AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, for the Depart-
5 ment of the Interior and related agencies for the fiscal year
6 ending September 30, 1989, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improve-
ment, development, disposal, cadastral surveying, classifica-
tion, and performance of other functions, including mainte-
nance of facilities, as authorized by law, in the management
of lands and their resources under the jurisdiction of the
Bureau of Land Management, including the general adminis-
tration of the Bureau of Land Management,
(1) $500,000,000 $510,595,000, of which not to exceed
$1,000,000 to be derived from the special receipt account
established by section 4 of the Land and Water Conservation
Fund Act of 1965, as amended (16 U.S.C. 460l–6a(i)),
(2) $70,000,000 $75,000,000 for firefighting and repay-
ment to other appropriations from which funds were trans-
ferred under the authority of section 102 of the Department
of the Interior and Related Agencies Appropriations Act,
1988, and $23,000,000 for the Automated Land and Mineral
Record System Project shall remain available until expended:
Provided, That appropriations herein made shall not be avail-
able for the destruction of healthy, unadopted, wild horses
and burros in the care of the Bureau of Land Management or
its contractors: Provided further, That in fiscal year 1989 all
but $742,000 of receipts, and thereafter all receipts from fees
established by the Secretary of the Interior for processing of
actions relating to the administration of the General Mining
Laws shall be available for program operations in Mining
Law Administration by the Bureau of Land Management to
supplement funds otherwise available, to remain available
until expended.
CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \( (3) \$5,421,000 \to \$2,631,000 \), to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901–07), \$105,000,000, of which not to exceed \$400,000 shall be available for administrative expenses. \( (4) \) The Payments in Lieu of Taxes Act (31 U.S.C. 6901(2)) is amended by deleting the phrase “existing in the State of Alaska on the date of enactment of this Act” from the definition of a unit of Government.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interest therein, \( (5) \$11,640,000 \to \$12,020,000 \), to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and Cali-
fornia land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; (6) $61,445,000 $59,141,000, to remain available until expended: Provided, That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: Provided further, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to
law, but not less than $8,506,000, to remain available until
expended: Provided, That not to exceed $600,000 shall be
available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

