IN THE SENATE OF THE UNITED STATES

JUNE 30 (legislative day, JUNE 23), 1987
Received; read twice and referred to the Committee on Appropriations
SEPTEMBER 22, 1987
Reported by Mr. BYRD, with amendments
[Omit the part struck through and insert the part printed in italic]

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1988, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, for the Depart-
5 ment of the Interior and related agencies for the fiscal year
6 ending September 30, 1988, 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, 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, $483,649,000 $502,972,000, of which $75,000,000 for firefighting and repayment to other appropriations from which funds were transferred under the authority of section 102 of the Department of the Interior and Related Agencies Appropriations Act, 1987, as contained in Public Law 99–591, shall remain available until expended: 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 contractors: 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 contractors: Provided further, That appropriations herein made shall be available for the Bureau of Land Management to revise policy statements and regulations concerning wild
horses and burros: Provided further, That appropriations herein made shall be available for reviewing and implementing proposals to establish humane wild horse and burro sanctuaries, pursuant to the Committee's reprogramming guidelines: Provided further, That the Bureau shall submit a report to the House and Senate Committees on Appropriations by April 1, 1988, reviewing the current status of wild horse and burro populations and recommending future policies for Congressional consideration.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $1,981,000 $2,736,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, $4,170,000 $10,235,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.
OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $57,817,000 $58,134,000, to remain available until expended: Provided, That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: Provided further, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands 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 re-
received during the prior fiscal year under sections 3 and 15 of
the Taylor Grazing Act (43 U.S.C. 315, et seq.), but not less
than $8,506,000 (43 U.S.C. 1901), and the amount designat-
ed for range improvements from grazing fees and mineral
leasing receipts from Bankhead-Jones lands transferred to
the Department of the Interior pursuant to law, 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 moni-
toring 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 avail-
able until expended: Provided, That notwithstanding any pro-
vision to the contrary of subsection 305(a) of the Act of Octo-
ber 21, 1976 (43 U.S.C. 1735(a)), any moneys that have
been or will be received pursuant to that subsection, whether
as a result of forfeiture, compromise, or settlement, if not
appropriate for refund pursuant to subsection 305(e) 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 $25,000 for payments, at the
discretion of the Secretary, for information or evidence con-
cerning violations of laws administered by the Bureau of
Land Management; miscellaneous and emergency expenses of
enforcement activities authorized or approved by the Secre-
tary and to be accounted for solely on his certificate, not to
exceed $10,000: Provided, That appropriations herein made
for Bureau of Land Management expenditures in connection
with the revested Oregon and California Railroad and recon-
veyed Coos Bay Wagon Road grant lands (other than ex-
penditures made under the appropriation "Oregon and Cali-
foria grant lands") shall be reimbursed to the General Fund
of the Treasury from the 25 per centum referred to in subsec-
tion (c), title II, of the Act approved August 28, 1937 (50
Stat. 876), of the special fund designated the "Oregon and
California land grant fund" and section 4 of the Act approved
May 24, 1939 (53 Stat. 754), of the special fund designated
the "Coos Bay Wagon Road grant fund": Provided further,
That appropriations herein made may be expended for sur-
veys of Federal lands of the United States and on a reimburs-
able basis for surveys of Federal lands of the United States
and for protection of lands for the State of Alaska: Provided
further, That an appeal of any reductions in grazing allot-
ments on public rangelands must be taken within thirty days
after receipt of a final grazing allotment decision. Reductions
of up to 10 per centum in grazing allotments shall become
1 effective when so designated by the Secretary of the Interior.
2 Upon appeal any proposed reduction in excess of 10 per
3 centum shall be suspended pending final action on the appeal,
4 which shall be completed within two years after the appeal is
5 filed: Provided further, That appropriations herein made shall
6 be available for paying costs incidental to the utilization of
7 services contributed by individuals who serve without comp-
8 pensation as volunteers in aid of work of the Bureau.
9 Notwithstanding any other provision of law or any
10 court order, the Secretary of the Interior, through the State
11 Director, Utah, Bureau of Land Management, is authorized
12 and directed to negotiate with the appropriate government of-
13 ficials in the State of Utah and to take any action necessary
14 to consummate an exchange of Federal lands and improve-
15 ments thereon identified as tracts U-a and U-b, for State
16 lands of equal value. Any exchange involving such lands
17 shall include the transfer of funds conveyed to the BLM for
18 the management and protection of the tracts U-a and U-b.
19 Notwithstanding any other provision of law or any
20 court order, the Secretary of the Interior is authorized and
21 directed to revoke the Bureau of Reclamation's Dixie project
22 withdrawal, created by Commissioner's order of June 11,
23 1943; Public Land Order No. 1868 of June 3, 1959; Public
24 Land Order No. 4036 of June 6, 1966; and Public Land
25 Order No. 4061 of July 18, 1966, and to complete any land
actions with regard to those lands that he believes to be in the 
public interest.

UNITED STATES FISH AND WILDLIFE SERVICE

For expenses necessary for scientific and economic stud-
ies, conservation, management, investigations, protection, 
and utilization of sport fishery and wildlife resources, except 
whales, seals, and sea lions, and for the performance of other 
authorized functions related to such resources; for the general 
administration of the United States Fish and Wildlife Serv-
ice; and for maintenance of the herd of long-horned cattle on 
the Wichita Mountains Wildlife Refuge; and not less than 
$1,000,000 for high priority projects within the scope of the 
approved budget which shall be carried out by Youth Conser-
vation Corps as if authorized by the Act of August 13, 1970, 
as amended by Public Law 93–408, $335,524,000 
$342,859,000, of which $4,300,000, to carry out the pur-
poses of 16 U.S.C. 1535, shall remain available until expend-
ed; and of which $6,409,000 $6,528,000 shall be for oper-
ation and maintenance of fishery mitigation facilities con-
structed by the Corps of Engineers under the Lower Snake 
River Compensation Plan, authorized by the Water Re-
sources Development Act of 1976 (90 Stat. 2921), to com-
penate for loss of fishery resources from water development 
projects on the Lower Snake River, and shall remain avail-
construction and Anadromous Fish

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; $21,054,000 $19,437,000, to remain available until expended, of which $2,000,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a–757g).

Migratory Bird Conservation Account

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k–3, 5), $1,000,000 $3,561,000, to remain available until expended.

Land Acquisition

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $39,074,000 $72,860,000, to be derived from the Land and Water Con-
11

11 conservation Fund, to remain available until expended, including $1,000,000 for the Tensas NWR, Louisiana.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $5,645,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of
not to exceed 145 passenger motor vehicles, of which 144 are for replacement only (including 41 for police-type use);
not to exceed $350,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning
violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses
of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair
of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and
Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public
recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improve-
ment of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to
which the United States has title, and which are utilized pursuant to law in connection with management and investiga-
tion of fish and wildlife resources: Provided, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft.

