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MAKING APPROPRIATIONS FOR THE DEPARTMENT OF
THE INTERIOR AND RELATED AGENCIES FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 1989, AND FOR
OTHER PURPOSES

AUGUST 10, 1988.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 4867]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4867) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 16, 19, 22, 23, 25, 26, 36, 37, 41, 48, 51, 55, 60, 64, 65, 66, 67, 70, 71, 72, 74, 75, 78, 88, 90, 96, 97, 99, 102, 111, 113, 141, 143, 144, 146, 163, 171, 174, 177, 180, 181, 183, 184, 185, 186, 187, 188, 189, 190, 194, 198, 200, 201, and 204,

That the House recede from its disagreement to the amendments of the Senate numbered 8, 17, 20, 57, 73, 79, 80, 81, 91, 101, 119, 121, 126, 133, 139, 145, 147, 160, 168, and 192, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$508,462,000; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$60,000,000; and the Senate agree to the same.

Amendment numbered 9:

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

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

: Provided, That none of the funds provided herein may be used for the planning, implementation, or financing of agreements or arrangements with entities for the management of the Wynne complex on Matagorda Island, Texas, except for agreements or arrangements existing as of the date of enactment of this Act; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$57,529,000; and the Senate agree to the same.

Amendment numbered 15:

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

In lieu of the sum proposed by said amendment insert \$6,645,000; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$744,835,000; and the Senate agree to the same.

Amendment numbered 32:

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

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

In lieu of the sum proposed by said amendment insert \$1,450,000; and the Senate agree to the same.

Amendment numbered 44:

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

In lieu of the sum proposed by said amendment insert \$170,744,000; and the Senate agree to the same.

Amendment numbered 46:

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

In lieu of the sum proposed by said amendment insert \$159,292,000; and the Senate agree to the same.

Amendment numbered 47:

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

In lieu of the sum proposed by said amendment insert \$91,010,000; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$101,095,000; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$193,160,000; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$992,767,000; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

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

: Provided further, That \$250,000 of the funds made available in this Act shall be available for cyclical maintenance or tribally owned fish hatcheries and related facilities; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$92,767,000; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$89,741,000 ; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$32,360,000; and the senate agree to the same.

Amendment numbered 85:

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

In lieu of the sum proposed by said amendment insert \$49,067,000; and the Senate agree to the same.

Amendment numbered 87:

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

In lieu of the sum proposed by said amendment insert \$18,749,000; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$137,867,000; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$225,518,000; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$33,914,000; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$191,604,000; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$75,000,000; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

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

and \$400,000 for acquisition of land and interests therein and near the White Salmon National Recreational River, Klickitat County, Washington, described as Government lot 2, SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, sec. 18. T.4N., R. 11E., Willamette Meridian, pursuant to the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428(a)), to remain available until expended; and the Senate agree to the same.

Amendment numbered 117:

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

In lieu of the sum named by said amendment insert *\$35,999,000*; and the Senate agree to the same.

Amendment numbered 138:

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$37,000,000*; and the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$61,668,000*; and the Senate agree to the same.

Amendment numbered 161:

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$71,553,000*; and the Senate agree to the same.

Amendment numbered 162:

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$52,748,000*; and the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$27,373,000*; and the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$750,000*; and the Senate agree to the same.

Amendment numbered 175:

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$124,300,000*; and the Senate agree to the same.

Amendment numbered 176:

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$22,270,000*; and the Senate agree to the same.

Amendment numbered 178:

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$1,778,000; and the Senate agree to the same.

Amendment numbered 179:

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$2,334,000; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 5, 7, 10, 11, 13, 14, 21, 24, 27, 28, 29, 30, 31, 33, 34, 35, 38, 39, 40, 42, 43, 45, 52, 53, 58, 59, 61, 62, 63, 76, 82, 83, 84, 86, 89, 92, 93, 94, 95, 98, 103, 104, 105, 106, 107, 114, 116, 118, 120, 122, 123, 124, 125, 127, 128, 129, 130, 131, 132, 134, 135, 136, 137, 140, 142, 148, 149, 150, 152, 153, 154, 155, 156, 157, 158, 159, 165, 166, 167, 169, 172, 173, 182, 191, 193, 195, 196, 197, 199, 202, and 203.

J.P. MURTHA,
 NORMAN D. DICKS,
 EDWARD P. BOLAND,
 LES AU COIN,
 JAMIE L. WHITTEN,
 TOM BEVILL,
 RALPH REGULA,
 JOSEPH M. MCDADE,
 BILL LOWERY,
 SILVIO O. CONTE
 (except 131),
 SIDNEY YATES,

Managers on the Part of the House.

ROBERT C. BYRD,
 J. BENNETT JOHNSTON,
 PATRICK J. LEAHY,
 DENNIS DECONCINI,
 QUENTIN N. BURDICK,
 DALE BUMPERS,
 ERNEST F. HOLLINGS,
 HARRY M. REID,
 JOHN C. STENNIS,
 JAMES A. McCLURE,
 TED STEVENS,
 THAD COCHRAN,
 JAKE GARN,
 WARREN B. RUDMAN,
 LOWELL P. WEICKER, Jr.,
 DON NICKLES,
 MARK O. HATFIELD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4867), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 4867 incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 100-713 and Senate Report 100-410 shall be complied with unless specifically addressed to the contrary in the conference agreement and accompanying statement of the managers.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates \$508,462,000 for management of lands and resources instead of \$500,959,000 as proposed by the House and \$510,595,000 as proposed by the Senate.

The increase above the amount proposed by the House consists of increases of \$1,500,000 for Alaska lands; \$750,000 to inventory, enhance, and monitor riparian areas in grazing management; \$250,000 for noxious weed control, and \$190,000 for research on fire resistant grasses and shrubs with the University of Idaho in grazing management; \$500,000 for challenge grants, \$750,000 for fishery resources, \$215,000 for the San Pedro Conservation Area (AZ), and \$110,000 for Cascade fire rehabilitation in Idaho, all in wildlife habitat management; \$740,000 in threatened and endangered species; \$50,000 for Chacoan outliers (NM), \$75,000 for the San Pedro Conservation Area (AZ), and \$200,000 for trail maintenance, all in recreation management; \$3,800,000 for Alaska cadastral surveys; and \$100,000 for facilities maintenance; and decreases of \$200,000 in rights-of-way processing; \$750,000 for riparian areas in soil, water, and air management; \$337,000 for base restoration in wildlife habitat management \$100,000 for cultural resources management; and \$50,000 for King Range NCA (CA), \$100,000 for El Malpais NCA (NM), and \$100,000 for East Mojave Scenic Area (CA), all in recreation management.

The managers agree that \$50,000 within available funds should be provided to the National Academy of Sciences for a study of how

oil and gas exploration and development is considered in land management planning, and that a total of \$750,000 has been provided for the "Oregon/Washington Riparian Enhancement Plan".

The managers consider that pilot projects in privatization of "undeveloped public lands" as contained in fiscal year 1989 budget documents are subject to reprogramming guidelines.

The managers agree that oil and gas program funding contains \$1,864,000 for Alaska.

If the transfer to the Bureau of Lands in Black Canyon and Kofa, AZ is authorized, the managers agree the bureau may use up to \$75,000 from recreation management funds for operations in these areas.

The managers agree to the new budget structure for the management of lands and resources and Oregon and California grant lands appropriations. Reprogramming levels are to be at the level of activity identified in the House and Senate reports, and transfers of funds at levels identified in the budget, but below report tables, are to be reported to the Committees quarterly with an explanation of the changes.

For the wild horse and burro program, the managers agree that:

(1) sanctuary guidelines should be submitted to the Committees by January 1, 1989 as proposed by the Senate;

(2) a report on strengthened procedures for monitoring potential adopters should be submitted to the Committee within 90 days of enactment;

(3) quarterly reports on sanctuaries should be submitted to the Committees;

(4) more than one sanctuary in more than one climate or geographical type should be established, and no specific funding limitation is provided;

(5) the Bureau must establish an oversight activity for the overall program with a broad spectrum of the interested public;

(6) no funds are provided for the fee waiver adoption program; and

(7) the goal of the program should be the orderly achievement of appropriate management levels in a humane and cost effective manner.

Amendment No. 2: Provides \$70,000,000 for firefighting and repayment to other accounts from which funds were borrowed under Secretarial authority as proposed by the House instead of \$75,000,000 as proposed by the Senate.

CONSTRUCTION AND ACCESS

Amendment No. 3: Appropriates \$5,431,000 for construction and access as proposed by the House instead of \$2,631,000 as proposed by the Senate.

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends the Payments in Lieu of Taxes Act. The effect of the Senate amendment is to allow two boroughs in Alaska, organized after passage of the Act, to share in payments in lieu of taxes.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of Senate with an amendment which appropriates \$12,290,000 for land acquisition instead of \$11,640,000 as proposed by the House and \$12,020,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Acquisition Management.....	\$600,000
Big Morongo Canyon, CA.....	110,000
Bizz Johnson Trail, CA.....	50,000
Carrizo Plain, CA.....	5,000,000
Chuckwalla Bench ACEC, CA.....	1,300,000
Colorado River Access, CO.....	600,000
Desert Tortoise NA, CA.....	1,000,000
El Malpais NCA, NM.....	1,000,000
Rock Creek Ranch, UT.....	35,000
Warner Basin Potholes, OR.....	2,000,000
Westwater Canyon, UT.....	95,000
Wilderness and wilderness study areas.....	500,000
Total.....	12,290,000

Within the \$500,000 for wilderness and wilderness study areas is \$170,000 for the Dominiques WSA, CO. Priority consideration should be given to the Willow Creek & Mahogany Ridge Wilderness Study Areas in the Trout Creek Mountains.

Amendment No. 6: Appropriates \$60,000,000 for Oregon and California grant lands instead of \$61,445,000 as proposed by the House and \$59,141,000 as proposed by the Senate. The decrease below the amount proposed by the House consists of \$314,000 for timber management and \$1,131,000 for timber development. The conference agreement contains an increase of \$1,340,000 over the budget for reforestation.

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted, insert: *\$360,688,000*

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

The amendment appropriates \$360,688,000 for resource management instead of \$350,251,000 as proposed by the House and \$360,654,000 as proposed by the Senate.

The net increase to the House position includes the following changes: increases of \$500,000 for endangered species recovery; \$110,000 for a fishery biologist and a contaminant specialist in West Virginia; \$1,000,000 for the farm bill wetland conservation program; \$250,000 for the National Wetlands Inventory of which \$130,000 is for West Virginia; \$100,000 for contaminant investigation on refuges; \$400,000 related to Arctic Goose activities; \$250,000 for pintail duck production research and waterfowl inventory;

\$500,000 for Alaska refuge operations; \$974,000 for Alaska subsistence grants; \$1,500,000 for education and informational materials at an ecological study center; \$200,000 for Challenge grants; \$250,000 for nongame migratory bird management; \$84,000 for operations at Bowden NFH, WV and \$241,000 for operations at White Sulphur Springs, NFH, WV; \$254,000 for the Qunialt NFH, WA which is transferred from Bureau of Indian Affairs management; \$288,000 for the Lower Snake River Compensation Fund; \$946,000 for Leetown NFC, WV of which \$300,000 is for striped bass studies, \$200,000 is for fish health and fish disease research, \$146,000 is to restore the 1988 level and \$300,000 is to install an air injection system; \$165,000 for operations at the Hagerman Research Field Station, ID; \$60,000 to investigate the feasibility of restoring anadromous fish to the Snake River Basin; \$650,000 for Alaskan marine mammal research; \$315,000 for the wildlife review publication; \$250,000 for the fisheries review publication; \$300,000 for a procedure to assess and test how well existing preserves protect natural communities; \$1,200,000 for the National Wetlands Research Center, Lafayette, LA; \$500,000 for the Cooperative fish and wildlife units of which \$200,000 is to establish a new unit and \$300,000 is for staffing at existing units; and decreases of \$250,000 for nongame management through the endangered species program, \$500,000 for development of bioassment technology which is to be carried out within the existing program and \$100,000 for brown tree snake research.

The increase for the farm bill wetland conservation program includes up to 30% for technical assistance with the balance to be used on actual wetland restoration in the most critical areas including the Lower Mississippi Valley. Within the amount provided for hatchery maintenance, \$130,000 is for the Bowden NFH, WV; \$95,000 is for White Sulphur Springs, WV and \$195,000 for Tishomingo NFH, OK.

Within the \$900,000 provided for the Southeast Fish Culture Laboratory and Auburn University over the budget request, the managers recommend an increase of \$600,000 to expand aquaculture research at the Southeastern Fish Culture Lab in Marion, AL of which \$300,000 shall be directed to Auburn University.

The Southern Fish Culture Laboratory, in Marion, AL, is directed to coordinate its research in the conservation, management, investigations, and protection of warm water fish farming with the Alabama Cooperative Fishery Research Unit and the Department of Fisheries and Allied Aquaculture of Auburn University, toward a mission of improving the economics of farm aquaculture, including the commercial production of catfish, tilapia, striped bass, and other species in the Southeast.

Beyond the above increases to maintain FY 1988 levels, the budget is increased by \$300,000 to establish a permanent field station at Auburn University in FY 1989 under the Fort Collins Research Center starting with two professionals to develop in stream flow methodology for warm water fisheries management in the Southeastern United States.

The managers agree to delete Senate language which would have made the funds available for two years.

The Service is to consider the Stewart B. McKinney NWR, CN when allocating funds designated for newly established refuges. The Service is to give preference in establishing new cooperative fish and wildlife units to the first State to have fully resolved intra-state questions of unit sponsorship and management and communicated notice of this resolution to the Service. Of the increase for the endangered species recovery funds, no less than \$100,000 is for the red wolf captive breeding program at the Point Defiance Zoo and Aquarium, Tacoma, Washington.

Of the increase provided for operations at the Northeast Anadromous Fish Laboratory, \$360,000 is for the base research program which brings the base level to \$500,000.

The managers approve the reprogramming proposed by the Service providing fresh water to the San Luis NWR, CA.

Amendment No. 8: Provides \$6,811,000 for the Lower Snake River Compensation Plan as proposed by the Senate instead of \$6,523,000 as proposed by the House.

Amendment No. 9: Restricts language proposed by the House and stricken by the Senate to Federal management of the Wynne Complex on Matagorda Island, Texas. The House language would have applied to all refuges.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides \$1,500,000 for the development and installation of displays, exhibits, films, and other educational material for an ecological center.

CONSTRUCTION AND ANADROMOUS FISH

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$31,834,000 for construction and anadromous fish instead of \$23,756,000 as proposed by the House and \$25,294,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Anadromous Fish Grants.....	\$1,500,000
Bowden NFH, WV (expansion).....	2,000,000
Dam safety.....	7,343,000
Leetown NFC, WV (water supply).....	1,700,000
Little River NWR, OK (planning).....	270,000
Little White Salmon NFH, WA.....	990,000
National Fisheries Research Center (Seattle).....	1,000,000
National Wetland Research Center, LA (planning).....	1,050,000
Nisqually NFH, WA.....	5,067,000
Northeast Anadromous Fish Laboratory.....	5,600,000
North Attleboro NFH, MA (complete design).....	180,000
Oklahoma refuges (flood damage).....	1,500,000
Patuxent River MD (visitor center, planning and design).....	900,000
Striped bass study.....	500,000
Tensas NWR, LA (road repair).....	2,000,000
Wichita Mountains NWR, OK (Corral).....	234,000
Total.....	31,834,000

The managers concur in the Service's plan to expend up to \$250,000 for site development at Tinicum NEC, PA. Final plans

and a progress report are to be provided the Committees by March, 1989.

The managers are committed to completing the expansion of striped bass facilities at Bowden NFH, WV in FY 1990. The managers direct that \$350,000 remaining for the Kodiak NWR, AK ranger station be reprogrammed to fund the Skilak Loop Visitor Center in the Kenai NWR, AK.

LAND ACQUISITION

Amendment No. 12: Appropriates \$57,529,000 for land acquisition instead of \$50,809,000 as proposed by the House and \$61,849,000 as proposed by the Senate.

The managers agree to the following distribution:

Administration.....	\$2,834,000
Alaska Peninsula NWR, AK.....	100,000
Arivaca Creek, AZ.....	2,000,000
Bog Brook NWR, ME.....	250,000
Bogue Chitto NWR, LA.....	2,000,000
Bowerman Basin/Grays Harbor, WA.....	850,000
Chincoteague NWR, VA.....	770,000
James Campbell NWR, HI.....	1,500,000
Kirtlands Warbler NWR, MI.....	535,000
Klamath Forest NWR, OR.....	2,000,000
Lower Rio Grande NWR, TX.....	10,000,000
Mason Neck NWR, VA.....	1,400,000
Matagorda Island, TX.....	5,500,000
National Driftless Area, IA.....	500,000
National Key Deer NWR, FL.....	3,000,000
Oahu Forest NWR, HI.....	1,500,000
Rachel Carson NWR, ME.....	1,000,000
Sacramento River NWR, CA.....	2,000,000
San Francisco Bay NWR, CA.....	3,000,000
San Joaquin River NWR, CA.....	2,000,000
Stewart McKinney NWR, CN.....	500,000
Sunkhaze Meadows NWR, ME.....	1,100,000
Tensas NWR, LA.....	2,000,000
Tishomingo NFH, OK.....	190,000
Inholdings.....	1,000,000
Wetlands.....	10,000,000
Total.....	57,529,000

The managers have provided funds for the Stewart McKinney NWR, CN with the understanding that new appraisals are being undertaken for the properties involved.

Of the \$10,000,000 provided for wetlands, \$2,000,000 is for the National Fish and Wildlife Foundation for matching purposes.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted, insert: : *Provided, That of the funds provided to the United States Fish and Wildlife Service under the heading "Construction and Anadromous Fish" in Public Law 100-71, \$1,200,000 shall be expended for the lease or purchase of water rights, from willing sellers, for the benefit of Stillwater Wildlife Management Area, Nevada: Provided further, That the lease or purchase shall be carried out pursuant to the statutory and procedural requirements of the laws of the State of Nevada, and the Secretary shall proceed with any such lease or purchase pursuant to*

this appropriation if and only if the Secretary receives certification from the State of Nevada that the transfer of water rights and associated change of use for the beneficial use of Stillwater Wildlife Management Area is approved by the State of Nevada.

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

The amendment modifies language added by the Senate permitting the use of \$1,200,000 to purchase water rights from willing sellers for the benefit of the Stillwater Wildlife Management Area, Nevada. The managers agree that the Secretary of the Interior is to continue to pursue a comprehensive settlement of water rights disputes on the Carson and Truckee Rivers among the affected parties. Further, the Stillwater Wildlife Management Area may be considered a high priority wetland for funding undertaken pursuant to the North American Waterfowl Management Plan.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the Secretary may acquire lands on the Sacramento River, including formerly submerged lands, and waters which are subject to the interest of the State of California, including the public trust, and subject to any other adverse claim arising out of the riparian character or location of the property.

MIGRATORY BIRD CONSERVATION ACCOUNT

The managers note that the Migratory Bird Conservation Commission plans to acquire property in fiscal year 1989 in Forsythe NWR, NJ (\$1,500,000), and Cache River, AR (\$2,300,000), among others. The managers urge the Commission to give acquisition priority in the future to Cache River, AR; Little River, OK; Chenia Plain, TX; Neches River, TX; and Forsythe NWR, NJ.

Amendment No. 15: Appropriates \$6,645,000 for the National Wildlife Refuge Fund instead of \$7,645,000 as proposed by the House and \$5,645,000 as proposed by the Senate.

Amendment No. 16: Deletes language proposed by the Senate to allow donated aircraft to be accepted as additions to the fleet. Language included in the Working Capital Fund, Office of the Secretary already provides this authority. The managers are concerned about the Department's ability to enforce adequately waterfowl hunting regulations and recommend that the Service provide up to \$400,000 to acquire a helicopter from the Isaac Walton League to be used for expanded enforcement of waterfowl hunting regulations in the lower Mississippi flyway, and to equip, operate and maintain said helicopter.

NATIONAL PARK SERVICE

Amendment No. 17: Earmarks \$442,000 for the Roosevelt Campobello International Park Commission as proposed by the Senate instead of \$424,000 as proposed by the House.