MISCELLANEOUS TRUST FUNDS

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

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management
shall be available for purchase, erection, and dismantlement
of temporary structures, and alteration and maintenance of
necessary buildings and appurtenant facilities to which the
United States has title; up to $25,000 for payments, at the
discretion of the Secretary, for information or evidence con-
cerning violations of laws administered by the Bureau of
Land Management; miscellaneous and emergency expenses of
enforcement activities authorized or approved by the Secre-
tary and to be accounted for solely on his certificate, not to
exceed $10,000: Provided, That appropriations herein made
for Bureau of Land Management expenditures in connection
with the revested Oregon and California Railroad and recon-
voyed Coos Bay Wagon Road grant lands (other than ex-
penditures made under the appropriation "Oregon and Cali-
fornia grant lands") shall be reimbursed to the General Fund
of the Treasury from the 25 per centum referred to in subsec-
tion (c), title II, of the Act approved August 28, 1937 (50
Stat. 876), of the special fund designated the "Oregon and
California land grant fund" and section 4 of the Act approved
May 24, 1939 (53 Stat. 754), of the special fund designated
the "Coos Bay Wagon Road grant fund": Provided further,
That appropriations herein made may be expended for sur-
veys of Federal lands of the United States and on a reimburs-
able basis for surveys of Federal lands of the United States
and for protection of lands for the State of Alaska: Provided
further, That an appeal of any reductions in grazing allot-
ments on public rangelands must be taken within thirty days
after receipt of a final grazing allotment decision. Reductions
of up to 10 per centum in grazing allotments shall become
effective when so designated by the Secretary of the Interior.
Upon appeal any proposed reduction in excess of 10 per
centum shall be suspended pending final action on the appeal,
which shall be completed within two years after the appeal is
filed: Provided further, That appropriations herein made shall
be available for paying costs incidental to the utilization of
services contributed by individuals who serve without
compensation as volunteers in aid of work of the Bureau:
Provided further, That notwithstanding section 5901(a) of
title 5, United States Code, the uniform allowance for each
uniformed employee of the Bureau of Land Management shall
not exceed $400 annually.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic stud-
ies, conservation, management, investigations, protection,
and utilization of sport fishery and wildlife resources, except
whales, seals, and sea lions, and for the performance of other
authorized functions related to such resources; for the general
administration of the United States Fish and Wildlife Serv-
ice; and for maintenance of the herd of long-horned cattle on
the Wichita Mountains Wildlife Refuge; and not less than
$1,000,000 for high priority projects within the scope of the
approved budget which shall be carried out by Youth Conser-
vation Corps as if authorized by the Act of August 13, 1970,
as amended by Public Law 93–408, (7) $350,254,000
$360,654,000, to remain available for obligation until Sep-
tember 30, 1990, of which $5,000,000, to carry out the pur-
poses of 16 U.S.C. 1535, shall remain available until expend-
ed; and of which (8) $6,529,000 $6,811,000 shall be for
operation and maintenance of fishery mitigation facilities con-
strucTed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Re-
sources Development Act of 1976 (90 Stat. 2921), to com-
penstate for loss of fishery resources from water development
projects on the Lower Snake River, and which shall remain
available until expended\(^{(9)}\): \textit{Provided, That none of the}
funds provided herein may be used for the planning, imple-
mentation, or financing of agreements or arrangements with
entities for the management of United States Fish and Wild-
life Service wildlife refuges, exclusive of waterfowl produc-
tion areas, except for agreements or arrangements existing
as of the date of enactment of this Act\(^{(10)}\); and of which
$1,500,000 shall remain available until expended for the de-
velopment and installation of displays, exhibits, films, and
other educational material for an ecological center, which will
display the interdependency of fish and wildlife habitat upon
each other and the need for informed public stewardship of
these resources, including man’s impact on freshwater and
coastal streams, and which will be located on non-Federal
land and be constructed by non-Federal participants.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other
facilities required in the conservation, management, investi-
gations, protection, and utilization of sport fishery and wild-
life resources, and the acquisition of lands and interests there-
in; \((11)\) $23,756,000 \text{ \$25,294,000, to remain available}
1 until expended, of which $2,000,000 shall be available for
2 expenses to carry out the Anadromous Fish Conservation
4
5 LAND ACQUISITION
6 For expenses necessary to carry out the provisions of
7 the Land and Water Conservation Fund Act of 1965, as
8 amended (16 U.S.C. 460l–4–11), including administrative
9 expenses, and for acquisition of land or waters, or interest
10 therein, in accordance with statutory authority applicable to
11 the United States Fish and Wildlife Service,
12 ($12) $50,800,000 $61,849,000, to be derived from the
13 Land and Water Conservation Fund, to remain available
14 until expended ($13): Provided, That of the funds provided to
15 the United States Fish and Wildlife Service under the head-
16 ing “Construction and Anadromous Fish” in Public Law
17 100–71, $1,200,000 shall be expended for the lease or pur-
18 chase of water rights, from willing sellers, for the benefit of
19 Stillwater Wildlife Management Area, Nevada: Provided
20 further, That the lease or purchase shall be carried out pursu-
21 ant to the statutory and procedural requirements of the laws
22 of the State of Nevada, and the Secretary shall proceed with
23 any such lease or purchase pursuant to this appropriation if
24 and only if the Secretary receives certification from the State
25 of Nevada that the transfer of water rights and associated
26 change of use for the beneficial use of Stillwater Wildlife
27 Management Area is approved by the State of Nevada: Pro-
vided further, That notwithstanding any other provision of
this Act, the Secretary shall continue to pursue a comprehen-
sive settlement of water rights disputes on the Carson and
Truckee Rivers among the affected parties: Provided further,
That Stillwater Wildlife Management Area is to be consid-
ered a high priority wetland for purposes of this Act and
shall be fully considered by the Secretary for funding of any
future projects undertaken pursuant to the North American
Waterfowl Management Plan.