**NATIONAL PARK SERVICE**

**OPERATION OF THE NATIONAL PARK SYSTEM**

*INCLUDING RESCISSION*

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $424,000 for the Roosevelt Campobello International Park Commission and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 18, 1970, as amended by Public Law 93-408, $725,129,000 $731,755,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451): Provided, That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: Provided further, That none of these funds may be used to compensate a quantity of staff greater than existed as of May 1,
1986, in the Office of Legislative and Congressional Affairs of the National Park Service or to compensate individual staff members assigned subsequent to May 1, 1986, at grade levels greater than the staff replaced: Provided further, That to advance the mission of the National Park Service for a period of time not to extend beyond fiscal year 1988, the Secretary of the Interior is authorized to charge park entrance fees for all units of the National Park System, except as provided herein, of an amount not to exceed $3 for a single visit permit as defined in 36 CFR 71.7(b)(2) and of an amount not to exceed $5 for a single visit permit as defined in 36 CFR 71.7(b)(1): Provided further, That the cost of a Golden Eagle Passport as defined in 36 CFR 71.5 is increased to a reasonable fee but not to exceed $25 until September 30, 1988: Provided further, That for units of the National Park System where entrance fees are charged the Secretary shall establish an annual admission permit for each individual park unit for a reasonable fee but not to exceed $15, and that purchase of such annual admission permit for a unit of the National Park System shall relieve the requirement for payment of single visit permits as defined in 36 CFR 71.7(b): Provided further, That all funds derived from National Park Service recreation fees during fiscal year 1988, and all funds collected by the National Park Service during fiscal year 1988 under subsections (a), (b), and (c) of
section 4 of the Land and Water Conservation Fund Act of 1965, as amended, shall be transferred to the General Fund of the Treasury of the United States: Provided further, That notwithstanding any other provision of this Act, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations, nor shall an admission fee be charged at any unit of the National Park System which has a current, specific statutory exemption: Provided further, That where entrance fees are established on a per person basis, children 12 and under shall be exempt from the fees: Provided further, That if permanent statutory language is enacted during fiscal year 1988 establishing entrance fees for the National Park System that such language shall supersede the provisions on recreation fees contained in this Act: Provided further, That of the amounts appropriated under this head, $18,500,000 shall be distributed to units of the National Park System, to be available for resource protection, research, interpretation, and maintenance activities related to resource protection, to be distributed in the following manner: 50 percent shall be allocated to each unit of the System based on each unit's proportion of the total budgeted in the prior fiscal year for park operating expenses, and 50 percent shall be allocated to units collecting user fees or en-
trance fees based on each unit's proportion of the total entrance and user fee revenues collected during the prior fiscal year: Provided further, That when authorized by the head of the collecting agency, volunteers may sell permits and collect fees authorized or established pursuant to section 4 of the Land and Water Conservation Fund Act of 1965, and funds appropriated or otherwise available to the collecting agency shall be available to cover the cost of any surety bond as may be required of any such volunteer in performing such authorized services under that section: Provided further, That $5,500,000 of the funds provided under this head in Public Law 99-591 for the Steamtown National Historic Site are rescinded: Provided further, That notwithstanding any other provision of law, Public Law 96-565 is amended by adding the following at the end of section 104(a): "The Secretary may lease from the Department of Hawaiian Home Lands said trust lands until such time as said lands may be acquired by exchange as set forth herein or otherwise acquired. The Secretary may enter into such a lease without regard to fiscal year limitations": Provided further, That none of the funds appropriated to the National Park Service shall be used to remove, obstruct, dewater, fill or otherwise damage the Brooks River fish ladder in the Katmai National Park, Alaska: Provided further, That of the funds hereafter available to the National Park Service, $85,000 shall be available
annually for the town of Harpers Ferry, West Virginia, for police force use: Provided further, That funds appropriated to the National Park Service may be used for the purchase or hire or personnel services without regard to personnel laws as contained in title V of the United States Code, only to provide for the orderly transition from regional finance offices to a central finance office: Provided further, That the National Park Service shall issue a Special Use Permit to the Gar-kane Power Association in accordance with section 5(b) of Public Law 92–207 (Capitol Reef Enabling Act) for a period of 25 years, following the easement described in Special Use Permit No. I–45np–44, dated October 24, 1949, and shall authorize power transmission capacity not to exceed 34.5 KV: Provided further, That upgrading of existing facilities shall be conducted in a manner which will minimize visual impacts in the park.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, $12,753,000 $12,983,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $25,000,000 $34,050,000 to be derived from the Historic Preservation Fund, established by
section 108 of that Act, as amended, to remain available for
obligation until September 30, 1989: Provided, That the
Trust Territory of the Pacific Islands is a State eligible for
Historic Preservation Fund matching grant assistance as au-
thorized under 16 U.S.C. 470w(2): Provided further, That
pursuant to section 105(1) of the Compact of Free Associa-
tion, Public Law 99–239, the Federated States of Micronesia
and the Republic of the Marshall Islands shall also be consid-
ered States for purposes of this appropriation: Provided fur-
ther, That $3,000,000 of the amount appropriated herein
shall remain available until expended to establish a Bicen-
tennial Lighthouse Fund, to be distributed on a matching
grant basis after consultation between the National Park
Service, the National Trust for Historic Preservation, State
Historic Preservation Officers from States with resources eli-
gible for financial assistance, and the lighthouse community.
Consultation shall include such matters as a distribution for-
mula, timing of grant awards, a redistribution procedure for
grants remaining unobligated longer than two years after the
award date, and related implementation policies. The distri-
bution formula for fiscal year 1988 shall include consider-
ation of such factors as—

(A) the number of lighthouses on or determined to
be eligible for listing on the National Register of His-
toric Places by March 30, 1988;
(B) the number of river lights and number of historic river sites on or determined to be eligible for listing on the National Register by March 30, 1988; and

(C) the availability of matching contributions in the State: Provided further, That the Secretary shall allocate appropriate funds from the Bicentennial Lighthouse Fund to be transferred, without the matching requirement, for use by Federal agencies, in cooperative agreements with the Park Service and the State Office of Historic Preservation in which the property is located, for properties otherwise eligible for the National Register but owned by the Federal Government.

**URBAN PARK RECREATION FUND (RESCISSION)**

Of the amounts previously appropriated under this head and unobligated, $2,800,000 is hereby rescinded.

**CONSTRUCTION**

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $86,056,000

$81,331,000, to remain available until expended, of which $4,700,000 shall be derived by transfer from the National Park System Visitor Facilities Fund, including $1,500,000 to carry out the provisions of sections 302, 303, and 304 of Public Law 95–290 and not to exceed $300,000 for assistance to Mariposa County, California for a solid waste dispos-
Provided, That the National Park Service may not pay a fee for use of the facility at rates higher than for other users of the facility: Provided further, That for payment of obligations incurred for continued construction of the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93–87, $31,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95–599, as amended, such contract authority to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)


LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $48,481,000 $76,325,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, including $3,433,000 to administer the State Assistance program: Provided, That of the amounts previously appropriated to the Secretary’s contingency fund for grants to States, $27,000 shall be available in
1988 for administrative expenses of the State grant program:

Provided further, That notwithstanding any other provisions of the Land and Water Conservation Fund Act of 1965, Public Law 88–578, as amended, or other law, Land and Water Conservation Fund assisted land in Pine Bluff, Arkansas, assisted under project No. 05–00128 and No. 05–00196, may be exchanged for existing public lands if Land and Water Conservation Fund conversion criteria regarding equal fair market value and reasonably equivalent use and location are met.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $4,920,000: Provided, That contracts awarded for environmental systems, housekeeping, protection systems, and repair or renovation of buildings of the John F. Kennedy Center for the Performing Arts may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 370 passenger
motor vehicles, of which 320 shall be for replacement only, including not to exceed 300 for police-type use and 25 buses; to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: Provided, That no funds available to the National Park Service may be used, unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99–714, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: Provided further, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: Provided further, That the National Park
Service may use helicopters and motorized equipment at
Death Valley National Monument for removal of feral burros
and horses: Provided further, That notwithstanding any other
provision of law, the National Park Service may recover un-
budgeted costs of providing necessary services associated
with special use permits, such reimbursements to be credited
to the appropriation current at that time: Provided further,
That none of the funds appropriated to the National Park
Service may be used to implement an agreement for the rede-
velopment of the southern end of Ellis Island until such
agreement has been submitted to the Congress and shall not
be implemented prior to the expiration of 30 calendar days
(not including any day in which either House of Congress is
not in session because of adjournment of more than three
calendar days to a day certain) from the receipt by the
Speaker of the House of Representatives and the President of
the Senate of a full and comprehensive report on the develop-
ment of the southern end of Ellis Island, including the facts
and circumstances relied upon in support of the proposed
project.

No funds shall be available for the National Park Serv-

ice to issue any construction permit for the Potomac Greens
interchange on the George Washington Memorial Parkway
unless an Environmental Impact Statement is conducted.
The Environmental Impact Statement shall be commenced
promptly and completed and filed within eighteen (18) months of the date on which this bill is enacted. After completion and filing, the EIS shall be transmitted to the appropriate Congressional Committees for a period of 60 days, during which time the National Park Service shall not issue any construction permit for the Potomac Greens interchange on the George Washington Parkway.

The Environmental Impact Statement shall review the traffic impact of only the proposed 38-acre development opposite Daingerfield Island west of the George Washington Memorial Parkway. Further, the Park Service shall review the impact of the planned development on the visual, recreational and historical integrity of the Parkway.

