memorial Parkway—\$600,000 to complete the environmental assessment associated with the Arlington boathouse proposal, \$250,000 to complete assessments for the Mt Vernon Trail, and \$200,000 for improvements to the parkway.

Also included is \$2,500,000 to complete conservation work at Gettysburg NMP. In addition, \$600,000 is to complete construction planning, including design documents and construction drawings, for the proposed museum of Japanese-American history at Presidio Building 640. In accordance with this public/private partnership, this completes the Federal contribution. All funding for actual construction of this facility is to be raised through non-federal sources.

The Committee has included \$500,000 for failing drainage problems at Chalmette Battlefield and for exhibits at the Barataria unit, both located within the Jean Lafitte NHP in Louisiana; \$1,000,000 for the John H. Chafee Blackstone River Valley NHA and \$10,000,000 for the Lincoln Library. Also included is \$1,000,000 for exhibits at St. Anthony's Center, which is part of the Mississippi National River & Recreation Area in Minnesota.

The Committee has included \$750,000 in the planning portion of the Service's construction budget for the National Park Service to lead a public planning process associated with disposition of the former Twin Cities Bureau of Mines Research Center. After lengthy discussions with the Department of the Interior, the Metropolitan Airports' Commission decided against acquiring the Center. The Committee is informed that the Department of the Interior has concluded that reuse of the Center as an office complex for its bureaus and offices is not economically viable. The Committee agrees with this conclusion and with the decision of the Department to examine other options, including returning the site to natural conditions.

The Committee understands that while the responsibility for the site rests with the Secretary of the Interior, the National Park Service participated extensively and effectively in prior public efforts to determine the potential future uses of the site. The funds provided will allow the Park Service to oversee the necessary studies and reviews associated with the potential disposal of Federal property. The Service should use the funds provided to obtain the necessary assistance for the studies and reviews, including contracting for services as appropriate.

Other Department of the Interior bureaus, including the U.S. Fish and Wildlife Service, should provide such assistance as is necessary to facilitate the Service's accomplishment of this work. The Committee does not intend for the Service's oversight of this process to disrupt or interfere with the ongoing operations at the Mississippi National River and Recreation Area (MNRRA), and thus provides the resources necessary to accomplish this workload.

While the Park Service is being asked to coordinate the process, it is imperative that other public interests, including the U.S. Fish and Wildlife Service and local and state governments participate in the public review and comment periods. By requesting Park Service to lead this process, it is not the Committee's intention that the site be transferred to the MNRRA. The Committee understands

that this option is inconsistent with MNRRA's comprehensive management plan.

The Committee has provided \$3,200,000 to complete the federal share of rehabilitation work at Morristown NHS. Also included is \$6,100,000 for the National Underground Railroad Freedom Center in Ohio. This completes the federal share of this project.

The Committee also recommends \$300,000 for exhibits at Saratoga NHP in New York; \$500,000 for Stones River NB to plan for a tour route and pedestrian trail; \$3,000,000 to continue work at the SW Pennsylvania Heritage Commission in Pennsylvania; and \$500,000 to continue oral histories of the Tuskegee Airmen.

The Committee has included \$3,500,000 for the Washita National Battlefield. This completes the federal share of this project. This facility will also house the Black Kettle National Grassland office, a unit of the Forest Service. An additional \$750,000 for the Forest Service portion of this project is included in the Forest Service capital improvement and maintenance account. The Committee expects the Park Service to make appropriate and suitable space available to the Forest Service to enable it to provide information, including historical and current program orientation. The Forest Service should not be required to pay more than \$20,000 per year for routine maintenance and basic utilities, an amount slightly higher than its current expenses.

The Committee expects that interagency collaboration on facilities, as well as cultural and natural resource protection and use, will result in greater long-term efficiency and better service to the public. To facilitate this collaboration, all future personnel placements by either agency at these sites should be considered for maximum interagency staffing opportunities.

Within the amount provided for equipment replacement, \$350,000 is earmarked for two replacement vessels at Apostle Island NL in Wisconsin.

Of the total amount provided for construction, \$53,736,000 is funded under the conservation spending category.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

Appropriation enacted, 2002	-\$30,000,000
Budget estimate, 2003	- 30,000,000
Recommended, 2003	- 30,000,000
Comparison:	
Appropriation, 2002	0
Budget estimate, 2003	0

The Committee recommends the rescission of \$30,000,000 in the annual contract authority provided by the 16 U.S.C. 4601-10a. This authority has not been used in years, and there are no plans to use it in fiscal year 2003.

LAND ACQUISITION AND STATE ASSISTANCE

Appropriation enacted, 2002	\$274,117,000
Budget estimate, 2003	286,057,000
Recommended, 2003	253,099,000
Comparison:	
Appropriation, 2002	- 21,018,000
Budget estimate, 2003	- 32,958,000