14 The Secretary may acquire lands and waters or
interests therein subject to the interest of the State of Califor-
nia, including the public trust, in lands including submerged
lands which are now or at any time have been below the
highest high water mark of the Sacramento River and/or its
tributaries, in the event the boundary of said river has been
artificially raised, or said lands are now or at any time have
been below the ordinary high water mark of the Sacramento
River, if said river and/or its tributaries is in its natural
state; and further subject to any adverse claim based upon the
assertion that (i) any portion of said lands is not now or has
not at any time been below the highest high water mark of the
Sacramento River and/or its tributaries, in the event the
boundary of said river has been artificially raised, or is not
now and has not at any time been below the ordinary high
water mark, if said river and/or its tributaries is in its natu-
rall state; (ii) some portion of said lands has been created by
artificial means or has accreted to such portion so created; or
(iii) some portion of said lands has been brought within the
boundaries thereof by an avulsive movement of the Sacra-
mento River and/or its tributaries, or has been formed by
accretion to any such portion.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of Octo-
ber 17, 1978 (16 U.S.C. 715s), (15) $7,645,000

$5,645,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States
Fish and Wildlife Service shall be available for purchase of
not to exceed 160 passenger motor vehicles, of which 153
are for replacement only (including 46 for police-type use);
not to exceed $400,000 for payment, at the discretion of the
Secretary, for information, rewards, or evidence concerning
violations of laws administered by the United States Fish and
Wildlife Service, and miscellaneous and emergency expenses
of enforcement activities, authorized or approved by the Sec-
retary and to be accounted for solely on his certificate; repair
of damage to public roads within and adjacent to reservation
areas caused by operations of the United States Fish and
Wildlife Service; options for the purchase of land at not to
exceed $1 for each option; facilities incident to such public
recreational uses on conservation areas as are consistent with
their primary purpose; and the maintenance and improve-
ment of aquaria, buildings, and other facilities under the juris-
diction of the United States Fish and Wildlife Service and to
which the United States has title, and which are utilized pur-
suant to law in connection with management and investiga-
tion of fish and wildlife resources: Provided, That the United
States Fish and Wildlife Service may accept donated aircraft
as (16) new, or replacements for existing aircraft: Provided
further, That hereafter the Columbian White Tail Deer
Refuge shall be known as the Julia Butler Hansen Refuge
for the Columbian White Tail Deer.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation,
and maintenance of areas and facilities administered by the
National Park Service (including special road maintenance
service to trucking permittees on a reimbursable basis), and
for the general administration of the National Park Service,
including not to exceed (17)$424,000 $442,000 for the
Roosevelt Campobello International Park Commission and
not less than $1,000,000 for high priority projects within the
scope of the approved budget which shall be carried out by
Youth Conservation Corps as if authorized by the Act of
August 13, 1970, as amended by Public Law 93–408,
(18)$742,181,000 $746,024,000, without regard to the
Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $52,200,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203 (19): Provided, That (i) amounts covered into the special account established under section 4 of the Land and Water Conservation Fund Act of 1965, as amended, for the National Park Service during the fiscal year ending September 30, 1990, and each fiscal year thereafter, shall be allocated among park system units in accordance with clause (ii), and notwithstanding any other provision of law, such amounts shall be available, without further appropriation, for obligation or expenditure by the Director of the National Park Service to be used as follows:

(1) In the case of receipts from entrance fees collected at units of the national park system: for resource protection, research, and interpretation at units of the national park system.

(2) In the case of receipts from user fees collected at units of the national park system: for resource protection, research, interpretation, and maintenance at units of the national park system.

(ii)(1) Half of the funds made available to the Director of the National Park Service under clause (i) in such fiscal year shall be allocated among units of the national park...
system in accordance with paragraph (2) and half shall be
allocated in accordance with paragraph (3). Amounts allocat-
ed to a unit for any fiscal year and expended in that fiscal
year shall remain available for expenditure at that unit until
expended.

(2) The fraction allocated to each unit under this para-
graph for each fiscal year shall be determined by dividing the
operating expenses at that unit during the prior fiscal year
by the total operating expenses at all units during the prior
fiscal year.