The Environmental Impact Statement shall also provide an evaluation of alternative acquisition strategies to include but not be limited to appraisal estimates for the access rights, the entire 38-acre parcel, that portion of the 38-acre parcel as defined approximately by the historic district boundary line, any other recommendations by the National Park Service to mitigate the Parkway degradation effects of the proposed development so as to adequately protect and preserve the Parkway. Such appraisals shall be prepared and filed as soon as is reasonably possible. The National Park Service solely shall determine the legal and factual sufficien-

The Environmental Impact Statement shall be separate from, independent of, and in no way intended to affect or modify any pending litigation. Notwithstanding any other provision of law, no court shall have jurisdiction to consider questions respecting the factual and legal sufficiency of the Environmental Impact Statement under the National Environmental Policy Act of 1969.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities: $447,324,000 $449,908,000: Provided, That $60,364,000 shall be available only for cooperation with States or municipalities for water resources investigations: Provided further, That no part of this appropriation shall be
used to pay more than one-half the cost of any topographic
mapping or water resources investigations carried on in coop-
eration with any State or municipality.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey
shall be available for purchase of not to exceed 25 passenger
motor vehicles, for replacement only; reimbursement to the
General Services Administration for security guard services;
contracting for the furnishing of topographic maps and for the
making of geophysical or other specialized surveys when it is
administratively determined that such procedures are in the
public interest; construction and maintenance of necessary
buildings and appurtenant facilities; acquisition of lands for
gauging stations and observation wells; expenses of the
United States National Committee on Geology; and payment
of compensation and expenses of persons on the rolls of the
Geological Survey appointed, as authorized by law, to repre-
sent the United States in the negotiation and administration
of interstate compacts: Provided, That appropriations herein
made shall be available for paying costs incidental to the uti-
lization of services contributed by individuals who serve with-
out compensation as volunteers in aid of work of the Geologi-
cal Survey, and that within appropriations herein provided,
Geological Survey officials may authorize either direct pro-
curement of or reimbursement for expenses incidental to the
effective use of volunteers such as, but not limited to, train-
ing, transportation, lodging, subsistence, equipment, and supplies: Provided further, That provision for such expenses or services is in accord with volunteer or cooperative agreements made with such individuals, private organizations, educational institutions, or State or local government: Provided further, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95–224.

**MINERALS MANAGEMENT SERVICE**

**LEASING AND ROYALTY MANAGEMENT**

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $169,313,000 $171,267,000, of which not less than $50,929,000 $50,179,000 shall be available for royalty management activities including general administration: Provided, That notwithstanding any other provision of law, funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): Provided further, That of the above enacted amounts, $250,000 proposed for data gathering to help de-
1 termine the boundary between State and Federal lands off-
2 shore of Alaska shall be available only if an equal amount is
3 provided by the State of Alaska from State revenues to
4 match the Federal support for this project: Provided further,
5 That notwithstanding any other provision of law,
6 $128,600,000 shall be deducted from Federal onshore miner-
7 al leasing receipts prior to the division and distribution of
8 such receipts between the States and the Treasury and shall
9 be credited to miscellaneous receipts of the Treasury: Provided
10 further, That none of the funds in this Act may be used to
11 implement a rule which modifies the product value guidelines
12 of the Minerals Management Service, including the proposed
13 modification to NTL-5.
14 Subsection (g)(5)(A) of section 8 of the Outer Continental
15 Shelf Lands Act (43 U.S.C. 1337(g)(5)(A)) is
16 amended—
17 (1) by striking out "such account" in the second
18 sentence and inserting in lieu thereof "an escrow ac-
19 count established pursuant to an agreement under sec-
20 tion 7";
21 (2) by designating the indented clause as clause
22 (ii);
23 (3) in the first sentence of the clause (ii) by strik-
24 ing "any" and inserting in lieu thereof "a", by strik-
25 ing out "all" and by inserting in lieu thereof "any ad-
ditional”, and by inserting “or credited to” before “the escrow account”; and

(4) by inserting before clause (ii) the following new clause:

“(i) Twenty-seven percent of all bonuses, rents, and royalties, and other revenues (derived from any bidding system authorized under subsection (a)(1)), excluding Federal income and windfall profits taxes, and derived from any lease issued after September 18, 1978, of any tract which lies wholly within three nautical miles of the seaward boundary asserted by the Federal Government in the boundary dispute, together with all accrued interest thereon, shall be paid to the State either—

“(I) within thirty days of December 1, 1987, or

“(II) by the last business day of the month following the month in which those revenues are deposited in the Treasury, whichever date is later.”.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances
without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, $132,727,000 $158,392,000, of which $82,859,000 $97,459,000 shall remain available until expended: Provided, That not more than $1,800,000 $2,147,000 of the amount appropriated may be used for executive direction: Provided further, That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: 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 product 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.
Office of Surface Mining Reclamation and Enforcement

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed $400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; $102,305,000 $105,690,000, and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, equal to receipts to the General Fund of the Treasury from performance bond forfeitures in fiscal year 1988: Provided, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States in fiscal year 1988, moneys collected 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: Provided further, That the Secretary of the Interior shall abide by and adhere to the terms of the Settlement Agreement in NWR v. Miller, C.A. No. 86-99 (E.D. Ky), and not take any actions incon-
sistent with the provisions of footnote 3 of the Agreement with respect to any State or Federal program.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, $194,899,000 $205,439,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: Provided further, That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the
Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders, or uncontested past due Abandoned Mine Land fees: *Provided further, That* the Secretary of the Interior may deny 50 percent of an Abandoned Mine Reclamation fund grant, available to a State pursuant to title IV of Public Law 95–87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement: *Provided further, That* expenditure of moneys as authorized in section 402(g)(3) of Public Law 95–87 shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95–87: *Provided further, That* section 405(k) of Public Law 95–87 is amended by

HR 2712 RS
adding at the end thereof, "except for purposes of subsection (c) of this section with respect to the Navajo, Hopi, and Crow Indian Tribes": Provided further, That 23 full time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office.

**Bureau of Indian Affairs**

**Operation of Indian Programs**

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, $966,452,000 $979,471,000, of which not to exceed $51,121,000 $53,557,000 for higher education scholarships.
and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), and $25,000,000 for firefighting shall remain available for obligation until September 30, 1989, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1989: Provided, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs unless the tribe(s) and the Bureau of Indian Affairs enter into a cooperative agreement for consolidated services; and for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), $1,971,000, to remain available until expended: Provided further, That hereafter, the amounts available for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be distributed on the same basis as such funds were distributed in fiscal year 1986: Provided further, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: Provided further, That notwithstanding any provision of the American Indian, Alaska Native, and Native Hawaiian Culture and Art
Development Act, the amounts appropriated for fiscal year 1988 for the Bureau of Indian Affairs for the Institute of American Indian Arts shall be available to operate the Institute until the Board of Regents and President of the Institute have been named and had an opportunity to organize, and for use under part A of that Act: Provided further, That $250,000 of the funds made available in this Act savings realized by the Bureau of Indian Affairs from the transfer of fish hatcheries to the Fish and Wildlife Service shall be available for cyclical maintenance of tribally-owned fish hatcheries and related facilities: Provided further, That no part of any appropriations to the Bureau of Indian Affairs shall be available to provide general assistance payments for Alaska Natives in the State of Alaska unless and until otherwise specifically provided for by Congress: Provided further, That none of the funds contained in this Act shall be available for any payment to any school to which such school would otherwise be entitled pursuant to section 1128(b) of Public Law 95–561, as amended, until after July 1, 1988: Provided further, That the Secretary shall take no action to close the school or dispose of the property of the Phoenix Indian School until the Congress has specifically approved the school closure or provided for disposition of the property in legislation: Provided further, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer...
funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for such tribe or individual have been audited and reconciled, and the tribe or individual has been provided with an accounting of such funds, and the appropriate Committees of the Congress and the tribes have been consulted with as to the terms of the proposed contract or agreement:

Provided further, That none of the funds in this Act shall be used to implement any regulations, or amendments to or revisions of regulations, relating to the Bureau of Indian Affairs' higher education grant program that were not in effect on March 1, 1987: Provided further, That none of the funds in this Act shall be used to implement proposed initiatives to transfer any school operated by the Bureau to the control of any tribe, State, or local government agency (except that this prohibition shall not apply with respect to the transfer of a Bureau-operated school to the control of an Indian tribe under a contract entered into under the Indian Self-Determination and Education Assistance Act if the governing body of the Indian tribe approves of the transfer); to charge tuition at Bureau post-secondary schools; to implement the proposed economic self-assistance initiative (except for a limited demonstration program); to change the method of funding tribal contractor indirect costs, including imposition of a flat rate for contract support costs; to make available to the Bureau
1 administrative deductions collected from Indian timber sales;
2 to contract out the administration of the Bureau forestry pro-
3 gram or any other Bureau-operated programs without prior
4 approval of the Committees on Appropriations; or to imple-
5 ment any reorganizations, including “regionalization” of pro-
6 grams, without the prior approval of the Committees on Ap-
7 propriations: Provided further, That Public Law 99–349 is
8 amended by deleting under the heading “Bureau of Indian
9 Affairs, Operation of Indian Programs” the second, third,
10 and fourth provisos and substituting: “Provided further, That
11 the funds appropriated hereunder shall be used pursuant to
12 the consent decree and subsequent court orders in United
13 States v. Michigan (M–26–73)”: Provided further, That
14 $120,000 of the amounts provided for education program
15 management shall be available for a grant to the CloseUp
16 Foundation.