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 18: Appropriates \$74,835,000 for Operation of the National Park System instead of \$742,181,000 as proposed by the House and \$746,024,000 as proposed by the Senate.

The managers agree to the following changes to the House position: increases of \$150,000 for the Harpers Ferry NP, WV shuttle bus system; \$300,000 for Harpers Ferry NP operations; \$400,000 for Buffalo NR, AR; \$350,000 for Glen Canyon NRA, AZ/UT; \$300,000 for Lake Mead NRA, NV; \$100,000 for Saguaro NM, AZ; \$300,000 for Hot Springs NP, AR; \$300,000 for Canyonlands NP, UT; \$150,000 for Fort Jefferson NM, FL; \$315,000 for Jean Lafitte NHP, LA; \$48,000 for Stika NHP, AK; \$600,000 for Yellowstone NP; \$60,000 for Apostle Islands NL, WI; \$100,000 for Salinas NM, NM; \$200,000 for El Malpais NM, NM; \$60,000 for the New River Parkway Authority; \$35,000 for operations at Pierce Point Ranch, Point Reyes NS, CA; \$60,000 for trail development at Ice Age NSP, WI; \$540,000 for New River Gorge NR, WV; \$400,000 for National Trail system management; \$85,000 for Harpers Ferry police; \$1,500,000 for trail maintenance; \$100,000 for international affairs including US/Soviet cooperation; \$83,000 for a study of alternatives for managing and protecting historic Georgetown, Clear Creek, CO; \$50,000 for a study of Alaska National Park recreation opportunities; \$100,000 for a statewide park assessment for West Virginia; \$40,000 for a restorations assessment at Apostle Islands NL, WI; \$30,000 to assist Marquette County in a feasibility study of Muir Park; \$150,000 for a review of Spanish culture in New Mexico and of the Mimbres culture; \$40,000 for the Fort Knox II Historical Site at Vincennes, IN; \$10,000 for a bike trail feasibility study at Everglades NP, FL; \$115,000 for a study at Colorado NM, Co; \$150,000 for a review of lands around Harpers Ferry WV; \$150,000 for studies of parks and national landmarks with black themes; \$60,000 for women's theme studies related to parks and landmarks; \$18,000 for the Roosevelt Campobello International Park Commission; \$2,000,000 for Fort Lincoln, Mandan, ND; and \$33,000 for the Mary McLeod Bethune NHS; and decreases of \$500,000 for exotic plant/pig control at Haleakala/Hawaii Volcanoes NP which is transferred to the construction account; \$200,000 for operations at Golden Gate NRA, CA; \$100,000 for Women's Rights NHP, NY; \$150,000 at Indiana Dunes NL, IN; \$4,700,000 for the Krejci waste site which is addressed in the construction account; \$200,000 for the airplane oversight study; and \$978,000 for the Director's discretionary fund.

Within the increase for El Malpais NM, NM are funds for Masau trail planning and implementation. Within the increase for trail maintenance is \$150,000 for the Santa Fe Trail and \$200,000 for Olympic NP trails. There is \$30,000 within resources management for range management guidelines at Point Reyes NS, CA. The managers agree that parks may use more funds for the Student Conservation Association and the Volunteers in Parks program if there is sufficient need.

The managers agree that the return of the wolf to Yellowstone NP is desirable. There are a number of concerns about the reintroduction and \$200,000 has been included to study questions which

have been raised. The managers believe the studies should address, but not be limited to the following:

1. The issue of whether wolves would or would not be controlled either within or without the Park;
2. How a reintroduced population of wolves may affect the prey base in Yellowstone NP and big game hunting in areas surrounding the park;
3. Would a reintroduced population of wolves harm or benefit grizzly bears in the vicinity of the park;
4. Clarification and delineation of wolf management zone boundaries for reintroduction; and
5. An experienced wolf coordinator with the FWS will oversee the program in full cooperation with the NPS.

The managers agree that the National Park Service may provide technical assistance and concept planning to the Port of Oakland in the restoration of the ship "Potomac" and in the development of an interpretive center. Any plans should provide for private sector cost sharing.

The managers agree that one additional clerical staff is to be provided to the Office of Congressional Liaison. There is up to \$40,000 from within available funds for conduct of an origin and destination survey within the boundaries of the Delaware Water Gap NRA, NJ.

The managers agree that future budget justifications for the National Park Service must identify the amount proposed for the conduct of conferences with a description of the types of conferences to be conducted. The amount provided for conferences would be subject to reprogramming guidelines. For fiscal year 1989, the Service is to submit to the Committees within 30 days of enactment of this Act the amount to be used for conferences, a list of proposed conferences and a proposed definition of conferences. Changes to this amount will be subject to reprogramming guidelines.

The managers note that both House and Senate reports contain language providing guidance for management of park units. The guidance is to be complied with, unless specifically addressed to the contrary in the conference agreement and accompanying statement of the managers.

The managers are concerned about the inadvertent acquisition of lands which may contain toxic or hazardous materials. There appears to be no well stated policy regarding the precautions to take when acquiring land to ascertain whether there are toxic or hazardous materials. Accordingly, the managers direct the Service to prepare a policy statement on acceptance of donations or acquisitions of lands which may contain toxic or hazardous materials.

Amendment No. 19: Deletes Senate language which would have provided for a permanent appropriation for park fee receipts beginning in fiscal year 1989. It is the managers intent that the allocation by function, and by park, provide at least 1988 funding levels and also maintains the fee incentives built into the fee legislation.

The managers direct that the Service submit two budget presentations in fiscal year 1990 for the "Operation of the National Park System" appropriation. The first presentation should reflect the President's recommendations. The second presentation should display the budget estimate as if the fee legislation included a perma-

ment appropriation account provision, keeping in mind the managers intent to fund park units and functions at least at the 1989 level, plus base increases and decreases, and also recognizing the incentive for the public to pay, and park managers to collect, park fees.

The Service is directed to consult with the House and Senate Committees concerning the exact features of the alternative budget presentation.

Amendment No. 20: Deletes earmarks for certain Operation of the National Park System activities proposed by the House. The managers are concerned that the National Park Service cannot account for funds on the same basis as the funds are requested. The General Accounting Office will be asked to report on National Park Service accounting capability and provide recommendations for improving the system.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides \$85,000 for police operations at Harpers Ferry, WV.

Amendment No. 22: Deletes Bill language proposed by the Senate directing the National Park Service to continue its review of the proposal to acquire property in and around Natchez, Mississippi for the Mississippi River National Park. The managers strongly support efforts of the National Park Service to extend the Natchez Trace Parkway to the historic Natchez Bluff area and the inclusion of Fort Rosalie and Melrose as part of the Park system and urge the Park Service to complete the work now underway.

Amendment No. 23: Provides \$250,000 for the National Institute for the Conservation of Cultural Property as proposed by the House instead of nothing as proposed by the Senate.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits removal, obstruction, dewatering, filling or damage to the Brooks River fish ladder in Katmai National Park, AK.

Amendment No. 25: Deletes Senate language regarding wolf research in Alaska. The Alaska National Interests Lands Conservation Act requires the Secretary of the Interior to consider persons who have lived or worked in or near a conservation system unit in Alaska for all available employment opportunities therein. The managers have been informed that the National Park Service has not complied with this provision of the law in its hiring decisions in Denali National Park, despite written assurances to local residents that it would do so.

The managers direct the Service to submit a report on its compliance actions to the Senate and House Committees on Appropriations no later than February 1, 1989. The Committees will insist on compliance with the law.

Amendment No. 26: Deletes Senate language regarding wolf research in Alaska which is discussed under amendment No. 25.

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which repeals Public

Law 97-341 and makes provision for phasing out grazing at Capitol Reef NP, UT.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$14,608,000 for national recreation and preservation instead of \$14,093,000 as proposed by the House and \$13,470,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the House level includes increases of \$100,000 for assistance to river communities in the New River Gorge NR, WV; \$150,000 for Rails to Trails assistance; \$200,000 for a national inventory of trails and direction; \$400,000 for other national trails programs; and \$100,000 for Federal archeological programs. There are decreases to the House position of \$35,000 for the San Francisco Bay Area Trail, \$100,000 for urban parks grant administration and \$300,000 for women's studies and black historic park and landmark studies. Women's studies and black historic park and landmark studies are addressed in the Operation of the National Park System appropriation.

HISTORIC PRESERVATION FUND

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$30,500,000 for the historic preservation fund instead of \$30,000,000 as proposed by the House and \$30,250,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the Senate level includes \$250,000 for the critical issues fund of the National Trust for Historic Preservation.

For the States, the allowance may be used for survey and planning activities, or for architectural, engineering, and management assistance grants for land-based or maritime-related projects nationwide, at the discretion of the States.

The managers also agree that, for the purposes of grant administration procedures, the grant to the National Trust shall be considered one grant.

The managers do not intend to provide additional funding for the Bicentennial Lighthouse Fund in subsequent years.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks \$1,000,000 for the Bicentennial Lighthouse Fund and establishes procedures for distribution of the money.

CONSTRUCTION

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede

and concur in the amendment of the Senate with an amendment which appropriates \$159,108,000 for construction instead of \$131,809,000 as proposed by the House and \$119,072,000 as proposed by the Senate.

The managers have agreed to the following distribution of funds:

Emergency projects	\$2,000,000
Planning	15,850,000
Line item request.....	6,634,000
America's Industrial Heritage, PA.....	7,400,000
Bighorn Canyon NRA, MT.....	412,000
Biscayne NP, FL.....	1,784,000
Boston NPH, MA:	
Faneuil Hall.....	5,556,000
Old State House.....	5,280,000
Buffalo River NR, AR.....	1,380,000
C&O Canal, MD (Bridge replacement).....	100,000
Canaveral NS, FL (Playalinda Beach Rd).....	6,614,000
Chamizal NM, TX.....	1,500,000
Chickamauga/Chattanooga NMP (road relocation).....	6,000,000
Crater Lake NP, OR (Rim development).....	1,761,000
Cuyahoga Valley:	
Brandywine Falls.....	785,000
Erosion control.....	200,000
Kendall Unit utilities.....	600,000
Plug unsafe oil and gas wells.....	204,000
Krejci waste site.....	4,500,000
Dam safety.....	3,450,000
Delaware Water Gap NRA, Smithfield Beach.....	1,500,000
New Jersey access.....	473,000
Denali NP, AK (road repair).....	619,000
Employee Housing.....	10,000,000
Fire Island NS, NY (dredging).....	300,000
Fort Union Trading Post.....	750,000
Fossil Butte NM, WY (completion).....	350,000
Gateway NRA, NY:	
Great Kills Seawall.....	3,070,000
Sandy Hook bathroom facilities.....	971,000
George Washington Parkway (Spout Run Bridge).....	5,000,000
Golden Gate NRA, CA (restrooms).....	917,000
Guadalupe Mtns. TX.....	750,000
Harpers Ferry NHP, WV.....	5,450,000
Hawaii Volcanoes/Haleakala, HI (fencing).....	500,000
Hot Springs NP, AR.....	1,881,000
Ice Age NSR, WI.....	500,000
Indiana Dunes NL, IN (West Beach access).....	850,000
Jean Lafitte NHP, LA.....	7,165,000
Klondike Gold Rush NHP, AK.....	1,480,000
Knife River Indian Villages, ND.....	600,000
Lincoln Home NHS, IL.....	325,000
Lowell NHP, MA:	
Boott Mill.....	1,300,000
Commission.....	1,450,000
Mt. Rainier No, WA (Longmire Inn).....	1,450,000
Natchez Trace Parkway.....	10,100,000
New River Gorge NR, NV.....	6,050,000
North Cascades NP, WA (Henry Jackson visitor center).....	1,450,000
Petersburg, NB, VA (City Point Erosion).....	350,000
Steamtown NHS, PA.....	8,000,000
Suitland Parkway, MD.....	6,500,000
Tuskegee NHS, AL.....	4,000,000
Voyaguers NP, MN.....	480,000
Yellowstone NP, WY.....	1,400,000
Yosemite NP, CA.....	1,200,000
General reduction.....	-83,000
Total.....	159,108,000

Within the amount provided for planning, the managers agree to the following projects:

Big Thicket NP, TX (visitor contact center).....	\$450,000
Blue Ridge Parkway (Roanoke visitor center).....	450,000
Denali NP, AK (Southside).....	500,000
Florissant Fossil Beds NM, CO (visitor center).....	410,000
Fort Clatsop NM, OR (expansion).....	256,000
Gateway NRA, NY (Canarsie Pier).....	800,000
Great Smokie Mtns. NP, NC (Oconaluftee).....	560,000
Harpers Ferry NHP, WV.....	1,500,000
Indiana Dunes NL, IN:	
Lakeshore Campgrounds.....	260,000
Parkway study.....	332,000
Jean Lafitte NHP, LA.....	300,000
Kennedy Center (garage).....	900,000
Lincoln Home NHS, IL.....	50,000
Lake Mead NRA, AZ (flood hazard).....	300,000
Mesa Verde NP, CO (Soda Point).....	250,000
National Museum Conservation Lab.....	465,000
New River Gorge NR, WV.....	1,775,000
Salem Maritime NHS, MA.....	600,000
Saltsburg Canal.....	125,000
Saratoga Mounument, NY.....	303,000
Scranton Area Heritage Park.....	175,000
Springfield Caserne.....	100,000
Staple Bend Tunnel.....	150,000
Stones River NB, TN (Fortress Rosencrans and trails study).....	70,000
Summit Level.....	400,000

The \$4,500,000 provided for the Krejci Waste Site includes \$1,200,000 to reimburse EPA for containment costs already incurred; \$2,300,000 for additional containment and \$1,000,000 for the remedial investigation feasibility study.

The managers do not object to the Service providing up to \$500,000 for furtherance of a Civil War Museum at Gettysburg NMP, PA. The Service should provide the Committees, by February 15, 1989, with a plan for completion of the Museum, including estimated costs, a timetable for implementation, and a proposal for funding such a plan.

The managers agree to the following distribution of funds for Jean Lafitte NHP, LA:

- a. \$5,500,000 to complete construction of the Acadian Cultural Centers in Lafayette, Eunice and Thibodaux.
- b. \$500,000 to complete construction of the environmental education center and some of the related facilities.
- c. \$100,000 to continue construction of a tour boat landing and interpretive wayside exhibits in the vicinity of Wagner Bridge.
- d. \$700,000 to renovate the permanent location of the Park's Headquarters and French Quarter Visitor's Center.
- e. \$95,000 to realign the rampart, renovate the bathrooms, clean the headstones in the cemetery and improve drainage/landscape at the Chalmette Unit.
- f. \$150,000 for rehabilitation of the Chalmette monument.
- g. \$15,000 to upgrade exhibits at the Chitimacha Unit of the Park.
- h. \$15,000 in planning money for the German Cultural Center.

i. \$25,000 to improve the Kenta Canal, Coquille, and Ring Levee trails at the Barataria Unit.

j. \$25,000 to replace the roof and repair the electrical system at the Islenos Center.

k. \$40,000 to build a boat launch and boat storage for Park Service boats at the Barataria Unit.

The \$1,000,000 reduction from the House position on the America's Industrial Heritage Project is from Staple Bend. The managers urge the Service to seek cost sharing for the construction of a new lodge at Crater Lake NP, OR.

The managers have included \$10,000,000 to begin to address the need for improved employee housing, and understand that \$3,000,000 shall be available for planning and \$7,000,000 shall be available for repair and rehabilitation of existing units, including a limited amount of new construction logically related to repair and rehabilitation needs at park units. While no specific earmarks are provided, the managers agree with the Service on the priority needs of addressing winter housing problems at Yellowstone NP, and other pressing issues at Crater Lake NP and Grand Canyon NP. The Service may explore housing alternatives other than direct Federal construction, and shall provide the Committees with the proposed spending plan when it is available.

Amendment No. 32: Provides \$1,450,000 to carry out the provisions of sections 302, 303, and 304 of the Public Law 95-290 instead of \$2,950,000 as proposed by the House and nothing as proposed by the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$72,609,000 for land acquisition and state assistance instead of \$62,206,000 as proposed by the House and \$64,961,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Assistance to States:

Matching grants.....	\$16,700,000
Administrative expenses	3,300,000

Subtotal, States	<u>20,000,000</u>
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National Park Service:

Acadia NP, ME	2,000,000
Antietam NB, MD	1,000,000
Appalachian NST	7,000,000
Black Canyon of the Gunnison NM, CO	700,000
Congaree Swamp NM, SC	3,000,000
Cuyahoga Valley NRA, OH	3,000,000
Delaware Water Gap NRA, PA/NJ	888,000
Ft. Frederica NM, GA.....	300,000
Indiana Dunes NL, IN	500,000
Jimmy Carter NHS, GA.....	100,000
New River Gorge NR, WV	8,000,000
Pictured Rocks NL, MI.....	300,000
Saint Croix NSR, WI/MN.....	1,500,000
Salem Maritime NHS, MA	500,000

Santa Monica Mtns. NRA, CA	11,000,000
Stones River NB, TN	530,000
Timucuan NP, FL	1,000,000
Women's Rights NHP, NY	50,000
Emergencies, hardships, deficiencies, inholdings, and relocations	5,000,000
Acquisition management.....	6,241,000
Subtotal.....	52,609,000
Total	72,609,000

The managers have agreed to provide an additional \$700,000 for land acquisition in the Black Canyon of the Gunnison National Monument. If the appraised value of the tracts exceeds this amount, the managers urge the Service to use funds available in the Emergencies, hardships, deficiencies, inholdings and relocations account.

The managers agree that \$350,000 is included to be provided to the National Academy of Sciences for a review of the land acquisition criteria and programs of the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service. The agencies are directed and encouraged to participate fully in such a review. The Committee convened by the Academy should address, at least, the following items:

Existing criteria used to evaluate potential land acquisition projects and assess agency compliance with existing criteria.

Existing criteria and procedures of the four agencies involved, evaluating their strengths and weaknesses.

Comparable land acquisition criteria, procedures, and guidelines of non-governmental groups, such as The Nature Conservancy, and evaluate their strengths and weaknesses.

The effectiveness of existing or potential criteria in terms of achieving stated public policy objectives.

Report its findings to the Committees in approximately 18 months.

The Academy should consult with the Committees prior to initiating its review.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *Provided further, That \$3,000,000 of the funds made available herein shall be available for land acquisition at Congaree Swamp National Monument, South Carolina, subject to enactment of authorizing legislation: Provided further, That notwithstanding the provisions of Public Law 95-625, the Secretary may initiate condemnation with the consent of the owner of property, improved or unimproved, within the boundary or at a currently authorized administrative site of the New River Gorge National River, West Virginia*

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

The language provides \$3,000,000 for land acquisition at Congaree Swamp National Monument, SC subject to enactment of authorizing language.

The managers are aware that there are several willing sellers of improved properties in New River Gorge NR, with whom the Service has not been able to come to terms for the acquisition of their property. These properties are needed to complete the construction of the Park headquarters at Glen Jean, WV. The managers have agreed to include bill language authorizing the Secretary to initiate condemnation with the consent of the owner.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes permanent language authorizing contracts to be awarded on the basis of contractor qualifications as well as price for environmental systems, housekeeping, protection systems, and repair or renovation of buildings of the John F. Kennedy Center for the Performing Arts.

Amendment No. 36: Appropriates \$250,000 for the Illinois and Michigan National Heritage Corridor Commission as proposed by the House instead of nothing as proposed by the Senate.

Amendment No. 37: Appropriates \$4,765,000 for the American Revolution Bicentennial Administration as proposed by the House instead of nothing as proposed by the Senate.

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

Restore the matter stricken, amended to read as follows:

NATIONAL FILM PRESERVATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Film Preservation Board in the Library of Congress, \$250,000: Provided, That the following may be cited as the "National Film Preservation Act of 1988":

SECTION 1. FINDINGS.

The Congress finds that—

- (1) motion pictures are an indigenous American art form that has been emulated throughout the world;*
- (2) certain motion pictures represent an enduring part of our Nation's historical and cultural heritage; and*
- (3) it is appropriate and necessary for the Federal Government to recognize motion pictures as a significant American art form deserving of protection.*

SEC. 2. NATIONAL FILM REGISTRY.