(3) The fraction allocated to each unit under this para-
graph for each fiscal year shall be determined by dividing the
fees collected under this section at that unit during the prior
fiscal year by the total fees collected under this section at all
units during the prior fiscal year: Provided, (20) That of
the funds appropriated from the General Fund of the Treas-
ury, $56,732,000 shall be for interpretation and visitor serv-
ices; $269,392,000 shall be for maintenance; and
$77,726,000 shall be for resources management: Provided
further, That the National Park Service shall not enter into
future concessionaire contracts, including renewals, that do
not include a termination for cause clause that provides for
possible extinguishment of possessory interests excluding de-
preciated book value of concessionaire investments without
compensation (21): Provided further, That $85,000 shall be
available to assist the town of Harpers Ferry, West Virginia, for police force use (22): Provided further, That the National Park Service shall continue its review of the proposal to acquire property in and around Natchez, Mississippi for the Mississippi River National Park and for the terminus of the Natchez Trace Parkway. For such purposes, up to $500,000 is authorized to be expended from available funds: Provided further, That funds appropriated to the National Park Service may be used for the purchase or hire of personnel services without regard to personnel laws as contained in title V of the United States Code, only to provide for the orderly transition from regional finance offices to a central finance office (23): Provided further, That of the funds provided herein, $250,000 is available for the National Institute for the Conservation of Cultural Property (24): Provided further, That no funds appropriated by this Act shall be available to remove, obstruct, dwater, fill, or otherwise damage the Brooks River fish ladder in the Katmai National Park, Alaska (25): Provided further, That no funds appropriated by this Act shall be available to conduct wolf research in Denali National Park and Preserve until the National Park Service complies with section 1308(a) of the Alaska National Interest Lands Conservation Act and Personnel Management Letter No. ADO–83–6–(370) (26): Provided further, That the Service shall consider persons for research and research
support positions who, by reason of having lived or worked in
or near a conservation system unit, have special knowledge or
expertise concerning the natural or cultural resources of such
unit (27): Provided further, That where any Federal lands
included within the boundary of the Park created by the Act
of December 18, 1971 (Public Law 92–207), were legally
occupied or utilized on the date of approval of that Act for
grazing purposes pursuant to a lease, permit, or license
issued or authorized by any department, establishment, or
agency of the United States, the person or persons so occup-y-
ing or utilizing such lands and the heirs of such person or
persons shall at that time be entitled to renew said leases,
permits, or licenses under such terms and conditions as the
Secretary of the Interior may prescribe, for the lifetime of the
permittee or any direct descendants (sons or daughters) born
on or before the enactment of Public Law 92–207 (December
18, 1971). Such grazing activities shall be subject to the fol-
lowing conditions:

(a) Grazing will be based on active preference that
exists on the date of this Act and no increase in animal unit
months will be allowed on park lands.

(b) No physical improvements for stock use will be es-
tablished on NPS lands without the written concurrence of
the Park Superintendent.
(c) Nothing in this section shall apply to any lease, permit, or license for mining purposes or for public accommodations and services or to any occupancy or utilization of lands for purely temporary purposes.

(d) Nothing contained in this Act shall be construed as creating any vested right, title interest, or estate in or to any Federal lands.

(e) The provisions of Public Law 97–341 are hereby repealed.

(f) Grazing will be managed to encourage the protection of the Park's natural and cultural resources values.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, (28) $14,093,000 $13,470,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), (29) $30,000,000 $30,250,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1990: Provided, That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): Provided fur-
ther, That pursuant to section 105(1) of the Compact of Free
Association, Public Law 99–239, the Federated States of Mi-
cronesia and the Republic of the Marshall Islands shall also
be considered States for purposes of this appropriation: (30):
Provided further, That $1,000,000 of the amount appropri-
ated herein shall remain available until expended in the Bi-
centennial Lighthouse Fund, to be distributed on a matching
grant basis after consultation among the National Park
Service, the National Trust for Historic Preservation, State
Historic Preservation Officers from States with resources eli-
gible for financial assistance, and the lighthouse community.
Consultation shall include such matters as a distribution for-
mula, timing of grant awards, a redistribution procedure for
grants remaining unobligated longer than two years after the
award date, and related implementation policies. The distri-
bution formula for fiscal year 1989 shall include consider-
ation of such factors as—
(A) the number of lighthouses on or determined to
be eligible for listing on the National Register of His-
toric Places by March 30, 1989;
(B) the number of river lights and number of his-
toric river sites on or determined to be eligible for list-
ing on the National Register by March 30, 1989; and
(C) the availability of matching contributions in
the State: Provided further, That no State shall receive
more than 15 per centum of the Bicentennial Light-
house Fund in any one fiscal year, nor more that 10
per centum of the total appropriations to the Fund in
any two fiscal year period: Provided further, That only
the light station structure, itself, shall be counted in de-
termining the number of properties in each State eligi-
ble to participate in the Fund: Provided further, That
the Secretary shall allocate appropriate funds from the
Bicentennial Lighthouse Fund to be transferred, with-
out the matching requirement, for use by Federal agen-
cies, in cooperative agreements with the National Park
Service and the State Office of Historic Preservation
in which the property is located, for properties other-
wise eligible for the National Register but owned by
the Federal Government.