CONSTRUCTION

For construction, major repair, and improvement of irri-
19 gation and power systems, buildings, utilities, and other fa-
20 cilities, including architectural and engineering services by
21 contract; acquisition of lands and interests in lands; prepara-
22 tion of lands for farming; and construction, repair, and im-
23 provement of Indian housing, $72,067,000 $65,780,000, to
24 remain available until expended: Provided, That $1,482,000
25 of the funds appropriated for use by the Secretary to con-
26 struct homes and related facilities for the Navajo and Hopi
Indian Relocation Commission in lieu of construction by the Commission under section 15(d)(3) of the Act of December 22, 1974 (88 Stat. 1719; 25 U.S.C. 640d–14(d)(3)), may be used for counseling, archeological clearances, water production and administration related to the relocation of Navajo families:—Provided further, That $2,000,000 of the funds made available in this Act shall be available for rehabilitation of tribally-owned fish hatcheries and related facilities:—Provided further, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation:—Provided further, That none of the funds available in this Act may be used to implement any regulations, or amendments to or revisions of regulations, relating to the Bureau of Indian Affairs’ housing improvement program that were not in effect on October 1, 1986.

ROAD CONSTRUCTION

For construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), and the Act of May 26, 1928 (45 Stat. 750; 25 U.S.C. 318a), $1,000,000 for the Honobia Indian Road in Oklahoma, to remain available until expended:—Provided, That not to exceed 5 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover
roads program management costs and construction supervision costs of the Bureau of Indian Affairs.

MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98–500, 99–264, 99–283, and 99–503, including funds for necessary administrative expenses, $12,840,000 $14,334,000, to remain available until expended: Provided, That not to exceed $10,700,000 is made available to the Tohono O'Odham Nation for purposes authorized in the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99–503.

MISCELLANEOUS TRUST FUNDS

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is appropriated in fiscal year 1988 and thereafter to the Secretary of the Interior for the benefit of the tribes on whose behalf such funds were collected, not to exceed $1,000,000 in each fiscal year from tribal funds not otherwise available for expenditure.

REVOLVING FUND FOR LOANS

During fiscal year 1988, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed resources and authority available.
INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), $3,085,000, to remain available until expended: Provided, That during fiscal year 1988, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974, as amended, may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.


(1) by redesignating section 218 as section 219, and

(2) by inserting after section 217 the following new section:

"Sec. 218. (a) Notwithstanding any other provision of this Act (other than subsection (b)) or any other provision of law, the Secretary of the Interior is authorized to use any funds available to the Secretary to pay the holder of the guaranty certificate of any loan guaranteed, or the lender of any loan insured, by the Secretary under this title that is in default."
“(b)(1) The total amount of funds available solely by reason of subsection (a) to pay lenders and holders of guaranty certificates with respect to loans in default during any fiscal year shall not exceed $20,000,000.

“(2) The amount of funds available to the Secretary solely by reason of subsection (a) to make payments with respect to any loan shall not exceed the fair market value of any property securing such loan.

“(c) Any proceeds received into the Treasury of the United States from the sale of property that secures a loan with respect to which the Secretary has made a payment from funds available solely by reason of subsection (a) shall, to the extent the proceeds do not exceed such payment, be credited as a reimbursement to the appropriation from which such payment was made.

“(d) Nothing in this section shall affect any funds available in the Indian Loan Guaranty and Insurance Fund or any funds appropriated under the authority of section 217.”.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits, and purchase of not to exceed 150 passenger carrying motor vehicles, of which 100 shall be for replacement only.
For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior,

$74,800,000 $79,999,000 of which (1) $71,847,000 shall be available until expended for technical assistance; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for support of governmental functions; construction grants to the Government of the Virgin Islands as authorized by Public Law 97-357 (96 Stat. 1709); construction grants to the Government of Guam, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $2,962,000 for salaries and expenses of the Office of Territorial and International Affairs: Provided, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: Provided further, That all financial
transactions of the territorial and local governments herein
provided for, including such transactions of all agencies or
instrumentalities established or utilized by such governments,
shall be audited by the General Accounting Office, in accord-
ance with chapter 35 of title 31, United States Code: Provided
further, That Northern Mariana Islands Covenant grant
funding shall be provided according to those terms of the
Agreement of the Special Representatives on Future United
States Financial Assistance for the Northern Mariana Islands
approved by Public Law 99–396, except that should the Sec-
retary of the Interior believe that the performance standards
of such agreement are not being met, operations funds may
be withheld, but only by Act of Congress as required by
Public Law 99–396: Provided, further, That funds previously
appropriated under this head for a loan to the Government
of the United States Virgin Islands, for construction of an
extension to the Alexander Hamilton Airport runway, St.
Croix, shall be available for issuance of the loan without ap-
proval of a multiyear grant of Airport Improvement Program
funds from the Federal Aviation Administration: Provided
further, That $540,000 of the amounts provided for technical
assistance shall be available for a grant to the CloseUp
Foundation and $500,000 shall be available for the estab-
ishment of a disaster contingency fund.
For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495); grants for the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; $50,390,000 $21,590,000, of which $50,040,000 $13,590,000 is for operations including $24,350,000 for payment of claims pursuant to the Micronesian Claims Act of 1971: Provided further, That section 105 of Public Law 95–134 (91 Stat. 1159) is amended by inserting after the word “Islands” the words “(TTPI), or TTPI constituent or successor governments,”; and of which $8,450,000 $8,000,000 is for construction, to remain available until expended: Provided, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: Provided further,
That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, and 223 of the Compact of Free Association, $32,220,000 $33,620,000, including $2,500,000 for the Enjebi Community Trust Fund, to remain available until expended, as authorized by Public Law 99-239: Provided, That notwithstanding the provisions of the Public Laws 99-500 and 99-591, the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101(d) of Public Law 99-658: Provided further, That funds previously appropriated under this head shall be available for audit purposes as identified in section 233 of the Compact of Free Association: Provided further, That the $2,500,000 provided herein for the Enjebi Community Trust Fund, and all funds appropriated herefore and hereafter into such Fund, and all earnings and distributions therefrom, shall not be subject to any form of Federal, State, or local taxation: Provided further, That $400,000 provided herein shall be for construction at the Jaluit Atoll.
DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of the Interior, including $1,722,000 for the Immediate Office of the Secretary, $45,849,000 $48,237,000 of which not to exceed $10,000 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $28,100,000 $23,282,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $17,700,000 $17,858,000.

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, $2,500,000 $718,000 which, together with unexpended balances in this account and personnel of the Office of Construction Management, shall be transferred to the "construction" appropriation of the National Park Service for continued operation of the facilities construction, operation and maintenance programs and to manage the facilities improvement and repair program of the Bureau of Indian Affairs.
ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 8 aircraft, all of which shall be for replacement: Provided, That no programs funded with appropriated funds in the “Office of the Secretary”, “Office of the Solicitor”, and “Office of Inspector General” may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Sec. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Sec. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the
several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods or volcanoes; for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Sec. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will con-
tribute to efficiency or economy, and said appropriations shall
be reimbursed for services rendered to any other activity in
the same manner as authorized by sections 1535 and 1536 of
title 31, U.S.C.: Provided, That reimbursements for costs
and supplies, materials, equipment, and for services rendered
may be credited to the appropriation current at the time such
reimbursements are received.

Sec. 104. Appropriations made to the Department of
the Interior in this title shall be available for services as au-

thorized by 5 U.S.C. 3109, when authorized by the Secre-
tary, in total amount not to exceed $300,000; hire, mainte-
nance, and operation of aircraft; hire of passenger motor ve-
hicles; purchase of reprints; payment for telephone service in
private residences in the field, when authorized under regula-
tions approved by the Secretary; and the payment of dues,
when authorized by the Secretary, for library membership in
societies or associations which issue publications to members
only or at a price to members lower than to subscribers who
are not members: Provided, That no funds available to the
Department of the Interior are available for any expenses of
the Great Hall of Commerce.

Sec. 105. Appropriations available to the Department
of the Interior for salaries and expenses shall be available for
uniforms or allowances therefor, as authorized by law (5
Sec. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

Sec. 107. No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls for information, tract selection, notices of sale, receipt of bids and award of leases) of lands described in, and under the same terms and conditions set forth in section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190.

Sec. 108. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.