The Librarian of Congress (hereafter in this Act referred to as the "Librarian") shall establish a National Film Registry pursuant to the provisions of this Act, for the purpose of registering films that are culturally, historically, or aesthetically significant.

SEC. 3. DUTIES OF LIBRARIAN OF CONGRESS.

(a) POWERS.—The Librarian shall, after consultation with the Board established pursuant to section 8, and pursuant to the rule-making procedures provided in subchapter II of chapter 5 of title 5, United States Code, known as the Administrative Procedures Act—

(A) establish criteria for guidelines pursuant to which such films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such films first theatrical release;

(B) establish a procedure whereby the general public may make recommendations to the Board regarding the inclusion of films in such National Film Registry;

(C) establish general guidelines so that film owners and distributors are able to determine whether a version of a film registered on the National Film Registry which is in their possession has been materially altered.

(2) In addition, the Librarian shall—

(A) determine, from time to time, after consultation with the Board, which films satisfy the criteria developed pursuant to paragraph (1)(A) and qualify to be included in the National Film Registry, except that the Librarian shall not select more than 25 films per year for inclusion in such Registry;

(B) convene, from time to time, a panel of experts, as provided in subsection (b), solely to advise the Board on whether it is necessary to petition Congress to revise the definition of "material alteration";

(C) provide a seal to indicate that the film has been included in the National Film Registry as an enduring part of our national cultural heritage and such seal may then be used in the promotion of any version of such film that has not been materially altered; and

(D) have published in the Federal Register the name of each film that is selected for inclusion in the National Film Registry.

(3)(A) The Librarian shall submit annual reports to the appropriate Committees of the Congress listing films included on the National Film Registry and describing the criteria used in determining why specific films were included in the National Film Registry.

(B) The first such report shall be submitted within 12 months after the date of enactment of this Act.

(b) COMPOSITION OF PANEL.—The panel provided for in subsection (a)(2)(B) shall be chosen by the Librarian. It shall be comprised of four persons, one representative each from the Motion Picture Association of America and the National Association of Broadcasters, and one representative of the Directors Guild of America and one representative of the Screen Actors Guild of America. The Presidents of these four organizations shall recommend three nominees to serve on such panel.

(c) APPEALS TO THE LIBRARIAN.—(1) The owner, exhibitor, or distributor of a film may appeal to the Librarian—

(A) objecting to the Board's recommendation of such film for inclusion in the National Film Registry; or

(B) the determination that a version of film which is included in the National Film Registry has been materially altered.

(2) The Librarian shall refer such appeals to the Board for its recommendation.

(c) REGISTRY COLLECTION.—The Librarian shall endeavor to obtain, by gift from the owner, an archival quality copy of an original version of each film included in the National Film Registry.

All films so received by the Librarian shall be maintained in a special collection in the Library of Congress to be known as the "National Film Board Collection". The Librarian shall, by regulation, provide for reasonable access to films in such collection.

SEC. 4. LABELING REQUIREMENTS.

(a) **LABEL REQUIRED.**—Except as otherwise provided in this section, no person shall knowingly distribute or exhibit to the public a materially altered version of a film included in the National Film Registry unless the version is labeled as required by this section.

(b) **EFFECTIVE DATE OF LABEL.**—Except as provided in subsection (c), any labeling requirement established pursuant to this section shall be effective 45 days after publication in the Federal Register indicating that film has been selected for inclusion in the National Film Registry.

(c) **EXCEPTIONS.**—With respect to films intended for home use through either retail purchase or rental, the provisions of subsection (b) shall apply, however no requirements imposed under this section shall apply to—

(1) a film which has been packaged for distribution prior to the effective date of such requirement with respect to such film, except that the provisions of this paragraph shall not apply if the packaging has been accelerated in contemplation of imposition of such requirement; or

(2) a retail distributor of films for home use, other than a manufacturer or packager, who has in good faith relied on compliance with the provisions of this Act by the manufacturer, wholesaler, or packager of a film.

(d) **REQUIREMENT OF THE LABEL.**—(1)(A) A label for a materially altered version of a film, other than a colorized version, shall consist of a panel card immediately preceding the commencement of the film which bears the following statement:

"This is a materially altered version of the film originally marketed and distributed to the public. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film."

(B) Such a label shall appear in a conspicuous and legible type.

(2)(A) A label for a colorized version of a film shall consist of a panel card immediately preceding the commencement of the film which bears the following statement:

"This is a colorized version of a film originally marketed and distributed to the public in black and white. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film."

(B) Such a label shall appear in a conspicuous and legible type.

(3)(A) A label for a film package of a materially altered film, other than a colorized version, shall consist of—

(i) an area of a rectangle on the front of the package which bears the following statement:

"This is a materially altered version of the film originally marketed and distributed to the public. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film."; and

(ii) an area of a rectangle on the side of the package which bears the following statement:

"This is a materially altered version of the film originally marketed and distributed to the public. See front panel."

(B) Such labels shall appear in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

(4)(A) A label for a film package of a colorized version of a film shall consist of—

(i) an area of a rectangle on the front of the package which bears the following statement:

"This is a colorized version of a film originally marketed and distributed to the public in black and white. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film."; and

(ii) an area of a rectangle on the side of the package which bears the following statement:

"This is a colorized version of original work. See front panel."

(B) Such labels shall appear in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

SEC. 5. MISUSE OF SEAL.

No person shall knowingly distribute or exhibit to the public a version of a film which bears a seal as described by section 3(a)(2)(C) of this Act if such film—

(1) is not included in the National Film Registry; or

(2) is included in the National Film Registry, but such version has been materially altered.

SEC. 6. REMEDIES.

(a) JURISDICTION AND STANDING.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of sections 4 and 5 of this Act upon the application of the Librarian to the Attorney General of the United States acting through the several United States Attorneys in their several districts.

(b) RELIEF.—(1) Except as provided in paragraph (2), relief shall be limited to the prospective inclusion or application of, or removal of, a label as appropriate.

(2) In the case in which the Librarian finds a pattern or practice of the willful violation of this Act, the United States District Courts may order civil fines of not more than \$10,000 and appropriate injunctive relief.

SEC. 7. LIMITATIONS OF REMEDIES.

(a) The remedies provided in section 6 shall be the exclusive remedies under this Act or any other Federal or State law, regarding the use of a seal as described by section 3(a)(2)(C) or labeling of materially altered films.

(b) No remedies under section 6 of this title shall be available with respect to any film which is exempted from the labeling requirements of this Act pursuant to section 4(c).

SEC. 8. NATIONAL FILM PRESERVATION BOARD.

(a) NUMBER AND APPOINTMENT.—(1) The Librarian shall establish in the Library of Congress a National Film Preservation Board to be comprised of thirteen members, selected by the Librarian in accordance with the provisions of this paragraph. Each organization listed in subparagraphs (A) through (M) shall submit a list of not less than 3 qualified candidates to the Librarian. The Librarian shall appoint one member from each such list submitted by the following organizations, and shall designate from that list an alternate who may attend those meetings to which the individual appointed to the Board cannot attend:

- (A) the Academy of Motion Picture Arts and Sciences;
- (B) the Directors Guild of America;
- (C) the Writers Guild of America;
- (D) the National Society of Film Critics;
- (E) the Society for Cinema Studies;
- (F) the American Film Institute;
- (G) the Department of Theatre, Film and Television, College of Fine Arts at the University of California, Los Angeles;
- (H) the Department of Cinema Studies in the Graduate School of Arts and Science at New York University;
- (I) the University Film and Video Association;
- (J) the Motion Picture Association of America;
- (K) the National Association of Broadcasters;
- (L) the Association of Motion Picture and Television Producers; and
- (M) the Screen Actors Guild of America.

(2) Before the Librarian selects nominees for such Board, such Librarian shall request that each of the entities listed in paragraph (1) who do not currently have a nominee on such Board nominate three individuals to serve on such Board. No individual may serve on the Board for more than one term and each entity shall be represented a comparable number of times.

(b) CHAIRPERSON.—The Librarian shall appoint one member to serve as Chairperson.

(c) TERM OF OFFICE.—(1) The term of each member of the Board shall be 3 years.

(2) A vacancy in Board shall be filled in the manner prescribed by the Librarian, except that no entity listed in subsection (a) may have more than one nominee on the Board at any one time. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code. Any member appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(d) QUORUM.—Seven members of the Board shall constitute a quorum but a lesser number may hold hearings.

(e) BASIC PAY.—Members of the Board shall serve without pay. While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(f) *MEETINGS.*—The Board shall meet at least twice each calendar year and the first such meeting shall be within 120 days after the effective date of this Act. Meetings shall be at the call of the Chairperson or a majority of its members.

(g) *CONFLICT OF INTERESTS.*—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

SEC. 9. STAFF OF BOARD; EXPERTS AND CONSULTANTS.

(A) *STAFF.*—The Chairperson of the Board may appoint and fix the pay of such personnel as the Chairperson considers appropriate.

(b) *APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.*—The staff of the Board may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-16 of the General Schedule.

(c) *EXPERTS AND CONSULTANTS.*—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS-15 of the General Schedule, and in no case may a Board member be paid as an expert or consultant.

SEC. 10. POWERS OF BOARD.

(a) *IN GENERAL.*—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and consult with the Librarian with respect to the inclusion in the Registry, and with respect to the powers defined in section 3.

(b) *NOMINATION OF FILMS.*—The board shall consider, for inclusion in the National Film Registry, nominations submitted by representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, producers, and film critics, film preservation organizations and representatives of academic institutions with film study programs. The Board shall not nominate more than 25 films a year for inclusion in the Registry.

SEC. 11. DEFINITIONS.

(a) *DEFINITIONS FOR SECTIONS 1 THROUGH 6.*—As used in section 1 through 6:

(1) The term “Librarian” means the Librarian of Congress.

(2) The term “film” means a feature-length, theatrical motion picture after its first theatrical release.

(3) The term “film package” means the original box, carton or container of any kind in which a videotape or disc is offered for sale or rental.

(4) The term “Board” means the National Film Preservation Board.

(5) The term “material alteration” means to colorize or to make other fundamental post-production changes in a version

of a film for marketing purposes but does not include changes made in accordance with customary practices and standards and reasonable requirements of preparing a work for distribution or broadcast.

(6) The term "to colorize" means to add color, by whatever means, to versions of motion pictures originally produced, marketed, or distributed in black and white.

(7) The term "colorization" means the process whereby a film is colorized.

(b) *EXCLUSION FROM DEFINITION OF "MATERIAL ALTERATION".*—Excluded from the definition of "material alteration" are practices such as the insertion of commercials and public service announcements for television broadcast.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

To carry out the purposes of this Act, there are authorized to be appropriated to the Librarian of Congress, such sums as may be necessary to carry out the purposes of this Act, but in no fiscal year shall such sum exceed \$250,000.

SEC. 13. EFFECTIVE DATE.

The provisions of this Act shall be effective for three years beginning on the date of enactment of this Act. The provisions of this Act shall not apply to any copy of a film materially altered prior to such effective date if such copy of such film is owned by an individual for his personal use, in the inventory of the manufacturer or packager of a videocassette or already distributed to retail or wholesale distributors of videocassettes.

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

Motion pictures are a significant part of our Nation's historical and cultural heritage which uniquely reflect their time. Through the eyes of the filmmaker we relive moments in history gaining insight into the time as the artist intended. The motion picture is a significant art form worthy of recognition and protection. To this end, bill language is included establishing a National Film Preservation Board within the Library of Congress to protect this art form from alteration.

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

Restore the matter stricken, amended to read as follows: *None of the funds in this Act may be used to issue a permit for seismic exploration of Big Cypress National Preserve, Florida, until an environmental impact statement has been completed: Provided, That such statement shall be completed within two years of the date of enactment of this Act.*

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

The language provides for an environmental impact statement to be prepared before permits may be granted for seismic exploration of Big Cypress National Preserve, Florida. The statement is to be completed within two years of the date of enactment of this Act.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *None of the funds provided in this Act shall be available for an appeal to the February 26, 1988 special rate pay approved by the Office of Personnel Management for the U.S. Park Police.*

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

The amendment modifies language proposed by the Senate regarding pay increases for U.S. Park Police.

Amendment No. 41: Deletes language proposed by the Senate regarding Hetch Hetchy Valley. The managers agree that no funds should be used to study, plan, investigate or otherwise advance restoration of Hetch Hetchy Valley.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed, insert: *The Director of the National Park Service shall administer a fellowship program, within available funds, to improve mutual understanding and cooperation between Service employees, and Members and Committees of Congress. The program is dedicated to the memory of Pietro Antonio (Tony) Bevinetto, and Service employees participating in the program shall be known as "Bevinetto Fellows".*

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

The amendment clarifies that an existing program may carry the name "Bevinetto Fellows".

GEOLOGICAL SURVEY

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *up to \$500,000 for a 50 percent cost-shared scientific project for test and observation wells near Kohala, Hawaii: Provided, That upon enactment of this Act and hereafter, final costs related to the National Petroleum Reserve in Alaska may be paid from available prior year balances in this account, and \$451,006,000*

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

The amendment appropriates \$451,006,000 for surveys, investigations and research instead of \$448,056,000 as proposed by the House and \$448,045,000 as proposed by the Senate, and up to \$500,000 for test and observation wells in Hawaii as proposed by the Senate.

The increase above the amount proposed by the House consists of increases of \$500,000 for image mapping; \$1,500,000 for Louisiana wetlands studies; \$1,500,000 for mineral resource surveys on RARE

II Forest Service lands; \$1,000,000 for coal availability studies in VA, KY, and WV; \$400,000 for the regional aquifer program; and \$375,000 for nuclear waste hydrology; and decreases of \$375,000 for geographic information systems (GIS); \$250,000 for Federal geologic mapping; \$1,500,000 for offshore geologic surveys; and \$200,000 for studies of the coast of Mississippi and Alabama (to be done within existing funds).

The managers have agreed to include bill language permitting payment of close out costs for the National Petroleum Reserve in Alaska from available prior year balances.

MINERALS MANAGEMENT SERVICE

Amendment No. 44: Appropriates \$170,744,000 for leasing and royalty management instead of \$170,009,000 as proposed by the House and \$171,847,000 as proposed by the Senate.

The net difference over the amount proposed by the House consists of increases in royalty management of \$200,000 for nonstandard Indian leases, \$400,000 for the audit program, \$35,000 for the State of Louisiana to conduct 8(g) audits, and \$100,000 for two less paid days in fiscal year 1989.

The managers agree that MMS is to provide quarterly reports on the "revenue neutrality" of the revised product value regulations, improvements to the Auditing and Financial System and conversion of the prosecution accounting system.

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: \$35,000 shall be used by the Secretary to enter into a cooperative agreement with the State of Louisiana to carry out or conduct audit activities on any lease or portion of a lease subject only to section 8(g) of the Outer Continental Lands Act of 1953, as amended (43 U.S.C. 1337(g)): Provided, That notwithstanding the provisions of sections 201 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1731), sections 202 through 206 of that Act (30 U.S.C. 1732-1736) shall apply to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act: Provided further, That for purposes of those provisions and for no other purposes, such lease or portion of a lease shall be regarded as within the coastal state or states entitled to receive revenues from it under section 8(g), and of which not less than \$52,302,000

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

The managers have included language which authorizes the Secretary to enter into a cooperative agreement with the State of Louisiana to participate in 8(g) audits. In addition, the amendment earmarks \$52,302,000 for the royalty management program instead of \$51,567,000 as proposed by the House and \$53,605,000 as proposed by the Senate.

BUREAU OF MINES

Amendment No. 46: Appropriates \$159,292,000 for mines and minerals instead of \$146,254,000 as proposed by the House and \$165,167,000 as proposed by the Senate.

The net decrease in the amount proposed by the Senate consists of increases in health and safety and mining technology of \$350,000 for mine disaster prevention, \$200,000 for advanced mining systems, and \$500,000 for selective mining; in minerals and materials \$250,000 for materials performance research; in environmental technology \$700,000 for detoxification of mine waste including \$500,000 for flame reactor research, and \$300,000 for decontamination of mining and processing waters; and in general administration, \$500,000 for deferred maintenance.

These increases are offset by reductions in health, safety and mining technology of \$600,000 for self-contained self-rescuers, \$250,000 for methane drainage, \$400,000 for haulage, \$250,000 for cost-shared field tests of innovative mining concepts, \$500,000 for Casa Grande pilot test, \$500,000 for insitu leaching of precious metals, \$500,000 for coal bumps and outbursts which provides a total of \$1,500,000 to be divided equally between mountain bump and rock burst research; in minerals and materials \$500,000 for flame reactor research; in environmental technology, \$300,000 for the National Mine Land Reclamation Center, \$225,000 for acid mine drainage, and \$50,000 for soil revegetation; in mineral institutes \$2,000,000 for generic research centers; in general administration \$2,200,000 to maintain employment throughout the Bureau; in facilities \$200,000; and a general reduction of \$200,000 for two less paid days.

The managers agree that the Mineral Institute Advisory Committee is to review each generic center annually for the relevance and effectiveness of the research conducted, efficiency of the research performed, the need for further research in the generic area under consideration, the potential for other consortia to perform the work more efficiently and effectively and such other criteria as the Advisory Committee may deem appropriate. Based on this review, the Mineral Institute Advisory Committee shall recommend to the Secretary of the Interior and to the Committees on Appropriations, by order of priority, the continuation, termination, expansion, reconstitution or recompetition of the generic centers.

Amendment No. 47: Earmarks \$91,010,000 to remain available until expended instead of \$84,435,000 as proposed by the House and \$92,785,000 as proposed by the Senate.

Amendment No. 48: Deletes language proposed by the Senate regarding sealing abandoned mine sites in and around the Town of Galena, Kansas.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Amendment No. 49: Appropriates \$101,095,000 for regulation and technology instead of \$104,086,000 as proposed by the House and \$100,837,000 as proposed by the Senate.

The increase over the amount proposed by the Senate is \$258,000 for assessments and collections for six additional auditors.

The managers agree to a general reduction of \$229,000 for the two less paid days as proposed by the Senate instead of reducing general administration as proposed by the House.

ABANDONED MINE RECLAMATION FUND

Amendment No. 50: Appropriates \$193,160,000 for the Abandoned Mine Reclamation Fund instead of \$191,154,000 as proposed by the House and \$201,328,000 as proposed by the Senate.

The net increase over the amount proposed by the House consists of \$2,000,000 in State reclamation program grants to review projects in the Abandoned Mine Land Inventory for consistency in approach and content and \$112,000 in general administration to restore the reduction for the two less paid days in fiscal year 1989. These increases are offset by a general reduction of \$106,000 for the two less paid days.

Amendment No. 51: Deletes language proposed by the Senate which would mandate that the allocation formula used in fiscal year 1988 to distribute the Secretary's discretionary share of the Abandoned Mine Reclamation Fund be used in fiscal year 1989.

The managers agree that the allocation formula to be used in fiscal year 1989 should distribute the Secretary's discretionary share on the basis of historic coal production prior to 1977.

The managers are concerned that the allocation formula from the Secretary's discretionary share of the Abandoned Mine Reclamation Fund has not stabilized over the past few years. Moreover, guidance to the States during fiscal year 1988 regarding appropriateness of projects and projected reclamation costs for certain types of reclamation activities under the inventory has been inconsistent at best. This has led to wasted effort and resources, contention among the States and reduced progress in the effort to reclaim hazardous abandoned mine sites.

Despite the Office of Surface Mining Reclamation and Enforcement's (OSMRE) sloppy execution of improvements to the Abandoned Mine Lands inventory, the managers continue to believe that the inventory of high priority abandoned mines sites requiring reclamation should be a useful tool for allocation purposes. Flaws in the development of the present inventory, however, make it impractical for use in its present form. According to GAO, different State approaches to performing the inventory update, changing OSMRE requirements during the update period, and inconsistent implementation of OSMRE's inventory update guidelines, make the present inventory an inaccurate picture of the relative reclamation needs of one State versus another. Consequently, the managers have recommended that additional funding of up to \$2,000,000 be used by OSMRE to conduct a thorough review and revision, as appropriate, of the existing inventory. This process should be designed to apply standard definitions, guidelines and cost factors, where applicable, to all projects in the inventory. As a first step, the OSMRE should consider other appropriate criteria as well as procedural matters necessary to improve project consistency, and these factors should then be discussed with the States within thirty

days of enactment of this bill. The Office should continue to meet with the States on this "consistency" effort and should report to the relevant Committees of Congress on a quarterly basis with the intent of having a "sound" inventory available for use in the FY 1990 grant cycle.