CONSTRUCTION

For construction, improvements, repair or replacement
of physical facilities, without regard to the Act of August 24,
1912, as amended (16 U.S.C. 451), (31)$131,800,000
$119,072,000, to remain available until expended (32), in-
cluding $2,950,000 to carry out the provisions of sections
302, 303, and 304 of Public Law 95-290: Provided, That for
payment of obligations incurred for continued construction of
the Cumberland Gap Tunnel, as authorized by section 160
of Public Law 93-87, $47,000,000 to be derived from the
Highway Trust Fund and to remain available until expended
to liquidate contract authority provided under section 104(a)(8) of Public Law 95–599, as amended, such contract authority to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1989 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $62,206,000 to $64,961,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, including $3,300,000 to administer the State Assistance program: Provided, That of the amounts previously appropriated to the Secretary’s contingency fund for grants to States, $357,000 shall be available in 1989 for administrative expenses of the State grant program: 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.
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $5,181,000: Provided, That contracts (35) hereafter awarded for environmental systems, housekeeping, protection systems, and repair or renovation of buildings of the John F. Kennedy Center for the Performing Arts may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

(36) ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $260,000.

(37) AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

For expenses necessary to pay awards resulting from claims by licensees against the American Revolution Bicentennial Administration and its successors, $4,765,000: Provided, That payment of awards shall occur no later than 30 days after enactment of this Act.
NATIONAL FILM PRESERVATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Film Preservation Board, $100,000: 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.

SECTION 2. NATIONAL FILM PRESERVATION BOARD.

The Secretary of the Interior shall establish a National Film Registry for the purpose of registering films that are culturally, historically, or esthetically significant.

SECTION 3. DUTIES OF SECRETARY OF THE INTERIOR.

(a)(1) The Secretary, as empowered by the Board, shall by rulemaking in accordance with the requirements of the Administrative Procedures Act (5 U.S.C.__)—
(A) establish criteria for guidelines pursuant to which such films may be included in the National Film Registry;

(B) establish criteria pursuant to which films may be removed from the National Film Registry; and

(C) establish criteria and procedures to determine whether a version of a film registered on the National Film Registry has been materially altered (including colorization).

(2) In addition, the Secretary shall—

(A) determine, from time to time, in consultation with the Board, which films satisfy the criteria developed pursuant to subparagraph (a)(1)(A) and qualify to be included in the National Film Registry. The Secretary shall not select more than 25 films per year for inclusion in the Registry;

(B) determine, from time to time, in consultation with the Board and in accordance with criteria established under subparagraph (a)(1)(B), which films, if any, should be removed from the National Film Registry;

(C) convene, from time to time, a panel of experts solely to advise the Board on a definition of "material alteration" for purposes of subparagraph (a)(1)(C). Such panel shall be comprised of four persons, one representative each from the Motion Picture Association of
America and the National Association of Broadcasters;
and two representatives of the film guilds representing
directors, writers, cinematographers, editors, and set
designers;
(D) provide a seal to indicate that the film has
been included in the National Film Registry as an en-
during part of our national cultural heritage which seal
may be used in the promotion of any version of such
film that has not been materially altered; and
(E) have published in the Federal Register the
name of each film whenever it is included in or re-
moved from the National Film Registry.
(b) APPEALS TO THE SECRETARY.—The exhibitor or
distributor of a film may appeal to the Secretary—
(1) objecting to a nomination of such film for in-
clusion in the National Film Registry;
(2) the failure or refusal of the Secretary to nomi-
nate such film for inclusion in the National Film Regis-
try;
(3) the removal of such film from the National
Film Registry; or
(4) the determination that a version of a film
which is included in the National Film Registry has
been materially altered.
The Secretary shall refer such appeals to the Board for decisions.

(c) Registry Collection.—The Secretary shall endeavor to obtain by gift from the owner, a copy of an original version of each film included in the National Film Registry for scholarly research. Such films shall be stored in an appropriate place to be determined by the Secretary, in consultation with the Administrator of General Services.