Sec. 109. Notwithstanding any other provision of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.
Sec. 109. No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

Sec. 111. Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following new subsection:

"(j)(1) Any vessel, rig, platform, or other structure used for the purpose of exploration or production of oil and gas on the Outer Continental Shelf south of 49 degrees North latitude shall be built—

"(A) in the United States either by a United States chartered corporation or by a joint venture between a United States chartered corporation and a foreign corporation, with at least 50 percent of total person hours expended in the United States; and

"(B) from articles, materials, or supplies at least 50 percent of which by cost, shall have been mined, produced, or manufactured, as the case may be, in the United States.

"(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, which is being built, or for which a building contract has been executed, on or before October 1, 1987, and shall expire with respect to any vessel, rig, platform, or other
structure for which either the bidding or award process has commenced on or after September 30, 1991.

"(3) The Secretary may waive—

"(A) the requirement in paragraph (1)(B) whenever the Secretary determines that 50 percent of the articles, materials, or supplies for a vessel, rig, platform, or other structure cannot be mined, produced, or manufactured, as the case may be, in the United States; and

"(B) the requirement in paragraph (1)(A) upon application, with respect to any classification of vessels, rigs, platforms, or other structures on a specific lease, when the Secretary determines that at least 50 percent of such classification, as calculated by number and by weight, which are to be built for exploration or production activities under such lease will be built in the United States in compliance with the requirements of paragraph (1)(A)."

SEC. 110. The Secretary of the Navy is authorized to transfer to the Guam Power Authority (GPA), pursuant to the payment provisions described in the conference report on the Continuing Appropriations Act, 1985 (House Report No. 98-1159), those Navy-owned electric power generation, transmission and distribution facilities, and equipment (excluding distribution facilities required by the military) on
Guam as specified in the customer-supplier contract to be negotiated between the Navy and the GPA together with associated land interests. Transfer of such power generation, transmission and distribution facilities, and equipment shall not occur until the GPA assumes full responsibility for islandwide electrical power supply to military and civilian customers on Guam. GPA shall assume full responsibility when it meets all performance standards specified in the August 1986 independent third party plan for takeover of the islandwide power responsibilities or other performance standards mutually agreed upon by GPA and Navy.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Forest Service

For necessary expenses of forest research as authorized by law, $137,670,000 $136,610,000 of which $4,000,000 shall remain available until expended for competitive research grants, as authorized by section 5 of Public Law 95–307.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, $67,734,000 $73,894,000, to remain available until

HR 2712 RS
expended, as authorized by law: Provided, That a grant of $2,000,000 $2,800,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law

95-495.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for repayment of advances and liquidation of obligations made in the preceding fiscal years pursuant to 16 U.S.C. 556d for forest firefighting and emergency rehabilitation of National Forest System lands, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", $1,218,406,000 $1,263,799,000, of which $252,975,000

$325,121,000 for reforestation and timber stand improvement, cooperative law enforcement, firefighting, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1989:—Provided,

That not more than $30,366,000 shall be obligated for support costs for timber sales in fiscal year 1988.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for construction, $200,914,000
$215,519,000, to remain available until expended, of which $23,410,000 is for construction and acquisition of buildings and other facilities; and $158,771,000 of which $192,109,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205; and $25,000,000 to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by the Forest Service"; and $166,000,000 are appropriated for the fiscal year ending September 30, 1989, and shall remain available until expended: Provided, That funds becoming available in fiscal year 1988 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States.

Notwithstanding any other provision of the law, of the funds provided under this head, $6,600,000, to remain available until expended, is provided to the appropriate entity in the city of Kellogg, Idaho for construction of a gondola in the Coeur d'Alene, National Forest: Provided, That these funds shall be matched from other sources: Provided further, That of these funds, $200,000 is provided to the Forest Service to proceed with all necessary land exchanges.

There is hereby authorized and appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $3,800,000, to be transferred to the Forest Service, to remain
available until expended for road construction and improvement of the Snow Bowl Road, Arizona: Provided, That the funds authorized and appropriated by this section shall be available in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of this project shall be 100 per centum, and such funds shall remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $36,327,000 $49,313,000 to be derived from the Land and Water Conservation Fund, to remain available until expended: Provided, That, notwithstanding any other provision of law, the Secretary of Agriculture, as soon as practicable, shall—

(1) acquire the following described lands (containing approximately 2,000 acres) from the owner of such real property:

All that portion of sections 17, 18, 19, and 20 in Township 25 north range 11 west Mt. Diablo Meridian Trinity County, California, described as follows:
The west half; of the southwest quarter; the west half of the east half of the southwest quarter of section 17.

Lots 9, 10, 11, and 12 and the southeast quarter of section 18.

Lots 5, 6, 7, 8, 17, and 18 and the northeast quarter of section 19.

The west half the northeast quarter; the west half of the northeast quarter of the northwest quarter; the southeast quarter of the northeast quarter of the northwest quarter; the southwest quarter of the northeast quarter and the south half of the northwest quarter of the northeast quarter of section 20.

All that portion of sections 13, 14, and 24 in township 25 north range 12 west Mount Diablo Meridian Trinity County, California, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; the west half of the northeast quarter; the east half of the west half; the northwest quarter of the northwest quarter; and the southwest quarter of the southwest quarter of section 13.

Lots 3, 4, 5, and 6; the west half of the northwest quarter of the northeast quarter; and the east half of the northeast quarter of the northeast quarter; the
southeast quarter of the southeast quarter; and the
southeast quarter of the northeast quarter; and the
northeast quarter of the northwest quarter of
section 14.
Lots 1, 2, 7, and 8 of section 24.
Tracts 44, 55, and 76;
(2) in consideration of such acquisition, reduce the
aggregate outstanding loan balance, with respect to
loans made to such owner by the Farmers Home Ad-
ministration, by an amount equal to the fair market
value (as determined by the Secretary) of such real
property, plus the reasonable expenses incurred by
such owner in executing such transfer of title, plus an
amount equal to the reasonably expected liability of
such owner for Federal, State, and local taxes incurred
on account of such transfer of title, except that such
reduction shall not exceed $1,250,000; and
(3) transfer such lands to the Forest Service for
such sums as the Secretary determines to be appropri-
ate, which lands shall be added to, and administered as
part of, the Yolla-Bolly Middle Eel Wilderness.
TIMBER ROADS, PURCHASER ELECTION, FOREST SERVICE
(RESCISSION)
Of the funds currently available and unobligated in this
account, $75,000,000 is hereby rescinded.
TIMBER SALVAGE SALES

For design, engineering and supervision of construction of roads, for salvage timber sales, and for sale preparation and supervision of harvesting of such timber, $40,000,000, to remain available until expended: Provided, That the appropriation shall be merged with and made a part of the designated fund authorized by section 14(h) of Public Law 94-588, October, 1976: Provided further, That moneys received from the timber salvage sales program in fiscal year 1988 shall be considered as money received for the purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, and Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, and Cleveland National Forests, California, as authorized by law, $966,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to
1 the Act of December 4, 1967, as amended (16 U.S.C. 484a),
2 to remain available until expended.
3
4 RANGE BETTERMENT FUND
5 For necessary expenses of range rehabilitation, protec-
6 tion, and improvement, 50 per centum of all moneys received
7 during the prior fiscal year, as fees for grazing domestic live-
8 stock on lands in National Forests in the sixteen Western
9 States, pursuant to section 401(b)(1) of Public Law 94–579,
10 as amended, to remain available until expended, of which not
11 to exceed 6 percent shall be available for administrative ex-
12 penses associated with on-the-ground range rehabilitation,
13 protection, and improvements.
14
15 MISCELLANEOUS TRUST FUNDS
16 For expenses authorized by 16 U.S.C. 1643(b), $90,000
17 to remain available until expended, to be derived from the
18 fund established pursuant to the above Act.
19
20 ADMINISTRATIVE PROVISIONS, FOREST SERVICE
21 Appropriations to the Forest Service for the current
22 fiscal year shall be available for: (a) purchase of not to exceed
23 186 passenger motor vehicles of which nine will be used pri-
24 marily for law enforcement purposes and of which 179 shall
25 be for replacement only, of which acquisition of 157 passen-
26 ger motor vehicles shall be from excess sources, and hire of
27 such vehicles; operation and maintenance of aircraft, the pur-
28 chase of not to exceed two for replacement only, and acquisi-
29 tion of 50 aircraft from excess sources; notwithstanding other-
provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the Forest Service, not in excess of $400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.
Any appropriations or funds available to the Forest Service may be advanced to the National Forest System appropriation for the emergency rehabilitation of burned-over lands under its jurisdiction.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the ap-
 applicable national forest and credited to the Forest Service

2 Permanent Appropriations to be expended for timber salvage
3 sales from any national forest: Provided, That not less than
4 $21,502,000 $61,502,000 shall be made available to the the
5 Forest Service for obligation in fiscal year 1988 from the
6 Timber Salvage Sales Fund appropriation.