In the interim, the managers agree that OSMRE should base the FY 1989 allocations of discretionary funds upon historic coal production prior to 1977. The managers are aware that a number of members are concerned about using historic coal production as the sole tool for allocating reclamation funds. Therefore, the OSMRE is directed to make every effort to ensure that a return to the FY 1988 formula, based in part on a sound inventory, is possible in FY 1990. The managers will review OSMRE's effort to improve the inventory's consistency during next year's appropriations process.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Office of Surface Mining Reclamation and Enforcement (OSMRE) to provide for the travel and per diem expenses of State and tribal personnel attending OSMRE training.

The managers have agreed to bill language which allows OSMRE to reimburse State employee travel and per diem to attend OSMRE training programs. OSMRE is to use no more than \$250,000 for this purpose and is to provide such funds only when State funds are not available.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *: Provided further, That the Secretary shall conduct a thorough accounting and reconciliation of the Abandoned Mine Reclamation Fund, under title IV of the Surface Mining Control and Reclamation Act of 1977, for the period from fiscal year 1977 through fiscal year 1988. This accounting and reconciliation shall determine, by State, the source of all contributions to the fund and shall denote all fund disbursements by purpose and fiscal year including letter of credit grants to States.*

Funds authorized as grants to States shall be reconciled according to:

(1) the Surface Mining Control and Reclamation Act of 1977, including the 50 percent State share; and

(2) the formula for allocation of the discretionary share as expressed by the Office of Surface Mining and Reclamation during each relevant fiscal year under review.

The findings of the Secretary shall be transmitted to the Committees on Appropriations by May 1, 1989. Such information shall not be used to amend or revise State allocations during fiscal year 1989.

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

The managers have agreed to include bill language which directs the Secretary to conduct an accounting and reconciliation of Abandoned Mine Lands funds which have been granted to the States. The findings of the Secretary shall be transmitted to the Commit-

tees on Appropriations by May 1, 1989. This information shall not be used to amend or revise State allocations during fiscal year 1989.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 54: Appropriates \$992,767,000 for operation of Indian programs instead of \$996,024,000 as proposed by the House and \$980,486,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of increases of \$350,000 for social services for children of Job Corps training participants in Arizona, \$200,000 for employment development, \$1,696,000 for Indian services—tribe/agency operations, \$141,000 for agriculture for San Carlos fencing, and \$110,000 for the Close Up Foundation; and decreases of \$95,000 for Haskell Indian Junior College, \$50,000 for Navajo Community College, \$250,000 for the tribally-controlled community colleges endowment fund, \$100,000 for Klamath economic development plan, leaving \$150,000 to complete the plan, \$500,000 for the proposed Institute for Tribal Government, \$2,500,000 for contract support, \$175,000 for the geographic information system, \$564,000 for wildlife and parks, \$70,000 for natural resources—tribe/agency operations, \$500,000 for facilities management, and \$950,000 for automated data processing.

The \$200,000 increase for employment development is for the United Tribes Technical College. The managers expect the College to meet operating expenses in future years within the increased base level provided, or through other sources, rather than seeking additional appropriations each year. The managers expect the Bureau to work with the Oglala Sioux Tribe to identify possible sources of funding for the tribal community college learning resource center.

Under Indian services—tribe/agency operations, a total increase of \$4,000,000 is provided for law enforcement, consisting of \$500,000 for the Gila River juvenile detention center, \$450,000 to be divided equally for retroceded law enforcement programs on the Quileute, Swinomish and Chehalis reservations in Washington, \$250,000 to continue the Tohono O'Odham substance abuse initiative, and \$150,000 for the Sault Ste. Marie Tribe to fund its law enforcement program, since State and county law enforcement agencies have withdrawn services from the area. In addition, restoration of the 1988 increases is provided for the Winnebago Tribe (\$70,000), the Lummi Tribe (\$100,000), the Quinault Tribe (\$175,000), the Miccosukee Tribe (\$50,000), the Rosebud Tribe (\$150,000), the Standing Rock Sioux Tribe (\$50,000), and the Cheyenne River Sioux Tribe (\$250,000), and a general increase of \$1,805,000 is provided. The balance of the increase for tribe/agency operations consists of increases of \$186,000 for the Chitimacha Tribe, \$60,000 for Pasqua Yaqui fire protection, and \$60,000 for the Penobscot tribal court; and a decrease of \$300,000 to the self-governance planning funding, leaving \$1,200,000 to continue second-year planning funds for those tribes needing additional planning, and to allow several new tribes to begin planning efforts in fiscal year 1989. All add-ons in tribe/agency operations are to be added to the base unless it is indicated

they are one-time only additions. The additional funds for Pasqua Yaqui fire protection are to be added to their base, which is understood to be \$111,000. The managers have not provided additional new tribes funding for the Lac Vieux Desert Tribe of Michigan pending final passage of the authorizing legislation. If necessary, the Bureau should consider a reprogramming to address the needs of the Lac Vieux Desert Tribe if the authorizing legislation is approved prior to submission of the fiscal year 1990 budget. None of the funds provided for contract support are to be used for contract monitoring.

With respect to funding provided for welfare assistance grants, the managers reiterate that the Bureau should not make any changes with regard to the income disregard for per capita payments until Congress has reviewed the issue and acted on proposed legislation. It is the expectation of the managers that the Bureau will continue the provision of institutional care services in Arizona at the level presently provided, pending implementation of the Arizona Health Care Cost Containment System. The managers do not recommend any earmarks within the total level of funding provided for self-determination grants, including the \$280,000 proposed to be earmarked by the Senate for a microwave digital telephone system for the Havasupai Tribe, AZ. However, the managers direct the Bureau to work with the tribe to identify other needs in the fiscal year 1990 budget or through a fiscal year 1989 reprogramming that the Bureau could appropriately fund, in order to free up non-Federal tribal resources which could be used for this purpose. With respect to the Tohono O'Odham tribal court, the managers concur with the Senate language regarding future funding for the court, but only if the Tribe establishes funding for the court within its Indian Priority System base. The managers expect the Office of the Secretary to consult and work with the tribes in preparing to take over the function of indirect cost negotiations beginning in fiscal year 1990. The managers agree that none of the business development grant funds or road maintenance funds are earmarked.

The decrease of \$564,000 for wildlife and parks from the House level consists of increases of \$100,000 for the Leech Lake hatchery, \$100,000 for grants to Montana tribes, and \$120,000 for the Navajo heritage program; and decreases of \$50,000 for tribal fish hatchery maintenance, \$250,000 for Chippewa Ottawa Treaty Fishery Management Authority, \$330,000 to the amount transferred from the tribe/agency line (so the amount becomes \$11,410,000), and \$254,000 for transfer of the Quinault NFH to the Fish and Wildlife Service.

The minerals and mining funding includes \$250,000 for the Council of Energy Resource Tribes. There is also \$75,000 for a gold mining feasibility study, Fort Belknap reservation.

The decrease of \$70,000 in natural resources—tribe/agency operations from the House level consists of an increase of \$330,000 to the amount transferred to wildlife and parks, and decreases of \$250,000 for Passamaquoddy forest development, \$100,000 to Leech Lake hatchery, and \$50,000 to Umatilla fisheries.

The total decrease of \$500,000 for Geographic Information Systems consists of reductions of \$100,000 for GIS coordinators, \$100,000 for software development/acquisition, \$200,000 for techni-

cal specialists, \$50,000 for increased map digitizing, and \$50,000 for hardware and peripherals.

The managers direct the Department of the Interior to negotiate a new lake-wide management agreement for Lake Roosevelt and to report back to the Appropriations Committees on the progress made in completing that agreement by January 31, 1989.

Within water resources funds, there is \$387,000 for the Confederated Salish and Kootenai Tribes of the Flathead reservation, \$190,000 for the Seminole Tribe's water office, and \$315,000 for the Navajo Nation.

The total decrease of \$1,950,000 to automated data processing consists of \$700,000 in maintenance, \$100,000 in software, \$200,000 in central management, \$100,000 to the task force, \$750,000 to field offices and \$100,000 to the Detroit Office. None of the funds are to be used for the operation of an office in Detroit.

With regard to the funds under trust responsibilities for the Little Colorado River Basin water rights adjudication, \$50,000 each should be provided to the Hopi and Navajo tribes to cover the cost of historical studies and engineering work being undertaken by the tribes with the approval of the Bureau. The Bureau should also work with the Yakima tribe to see that its needs are addressed with regard to their ground water study.

Amendment No. 55: Provides \$71,004,000 for scholarships and Johnson-O'Malley educational assistance as proposed by the House instead of \$68,564,000 as proposed by the Senate.

Amendment No. 56: Provides that \$250,000 of appropriated funds will be available for cyclical maintenance of tribally-owned hatcheries, instead of \$300,000 as proposed by the House, and deletes Senate language which would have provided for the maintenance from savings from hatcheries transferred to the Fish and Wildlife Service.

Amendment No. 57: Provides \$230,000 for a grant to the Close Up Foundation as proposed by the Senate instead of \$120,000 as proposed by the House.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends the Cow Creek Band of Umpqua Tribe of Indians Recognition Act.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted, insert: : *Provided further, That notwithstanding any other provision of law, 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 basis of the formula recommended by the Assistant Secretary—Indian Affairs in a letter to the Committees on Appropriations dated June 27, 1988, except that for the fiscal year ending September 30, 1989 the minimum weight factor shall be 1.1 rather than 1.3 and for the fiscal year ending September 30, 1990 the minimum weight factor shall be 1.2 rather than 1.3*

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

This provision provides for the phased-in implementation over a three-year period of a new formula for the distribution of Johnson-O'Malley educational assistance funds.

Amendment No. 60: Deletes language proposed by the Senate which would have amended legislation to change the distribution of income derived from the interest in the Chilocco School Reserve lands in Oklahoma.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the payment of general assistance funds for dependent children of Job Corps participants in Arizona at the full State AFDC A-2 grant level.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that not to exceed \$700,000 remaining available under the authority of Public Law 93-530 shall be transferred to the San Carlos Apache Tribe for economic development purposes, and that the Federal Government shall have no further obligation to appropriate funds for the purposes identified in Public Law 93-530.

CONSTRUCTION

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$79,283,000 for construction instead of \$79,136,000 as proposed by the House and \$78,513,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount proposed by the House consists of increases of \$790,000 for Turtle Mountain Middle School, ND, and \$29,000 to restore the reduction made by the House for two less paid days; and decreases of \$372,000 for the Red Cliff Chippewa hatchery, and \$300,000 for the Milk River, MT irrigation project.

The managers have agreed to provide \$790,000 in additional funds for the Turtle Mountain Middle School. The cost of the specific items to be included in the project with these funds may be subject to change due to renegotiation of the original bid estimates.

No specific funds have been provided for planning and design of the Pine Ridge, SD high school. However, the managers recognize this facility has been ranked high on the new construction priority list, and that planning and design funds will be made available for the project in order of its ranking.

Amendment No. 64: Provides \$1,100,000 for rehabilitation of tribally-owned fish hatcheries as proposed by the House instead of \$1,500,000 as proposed by the Senate.

Amendment No. 65: Deletes language proposed by the Senate which would have transferred \$332,000 to the Institute of American Indian and Alaskan Native Culture and Arts Development for renovation of a building and relocation of museum collections.

Amendment No. 66: Deletes language proposed by the Senate which would have transferred \$34,000 from Northern Cheyenne irrigation construction unobligated balances to the Dull Knife Memorial College.

MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 67: Appropriates \$13,952,000 for miscellaneous payments to Indians as proposed by the House instead of \$13,955,000 as proposed by the Senate.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Amendment No. 68: Appropriates \$92,767,000 for administration of territories instead of \$82,397,000 as proposed by the House and \$96,087,000 as proposed by the Senate. The increase over the amount proposed by the House consists of increases of \$500,000 for Virgin Islands water improvements, \$10,000,000 for a grant to the Northern Mariana Islands for the Saipan Harbor project and \$170,000 for the grant to the Close Up Foundation; and a decrease of \$300,000 for American Samoa hospital improvements.

The Government of the Northern Mariana Islands is to provide the balance of funding for both the onshore and offshore portions of the Saipan Harbor project. The managers expect the Northern Marianas government, with the assistance of the Army Corps of Engineers, to develop a plan to coordinate the management of construction for the harbor development. This plan shall provide for coordination and cooperation between all parties directly involved in design and construction so that savings anticipated from concurrent construction of the onshore and offshore components of the harbor development will be realized. The plan may require the two components to be combined and contracted as one project, if that is decided to be the best approach. The managers expect the Department of the Interior to cooperate in the implementation of the plan as developed by the Northern Marianas government with the assistance of the Army Corps of Engineers.

The funds included in the appropriation for the Ordot landfill in Guam shall not be made available until a system of user fees for the landfill is in place.

The funds for hospital improvements in American Samoa are to be made available only upon creation and implementation of an independent hospital authority, which shall in its charter of origin possess the authority to establish its own fee schedule for reasonable cost recovery.

The funds provided for drug enforcement in the Virgin Islands shall be spent consistent with the agenda finally approved by the National Drug Policy Board.

Funding is not included at this time for additional improvements to the fuel tank farm in American Samoa. The managers remain concerned, however, about safety conditions at the tank farm which have resulted from the failure to properly maintain the facility. Accordingly, the managers request that the Department of the Interior Office of Territorial and International Affairs, in coop-

eration with the American Samoa Government, submit a report to the Appropriations Committees by March 1, 1989, outlining options and making recommendations for a permanent solution to the deteriorating conditions at the tank farm, including a funding mechanism for that solution. The managers request that the report include, but not necessarily be limited to, the following options: a firm financial commitment by the American Samoa Government to meet its obligations as owner of the tank farm to make capital improvements necessary to bring it into compliance with applicable safety and environmental standards; transfer of ownership of the tank farm to a Federal government agency; and, domestic privatization of the tank farm. The report should also include an up-to-date appraisal of the value of the tank farm and the property on which it is located; and a status report on relocation efforts on behalf of Gataivai Village residents.

Amendment No. 69: Provides \$89,741,000 to remain available until expended instead of \$79,371,000 as proposed by the House and \$93,041,000 as proposed by the Senate.

Amendment No. 70: Provides \$3,026,000 for salaries and expenses as proposed by the House instead of \$3,046,000 as proposed by the Senate.

Amendment No. 71: Restores the word "those" stricken by the Senate, and deletes the word "the" inserted by the Senate. These words are related to the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Marianas Islands.

Amendment No. 72: Restores language stricken by the Senate which provides that covenant grant funding is provided according to those terms of the agreement between the United States and the Northern Marianas which were approved by P.L. 99-396. The managers understand that there is disagreement concerning this language and suggest that the authorizing committees work together to resolve the disagreement.

Amendment No. 73: Provides \$710,000 for a grant to the Close Up Foundation as proposed by the Senate instead of \$540,000 as proposed by the House.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Amendment No. 74: Appropriates \$28,434,000 as proposed by the House instead of \$18,287,000 as proposed by the Senate.

Amendment No. 75: Restores language stricken by the Senate which provides \$10,304,000 for payment of claims pursuant to the Micronesian Claims Act of 1971.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that unobligated balances that remain available when the Palau Compact is implemented shall be used to reduce the Trust Territory deficit.

COMPACT OF FREE ASSOCIATION

Amendment No. 77: Appropriates \$32,360,000 for Compact of Free Association instead of \$36,160,000 as proposed by the House

and \$30,360,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of an increase of \$200,000 to the general reduction to Federal services assistance, and a decrease of \$4,000,000 in Federal disaster aid reimbursement funds. This reduction is possible because the Federal Emergency Management Agency (FEMA) has been providing disaster aid to the freely associated States (FAS) out of the disaster assistance fund without reimbursement. This action is not intended in any way to disrupt the provision of disaster assistance to the FAS, and pursuant to the Compact, FEMA is to continue to provide such assistance as necessary.

With regard to the \$1,000,000 provided for the causeway project to link Ebeye and Gugeegue, the Kwajalein Atoll Development Authority (KADA) is expected to use the funds it receives annually under the Compact to cover the remaining costs of the project. The managers also expect that KADA and the Army will cooperate to use project funds available to each most efficiently, and request that KADA, in cooperation with the Army, submit a report to the Appropriations Committees on the steps taken to coordinate these projects prior to the award of any contracts.

Amendment No. 78: Restores House language stricken by the Senate which provides \$2,500,000 for the Enjebi Community Trust Fund. This is the last increment of the \$10,000,000 trust fund authorized by the Compact.

Amendment No. 79: Deletes House language on Bikini resettlement as proposed by the Senate.

Amendment No. 80: Deletes House language on Bikini resettlement as proposed by the Senate.

Amendment No. 81: Deletes House language on Bikini resettlement as proposed by the Senate.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the deposit of \$90,000,000 into the Resettlement Trust Fund for the People of Bikini in installments, beginning with \$5,000,000 in fiscal year 1989.

The managers on the part of the House concur with the Senate report language on the Bikini resettlement in lieu of the House report language, and agree that this language reflects Congressional intent regarding this provision.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for modification of the terms of the Bikini Resettlement Trust Fund.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for eventual extinguishment of the Bikini Resettlement Trust Fund, and that payment of funds in accordance with this language is for the sole purpose of implementing and fulfilling the terms of the Section 177 Agreement referred to in the Compact of Free Association.

OFFICE OF THE SECRETARY

Amendment No. 85: Appropriates \$49,067,000 for the Office of the Secretary instead of \$49,580,000 as proposed by the House and \$48,809,000 as proposed by the Senate.

The net decrease to the House position includes reductions of \$30,000 in the Office of the Assistant Secretary, Policy, Budget and Administration, \$33,000 in acquisition and property management, \$50,000 in financial management and \$400,000 in the amount provided for restoration of the historic characteristics of the Interior building.

Within the amount provided is \$75,000 to provide for the transition of indirect cost negotiation from the Inspector General to the Office of the Secretary.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: : *Provided, That the National Park Service shall reissue a Notice of Proposed Rulemaking on the mandatory use of seatbelts while traveling on National Park Service roads within 30 days after the date of enactment of this Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment provides for a Notice of Proposed Rulemaking on seat-belt use on National Park Service roads instead of withholding 5 per centum of Office of the Secretary funds until final rules are issued. The Park Service should take special measures to solicit comments on proposed rules from appropriate State and Federal highway safety agencies as well as other interested health and safety organizations.

Amendment No. 87: Appropriates \$18,749,000 for the Office of the Inspector General instead of \$18,858,000 as proposed by the House and \$18,649,000 as proposed by the Senate.

The decrease to the amount proposed by the House includes decreases of \$55,000 because of an overestimate of GSA space costs and \$54,000 for overestimated pay cost annualization.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 88: Limits consultant services to \$500,000 as proposed by the House instead of \$810,000 as proposed by the Senate.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken, amended to read as follows: *SEC. 107. 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: Provided, That no funds made available by this or any other Act shall be expended to exchange lands located within the bound-*

aries of the Lake Mead National Recreation Area in Nevada in township 32 south, range 22 west, Mount Diablo Meridian.

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

The amendment restores House language which prohibits changing the name of Mount McKinley and includes Senate language which prevents an exchange within the boundaries of the Lake Mead NRA, NV.

Amendment No. 90: Deletes Senate language which prevents any exchange of lands located within the boundaries of the Lake Mead National Recreation Area in Nevada in township 32 south, range 22 west, Mount Diablo Meridian. This item is addressed in Amendment No. 89.

Amendment No. 91: Deletes language proposed by the House which amends section 5 of the Outer Continental Shelf Lands Act by adding a new subsection which requires that any new construction of vessels, rigs, platforms or other structures be built from articles, materials, or supplies at least 50 percent of which, by cost, shall have been mined, produced or manufactured in the United States.