SEC. 4. LABELING REQUIREMENTS.

(a) 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 subsection (b).

(b)(1) 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:

"Materially edited version of original work; certain creative contributors did not participate in this version of the film."

Such a label shall appear in a conspicuous and legible type.

(2) 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:
"Colorized version of original work; certain creative contributors did not participate."

Such a label shall appear in a conspicuous and legible type.

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

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

"Materially edited version of original work; certain creative contributors did not participate in this version of the film."

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

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

"Materially edited version of original work; certain creative contributors did not participate in this version of the film."

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

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

(A) an area of a rectangle on the front of the package which bears the following statement:
"Colorized version of original work; certain creative contributors did not participate."

Such a label shall appear in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package; and

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

"Colorized version of original work; See front panel."

Such a label 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 subparagraph 3(a)(2)(D) of this Act if such film—

(a) is not included in the National Film Registry;

or

(b) is included in the National Film Registry where such version has been materially altered.

SEC. 6. REMEDIES.

The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of sections 4 and 5 of this Act upon the application of the Commissioner of Patents and Trademarks
to the Attorney General of the United States acting through
the several United States attorneys in their several districts.
The scope of the relief shall be limited to the prospective
application of a label or removal of a seal as appropriate
except in cases in which the Commissioner finds a pattern or
practice of willful disregard of this Act. In such cases, the
United States district courts are vested with jurisdiction to
order civil fines of not more than $10,000 and appropriate
injunctive relief.

SEC. 7. LIMITATIONS OF REMEDIES.

The remedies under 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 subparagraph
3(a)(2)(D) or labeling of materially altered films.

SEC. 8. NATIONAL FILM PRESERVATION BOARD.

(a) NUMBER AND APPOINTMENT.—The Secretary shall
establish a National Film Preservation Board to be made up
of the following members:

(1) the President of the Academy of Motion Pic-
ture Arts and Sciences;
(2) the President of the Directors Guild of Amer-
ica;
(3) the President of the Writers Guild of America;
(4) the President of the National Society of Film
Critics;
(5) the President of the Society for Cinema Studies;

(6) the President of the American Film Institute;

(7) the Chairman of the Department of Theatre, Film and Television, College of Fine Arts at the University of California, Los Angeles;

(8) the Chairman of the Department of Cinema Studies in the Graduate School of Arts and Science at New York University;

(9) the President of The University Film and Video Association;

(10) the President of the Motion Picture Association of America;

(11) the President of the National Association of Broadcasters;

(12) the President of the Association of Motion Picture and Television Producers; and

(13) the President of the Screen Actors Guild.

The Secretary shall appoint a member to serve as Chairperson.

(b) Term of Office.—(1) The term of each member of the Board shall be four years from the expiration of his predecessor's term; except that the members first appointed shall serve for terms of one to four years, as designated by the Secretary at the time of appointment, in such manner as to
insure that the terms of no more than two of them will expire
in any one year. A member whose term has expired shall
serve until that member’s successor has been appointed.

(2) A vacancy in the Board shall be filled in the manner
in which the original appointment was made. Appointments
may be made under this subsection without regard to section
5311(b) of title 5, United States Code. Any member appoint-
ed 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.

(e) QUORUM.—Seven members of the Board shall con-
stitute a quorum but a lesser number may hold hearings.

(d) BASIC PAY.—Members of the Board shall serve
without pay, except that members of the Board are each au-
thorized to be paid the daily equivalent of the maximum
annual rate of basic pay in effect for grade GS–18 of the
General Schedule for each day, including travel time, during
which they are engaged in the actual performance of duties of
the Board. While away from their homes or regular places of
business in the performance of services for the Board, mem-
gers of the Board shall be allowed travel expenses, including
per diem in lieu of subsistence, in the same manner as per-
sons employed intermittently in Government service are al-
lowed expenses under section 5703 of title 5 of the United
States Code.
(c) 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 section. Meetings shall be at the call of the Chairperson or a majority of its members.

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.
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, to review nominations of films submitted to the Board for inclusion in the National Film Registry and to consult with the Secretary with respect to the inclusion of such films in the Registry and the removal of any films from the Registry, and those powers defined in section 9. From time to time, the Board may alter the labeling by two-thirds vote of those present.

(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.

As used in sections 1 through 6:

(1) The term "Secretary" means the Secretary of the Interior.