7 None of the funds made available to the Forest Service
8 under this Act shall be subject to transfer under the provi-
9 sions of section 702(b) of the Department of Agriculture Or-
10 ganic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless
11 the proposed transfer is approved in advance by the House
12 and Senate Committees on Appropriations in compliance
13 with the reprogramming procedures contained in House Report
14 99–714.

15 No funds appropriated to the Forest Service shall be
16 transferred to the Working Capital Fund of the Department
17 of Agriculture without the approval of the Chief of the Forest
18 Service.

19 Of the funds available to the Forest Service, $2,500 is
20 available to the Chief of the Forest Service for official recep-
21 tions and representation expenses.

22 The boundary of the Cranberry Wilderness located
23 within the Monongahela National Forest, West Virginia, is
24 modified as depicted on a map entitled "Cranberry Wilder-
25 ness Area Revised" dated October 1987, on file in the Office
of the Chief, Forest Service, United States Department of Agriculture, Washington, D.C.

All of the funds available to the Forest Service in fiscal year 1988 pursuant to section 705(a) of Public Law 96-487 shall be deemed obligated as of the date of enactment of this Act and shall remain available until expended.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

Notwithstanding section 705(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539d(a)), not more than $41,471,000 shall be available for timber supply from, and protection and management, and resource protection on the Tongass National Forest in fiscal year 1988.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

Of the funds deposited and retained in the Clean Coal Technology Reserve pursuant to Public Law 98-473, $50,000,000 are appropriated for the fiscal year beginning October 1, 1987, and shall remain available until expended; $200,000,000 are appropriated for the fiscal year beginning October 1, 1988, and shall remain available until expended,
1 and $100,000,000 are appropriated for the fiscal year begin-
2 ning October 1, 1989, and shall remain available until
3 expended.

4 For necessary expenses of, and associated with, Clean
5 Coal Technology demonstrations pursuant to 42 U.S.C.
6 5901, et seq., $350,000,000 are appropriated for the fiscal
7 year beginning October 1, 1987, and shall remain available
8 until expended, and $500,000,000 are appropriated for the
9 fiscal year beginning October 1, 1988, and shall remain
10 available until expended.

11 No later than sixty days following enactment of this
12 Act, the Secretary of Energy shall, pursuant to the Federal
13 Nonnuclear Energy Research and Development Act of 1974
14 (42 U.S.C. 5901, et seq.), issue a general request for propos-
15 als for emerging clean coal technologies which are capable of
16 retrofitting or repowering existing facilities, for which the
17 Secretary of Energy upon review may provide financial as-
18 sistance awards. Proposals under this section shall be submit-
19 ted to the Department of Energy no later than ninety days
20 after issuance of the general request for proposals required
21 herein, and the Secretary of Energy shall make any project
22 selections no later than one hundred and twenty days after
23 receipt of proposals: Provided, That projects selected are
24 subject to all provisos contained under this head in Public
25 Law 99–190: Provided further, That pre-award costs in-
1 incurred by project sponsors after selection and before signing
2 an agreement are allowable to the extent that they are relat-
3 ed to (1) the preparation of material requested by the Depart-
4 ment of Energy and identified as required for the negotiation;
5 or (2) the preparation and submission of environmental data
6 requested by the Department of Energy to complete National
7 Environmental Policy Act requirements for the projects: Pro-
8 vided further, That pre-award costs are to be reimbursed
9 only upon signing of the project agreement and only in the
10 same ratio as the cost-sharing for the total project:—Provided
11 further, That Federal financial assistance shall not be in the
12 form of grants: Provided further, That notwithstanding any
13 other provision of law, funds provided to the Department of
14 Energy by this Act or any other Act for any fiscal year shall
15 be used to maintain not less than 88 full-time permanent
16 Federal employees to administer the Clean Coal Technology
17 Program.
18 FOSSIL ENERGY RESEARCH AND DEVELOPMENT
19 (INCLUDING TRANSFER OF FUNDS)
20 For necessary expenses in carrying out fossil energy re-
21 search and development activities, under the authority of the
22 Department of Energy Organization Act (Public Law 95–
23 91), including the acquisition of interest, including defeasible
24 and equitable interests in any real property or any facility or
25 for plant or facility acquisition or expansion, $345,394,000
26 $281,390,000, to remain available until expended, of which
$230,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908–2909), and of which $9,000,000 shall be available for a grant for an energy center at the University of Oklahoma in Norman, Oklahoma, pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5821(b)(1)(B)), and pursuant to 41 U.S.C. 12, of the amount appropriated under this head, $12,000,000 shall be available to construct DOE Fossil Energy building B–26, and pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of 1974, as amended, of the amount appropriated under this head, $9,000,000 shall be available for a grant for an energy center at the University of Oklahoma in Norman, Oklahoma, and $15,000,000 shall be available for a grant for an energy center at West Virginia University in Morgantown, West Virginia, without section 111(b)(2) of such Act being applicable, and $500,000 of $21,394,000 to be derived by transfer from amounts derived from fees for guarantees of obligations collected pursuant to section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5919), and deposited in the “Energy security reserve” established by Public Law 96–126, and $62,000,000 to be derived by transfer from the “Energy security reserve.”
such sums to remain available until expended: Provided,
That no part of the sum herein made available shall be used
for the field testing of nuclear explosives in the recovery of
oil and gas: Provided further, That notwithstanding any
other provision of law, funds appropriated under this head in
Public Law 99–190 for demonstration of the Coal gasification process, which remain unobligated, shall be available for carrying out any fossil energy research and development activities.

Of the funds herein provided, $35,000,000 is for implementa-
tion of the June 1984 multiyear, cost-shared magneto-
hydrodynamics program targeted on proof-of-concept testing:
Provided further, That 25 per centum private sector cash or
in-kind contributions shall be required for obligations in fiscal
year 1988, and for each subsequent fiscal year's obligations
private sector contributions shall increase by 5 per centum
over the life of the proof-of-concept plan: Provided further,
That existing facilities, equipment, and supplies, or previously expensed research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice:
Provided further, That cost-sharing shall not be required for
the costs of constructing or operating Government-owned fa-
cilities or for the costs of Government organizations, National
Laboratories, or universities and such costs shall not be used
in calculating the required percentage for private sector contributions: *Provided further, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.*

**NAVAL PETROLEUM AND OIL SHALE RESERVES**

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $159,700,000, to remain available until expended: *Provided, That section 7430(b) of title 10, United States Code, is amended by adding after paragraph (2) the following:* 

"(3) For purposes of paragraph (2), the term 'petroleum' does not include natural gas liquids,"

and section 7422(c)(1)(B)(ii) of such title is amended by inserting "(other than natural gas liquids)" after "petroleum".

**ENERGY CONSERVATION**

For necessary expenses in carrying out energy conservation activities, $162,247,000 to remain available until expended, of which $2,000,000 shall be made available from funds previously appropriated under this head for steel production by direct strip casting and of which $36,133,000, notwithstanding any other provision of law, shall be derived from unexpended balances in the Department of Energy Deposit Fund Escrow account: *Provided, That up to $200,000,000 shall be to remain available until expended for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) which shall*
be available only in such sums as are equal to the difference between $200,000,000 and the excess amount for fiscal year 1988 disbursed by the Secretary of Energy for use in energy conservation programs under the provisions of section 3003(d) of Public Law 99–509 (42 U.S.C. 4502): Provided, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums and the excess amount disbursed shall be allocated to the eligible programs in the same amounts for each program as in fiscal year 1987, and of which $6,000,000 shall be available for a grant for an energy demonstration and research facility at Northwestern University as authorized by section 202 of Public Law 99–412 (42 U.S.C. 8281 note): Provided further, That $4,800,000 of the amount provided under this heading shall be available for continuing a research and development initiative with the National Laboratories, industry, universities, or others for new technologies up to proof-of-concept testing to increase significantly the energy efficiency of processes that produce steel: Provided further, That obligation of funds for these activities shall be contingent on an agreement to provide cash or in-kind contributions to the initiative or to other collaborative research and development activities related to the purpose of the initiative equal to 30 percent of the amount of Federal Government obligations: Provided further, That existing facilities, equipment, and supplies, or previously expended research or devel-
Development funds are not acceptable as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: Provided further, that the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds.

**ECONOMIC REGULATION**

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $21,680,000 $21,741,000: Provided, that none of the funds herein made available may be used by the Economic Regulatory Administration or the Department of Energy to pursue judicial enforcement of any alleged violation of 10 C.F.R. 212.186 which action has not completed final administrative review by the Department and been certified by the Federal Energy Regulatory Commission.