The managers agree to delete language requiring 50 percent domestic construction and content for any new construction of vessels, rigs, platforms and other structures used in the Outer Continental Shelf. The managers recognize that the design and manufacture of equipment used in the exploration and production of America's offshore oil resources is an important strategic American industry and the managers will continue to closely monitor developments in this area to assure that the industry remains a viable one. As such, the managers again urge the oil and gas industry, in every reasonable instance, to contract with U.S. manufacturers and fabricators for oil drilling and production equipment. Absent progress in this area there may be a need to include language such as the "Buy-Build America" provision.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *SEC. 113. Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the approval of permits for the acquisition of geologic and geophysical data in Outer Continental Shelf areas, except that exploratory drilling shall not be permitted by this provision in lands within the Eastern Gulf of Mexico Planning Area which lie south of 26 degrees North latitude and east of 86 degrees West longitude and for areas identified as the Northern California Planning Area and the Georges Bank-North Atlantic Planning Area out to 400 meters.*

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

The managers have permitted some geological and geophysical activity, including high energy seismic surveys, in areas which are under moratoria. The managers agree that exploratory drilling activities are still prohibited in areas under moratoria.

The managers expect MMS to continue conflict resolution when permits for high energy seismic surveys are requested. In addition, the managers anticipate that when the results of environmental studies currently underway on the effects of geologic and geophysical studies are completed, the MMS will report to the Committees on Appropriations on the need for the development of a new Environmental Assessment or Environmental Impact Study on seismic surveys.

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *SEC. 114. Notwithstanding any other provision of law, and subject to valid existing rights, the Secretary of the Interior shall transfer to the Housing Authority, Clark County, Nevada, without consideration, all rights, title, and interest of the United States, in and to the land described as township 21 south, range 60 east, Mount Diablo Meridian, section 24, north half of southwest quarter, Clark County, Nevada, for use only as a mobile home park for low income senior citizens, reserving to the United States all minerals under applicable law and such regulations as the Secretary of the Interior may prescribe, and as required by the Act of August 30, 1980 (43 U.S.C. 945), a right-of-way thereon for ditches or canals constructed by the authority of the United States: Provided, That if such land ceases to be used as a mobile home park for low income senior citizens, all rights, title, and interest in and to such land shall revert to the United States.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The agreement clarifies the Senate amendment which transfers land to Clark County, Nevada for use as a mobile home park for low income senior citizens by specifying the rights retained by the United States in the land transfer and providing for reversion of the land to the United States if the land ceases to be used for a low income senior citizens' mobile home park.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends the Compact of Free Association Act to provide for supplemental food assistance to Rongelap and Utrik.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes a guaranteed loan to the Government of Guam for water system improvements.

Amendment No. 96: Deletes language proposed by the Senate which reduces object classes 21, 25, 26 and 31 by 2 per centum and directs the Minerals Management Service toward leases consistent with bid review procedures for Outer Continental Shelf Lease Sale 92 in October 1988.

Amendment No. 97: Deletes language proposed by the Senate which would have provided that funds received by the Government of Guam in excess of the 30 percent limitation for reasonable devel-

opment costs contained in P.L. 98-454 would be used for the development of port facilities, subject to the prior approval of the Secretary of the Interior.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following: *SEC. 117. Within currently available funds, the Secretary of the Interior is directed immediately to appoint and compensate an independent third party factfinder mutually agreed upon by the Secretary and the Governor of Louisiana, to make all appropriate factual findings relating to past drainage on State and Federal leases occurring along the boundary of the State of Louisiana and Federal waters. Such factual findings shall include:*

(a) whether drainage of either United States or State hydrocarbons has occurred during the time period starting April 7, 1986, and ending on the date the factfinding proceeding is completed;

(b) the areas or reservoirs from which the drainage occurred;

(c) the quantity of recoverable hydrocarbons, determined on a volumetric basis, originally in place within such areas or reservoirs prior to any production therefrom;

(d) the respective percentages of such recoverable hydrocarbons within the Federal and State portions of such areas or reservoirs;

(e) the total accumulated volume of any net drainage from each area or reservoir, including the value thereof (together with a description of the method for determining such value) and all production costs incurred during that period;

(f) the net dollar impact to the United States, United States lessees, the State of Louisiana, and the State lessees that has resulted from any such drainage from each area or reservoir;

(g) the proper allocation of production from each field from all time periods starting April 7, 1986; and

(h) the proper prospective allocation of production from the field involved.

Within 180 days of the date of enactment of this Act, the third party factfinder shall submit a written report containing the factual findings to the Secretary, the Governor of Louisiana, and the Congressional Committees of jurisdiction. The Secretary shall then prepare a plan 60 days after receipt of the written report regarding options for the potential redistribution of royalty receipts, if warranted by the finding of this written report.

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

The managers agree to require a report by an independent third party factfinder which will review drainage on all leases between the boundary of the State of Louisiana and Federal waters. The factfinder has 180 days to complete this study and submit a written report. The Secretary of the Interior is to prepare a plan for the Congressional committees of jurisdiction regarding options for the potential redistribution of royalty receipts, if warranted by the findings of this written report. This report is not intended to serve

as the basis for requiring any additional payments by the Federal lessee on the West Delta Field as a result of past production from that field.

Amendment No. 99: Deletes language proposed by the Senate regarding a study to determine a site for a National Fisheries Research Center.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 100: Appropriates \$137,867,000 for forest research instead of \$139,865,000 as proposed by the House and \$312,599,000 as proposed by the Senate. The net decrease from the amount proposed by the House consists of increases of \$85,000 for hardwood supply research, Princeton, WV, \$160,000 for southern pine genetics, Gulfport, MS, \$201,000 for hardwood research, Parsons, WV, \$300,000 for hydrologic evaluation, Oxford, MS, \$102,000 for acidification research, Parsons, WV, \$375,000 for anadromous fish, Boise, ID, \$190,000 for processing research, Pineville, LA, \$42,000 for harvesting research, Morgantown, WV, \$78,000 for hardwood utilization research, Princeton, WV, and \$650,000 for the hardwood bridge initiative; and decreases of \$54,000 for urban-wildland interface, Riverside, CA, \$161,000 for multiple-use evaluations, Fort Collins, CO, \$125,000 for non-point-source pollution, Boise, ID, \$131,000 for second growth Douglas fir research, Portland, OR, \$601,000 at Madison, WI (including \$219,000 for biological wood pulping, \$167,000 for design procedures, \$107,000 for light-frame construction, and \$108,000 for wood strength properties) \$109,000 for wood-coal combustion, Carbondale, IL, and \$3,000,000 for competitive grants.

The managers agree that the Department of Agriculture should include the forest research competitive grants program within the Cooperative State Research Service competitive grants program beginning in fiscal year 1990. The recommended level includes \$1,350,000 to support the Advanced Hardwood Processing and Technical Resource Center at Princeton, WV. This allowance continues the 1988 earmark of \$50,000 for a cooperative agreement with West Virginia University.

The recommended level includes \$1,050,000 for FIR/COPE research.

The recommendation also includes \$200,000 for planning a nationwide study of the effects of forest fire smoke on firefighters under the auspices of the National Wildlife Coordinating Group, with the participation of Johns Hopkins University.

Amendment No. 101: Deletes House language which would have provided \$3,000,000 for competitive grants, as proposed by the Senate.

Amendment No. 102: Deletes language proposed by the Senate which would have earmarked \$637,000 for research at Lincoln, NE.

The recommended level includes \$643,000 for research at Lincoln, NE.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

The Secretary is directed to convey by quitclaim deed, without a requirement for reimbursement, all right, title, and interest of the United States in and to all improvements (1) situated on leased land as recorded in Docket 5191, pages 258-260, Maricopa County, Arizona, and (2) situated on leased land as recorded in docket 4388, pages 452-455 and Docket 4673, pages 147-148, Maricopa County, Arizona.

The Secretary is further directed, concurrently with conveyances under this section, to relinquish, without a requirement for reimbursement, that certain lease dated October 13, 1962, as amended on May 15, 1963, and that certain related Memorandum of Understanding of like date therewith (collectively referred to herein as the "lease agreement"), which instruments cover and pertain to the real property located on the campus of Arizona State University in Tempe, Arizona: Provided, That the United States is hereby released from any and all liability arising from the future use of the facilities or lands affected by this Act: Provided further, That the Forest Service shall continue to occupy the facilities described herein, at no increased expense, until such time as replacement space which is determined to be comparable by the Forest Service is available: Provided further, That the Forest Service may not move from the facilities described herein unless the move is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714.

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

The managers have included language which terminates a lease and transfers title of a forestry sciences laboratory, parking area, and headhouse to Arizona State University, in order to allow the university to proceed with its plans for a new engineering center. However, until such time as comparable replacement laboratory facilities are provided to replace the existing facility, the Forest Service will continue to occupy its laboratory space at Arizona State University.

STATE AND PRIVATE FORESTRY

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$86,668,000 for State and private forestry instead of \$78,143,000 as proposed by the House and \$82,918,000 as proposed by the Senate.

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

The increase over the amount proposed by the House consists of increases of \$5,600,000 for the Appalachian integrated pest management demonstration project, \$75,000 for Two Forks, CO resource analysis, \$2,700,000 for the hardwood timber bridge initiative, \$500,000 for economic diversification studies, and \$250,000 for New England timber resource analysis; and a decrease of \$600,000 for a grant to Oregon for the Old Columbia River Highway.

The managers have agreed to provide a total of \$3,350,000 for an initiative related to increasing the use of hardwoods in the construction of timber bridges. The initiative will be managed out of the Hardwood Timber Bridge Information Resource Center in Morgantown, West Virginia. The funding includes \$650,000 funded under the Research account, including \$500,000 for research and \$150,000 for cooperative agreements with West Virginia University's civil engineering department, forestry school, and the Harley O. Staggers National Transportation Center; \$500,000 for technical assistance and technology transfer; \$200,000 for project administration; and \$2,000,000 for a demonstration program for the construction of timber bridges, \$1,000,000 of which shall be used in West Virginia.

The managers have agreed to review the progress of constructing the demonstration bridges. No commitment is made for additional demonstration bridges.

\$250,000 is provided for a study of the timberland resources in New York, Vermont, New Hampshire and Maine, and the managers expect the States to spend an equal amount. Changes in forest land ownership in northern New England and New York are leading to increased subdivisions, development of large tracts of lands, and a loss of traditional economic and recreational uses of these lands and it has been suggested that a similar situation may occur in the State of Maine at some time in the future. Unless prompt action is taken, there may be an irreparable loss of these forest resources. Accordingly, funds have been provided for the Secretary of Agriculture, acting through the Forest Service, to conduct a study of forest lands in these four states. The study shall be completed and submitted to the Congress within one year of enactment of this Act.

The Study shall include identification and assessment of: (1) forest resources including, but not limited to, timber and other forest products, fish and wildlife, lakes and rivers, and recreation; (2) historical land ownership patterns and projected future land ownership, management, and use; (3) the likely impacts of the changes in land and resource ownership, management, and use of traditional land use patterns, including economic stability and employment, public use of private lands, natural integrity, and local culture and quality of life; and (4) alternative strategies to protect the long-term integrity and traditional uses of such lands. Specifically, the alternative conservation and management strategies shall consider a sustained flow of renewable resources in a combination which will meet the present and future needs of society, permanent public access for recreation, protection of fish and wildlife habitat, preservation of biological diversity and critical natural areas, and new State or Federal designations.

The study shall be done in consultation with the Governors' Task Force on Northern Forest Lands, and the Secretary shall provide for public involvement including State and local governments, landowners, private organizations and the general public. This study is not intended to lead to administrative action by any agency of the Federal government, but rather to provide Congress and the affected State governments with information for possible future action.

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Provided further, That notwithstanding any other provision of law, a grant of \$3,600,000 shall be provided to the Washington State Parks and Recreation Commission for construction of the Spokane River Centennial Trail, and a grant of \$1,350,000 shall be provided to the County of Kootenai, Idaho, for construction of the Idaho Centennial Trail*

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

The amendment provides funding for centennial trails in the States of Washington and Idaho. Funding proposed by the House for the Old Columbia River Highway in Oregon has been deferred.

NATIONAL FOREST SYSTEM

Amendment No. 106: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$1,329,488,000 instead of \$1,309,244,000 as proposed by the House and \$1,329,018,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the Senate consists of increases of \$872,000 for minerals management, including an additional \$100,000 for the Tongass NF, \$3,000,000 for real estate management, \$13,000,000 for additional fuels treatment, \$248,000 for range management, and \$1,182,000 for land line location, \$600,000 for cooperative law enforcement, \$500,000 for road maintenance, \$10,800,000 for timber sales, (including \$3,300,000 for advance preparation of timber sales, \$2,000,000 for non-timber support, \$500,000 for the old-growth inventory, and \$5,000,000 for harvest administration), \$3,450,000 for wildlife and fish habitat (including decreases of \$500,000 to the funds provided for an additional 100 FTE's, \$500,000 to wildlife habitat improvement, \$1,300,000 to inland fish habitat, \$1,142,000 to anadromous fish habitat, \$704,000 for the Monongahela NF, and an increase of \$696,000 for repair of fire damage), and \$1,470,000 for general administration, including a decrease of \$925,000 for the Tongass NF.

Increases included for the Tongass are \$423,000 in trail maintenance, \$967,000 in recreation, \$1,000,000 in wildlife and fish habitat, and \$1,000,000 in soil, water and air management.

The following earmarks are included for the Monongahela NF: \$382,000 for land line location, \$500,000 for road maintenance, \$456,000 for wildlife and fish administration, \$142,000 for wildlife habitat improvement, \$106,000 for inland fish habitat and \$206,000 for soil, water and air management. Within the recreation program, there is \$50,000 for wild and scenic river inventory, \$220,000 for recreation use, \$226,000 for cultural resources, and \$50,000 for wilderness.

In the soil, water and air management program, there are increases over the estimate of \$2,500,000 for operations, including \$500,000 for the Federal facilities compliance program, and \$730,000 for fire damage costs; \$4,058,000 for improvements, including \$852,000 for fire damage repair; and \$2,000,000 for inventories, including \$108,000 for fire damage costs.

Within available funds, there is \$90,000 to be provided to the National Academy of Sciences for a study of how oil and gas resources are considered in land use planning.

The managers agree that the portion of the land line location program related to the timber sales program shall be included in the timber sales support table included in the budget justification beginning in fiscal year 1990.

There is an increase of \$500,000 to accelerate the ongoing old growth inventory, to include Forest Service, National Park Service, Bureau of Land Management, and State lands.

The managers expect the Forest Service to spend additional K-V funds as necessary to meet increased timber salvage-related reforestation needs.

For the challenge cost share program, the Forest Service may use up to \$3,000,000 in the recreation program, \$1,500,000 in the anadromous fish habitat program, and some or all of the \$1,500,000 increase in wildlife habitat management. The threatened and endangered species program shall be included in the challenge cost share program. The Forest Service may use up to \$500,000 in their recreation challenge cost share program for archaeological law enforcement programs in Utah, Colorado and New Mexico, comparable to the program in Arizona. Included in the anadromous fish habitat program is \$450,000 for the Green Mountain and White Mountain NF's. Within the inland fisheries program, there is an additional \$200,000 for fishery protection and to halt erosion on the Clearwater, Payette, and Panhandle NF's.

Within the soil, water and air program, a total of \$400,000 is provided to continue water quality monitoring in the Bull Run watershed, Mount Hood NF.

The managers agree on the following regional breakdown for the 1989 timber sales program:

[In billions of board feet]

Region 1.....	1.138
Region 2.....	.371
Region 3.....	.400
Region 4.....	.400
Region 5.....	1.800
Region 6.....	4.950
(net merchantable sawtimber	4.350)
Region 8.....	1.324
Region 9.....	.753

Region 10.....	.319
Total	11.455

The managers agree that the Forest Service may prepare and offer up to 800 million board feet of timber in Region 9 in 1989 if there is sufficient demand, within the funding provided.

The managers intend that regular reprogramming guidelines be followed in the timber sales program.

The managers are aware that the Forest Service has proposed a reprogramming of funds needed to offer salvage sales in 1988. The source of funds which was proposed was land acquisition, which is not acceptable to the managers.

However, the managers note that the Forest Service is likely to carry over 1988 funds into 1989 because a number of Forest Service employees have been engaged in fighting forest fires during 1988. Therefore, the managers have no objection to the reprogramming of up to \$2,300,000 from funds which will not be obligated in 1988 in the National Forest System account, from activities other than recreation, fish and wildlife, soil and water and trail maintenance.

Amendment No. 107: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: : Provided, That appropriations in this account remaining unobligated at the end of the fiscal year 1988, both annual and two-year funds, and which would otherwise be returned to the General Fund of the Treasury, shall be merged with and made a part of the fiscal year 1989 National Forest System appropriation, and shall remain available for obligation until September 30, 1990: Provided further, That funds available for forest firefighting and emergency rehabilitation of National Forest System lands are available for liquidation of obligations made in preceding fiscal years.

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

The managers have agreed to language extending the availability of unobligated fiscal year 1988 funds until September 30, 1990, and providing that funds available for firefighting are available for liquidation of obligations made in preceding fiscal years.

The managers expect the Forest Service to distribute the reductions for FERS and two less workdays among the National Forest System and Construction line items and submit an adjusted line item table to the Appropriations Committee within 30 days.

CONSTRUCTION

Amendment No. 108: Appropriates \$225,518,000 for construction instead of \$216,542,000 as proposed by the House and \$225,997,000 as proposed by the Senate. The decrease from the amount proposed by the Senate includes increases of \$925,000 for Jefferson NF, VA recreation facilities and \$3,140,000 for rehabilitation of recreation facilities (for a total of \$16,035,000); and decreases of \$44,000 for Mount St. Helens recreation facilities and \$4,500,000 for road construction (including reductions of \$1,000,000 to purchaser credit/

purchaser election support, \$500,000 to augmentation, and \$3,000,000 to timber road construction/reconstruction).

Since the Sewanee, TN research laboratory is being closed, the Forest Service may use the funds budgeted for asbestos removal for other high priority projects.

Within the trail construction program, there is a total of \$620,000 for Mount St. Helens, \$912,000 for fire damage repair, \$718,000 for the Monongahela NF, and \$480,000 for the Tongass NF.

The road construction funding includes \$806,000 for payment of excess cost balances. The road construction allowance is sufficient to support a 400 million board feet timber sales program in Region 3.

The Forest Service is directed to add sufficient FTE's to oversee developed and undeveloped recreation projects in the Monongahela NF.

Amendment No. 109: Provides \$33,914,000 for construction and acquisition of buildings and other facilities, instead of \$35,038,000 as proposed by the House and \$30,000,000 as proposed by the Senate.

Amendment No. 110: Provides \$191,604,000 for construction of forest roads and trails instead of \$181,504,000 as proposed by the House and \$197,541,000 as proposed by the Senate.

Amendment No. 111: Deletes language proposed by the Senate which would have provided \$1,250,000 for road reconstruction for access to the Monongahela NF, WV. The State of West Virginia has not yet acted to provide the required equal match of funds for this project.

Amendment No. 112: Provides \$75,000,000 as a ceiling on obligations for the construction of forest roads by timber purchasers instead of \$64,000,000 as proposed by the House and \$125,367,000 as proposed by the Senate.

Amendment No. 113: Restores the words "Forest Development" stricken by the Senate and deletes the word "State" inserted by the Senate. This language provides for Mount St. Helens road construction to be constructed to forest development rather than to State standards.