**EMERGENCY PREPAREDNESS**

For necessary expenses in carrying out emergency preparedness activities, $6,206,000.

**STRATEGIC PETROLEUM RESERVE**

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94–163), $164,225,000, to remain available until expended.
SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94–163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35), $603,744,000, to remain available until expended: Provided, That petroleum acquisition shall not exceed an approximate annual average of 75,000 barrels per day through February 1, 1988, and shall be increased to an annual average rate of 100,000 barrels per day thereafter.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $61,599,000.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

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

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless
specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on such
project, including the facts and circumstances relied upon in
support of the proposed project.

The Secretary of Energy may transfer to the Emergen-
cy Preparedness appropriation such funds as are necessary to
meet any unforeseen emergency needs from any funds avail-
able to the Department of Energy from this Act.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August
5, 1954 (68 Stat. 674), the Indian Self-Determination Act,
the Indian Health Care Improvement Act, and titles III and
XXI and sections 208 and 338G of the Public Health Serv-
ice Act with respect to the Indian Health Service, including
hire of passenger motor vehicles and aircraft; purchase of re-
prints; purchase and erection of portable buildings; payments
for telephone service in private residences in the field, when
authorized under regulations approved by the Secretary;
$942,388,000 $947,235,000 together with payments re-
ceived during the fiscal year pursuant to 42 U.S.C. 300aa-2
300cc-2 for services furnished by the Indian Health Service:
Provided, That notwithstanding any other law or regulation,
funds transferred from the Department of Housing and Urban
Development to the Indian Health Service shall be adminis-
under Public Law 86–121 (the Indian Sanitation Facilities Act): *Provided further*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until September 30, 1989; and $10,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund and contract medical care: *Provided further*, That of the funds provided, $2,000,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed $25,000 per year of obligated service in return for full-time clinical service in the Indian Health Service. Each individual participating in this program must sign and submit to the Secretary a written contract to accept repayment of educational loans and to serve for the applicable period of service in the Indian Health Service: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall
be available until September 30, 1989 for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): Provided further, That of the funds provided, $2,500,000 shall remain available until expended, for the establishment of an Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1989.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42
1 U.S.C. 2004a), the Indian Self-Determination Act and the
2 Indian Health Care Improvement Act, $67,592,000
3 $57,511,000, to remain available until expended.
4 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE
5 Appropriations in this Act to the Indian Health Service,
6 available for salaries and expenses, shall be available for
7 services as authorized by 5 U.S.C. 3109 but at rates not to
8 exceed the per diem equivalent to the rate for GS–18, and
9 for uniforms or allowances therefor as authorized by law (5
10 U.S.C. 5901–5902), and for expenses of attendance at meet-
11 ings which are concerned with the functions or activities for
12 which the appropriation is made or which will contribute to
13 improved conduct, supervision, or management of those func-
14 tions or activities: Provided, That none of the funds appropri-
15 ated under this Act to the Indian Health Service shall be
16 available for the initial lease of permanent structures without
17 advance provision therefor in appropriations Acts: Provided
18 further, That non-Indian patients may be extended health
19 care at all Indian Health Service facilities, if such care can
20 be extended without impairing the ability of the Indian
21 Health Service to fulfill its responsibility to provide health
22 care to Indians served by such facilities and subject to such
23 reasonable charges as the Secretary of Health and Human
24 Services shall prescribe, the proceeds of which, together with
25 funds recovered under the Federal Medical Care Recovery
Act (42 U.S.C. 2651–53), shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That with the exception of service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: Provided further, That the Secretary of Health and Human Services may authorize special retention pay under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve officer for the period during which the officer is obligated under section 338B of the Public Health Service Act and assigned and providing direct health services or serving the officer's obligation as a specialist: Provided further, That none of the funds in this Act shall be used to implement proposed eligibility regulations until such regulations have been submitted to and approved by the Committees on Appropriations: Provided further, That personnel ceilings may not be imposed on the Indian Health...
Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: Provided further, That funds provided in this Act may be used to reimburse the travel costs of spouses who accompany prospective Indian Health Service medical professional employees to the site of employment as part of the recruitment process: Provided further, That section 103(c) of the Indian Self-Determination Act (88 Stat. 2206) is amended by adding the following sentence at the end thereof: "For purposes of section 224 of the Public Health Service Act of July 1, 1944 (42 U.S.C. 233(a)), as amended by section 4 of the Act of December 31, 1970 (84 Stat. 170), with respect to claims for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, a tribal organization or Indian contractor carrying out a contract, grant agreement, or cooperative agreement under sections 103 or 104(b) of this Act or the so-called Buy Indian Act in the Act of April 30, 1908 (35 Stat. 71) or section 23 of the Act of June 25, 1910 (36 Stat. 861; 25 U.S.C. 47) is deemed to be part of the Public Health Service in the Department of Health and Human Services while carrying out any such
contract or agreement and its employees (including those
acting on behalf of the organization or contractor as provided
in section 2671 of title 28) are deemed employees of the
Service while acting within the scope of their employment in
carrying out the contract or agreement.”.

The paragraph under the heading “Administrative Pro-
visions, Indian Health Service” that is under the superior
headings “Health Resources and Services Administration”
and “Department of Health and Human Services” in title II
of the Department of the Interior and Related Agencies Ap-
propriations Act, 1987, which is contained in section 101(h)
of Public Law 99–500 (100 Stat. 1783–277) and in section
101(h) of Public Law 99–591 (100 Stat. 3341–277) is
amended by striking out all after “any political subdivision
of the State,” in the seventh proviso and inserting in lieu
thereof “any corporation (including the University of
Alaska), any partnership, any business organization, any
non-profit organization, or any person, and may receive or
pay money to the extent that such receipt or payment is nec-
essary to equalize the exchange: Provided, That available
funds previously appropriated for this project may be used for
this purpose and that any money received by the Secretary
shall be credited to the appropriation for Indian Health Fa-
cilities and be used to offset the costs of constructing or lease-
purchase of the hospital facilities in Alaska described in this
Provided further, That the IHS prepare and submit a report prior to June 1988, which sets forth the legal authority necessary to enter into a lease-purchase contract, identifies the extent of tribal interest in the construction of health facilities for lease-purchase to the IHS, compares the advantages versus the disadvantages to the Government of lease-purchase to direct Federal construction of the Anchorage facility, including costs of construction, and discusses the efforts expended by the IHS in protecting the Federal investment to date.

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Indian Education

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act, $66,343,000, of which $49,170,000 shall be for part A and $14,707,000 shall be for parts B and C: Provided, That the amounts available pursuant to section 423 of the Act shall remain available for obligation until September 30, 1989.

OTHER RELATED AGENCIES

Navajo and Hopi Indian Relocation Commission

Salaries and Expenses

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, $25,270,000, to remain available until expended, for
operating expenses of the Commission: Provided, That none
of the funds contained in this or any other Act may be used
to evict any single Navajo or Navajo family who, as of No-
vember 30, 1985, was physically domiciled on the lands par-
tioned to the Hopi Tribe unless a new or replacement home
is provided for such household: Provided further, That no
relocatee will be provided with more than one new or re-
placement home: Provided further, That the Commission
shall relocate any certified eligible relocatees who have se-
lected and received an approved homesite on the Navajo res-
ervation or selected a replacement residence off the Navajo
reservation or on the land acquired pursuant to 25 U.S.C.
640d–10.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution,
as authorized by law, including research in the fields of art,
science, and history; development, preservation, and docu-
mentation of the National Collections; presentation of public
exhibits and performances; collection, preparation, dissemina-
tion, and exchange of information and publications; conduct
of education, training, and museum assistance programs;
maintenance, alteration, operation, lease (for terms not to
exceed ten years), and protection of buildings, facilities, and
approaches; not to exceed $100,000 for services as author-
ized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $203,635,000 $200,946,000, including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $7,650,000 $8,150,000, to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $19,254,000 $17,669,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.
CONSTRUCTION

For necessary expenses to design and construct a base camp at the Fred L. Whipple Observatory, $1,215,000, and a new replacement dormitory at the Fred L. Whipple Observatory, and a new technical instrument support shop at the Smithsonian Environmental Research Center-Edgewater, and a new docking facility on Barro Colorado Island, and a new dormitory at the Smithsonian Tropical Research Institute, $2,585,000, to remain available until expended: Provided, That notwithstanding any other provision of law, the Institution is authorized to transfer to the State of Arizona, the counties of Santa Cruz and/or Pima, a sum not to exceed $150,000 for the purpose of assisting in the construction or maintenance of an access to the Whipple Observatory.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum,
and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; purchase of one passenger motor vehicle for replacement only; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $87,401,000 $37,547,000, of which not to exceed $2,420,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $400,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.
For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C 3109, $3,827,000 \$4,135,000.

ENDOWMENT CHALLENGE FUND

For the purpose of an endowment challenge fund for the Woodrow Wilson International Center for Scholars, $500,000, to remain available until September 30, 1990:

Provided, That such sums shall become available only to the extent matched on a three-to-one basis by private funds: Provided further, That these funds may be invested in securities approved by the Board of Trustees and the income from such investments may be used to support programs of the Center deemed appropriate by the Trustees and by the Director of the Center.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $138,111,000 \$140,056,000 shall be available to the National Endowment for the Arts for the support of
1 projects and productions in the arts through assistance to
2 groups and individuals pursuant to section 5(c) of the Act,
3 and for administering the functions of the Act.

MATCHING GRANTS

5 To carry out the provisions of section 10(a)(2) of the
6 National Foundation on the Arts and the Humanities Act of
7 1965, as amended, $28,420,000 $25,900,000, to remain
8 available until September 30, 1989, to the National Endow-
9 ment for the Arts, of which $20,000,000 $16,200,000 shall
10 be available for purposes of section 5(1): Provided, That this
11 appropriation shall be available for obligation only in such
12 amounts as may be equal to the total amounts of gifts, be-
13 quests, and devises of money, and other property accepted by
14 the Chairman or by grantees of the Endowment under the
15 provisions of section 10(a)(2), subsections 11(a)(2)(A) and
16 11(a)(3)(A) during the current and preceding fiscal years for
17 which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foun-
19 dation on the Arts and the Humanities Act of 1965, as
20 amended, $111,140,000 $112,240,000 shall be available to
21 the National Endowment for the Humanities for support of
22 activities in the humanities, pursuant to section 7(c) of the
23 Act, and for administering the functions of the Act.
MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $28,500,000 $27,051,000, to remain available until September 30, 1989, of which $16,500,000 $15,051,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, $4,000,000 $4,500,000.

Martha Graham Center of Contemporary Dance

MATCHING GRANT

There is hereby authorized a program of support for the Martha Graham Center of Contemporary Dance, Inc. ("Center"), to be administered by the National Endowment for the Arts ("Endowment") in accordance with standard Federal grant procedures.
There is hereby appropriated $4,125,000, to remain available until expended to carry out the provisions of this section. Up to $125,000 is to be provided on a non-matching basis to the Center for planning, development, and administrative expenses of the project, as well as for developing a comprehensive plan for the project, to be submitted to the Endowment by September 30, 1988, to perpetuate Martha Graham's artistic visions and standards. Such funds may be disbursed immediately upon application. Subject to receipt of the comprehensive plan, the implementation of which would assure perpetuation of Martha Graham's vision and standards, the remaining funds are to be provided on no less than a one to one matching basis by the Center and to be disbursed only after a matching amount for the following projects is raised: $1,000,000 to preserve Martha Graham's works; and $3,000,000 for expansion and renovation of studio space and creation of adequate archival space and museum space. Funds shall be disbursed on a project by project basis as soon as documents substantiating the receipt of these funds are certified by the National Endowment for the Arts.

Institute of Museum Services

Grants and Administration

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $22,000,000 $21,948,000, including $100,000 as authorized by 20 U.S.C.
Provided, That none of these funds shall be available for the compensation of Executive Level V or higher positions: Provided further, That the Museum Services Board shall not meet more than three times during fiscal year 1988.

Administrative provisions

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

Commission of Fine Arts

Salaries and expenses

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $446,000.

Advisory Council on Historic Preservation

Salaries and expenses

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89–665, as amended, $1,719,000: Provided, That none of these funds shall be available for the compensation of Executive Level V or higher positions.
NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, $2,967,000.

$3,013,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $28,000 to remain available until September 30, 1989.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, $2,531,000, for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, $3,000,000, to remain available until expended.
For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, $2,145,000 $2,183,000: Provided, That hereafter persons other than members of the United States Holocaust Memorial Council may be designated as members of committees associated with the United States Holocaust Memorial Council subject to appointment by the Chairman of the Council: Provided further, That any persons so designated shall serve without cost to the Federal Government: Provided further, That none of these funds shall be available for the compensation of Executive Level V or higher positions: Provided further, That hereafter the Chairman of the Council may waive any Council bylaw when the Chairman determines such waiver will be in the best interest of the Council: Provided further, That immediately after taking such action the Chairman shall send written notice to every voting member of the Council and such waiver shall become final if 30 days after the Chairman has sent such notice, a majority of Council members do not disagree in writing with the action taken.

TITLE III—GENERAL PROVISIONS

Sec. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those
contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Sec. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: Provided, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

Sec. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

Sec. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or
distribution of literature that in any way tends to promote
d PUBLIC SUPPORT OR OPPOSITION TO ANY LEGISLATIVE PROPOSAL ON
which congressional action is not complete.

SEC. 305. No part of any appropriation contained in this
Act shall remain available for obligation beyond the current
fiscal year unless expressly so provided herein.

SEC. 306. None of the funds provided in this Act to any
department or agency shall be obligated or expended to pro-
vide a personal cook, chauffeur, or other personal servants to
any officer or employee of such department or agency except
as otherwise provided by law.

SEC. 307. Except for lands described by sections 105
and 106 of Public Law 96–560, section 103 of Public Law
96–550, section 5(d)(1) of Public Law 96–312, and except
for land in the State of Alaska, and lands in the national
forest system released to management for any use the Secre-
tary of Agriculture deems appropriate through the land man-
age ment planning process by any statement or other Act of
Congress designating components of the National Wilderness
Preservation System now in effect or hereinafter enacted,
and except to carry out the obligations and responsibilities of
the Secretary of the Interior under section 17(k)(1) (A) and
(B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226),
none of the funds provided in this Act shall be obligated for
any aspect of the processing or issuance of permits or leases.
1 pertaining to exploration for or development of coal, oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geo-
2 thermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Docu-
3 ment numbered 96–119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: Provided, That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources de-
4 scribed in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: Provided further, That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under
their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about and inventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: Provided further, That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: Provided further, That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting in conjunction with the Secretary of Energy, the National Laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and
gravity surveys; geochemical techniques including stream
sediment reconnaissance and x-ray diffraction analysis; land
satellites; or any other methods he deems appropriate. The
Secretary of the Interior is hereby authorized to conduct in-
ventories or segments of inventories, such as data analysis
activities, by contract with private entities deemed by him to
be qualified to engage in such activities whenever he has de-
termined that such contracts would decrease Federal expend-
itures and would produce comparable or superior results:

Provided further, That in carrying out any such inventory or
surveys, where National Forest System lands are involved,
the Secretary of the Interior shall consult with the Secretary
of Agriculture concerning any activities affecting surface re-
sources: Provided further, That funds provided in this Act
may be used by the Secretary of the Interior to issue oil and
gas leases for the subsurface of any lands designated by Con-
gress as wilderness study areas, that are immediately adja-
cent to producing oil and gas fields or areas that are prospec-
tively valuable. Such leases shall allow no surface occupancy
and may be entered only by directional drilling from outside
the wilderness study area or other nonsurface disturbing
methods.

Sec. 308. None of the funds provided in this Act shall
be used to evaluate, consider, process, or award oil, gas, or
geothermal leases on Federal lands in the Mount Baker-Sno-
qualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

Sec. 309. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

Sec. 310. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

Sec. 311. Notwithstanding any other provisions of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.
1 Sec. 312. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

2 Sec. 313. None of the funds made available to the Department of the Interior or the Forest Service during fiscal year 1988 by this or any other Act may be used to implement the proposed jurisdictional interchange program until enactment of legislation which authorizes the jurisdictional interchange.

3 Sec. 314. The Forest Service and Bureau of Land Management are to continue to complete as expeditiously as possible development of their respective Forest Land and Resource Management Plans to meet all applicable statutory requirements. Notwithstanding the date in section 6(c) of the NFMA (16 U.S.C. 1600), the Forest Service, and the Bureau of Land Management under separate authority, may continue the management of lands within their jurisdiction under existing timber management plans pending the completion of new plans. Nothing shall limit judicial review of particular activities on these lands: Provided, however, That there shall be no challenges to any existing plan on the sole basis that the plan in its entirety is outdated because of new information: Provided further, That any and all particular
AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1988, and for other purposes.

September 22, 1987

Reported with amendments