LAND ACQUISITION

Amendment No. 114: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$63,805,000 for land acquisition instead of \$41,645,000 as proposed by the House and \$57,734,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Acquisition management	\$4,600,000
Appalachian National Scenic Trail	1,500,000
Chequamegon National Forest, WI: Chippewa flowage	1,360,000
Cibola National Forest NM: Rounds Estate	4,250,000
Columbia River Gorge National Scenic Area, OR/WA	4,300,000
Eleven Point Wild Scenic River, MO: Greer Springs	2,000,000
Flathead National Forest MT: Laudenberg	2,000,000

Green Mountain National Forest, VT.....	2,000,000
Lake Tahoe, CA/NV.....	11,000,000
Mount Baker-Snoqualmie, WA: Noisy Creek.....	2,500,000
Mount Rogers National Recreation Area, VA.....	1,000,000
Nantahala National Forest, NC: Panthertown.....	2,000,000
Oceola National Forest, FL: Pinhook Swamp.....	6,700,000
Ouachita National Forest, AR.....	5,900,000
Pisgah National Forest, NC: Catawba Falls.....	1,000,000
Red Butte Canyon Research Area, UT.....	160,000
San Bernardino National Forest, CA.....	1,000,000
Shawnee National Forest, IL.....	1,000,000
Siuslaw National Forest, OR: Searose.....	1,000,000
Spruce Knob-Seneca Rocks National Recreation Area, WV.....	500,000
Toiyabe National Forest, NV/CA.....	1,100,000
Wayne National Forest, OH.....	1,000,000
Wayne-Hoosier National Forest, IN.....	650,000
White Mountain National Forest, NH:	
Diamond International.....	5,250,000
Mirror Lake.....	435,000
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Total.....	64,205,000

Within the amount provided for the Appalachian Trail, there is \$236,000 for the Peake property.

Amendment No. 115: Provides \$400,000 for acquisition of land and interests in and near the White Salmon National Recreation River instead of \$600,000 as proposed by the House.

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted, insert the following: *Notwithstanding any other provision of law or order based thereon, if requested by the Secretary of Agriculture, the Secretary of the Interior is authorized and directed to take such actions (including but not limited to the revocation of the Shay Creek withdrawal (Mount Diablo Meridian: T. 10N. R. 19E., Sec. 24, SE ¼ NE ¼ E ½ SE ¼, and SW ¼ SE ¼) under Public Land Order 2301 and the issuance of patents) as may be necessary to consummate the exchange within the Toiyabe National Forest in California of the Shay Creek parcel for private holdings of equal value.*

The following may be cited as the "New Hampshire Forest Management Initiatives Act of 1988".

SEC. 1(a). For the protection and management of the timber resources and the scenic, natural, recreation and other resource values associated with certain forest lands in the State of New Hampshire, and in cooperation with State and private entities as provided herein, the Secretary of Agriculture (hereafter "Secretary") is authorized and directed to acquire by purchase, donation, or otherwise, lands and interests therein now or formerly owned by Diamond International Corporation in the State of New Hampshire (hereafter "Diamond lands").

(b) The Diamond lands are generally depicted on maps dated July 1988 and entitled "New Hampshire Forest Initiatives", which maps are on file with the Chief, Forest Service, Washington, D.C. The Secretary may correct technical and clerical errors on any map.

(c) Acquisitions made pursuant to this Act shall be commensurate with appropriated and donated funds and shall be completed by the

Secretary notwithstanding any other provision or requirement of law or condition precedent. The Secretary may exclude from acquisition such rights-of-way, easements and other outstanding rights deemed unacceptable to the Secretary, and may also exclude from acquisition any small or isolated parcels which the Secretary deems are not manageable for Federal purposes. It is the intent of Congress that these acquisitions be completed prior to October 15, 1988.

SEC. 2(a). To the extent deemed practical by the Secretary in furtherance of this Act, the Secretary shall cooperate and assist ongoing and future initiatives by State and private organizations (hereafter "cooperating entity(ies)") to acquire the Diamond lands. Cooperating entities include, but are not limited to, the Society for the Protection of New Hampshire Forests, The Nature Conservancy, and the State of New Hampshire or instrumentality thereof.

(b) Any information provided by the Secretary by any cooperating entity relating to the study and acquisition of lands shall be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

SEC. 3. Subject to the availability of donated and appropriated funds, if by October 1, 1988, the Secretary or a cooperating entity has not acquired title or a land purchase option or contract to purchase the lands referenced in section 1, less any exclusions, the Secretary is directed to condemn such lands, or portions thereof, commensurate with available funds. Condemnation shall be as soon as possible after October 1, 1988, by a declaration of taking filed in accordance with the Act of February 26, 1931 (40 U.S.C. 258a, as amended). Nothing herein shall preclude filing of a condemnation action at any time if the Secretary deems further negotiations for the acquisition of the Diamond lands to be futile or if the condemnation is for the purpose of clearing title. No Congressional oversight or approval shall be required for the filing of a declaration of taking or any other aspect of the land acquisitions herein authorized, it being the intent of the Congress that the Diamond lands be acquired as soon as practicable.

SEC. 4. All lands acquired by the Secretary under authority of or pursuant to this Act shall be administered under the Weeks Act of March 1, 1911 (36 Stat. 961, as amended). For lands acquired by the United States located outside of and not contiguous to national forest boundaries existing as of the date of this Act, the primary management emphasis shall be the sustained yield of forest products consistent with the traditional uses, including public access, and conservation of other resource values. Within two years from the date lands are acquired pursuant to this Act, the Secretary shall report to Congress with recommendations for the permanent administration and disposition of such Federally-owned lands.

SEC. 5. In furtherance of the public purposes associated with the present and future protection and management of the timber, scenic, natural, recreation and other resources of forest lands in New Hampshire, and for other similar purposes as may be authorized by Congress, the Secretary may enter into written cooperative agreements with States and their political subdivisions, and private organizations, for the study, acquisition, management and administration of forest lands. Such agreements may include provisions for limited financial assistance for such purposes.

SEC. 6. Of the amount provided herein, \$5,250,000 shall be available from the Land and Water Conservation Fund, to remain available until expended, for the acquisition of lands and interests therein, and associated administrative costs.

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

The amendment modifies language proposed by the Senate to reflect the cooperative nature of the endeavor among The Nature Conservancy, the State of New Hampshire, the Society for the Protection of New Hampshire and the Secretary of Agriculture. The amendment also provides for condemnation in the event that a negotiated settlement is not achieved by October 1, 1988. Management of these lands is to be consistent with traditional multiple use management of the New England forests which allows for timber harvesting, hunting, fishing and public access.

The amendment also allows a land exchange of approximately 200 acres associated with the Toiyabe National Forest.

TONGASS TIMBER SUPPLY FUND

Amendment No. 117: Appropriates \$35,999,000 for the Tongass Timber Supply Fund instead of \$25,264,000 as proposed by the House and \$40,699,000 as proposed by the Senate. The decrease from the amount proposed by the Senate consists of decreases of \$1,000,000 to timber stand improvement, and \$3,700,000 to road construction/reconstruction.

For fiscal year 1989, the managers agree to a total funding level for the Tongass National Forest of \$51,660,000, exclusive of purchaser road credits, trust funds, and permanent appropriations, but including National Forest System and Construction funds.

Funds for the Timber Supply Fund, the National Forest System, and Construction are allocated as shown in the table below:

[In thousands]

Tongass Timber Supply Fund:	
Research	\$1,800
Timber resource planning and inventory	3,548
Timber sales preparation	2,217
Timber sales administration.....	3,520
Timber support.....	1,345
Reforestation	35
Timber stand improvement	930
Engineering support.....	8,334
Road construction/reconstruction	4,930
Log transfer site.....	1,470
Tongass plan revision	1,755
General administration	6,115
Subtotal, Tongass Timber Supply Fund	<u>35,999</u>
National Forest System:	
Minerals management.....	807
Real estate management.....	277
Land line location.....	472
Facilities maintenance.....	370
Fire protection.....	188
Cooperative law enforcement.....	25
Forest road maintenance	1,030
Forest trail maintenance.....	728
Timber sales.....	69
Reforestation and TSI.....	42

Recreation use.....	3,567
Wildlife and fish	3,506
Soil, water and air management	1,861
General administration	1,485
Subtotal, National Forest System.....	14,427
Construction:	
Road construction.....	165
Recreation facilities construction	429
Trail construction.....	640
Subtotal, Construction	1,234
Total, appropriated funds.....	51,660
Purchaser credit.....	(6,845)
Brush disposal.....	85
Timber salvage.....	133
Cooperative work—KV.....	2,095
Cooperative work—other.....	237
Subtotal.....	2,550
Total, Tongass National Forest.....	54,210

The funds provided will allow the Forest Service to prepare 300 million board feet in fiscal year 1989 and assumes a harvest level of 370 million board feet.

The managers agree that the Forest Service may use Tongass Timber Supply funds to prepare environmental reviews for up to 370 million board feet of timber volume in fiscal year 1989, to be available for sale or release in future fiscal years if market conditions warrant an increase above the fiscal year 1989 level of 300 million board feet. In the event that the Forest Service does advanced preparation work (through the environmental clearance process) on more than 300 million board feet in fiscal year 1989, the Forest Service shall submit a report to the House and Senate Committees on Appropriations, and shall explain the source and application of funds committed to such efforts.

TIMBER ROADS, PURCHASER ELECTION, FOREST SERVICE

Amendment No. 118: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate rescinding \$40,000,000 of unneeded timber roads purchaser election funds.

MISCELLANEOUS TRUST FUNDS

Amendment No. 119: Appropriates \$90,000 for miscellaneous trust funds as proposed by the Senate instead of \$30,000 as proposed by the House.

The Forest Service is requested to provide a report on actual expenditures in fiscal year 1988 in this account as soon after the end of the fiscal year as possible.

ADMINISTRATIVE PROVISIONS

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

In lieu of the matter inserted by said amendment, insert the following: , *and for sales preparation of timber sales to replace sales lost to fire or other causes, and sales preparation activities to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above*

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

The amendment provides that the timber salvage sale fund may be used for sales preparation to replace sales lost to fire or sales inventory, and for design, engineering and supervision of road construction associated with the timber sales program. Such funds are not to be used for construction or reconstruction of roads.

Amendment No. 121: Provides that \$47,561,000 will be made available from the timber salvage sales fund in fiscal year 1989 as proposed by the Senate, instead of \$37,561,000 as proposed by the House.

Amendment No. 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: : *Provided further, That moneys received from the timber salvage sales program in fiscal year 1989 shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended*

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

The amendment provides that receipts from the timber salvage sales program shall be considered as money received for purposes of distributing the 25 percent payments to local governments.

This is a temporary provision, which the managers have agreed to continue this year because of the unique situation caused by the extensive fires of a year ago. Salvage sales of timber burned in those fires will continue to be sold during fiscal year 1989, offsetting green sale volumes which would normally result in receipts to be shared with local governments. This action is not intended to set a precedent for any changes in the basis for calculating the local share of timber receipts in the future.

Amendment No. 123: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that any funds available to the Forest Service may be used to provide non-monetary awards of nominal value to volunteers and those who contribute in various ways to Forest Service programs.

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that annual recreation residences fee adjustments shall be phased-in on a four-year basis beginning January 1, 1989.

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate authorizing the Forest Service to negotiate and enter into cooperative arrangements with States and private, non-profit organizations in the recreation and wildlife and fish challenge cost-share programs.

Amendment No. 126: Deletes House language as proposed by the Senate, which would have prohibited the Forest Service from adopting or implementing modifications to the Small Business Timber Set-Aside Program.

During fiscal year 1989, the managers urge the Department of Agriculture not to proceed with final regulations changing the Forest Service Small Business Timber Set-Aside program. The managers are aware of the controversy over the so-called "freeze" proposal advanced in May, 1987, by the Department. Because of that controversy, the managers expect the Department to withdraw this proposal and proceed to consider other options that might be available to address perceived problems in the set-aside program. The managers urge the Department to examine the possibility of constructing a small business timber set-aside program which recognizes regional differences. In conducting these studies, the Department shall assure full public participation and shall invite comments from all interested parties and segment of the industry, as well as the Small Business Administration.

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *Nowithstanding any other provision of law, the Secretary of the Treasury is directed to make available to the Secretary of Agriculture, to remain available until expended, all National Forest Fund timber receipts received by the Treasury during fiscal year 1988 from the harvesting of National Forest Timber in excess of \$791,000,000, the 1988 National Forest Fund timber receipts contained in the President's Budget proposal for fiscal year 1989: Provided, That this estimate of 1988 receipts shall not be adjusted for the purposes of this section: Provided further, That such funds shall be made available during fiscal year 1989, and shall be in addition to any funds appropriated in this Act: Provided further, That this transaction will not affect, diminish, or otherwise alter the payments to be made in accordance with the provisions of the Act of May 23, 1908, as amended (16 U.S.C. 500) or the Act of July 10, 1930 (16 U.S.C. 577g): Provided further, That the funds associated with this section shall be scored in a manner consistent with the President's request for fiscal year 1989: Provided further, That funds made available to the Secretary of Agriculture pursuant to this section shall be used for the necessary expenses, including support costs of National Forest System programs as follows: 6 per centum for National Forest trail maintenance; 4 per centum for National Forest Trail construction; 20 per centum for wildlife and fish habitat management; 20 per centum for soil, water, and air management; 5 per centum for cultural resource management; 5 per centum for wilderness management; 10 per centum for reforestation; and 30 per*

centum for timber sales administration and management, including all timber support costs, for advanced preparation work for fiscal year 1990 and fiscal year 1991 timber sale offerings: Provided further, That not later than 30 days after the submission of the President's fiscal year 1990 budget, the Chief of the Forest Service shall provide a report to the House and Senate Committees on Appropriations on the final amount and distribution of funds made available under this section and shall include an assessment of National Forest resource outputs to be produced in fiscal year 1989, fiscal year 1990, and subsequent years, using funds made available under this section, and a comparison of the outputs achieved in fiscal year 1989 and proposed for fiscal year 1990, with the output levels for the program areas listed described in the Forest Service resource management plans in effect at the time of the report required by this section.

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

The managers have included bill language directing the Secretary of the Treasury to make available to the Secretary of Agriculture timber receipts above the fiscal year 1988 receipts estimate of \$791,000,000 included in the President's fiscal year 1989 budget submission. These receipts are accruing because of changes made by the Congress in the fiscal year 1988 timber sales program and the historically high timber harvest level. Bill language precludes the use of mid-session adjustments in calculating the amount to be provided to the Forest Service. These excess receipts are in addition to all funds appropriated in this Act, and shall remain available until expended.

The distribution of these funds is provided for in the bill language and recognizes the multiple use nature of National Forest System lands. The inclusion of this bill language will provide such needed funding in the non-commodity programs, as well as increasing the likelihood that the Service will have adequate volume of timber prepared to have the option to continue to offer timber sales in future years at levels comparable to recent years. The portion of these funds to be made available to the timber sales program shall be used only for advanced sales preparation for future years, and related support costs, and shall not be used for preparation, offer or harvest administration of timber sales in fiscal year 1989. The managers do not intend the 1989 timber sales program to differ significantly from the 11.455 billion board feet program outlined under the National forest system account.

In addition to the report required to be submitted by the Chief within 30 days after the fiscal year 1990 budget is submitted on the amount and distribution of funds provided under this amendment, a report shall be submitted as soon after the end of the fiscal year as possible detailing the actual distribution and expenditure of funds received under this provision, and the actual outputs achieved.

Amendment No. 128; Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Forest Service to make cash payments in lieu of payment through collection rights with regard to cooperative right-of-way construc-

tion and use agreements. These are the excess cost balances for which \$806,000 is included in the road construction account.

Amendment No. 129: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that money collected from States for fire suppression assistance shall be used to reimburse the applicable appropriation.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *Of the funds available to the Forest Service, \$1,500, is available to the Chief of the Forest Service for official reception and representation expenses.*

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

The amendment will allow the Chief of the Forest Service to use up to \$1,500 within available funds for official reception and representation expenses.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

Amendment No. 131: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following: *For necessary expenses of, and associated with, Clean Coal Technology demonstrations pursuant to 42 U.S.C. 5901 et seq., \$575,000,000 shall be made available on October 1, 1989, and shall remain available until expended: Provided, That projects selected pursuant to a general request for proposals issued pursuant to this appropriation shall demonstrate technologies capable of retrofitting or repowering existing facilities and shall be subject to all provisos contained under this head in Public Laws 99-190 and 100-202 as amended by this Act.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment provides \$575,000,000 in fiscal year 1990 for a third Clean Coal Technology procurement as proposed by the Senate, and clarifies that the procurement is for retrofit and repowering technologies and is subject to the cost-sharing provisions of the previous two procurements.

The managers agree that a request for proposals should be issued by May 1, 1989, with proposals due no later than 120 days after issuance of the request for proposals, and that the Secretary of Energy should make project selections no later than 120 days after receipt of proposals.

Amendment No. 132: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follow: *The first paragraph under this head in Public Law 100-202 is amended by striking "and \$525,000,000 are appropriated for the fiscal year beginning October 1, 1988" and inserting "\$190,000,000 are appropriated for the fiscal year beginning October 1, 1988, and shall remain available until expended, \$135,000,000 are appropriated for the fiscal year beginning October 1, 1989, and shall remain available until expended, and \$200,000,000 are appropriated for the fiscal year beginning October 1, 1990": Provided, That outlays in fiscal year 1989 resulting from the use of funds appropriated under this head in Public Law 100-202, as amended by this Act, may not exceed \$15,500,000: Provided further, That these actions are taken pursuant to section 202(b)(1) of Public Law 100-119(2 U.S.C. 909).*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment changes the availability of \$525,000,000 originally made available for fiscal year 1989 in Public Law 100-202 by making \$190,000,000 available in 1989, \$135,000,000 available in 1990, and \$200,000,000 available in 1991 and also provides an outlay ceiling in fiscal year 1989. The House had proposed \$100,000,000 in fiscal year 1989, \$225,000,000 in fiscal year 1990, and \$200,000,000 in fiscal year 1991, and the Senate struck the House language.

Both of these changes are necessary because of budget allocation constraints, but neither action has an effect on the execution of the Clean Coal program, or on the Congress' overall support for the program, as is evidenced by additional appropriations provided for a third procurement of technologies.

The managers agree that administrative contract expenses may be incurred up to the budget level of \$9,820,000, but caution that close control of such expenditures is necessary to assure that the outlay ceiling provided will be sufficient to cover project costs.

Amendment No. 133: Modifies public law citation as proposed by the Senate.

Amendment No. 134: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which clarifies that funds borrowed by REA Electric Cooperatives from the Federal Financing Bank are eligible as cost-sharing in the clean coal technology program.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which specifies clean coal projects may proceed 30 calendar days after receipt by Congress of required reports, provided the reports are received prior to the end of the 100th Congress.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates \$380,595,000 for fossil energy research and devel-

opment instead of \$357,361,000 as proposed by the House and \$367,829,000 as proposed by the Senate. The managers on the part of the Senate will move to recede and concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the House consists of increases of \$13,000 for UNDEMRC in oral coal preparation and analysis; \$9,000 for UNDEMRC in coal gas cleanup; \$4,000 for UNDEMRC, \$400,000 for three low emission, direct coal-fired turbine concept contracts, and \$500,000 in supporting research, all in gas stream cleanup; \$6,000 for UNDEMRC in waste management; \$235,000 for WVU FBC probe research, \$39,000 for UNDEMRC, \$200,000 for instrumentation research, and \$800,000 for bioprocessing research at INEL, all in advanced research and technology development; \$1,400,000 for the Consortium for Fossil Fuel Liquefaction Science and \$14,000 for UNDEMRC in advanced coal liquefaction research; \$19,000 for UNDEMRC in direct liquefaction; \$9,000 for UNDEMRC in atmospheric fluidized bed combustion; \$2,000,000 for hot gas cleanup at the Tidd plant and \$14,000 for UNDEMRC in pressurized fluidized bed combustion; \$9,000 for UNDEMRC in alternative fuels utilization; \$500,000 for diesel contracts and \$1,000,000 for a combustion turbine test facility at METC in heat engines; \$68,000 for WRI in underground coal gasification; \$2,000,000 for magnetohydrodynamics; \$900,000 for mild gasification mechanisms and catalysts, \$300,000 for inhouse mild gasification R&D, \$600,000 for membrane separation of gas/liquid mixtures and CO₂ separation, and \$9,000 for UNDEMRC, all in advanced surface and coal gasification research; \$400,000 to modify METC facilities and \$350,000 for a study comparing costs and performance of first and second generation IGCC systems in power production surface gasification technologies; \$450,000 to modify a METC reactor and \$5,000,000 for four contracts in mild gasification; \$39,000 for UNDEMRC in synthesis gas surface gasification technology; \$13,000 for UNDEMRC and \$800,000 for advanced exploratory research in advanced process technology; \$800,000 for reservoir characterization, \$600,000 for microbial and other novel processes, \$600,000 for a pilot venture in oil mining, and \$1,000,000 for assessments of the economics of producing unrecovered oil, all in enhanced light oil recovery; \$59,000 for WRI, \$750,000 for eastern research and \$750,000 for western research in tar sands as described in the Senate report; \$1,000,000 for INEL in heavy and light oil for integration of advanced reservoir monitoring and multiphase flow research; \$200,000 for WRI and \$3,000,000 for hot solids retorting in oil shale; \$1,000,000 for verification of production at wells of opportunity, including multiple strata completions in eastern gas shales, \$250,000 for assessments in Southern West Virginia, \$500,000 for analysis and modeling in western tight sands, \$500,000 for deep gas, and \$400,000 for liquids from gas, all in unconventional gas recovery; \$4,500,000 for continued construction of an administrative wing at METC; and \$9,000,000 for ongoing construction at the National Research Center for Coal and Energy at WVU; and decreases of \$400,000 for acid rain procurements in coal preparation and analysis; \$2,100,000 for acid rain procurements and \$500,000 for advanced separations in flue gas cleanup; \$800,000 for an integrated PDU for particle testing in gas stream cleanup;

\$595,000 for solids transport in advanced research and technology development; \$300,000 for base funding in advanced coal liquefaction research; \$400,000 for generic process research in indirect liquefaction; \$500,000 for coal liquefaction support studies; \$400,000 for beneficiated coals in advanced combustion research; \$30,000 for special applications in atmospheric fluidized bed combustion; \$500,000 in advanced combustion technology; \$800,000 for fuel characterization in alternative fuels utilization; \$500,000 for phosphoric acid fuel cells; \$200,000 for post-burn analysis at the Rocky Mountain I site in underground coal gasification; \$1,750,000 in base funding in advanced surface coal gasification research; \$5,000,000 for geosciences; \$1,000,000 for general research in oil shale; \$500,000 for slant drilling in eastern gas shales, \$500,000 in slant drilling in western tight sands, and \$500,000 for the cost-shared secondary gas recovery program, all in unconventional gas recovery; and \$2,500,000 for renovation of PETC facilities.

The managers agree that:

(1) Funds for the integrated PDU with industry for particle testing in gas stream cleanup (\$600,000) are for conceptual design only, and the Committees will consider additional funds only after further justification is presented and the need for this facility in addition to the Tidd test facility in PFB's is explained;

(2) the additional \$500,00 in coal liquefaction support studies is for the study and plan described in the Senate report as well as for beginning to develop new base case economic evaluations;

(3) funds for advanced combustion technology should support three contractors;

(4) in mild gasification, \$6,700,000 is to continue four existing contracts. All contracts shall remain at the 100 pound per hour stage except if an increase in size is financed substantially by the private sector, which the managers understand is the case with one contractor. Expansion beyond the 100 pound per hour stage and the funding therefor will be considered in conjunction with the fiscal year 1990 budget. \$600,000 is allocated for product characterization and support activities;

(5) a competitive program in geosciences related to enhanced oil and gas recovery is essential. The managers have agreed to a total of approximately \$18,300,000 for geosciences compared to \$21,000,000 in the House-passed bill and \$17,000,000 in the Senate-passed bill. The managers are aware of several consortia and combinations of universities that plan to participate actively in the Department's geoscience program and are encouraged by this response. These consortia include the Geosciences Institute in Austin, TX, and the Western Earth Sciences Technologies (WEST) consortium. The managers agree that of the geosciences funding the Department should provide at least \$5,000,000 for comprehensive, openly competed, cost-shared programs, including these consortia and others;

(6) it is the managers intent that the METC administrative facilities be completed in fiscal year 1991 as planned and that renovation of the PETC facilities also be completed in that

fiscal year. The managers intend to provide sufficient funding in subsequent appropriations bills to do this;

(7) up to five percent of internal (non-contract) research and development funds may be used by METC, PETC, WRI, UNDEMRC, and NIPER for capital equipment, and any such use shall be reported to the Committees quarterly;

(8) in headquarters program direction, \$2,700,000 is for the small business set-aside and \$2,200,000 is for support contracts. The managers agree that the Department should continue to identify separately in the budget amounts allocated from R&D accounts to technical and program management support and to minimize these amounts, especially those allocated to headquarters functions;

(9) the Department should support Argonne National Laboratory at levels equivalent to fiscal year 1988 with maximum emphasis on its core R&D program;

(10) funding for WRI (\$4,658,000) and UNDEMRC (\$4,300,000) may be transferred among activities without *prior* reprogramming notification;

(11) within available funds, a feasibility study on the value of a diagnostic instrumentation and analysis laboratory at Mississippi State University should be done and submitted to the Committees by March 1, 1989;

(12) specific projects or "annexes" to agreements with states and foreign countries should be reported to the Committees on a quarterly basis;

(13) transfers of funds at the "key activity" level in the budget which are below the reprogramming level of the tables in the House and Senate reports should be reported on a quarterly basis;

(14) \$750,000 within available funds are for coal export-related activities so long as such activities in each case include the use of advanced technologies involving coal;

(15) from unobligated prior year appropriations \$300,000 is available for analyses of the use of specific coal based technologies in developing countries;

(16) a portion of oil shale funds should be made available for the Western States Enhanced Oil Shale Recovery Program;

(17) no commitments should be made in the oil shale program that would require government support of major facility construction; and

(18) the \$600,000 for oil mining is to continue the Caddo Pine Island Light Oil Mining Project, which the Department is initiating with FY 1988 pilot venture funds. It is expected that the private sector will cost share no less than 52% of this four-year project and that the Department will not start actual funding of the project until such time as the \$600,000 provided in this bill and the \$1,000,000 provided in FY 1988 will fund the project fully, without interruption, for the remainder of fiscal year 1989.

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the second sum named in said amendment insert:
\$4,500,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment earmarks \$9,000,000 for an energy center at West Virginia University (WVU) and \$4,500,000 for continued construction of a building at METC, instead of \$9,000,000 for WVU and \$5,500,000 for METC as proposed by the Senate.

Amendment No. 138: Provides \$37,000,000 for the magnetohydrodynamics program instead of \$35,000,000 as proposed by the House and \$40,900,000 as proposed by the Senate.

Amendment No. 139: Establishes a 30 per centum cost-sharing requirement for the magnetohydrodynamics program as proposed by the Senate instead of 25 per centum as proposed by the House.

ENERGY CONSERVATION

Amendment No. 140: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates \$372,502,000 for energy conservation instead of \$371,562,000 as proposed by the House and \$357,019,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the House consists of increases of \$400,000 in windows and \$150,000 in performance simulation in building systems; \$400,000 for heat pumps and \$400,000 for lighting equipment in technology and consumer products; \$150,000 for least cost utility planning; \$500,000 for automotive gas turbines and \$1,000,000 for the Stirling engine in vehicle propulsion; \$75,000 for the Hawaii methanol program; \$250,000 for the electric vehicle site operators' task force; \$100,000 for transportation technology assessment and transfer; \$545,000 for State and local program direction (monitoring and National Consumer Law Center); \$300,000 for electrochemical research and \$400,000 for tribology in ECUT; and \$3,000,000 for a facility at Brandeis University; and decreases of \$300,000 for materials, and \$200,000 for building retrofits in building systems; \$400,000 for advanced refrigeration, \$300,000 for evacuated insulation, \$250,000 in combustion, and \$150,000 for lighting impacts and applications in technology and consumer products; \$100,000 for capital equipment in buildings; \$250,000 for heat pumps, \$200,000 for liquid and solid waste conversion, \$100,000 for waste gas utilization, and \$400,000 for National Laboratory support in waste energy reduction; \$100,000 for process electrolysis, \$200,000 for separations, \$500,000 for coatings, and \$150,000 for catalyst research in process efficiency; \$400,000 for co-generation; \$100,000 for industrial implementation and deployment; \$630,000 for alternative fuels utilization; \$500,000 for capital equipment for materials; \$300,000 for combustion, \$800,000 for thermal sciences, and \$100,000 for foreign technology assessment in ECUT; \$200,000 for multi-sector technology and assessment; and \$100,000 in multi-sector capital equipment.

The managers agree that:

(1) Building materials can include work on evacuated panels for insulation and CFC substitutes;

(2) The increase for buildings retrofit is to be used for a competitive solicitation regarding technologies applicable specifically to existing buildings;

(3) In district heating and cooling, up to \$200,000 is for completion of the Scranton mine water heat recovery project;

(4) Funds provided for the automotive Stirling engine complete the Committees' commitment to support transportation and stationary applications of the so called "Mod II" type engine and no additional funding is to be expected in future years;

(5) The buildings program should consider the applicability of research and development to low-income dwellings and encourage such research and its transfer to industry;

(6) In industrial process efficiency no less than \$1,000,000 is for aluminum anode related research;

(7) The Hawaii methanol programs does not include funds for vehicle purchases;

(8) Up to \$1,000,000 in ECUT materials funds may be used for chemical vapor composite deposition;

(9) The additional \$200,000 in multi-sector technology assessment and transfer is for support of state and local governments and organizations involved in development of innovation technology;

(10) The \$1,146,000 in prior year weatherization funds not used to offset new budget authority may be used for State and local program direction;

(11) The national Appropriate Technology Assistance Service is to continue in Butte, MT;

(12) Transfers of funds among "key activity" categories in the budget structure which are below the reprogramming level identified in Committee reports are to be reported quarterly with explanations for the transfers;

(13) In the indoor air quality program, radon related research should be limited to that which is directly related to buildings unless supported by EPA funds; and

(14) The remaining addition of \$750,000 for combustion in technology and consumer products is all for oil related research.

Amendment No. 141: Provides that \$200,000,000 be earmarked for energy conservation grants to States and localities as proposed by the House instead of \$197,100,000 as proposed by the Senate.

Amendment No. 142: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *\$3,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment provides \$3,000,000 for an energy and natural resources technology development center at Brandeis University in Waltham, Massachusetts.

The managers agree that the \$3,000,000 is to be applied to the design and construction of a new central science facility estimated to cost \$25,750,000. The managers further agree that future appropriations will only be considered for this facility, and only up to fifty percent of the cost, or \$12,375,000, including the currently agreed to sum. No Federal funds shall be applied to modify existing facilities or to purchase of computers and other major equipment.

Amendment No. 143: Deletes language proposed by the Senate that would have allowed the Secretary of Energy to use up to \$5,000,000 from previously appropriated funds for the steel initiative for other steelmaking research and development without cost-sharing provisions.

The managers agree that steel research and development is very important, but believe the cost-sharing required by the steel initiative is essential in assuring that research and development is pertinent to and supported by the industry, even if the pace of the program is somewhat slower.

Amendment No. 144: Restores language proposed by the House and stricken by the Senate that allocates State conservation grant program funds in the same amounts as in fiscal year 1988 and which also specifies a \$10,000,000 grant for an energy demonstration and research facility at Northwestern University.

ECONOMIC REGULATION

Amendment No. 145: Appropriates \$21,372,000 for economic regulation as proposed by the Senate instead of \$21,010,000 as proposed by the House.

STRATEGIC PETROLEUM RESERVE

Amendment No. 146: Appropriates \$173,421,000 for the Strategic Petroleum Reserve as proposed by the House instead of \$174,421,000 as proposed by the Senate.

The managers direct the Department to provide a report to the Committees by April 1, 1989 addressing the steps necessary to develop sites and facilities to expand the Reserve to one billion barrels capacity upon completion of the currently planned 750 million barrel Reserve. The report should address as a minimum potential sites, construction and acquisition costs, distribution access, and schedules for implementation.

SPR PETROLEUM ACCOUNT

Amendment No. 147: Appropriates \$242,000,000 for acquisition and transportation of petroleum as proposed by the Senate instead of \$333,555,000 as proposed by the House. This funding will support a fill rate of approximately 50,000 barrels a day.

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates \$91,550,000 for acquisition and transportation of petroleum to be made available on October 1, 1989. This funding will permit prior orders for oil to be delivered in the first quarter of fiscal year 1990.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *\$62,856,000 of which \$1,000,000 for computer operations shall remain available until September 30, 1990*

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

The amendment appropriates \$62,856,000 for the Energy Information Administration as proposed by the House instead of \$63,156,000 as proposed by the Senate, and provides that \$1,000,000 for computer operations shall remain available for two years instead of until expended as proposed by the Senate and one year as proposed by the House.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 150: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$1,020,106,000 for Indian health services instead of \$1,016,667,000 as proposed by the House and \$1,014,536,000 as proposed by the Senate.

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

The difference from the amount provided by the House consists of increases of \$1,000,000 for hemodialysis services for the Standing Rock and Fort Berthold tribes, \$5,000,000 for the Alaska Community Health Aides program, and \$1,239,000 for the Alaska village-built clinic program; and decreases of \$1,800,000 for within grade increases, \$500,000 for regional youth substance abuse treatment centers, \$1,000,000 for the backlog of dental services, and \$500,000 for the urban health program. The funding included for the urban health program includes \$300,000 for the AIDS education and prevention initiative.

With regard to the directive to IHS to budget for and include new tribes funding rather than taking funds from existing programs, the managers agree that initial funding for a newly-recognized tribe may be provided from existing funds prior to submission of the next year's budget in which the new funding needs should be identified. The Klamath tribe should receive funding at least at the level they received in fiscal year 1988.

Within the funds provided for the alcoholism program, there is \$100,000 for fetal alcohol syndrome (FAS) research at the University of Washington. The IHS may use up to \$300,000 for a study of possible headquarters relocation. The study should include consultation with tribes, and the results should be presented to the Con-

gress and no further action taken without specific approval of the Congress.

The managers expect the Indian Health Service to submit a report by February 1, 1989, addressing the current status of the Alaska Community Health Aide program, any remaining shortfalls, and the impacts thereof.

The IHS should provide funding and FTE's for the three additional positions for the Shoshone-Bannock Tribes during fiscal year 1989. The \$360,000 in sanitation funds earmarked for the Fort Berthold tribe should be provided from sanitation facilities funds, under the facilities appropriation.

With regard to the requested report due by March 1, 1989, on the proposed eligibility regulations, an interim report in December is not required.

The IHS should include in the fiscal year 1990 and future year budget justifications a table and accompanying narrative displaying the distribution of funding within the hospital and clinic programs.

INDIAN HEALTH FACILITIES

Amendment No. 151: Appropriates \$61,668,000 for Indian Health facilities instead of \$64,050,000 as proposed by the House and \$50,185,000 as proposed by the Senate. The decrease from the amount proposed by the House includes an increase of \$314,000 for renovation of a facility to provide alcohol/substance abuse treatment in Browning, MT; and decreases of \$2,646,000 for modernization and repair projects (including \$701,000 for Cass Lake, MN, \$491,000 for Whiteriver, AZ, \$1,304,000 for Keams Canyon, AZ, and \$150,000 for engineering, planning and design), and \$50,000 for planning at Montezuma Creek, UT.

Within the funds provided for sanitation facilities, the following projects should be funded: \$673,000 for water development, Rocky Boy reservation; \$2,000,000 for water supply at the Cattaraugus Reservation of the Seneca Nation; \$133,000 for Supai Village, Havasupai Tribe; \$360,000 for the Fort Berthold reservation; \$1,250,000 for Kotzebue, AK, to be matched equally by the State of Alaska; and \$75,000 for test wells, Quileute tribe.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the Indian Health Service may hold not to exceed \$600,000 as a contingency for site acquisition at the Kotzebue, AK hospital.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: : *Provided further, That of funds appropriated in the fiscal year 1987 continuing resolution for the construction of detoxification facilities for Indian youth, not to exceed \$600,000 shall be made available for planning and design of a youth alcohol and substance abuse treatment facility by the Inland Tribal Consortium, to be located in the State of Washington: Provided further, That the*

Secretary of Health and Human Services may accept ownership of the buildings offered at no cost by the Gila River Indian Tribe for use solely as the Phoenix Area Regional Youth Treatment Center for Alcohol and Substance Abuse, and may use funds appropriated to the Indian Health Service in Public Law 99-591, to renovate the buildings for that purpose

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. This amendment makes available \$600,000 appropriated in fiscal year 1987 for planning and design of a youth alcohol and substance abuse treatment facility by the Inland Tribal Consortium, WA. The managers expect the IHS to report to the Appropriations Committees on the results of the planning process for this facility, including the decisions of the affected tribes with respect to the location of the facility before proceeding with expenditure of the funds.

The amendment also provides authority for the Secretary to accept ownership of buildings offered by the Gila River Tribe for use as the Phoenix Area Regional Youth Treatment Center for alcohol and substance abuse, and to use previously appropriated funds to renovate the buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes "and" and inserts "or".

The effect of this and the following amendment will be to allow tribally administered facilities to retain funds received for extending health care to non-Indians at their facilities or recovered under the Federal Medical Care Recovery Act.

Amendment No. 155: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes the words "available to" and inserts "retained by".

Amendment No. 156: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: , initially filed on or after December 22, 1987, whether or not such person is an Indian or Alaska Native or is served on a fee basis or under other circumstances as permitted by Federal law or regulations

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

This amendment clarifies the managers' intent with regard to changes in the Federal Tort Claims language carried in the fiscal year 1988 Act. The managers intend that Public Law 93-638 Indian health care contractors and their employees are to be covered under the Federal Tort Claims Act even when serving non-Indians, and non-Alaska Natives, as permitted or required by Federal law and regulations, pursuant to a Public Law 93-638 contract. The managers therefore direct that, upon the request of an Indian

health care contractor, the Indian Health Service shall include a recitation of such laws and regulations in the Public Law 93-638 contract.

Amendment No. 157: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: and is further amended by adding after the word "agreement" and before the period the words "; Provided, That such employees shall be deemed to be acting within the scope of their employment in carrying out such contract or agreement when they are required, by reason of such employment, to perform medical, surgical, dental or related functions at a facility other than the facility operated pursuant to such contract or agreement, but only if such employees are not compensated for the performance of such functions by a person or entity other than such Indian tribe, tribal organization or Indian contractor"

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

This amendment further clarifies the managers' intent that Federal Tort Claims Act coverage is to cover contractor employees acting within the scope of their employment, including when such employees are required to perform medical or related functions at other facilities than the facility operated pursuant to the contract, but only if no compensation from a source other than the tribe or contractor organization is received for performing such functions.

Amendment No. 158: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Secretary of Health and Human Services to undertake a demonstration employee housing project at Kayenta, AZ.

As used in this language, "Federal construction standards" means those construction standards which are applied by the IHS in the construction of all IHS staff housing. The total Federal contribution to this project will be the \$200,000 Federal grant referenced in the language, and the Federal land. All work such as roads, utilities, and other site improvements will be the responsibility of the non-profit, Indian-controlled community development corporation.

Amendment No. 159: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides authorization for 170 village built clinics to be operated in Alaska.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Amendment No. 160: Includes language proposed by the Senate which references Public Law 100-297 which amends the Indian Education Act.

Amendment No. 161: Appropriates \$71,553,000 for Indian education instead of \$68,153,000 as proposed by the House and \$72,297,000 as proposed by the Senate.

For the gifted and talented program, the managers agree to provide \$500,000 to initiate a pilot program. The Department of Education is to assess the costs associated with this program as compared to programs benefitting more students, and report to the Committees on Appropriations on their findings.

Amendment No. 162: Earmarks \$52,748,000 for Part A instead of \$49,848,000 as proposed by the House and \$53,492,000 as proposed by the Senate.

The increase over the amount proposed by the House consists of \$2,900,000 which when combined with the House level provides 102 percent of the amount available in fiscal year 1988 for Local Educational Agencies with the balance of the increase going to BIA schools.

Amendment No. 163: Earmarks \$15,807,000 for parts B and C as proposed by the House instead of \$15,307,000 as proposed by the Senate.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

Amendment No. 164: Appropriates \$27,373,000 for salaries and expenses instead of \$27,723,000 as proposed by the House and \$26,473,000 as proposed by the Senate.

The increase over the amount proposed by the Senate consists of \$300,000 for the home repair program, \$350,000 for a training program on home repair, and \$250,000 for the continuation of the water quality study of the Puerco River.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE

CULTURE AND ARTS DEVELOPMENT

SALARIES AND EXPENSES

Amendment No. 165: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *\$3,094,000, for payment to the Institute of American Indian and Alaska Native Culture and Arts Development to carry out the provisions of Public Law 99-498, as amended (20 U.S.C. 56, Part A)*

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

This amendment appropriates \$3,094,000 for salaries and expenses as proposed by the House instead of \$2,849,000 as proposed by the Senate, and adds language clarifying that the funds are to be provided as a grant to the Institute, as authorized in P.L. 99-498, as amended.

Amendment No. 166: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede

and concur in the amendment of the Senate which provides that the Institute shall be subject to tort claims liability only to the extent a Federal agency is subject to such liability under 28 U.S.C. 171.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 167: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$211,240,000 for salaries and expenses instead of \$209,266,000 as proposed by the House and \$208,734,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House consists of increases of \$2,000,000 for Museum Support Center equipment, \$34,000 for the lapse rate for facilities services, and \$164,000 for rent; and decreases of \$176,000 for Office of Design and Construction positions and \$48,000 for two less paid days.

The \$2,230,000 reduction proposed by the Senate for withingrade increases has been restored, but should be used for increased costs related to health insurance premiums, upgrading guards, and the Federal Employees Retirement System.

The Smithsonian shall report to the Committees as soon as possible, but in any case prior to the fiscal year 1990 hearings, on the estimated costs and timeframe to complete the equipping of and move to the Museum Support Center.

Included within the total is \$500,000 for the Smithsonian to contract with the Capital Children's Museum, to develop and implement a national educational outreach program using the experience gained from the demonstration project and exhibition, "Remember the Children". Recommendations of professional organizations, such as the American Association of Youth Museums, Council of American Jewish Museums, and Standing Professional Committees of the American Association of Museums, should be sought in developing the program.

RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 168: Appropriates \$20,735,000 for restoration and renovation as proposed by the Senate instead of \$20,835,000 as proposed by the House.

CONSTRUCTION

The managers agree that the reduction within this account of \$1,180,000 may be taken as a general reduction rather than as specified in the House and Senate reports. The Smithsonian should report to the Appropriations Committees as soon as possible on how the reduction will be taken.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 169: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted in said amendment, insert the following: *\$37,981,000, including \$2,370,000 for the special exhibition program.*

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

The amendment appropriates \$37,981,000 for salaries and expenses instead of \$37,831,000 as proposed by the House and \$38,543,000 as proposed by the Senate, and adds language earmarking a total of \$2,370,000 for the special exhibition program. The increase over the amount proposed by the House consists of \$50,000 for the special exhibition program, and \$100,000 from the FERS savings. These funds are to be used by the Gallery to increase its ability to recruit the best candidates available when filling guard positions.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 170: Appropriates \$750,000 for repair, restoration and renovation of buildings instead of \$500,000 as proposed by the House and \$1,000,000 as proposed by the Senate. This reduction from the budgeted amount is not intended in any way to slow down the program, but is based solely on the fact that the expected obligation rate during fiscal year 1988 will result in a larger than estimated carryover of unobligated balances into fiscal year 1989. The managers intend to continue to fund the repair and renovation program at required and justified levels.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 171: Deletes language proposed by the Senate which would transfer unobligated balances from the salaries and expenses account into the Endowment Challenge Fund.

Amendment No. 172: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

PAYMENT TO ENDOWMENT CHALLENGE FUND

For payment to the Endowment Challenge Fund for the Woodrow Wilson International Center for Scholars \$300,000, to remain available until September 30, 1990: Provided, That such sums shall be transferred only to the extent matched on a three-to-one basis by private funds.

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

The managers agree to provide \$300,000 for the Endowment Challenge Fund to continue the Center's fundraising momentum.

NATIONAL ENDOWMENT FOR THE ARTS

Amendment No. 173: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$141,890,000 for grants and administration instead of \$141,800,000 as proposed by the House and \$141,431,000 as proposed by the Senate.

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

The managers agree to the following distributions:

Arts in schools.....	\$5,600,000
Dance.....	8,850,000
Design Arts	4,200,000
Expansion Arts.....	6,500,000
Folk Arts	3,000,000
Inter Arts	4,100,000
Literature.....	5,000,000
Media Arts	12,000,000
Museums.....	11,400,000
Music.....	12,200,000
Opera/Musical Theatre	4,200,000
Local program	2,500,000
Theatre	10,800,000
Visual arts.....	6,100,000
Advancement.....	1,200,000
Challenge.....	300,000
State program.....	25,500,000
Policy, Planning and research	1,000,000
Administration	17,440,000
Total	141,890,000

Amendment No. 174: Includes language as proposed by the House which prevents changes to the peer panel review process.

NATIONAL ENDOWMENT FOR THE HUMANITIES

Amendment No. 175: Appropriates \$124,300,000 for grants and administration, National Endowment for the Humanities instead of \$125,000,000 as proposed by the House and \$115,535,000 as proposed by the Senate.

The managers agree to the following distribution:

Media grants.....	\$9,400,000
Museums & Historical Organizations	8,640,000
Public humanities projects.....	2,000,000
Humanities projects in libraries.....	2,800,000
Education programs	16,150,000
Fellowships and seminars	15,560,000
Research grants.....	16,400,000
State programs.....	25,000,000
Office of Preservation	12,500,000
Administration	15,850,000
Total	124,300,000

INSTITUTE OF MUSEUM SERVICES

Amendment No. 176: Appropriates \$22,270,000 for grants and administration, Institute of Museum Services, instead of \$22,620,000 as proposed by the House and \$21,944,000 as proposed by the Senate.

The managers agree to the following distribution:

Operating support grants	\$17,700,000
Conservation grants	3,200,000
Program support	250,000
Administration	1,120,000
	<hr/>
Total	22,270,000

Amendment No. 177: Deletes language proposed by the Senate which required the Institute of Museum Services to develop a plan, by which, within three fiscal years, each State shall receive a minimum of one-half of one per centum of the grant funds available.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Amendment No. 178: Appropriates \$1,778,000 for salaries and expenses instead of \$1,774,000 as proposed by the House and \$1,781,000 as proposed by the Senate.

The decrease to the Senate level is \$3,000 for the two less paid days in fiscal year 1989.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Amendment No. 179: Appropriates \$2,334,000 for salaries and expenses instead of \$2,343,000 as proposed by the House and \$2,311,000 as proposed by the Senate.

The net increase to the amount proposed by the Senate consists of increases of \$7,000 for office space rental costs and \$20,000 for temporary employees, and a reduction of \$4,000 for the two less paid days in fiscal year 1989.

Amendment No. 180: Appropriates \$3,175,000 for public development as proposed by the House instead of \$3,095,000 as proposed by the Senate.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Amendment No. 181: Appropriates \$2,244,000 for the Holocaust Memorial Council as proposed by the House instead of \$2,209,000 as proposed by the Senate.

The difference from the amount proposed by the Senate consists of an increase of \$35,000 to extend the demonstration project and exhibition, "Remember the Children", through fiscal year 1989.

TITLE III—GENERAL PROVISIONS

Amendment No. 182: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds oil and gas to the minerals for which activities related to leasing in designated wilderness areas and wilderness study areas are prohibited.

Amendment No. 183: Deletes language proposed by the Senate which would have allowed subsurface oil and gas leases in wilderness study areas.

Amendment No. 184: Restores House language providing that employment funded in 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.

The managers are aware of the TEAM program proposed by the Secretary of the Interior. The managers agree that the program should be implemented only on a voluntary basis and should not be used as a punitive measure. Further, participants in the program should be able to return to their original positions.

The managers are concerned that the Department of the Interior is undertaking significant relocations of employees in the last days of this administration. The managers agree that a more effective approach, both in terms of employee morale and cost, would be to wait until the next administration takes office before undertaking such reassignments.

Amendment Nos. 185-190. Restore House proposed section numbers changed by the Senate.

The managers have agreed to language in section 314 prohibiting challenges to Forest Service and BLM land and resource management plans solely on the basis that the plan is outdated or does not incorporate new information. However, the section is not intended to preclude case-by-case timber sale appeals in site-specific instances, and ensures that judicial review of these and other particular Forest Service and BLM activities shall be available.

Congress, in the exercise of its plenary authority over federal lands, has the power to limit the availability of judicial relief under substantive or procedural statutes affecting the management of those lands. While the managers do not endorse the ready use of this Constitutionally-derived power, they consider section 314 to be a necessary short term response to those challenges that have disrupted or have the potential to disrupt new management plans and timber management activities under existing plans while the new plans are being developed. The language in section 314 has been included to ensure the smooth transition of resource management activities and planning capability from one planning period to another, especially during the last stage of management under the existing plans. The managers note that this is particularly applicable in the current circumstances because both the Forest Service and BLM are within approximately 18 months of the completion and release of final land and resource management plans and environmental impact statements in Oregon and Washington.

Amendment No. 191: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

SEC. 317. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands until an environmen-

tal assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves only will be done to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment restores House language stricken by the Senate and adds language allowing the removal of dead trees, except for "specimen trees" 6 feet in diameter or larger, for human safety, protection of adjacent trees, and fire hazard reduction.

Amendment No. 192: Deletes language proposed by the House which prohibited use of funds in any workplace that is not free of illegal use or possession of controlled substances. A government-wide provision is to be included in the Treasury-Postal Service Appropriations Bill.

Amendment No. 193: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert:
SEC. 318.

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

The provision requires that fiscal year 1989 pay raises for programs funded in this Act be absorbed within the levels appropriated in this Act.

The managers agree that the source of funds to be used for the pay raise is to be reported to the Appropriations Committees under the reprogramming procedures.

Amendment No. 194: Deletes language proposed by the Senate extending the period in which carbon dioxide leases may be issued in the Antone Bench area in Utah by the amount of time consumed by administrative appeal, protest, or litigation.

Amendment No. 195: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

SEC. 319. Notwithstanding any other provision of law, hereafter for the purposes of section 208 of title 18, United States Code, "particular matter", as applied to employees of the Department of the Interior and the Indian Health Service, shall mean "particular matter involving specific parties".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment changes the Section number and inserts "hereafter" in the Senate proposed language to make permanent the definition of "particular matter" as it pertains to section 208 of title 18 of the United States Code for employees of the Department of the Interior and the Indian Health Service.

Amendment No. 196: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede

and concur in the amendment of the Service with an amendment as follows:

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

SEC. 320. Notwithstanding any other provision of law, the Final Environmental Impact Statement issued by the USDA Forest Service concerning the Silver Complex Fire Recovery Project on the Siskiyou National Forest and the Record of Decision accompanying the Environmental Impact Statement shall not be subject to judicial review, and shall be subject only to one level of administrative appeal. Existing administrative appeals and appellant's Statement of Reasons shall be immediately transferred to the Chief of the Forest Service for decision. The Chief must render his decision not later than 30 days following enactment of this Act.

Any decision of a responsible Forest Service official to undertake a specific activity, including but not limited to the preparation, advertisement and sale of timber and the preparation, advertisement and contracting for the construction of related roads within the Silver Complex Fire Recovery Area, as designated on maps dated June, 1988 and entitled "Silver Complex Fire Recovery Area", which maps are on file with the Chief, Forest Service, Washington, D.C., shall not be subject to administrative appeal or judicial review.

No funds made available to the Forest Service under this or any other Act may be expended to extend the Bald Mountain Road on the Siskiyou National Forest beyond S.W. $\frac{1}{4}$, NE. $\frac{1}{4}$, of section 21, T. 36 S., R. 10 W., W.M.

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

The managers have agreed to include language limiting administrative appeals and prohibiting judicial review of the final EIS and record of decision concerning the Silver Complex Fire Recovery Project on the Siskiyou NF, OR. The managers have included this language to address a unique set of circumstances presented by the Silver Complex Fire Recovery Project, and do not intend the language to limit or restrict administrative or judicial review activities unrelated to the Silver Complex Fire Recovery Project.

The language as proposed by the Senate has been modified to remove any ambiguity that may arise with regard to the timing of the filing and rendering of decisions on administrative appeals of the final EIS. The final EIS and record of decision were issued by the Forest Service on July 8, 1988. The language provides that existing appeals must be immediately transferred to the Chief for decision, and that he must render his decision not later than 30 days following enactment of this Act.

Like the original language, the amendment retains one level of administrative appeal, and ensures that the Chief of the Forest Service will be the reviewing officer.

Amendment No. 197: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

SEC. 321. To ensure adequate availability of timber from the Mapleton Ranger District of the Siuslaw National Forest until the final forest land and resource management plan pursuant to section 6 of the Forest and Rangelands Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, as amended (16 U.S.C. 1604) is in effect, and notwithstanding the injunction issued pursuant to the judgment in National Wildlife Federation, et al. v. United States Forest Service, et al. (592 F. Supp. 931 (D. Ore. 1984) as modified by 801 F.2d 360 (9th Cir. 1986)), the Secretary of Agriculture is authorized to offer up to 90 million board feet of net merchantable timber in fiscal year 1989 in the Mapleton Ranger District of the Siuslaw National Forest pursuant to the requirements of this section and until completion of the final forest plan. For purposes only of selling timber pursuant to this section (and activities related thereto), the Secretary shall utilize the Siuslaw National Forest draft land and resource management plan and accompanying draft environmental impact statement dated October 1, 1986 as if they were the final forest plan and environmental impact statement: Provided, That such statement, timber sales, roads and other associated activities, and their accompanying environmental assessments, prepared and offered pursuant to and consistent with such draft plan, for purposes only of this section, shall be treated as satisfying all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Forest and Rangelands Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, as amended (16 U.S.C. 1600 et seq.) and shall not be subject to administrative or judicial review for compliance with such Acts: Provided further, That nothing in this section shall affect any existing right of administrative or judicial review of such timber sales for compliance with other applicable laws: Provided further, That this provision does not in any manner represent a judgment upon the legal adequacy of the Siuslaw National Forest final plan and environmental impact statement.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The managers have modified the Senate's general provision permitting Forest Service timber sales and prohibiting judicial review of such sales on the Mapleton Ranger District of the Siuslaw National Forest. The managers agree to permit up to 90 million board feet of timber sales in fiscal year 1989. The Forest Service should base this volume on sales suggested in its preferred alternative for the Siuslaw National Forest plan, which recommends an annual timber sale quantity of 99 million board feet. Procedurally, the draft forest plan and accompanying draft environmental impact statement will be treated, for the purposes of these timber sales only, as if they were final and in compliance with the National Environmental Policy Act and National Forest Management Act. This section does not restrict any rights to administrative and judicial review of individual timber sales for their substantive compliance with other applicable environmental laws, including the Church guidelines, the 1972 clearcutting guidelines of the Senate Subcommittee on Public Lands, Clearcutting on Federal Timberlands, Senate Committee on Interior and Insular Affairs (March 1972); nor does it represent a

judgment upon the legal adequacy of the final Siuslaw National Forest plan and environmental impact statement. This language is intended to be a one-time only provision until the final forest plan and EIS are completed.

Amendment No. 198: Deletes language proposed by the Senate directing the Director of the Office of Management and Budget and Federal agency heads to comply with the specific allocations and earmarking of funds contained in the joint statement of the managers accompanying the conference report of this Act. This matter will be addressed in the Treasury-Postal Service bill.

Amendment No. 199: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

SEC. 322. Unobligated balances remaining from the Baca Geothermal Demonstration Powerplant Project may be used to clean out the Hulin Well in the State of Louisiana.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment allows funds deobligated from the Baca Geothermal project to be used to clean out another geothermal well.

Amendment No. 200: Deletes Senate language relating to the inclusion of wildlife sale proceeds in the Alaska Native Escrow Fund.

The managers note that statutes for the benefit of Indians are always interpreted for their benefit with all doubtful expressions being resolved in the Indians' favor. Similarly, remedial statutes are broadly construed in favor of the class Congress intended to benefit.

In light of those canons of statutory construction, the managers direct the Secretary of the Interior to interpret the term "resources of land" contained in subsection (a) (1) of section (2) of P.L. 94-204 as amended by section 1411 (a) of P.L. 96-487 to include wildlife. The managers further direct him to accept the settlement offer made jointly by Tanadgusix Corporation and St. George Taniq Corporation on July 19, 1988, subject to the Secretary's evaluation of the appraisal tendered to the Department by the claimants.

No exception covering wildlife was ever intended by Congress, as is suggested by the broad terminology used in the escrow statute. This will enable the Department to settle a claim that has been pending for four years and has accrued \$3,000,000 in interest while it awaits resolution.

Wildlife escrow claims are to be treated no differently than excrow claims which are already distributed based on the gross proceeds from timber or oil and gas sales on Native-selected lands. The proceeds received by the Federal government from its sale of pelts taken from Native Corporation lands shall be the measure of the principal amount placed in escrow and then distributed. Any other use made by the Federal government of these Native Corporations' lands, unrelated to the wildlife harvested on those lands, shall remain compensable, pursuant to existing Native escrow account precedent.

it is the intent of the managers that this longstanding claim be resolved no later than early FY 1989 so that the Alaska Natives who face severe economic hardship can receive the money to which they are entitled. If the Department does not certify the claim by January 1, 1989, the Secretary shall submit a report by that date to the House and Senate Committees on Appropriations explaining why this claim has not been certified and distributed.

The managers have not adopted the Senate bill language because the term "resources of land" includes wildlife. If this claim is not settled by early FY 1989, the managers shall seek to confirm legislatively their intent that the term be so interpreted.

Amendment No. 201: Deletes Senate language restricting consulting services obligations.

Amendment No. 202: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in this amendment insert:
SEC. 323.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment makes quartz a saleable mineral within the Ouachita National Forest, Arkansas.

Amendment No. 203: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

SEC. 324. The Secretary of the Interior shall not recover or recoup any portion of late payment interest paid to the United States which is paid or distributed to any State or other recipient of Federal mineral lease revenues prior to September 30, 1989, except for amounts paid in connection with royalties or other revenues subsequently determined to be not owing to the United States.

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

The managers will allow the Minerals Management Service to continue the current practice of paying late interest. The managers agree that this language does not amend any statutes and that this language is only effective for fiscal year 1989.

Amendment No. 204: Deletes language proposed by the Senate concerning the Sandinistas and Nicaragua. This issue is addressed in another bill.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1989, is defined by the Committee as follows:

As provided for by section 252(a)(1)(B)(i) of Public Law 99-177 and for the purposes of a Presidential Order issued pursuant to section 252 of said Act, the term "program, project, and activity" for items under, the jurisdiction of the Appropriations Subcommittees on the

Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, state and other administrative units and the like, for which funds are provided in fiscal year 1989.

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

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1989 recommended by the Committee of Conference, with comparisons to the fiscal year 1988 amount, the 1989 budget estimates, and the House and Senate bills for 1989 follow:

New budget (obligational) authority, fiscal year 1988	\$9,342,660,000
Budget estimates of new (obligational) authority, fiscal year 1989.....	8,864,974,000
House bill, fiscal year 1989	9,697,798,000
Senate bill, fiscal year 1989	10,091,445,000
Conference agreement, fiscal year 1989	9,891,961,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1988.....	+ 549,301,000
Budget estimates of new (obligational) authority, fiscal year 1989	+ 1,026,987,000
House bill, fiscal year 1989	+ 194,163,000
Senate bill, fiscal year 1989.....	- 199,484,000

J.P. MURTHA,
 NORMAN D. DICKS,
 EDWARD P. BOLAND,
 LES AU COIN,
 JAMIE L. WHITTEN,
 TOM BEVILL,
 RALPH REGULA,
 JOSEPH M. MCDADE,
 BILL LOWERY,
 SILVIO O. CONTE
 (except 131),
 SIDNEY YATES,

Managers on the Part of the House.

ROBERT C. BYRD,
 J. BENNETT JOHNSTON,
 PATRICK J. LEAHY,
 DENNIS DECONCINI,
 QUENTIN N. BURDICK,
 DALE BUMPERS,
 ERNEST F. HOLLINGS,
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