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

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

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

(5) "Material alteration" shall include fundamental changes in the film such as colorization, substitution of characters' bodies and faces, significant changes in theme, plot and character. 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.

There is authorized to be appropriated to the Secretary of the Interior for fiscal year 1989 not to exceed $100,000 and for any subsequent fiscal year such sums as may be necessary.

SEC. 13. EFFECTIVE DATE.

The effective date is the date of enactment of this Act. The provisions of this Act shall not apply to any films materially altered prior to said effective date.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 360 passenger motor vehicles, of which 290 shall be for replacement only, including not to exceed 290 for police-type use and 26 buses;
to provide, notwithstanding any other provision of law, at a
cost not exceeding $100,000, transportation for children in
nearby communities to and from any unit of the National
Park System used in connection with organized recreation
and interpretive programs of the National Park Service; op-
tions for the purchase of land at not to exceed $1 for each
option; and for the procurement and delivery of medical serv-
ices within the jurisdiction of units of the National Park
System: Provided, That no funds available to the National
Park Service may be used, unless the proposed transfer is
approved in advance by the House and Senate Committees
on Appropriations in compliance with the reprogramming
procedures contained in House Report 99–714, to maintain
law and order in emergency and other unforeseen law en-
forcement situations and conduct emergency search and
rescue operations in the National Park System: Provided fur-
ther, That none of the funds appropriated to the National
Park Service may be used to process any grant or contract
documents which do not include the text of 18 U.S.C. 1913:
Provided further, That none of the funds appropriated to the
National Park Service may be used to add industrial facilities
to the list of National Historic Landmarks without the con-
sent of the owner: Provided further, That the National Park
Service may use helicopters and motorized equipment at
Death Valley National Monument for removal of feral burros
and horses: Provided further, That notwithstanding any other provision of law, the National Park Service may recover unbudgeted costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

No funds shall be available for the National Park Service to issue any construction permit for the Potomac Greens interchange on the George Washington Memorial Parkway unless an Environmental Impact Statement is conducted. The Environmental Impact Statement shall be commenced promptly and completed and filed within eighteen months of the date on which Public Law 100–202 was enacted. After
completion and filing, the EIS shall be transmitted to the appropriate Congressional Committees for a period of 60 days, during which time the National Park Service shall not issue any construction permit for the Potomac Greens interchange on the George Washington Memorial Parkway.

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

The Environmental Impact Statement shall also provide an evaluation of alternative acquisition strategies to include but not be limited to appraisal estimates for the access rights, the entire 38-acre parcel, that portion of the 38-acre parcel as defined approximately by the historic district boundary line, and any other recommendations by the National Park Service to mitigate the Parkway degradation effects of the proposed development so as to adequately protect and preserve the Parkway. Such appraisals shall be prepared and filed as soon as is reasonably possible. The National Park Service solely shall determine the legal and factual sufficiency of the Environmental Impact Statement and its compliance with the National Environmental Policy Act of 1969.
The Environmental Impact Statement shall be separate from, independent of, and in no way intended to affect or modify any pending litigation. Notwithstanding any other provision of law, no court shall have jurisdiction to consider questions respecting the factual and legal sufficiency of the Environmental Impact Statement under the National Environmental Policy Act of 1969.

(39) 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.

(40) None of the funds provided in this or any other Act shall be available to prepare a request or study or respond to a request or to cooperate with the Office of Personnel Management or to take any other action to increase special pay provisions for the United States Park Police except as provided for in this Act.

(41) None of the funds provided in this or any other Act shall be available to the National Park Service to investigate, study, plan, or otherwise advance a proposal to restore Hetch Hetchy Valley to a natural condition.

(42) There is hereby established a Fellowship in Congressional Operations Program for employees of the National Park Service. The Director of the National Park Service shall design and administer the program, within available
funds, to improve mutual understanding and cooperation be-
between Service employees, and Members and Committees of
Congress. The program is dedicated to the memory of Pietro
Antonio (Tony) Bevinetto, and Service employees participat-
ing in the program shall be known as "Bevinetto Fellows".

Geological Survey

Surveys, Investigations, and Research

For expenses necessary for the Geological Survey to
perform surveys, investigations, and research covering topog-
raphy, geology, hydrology, and the mineral and water re-
resources of the United States, its Territories and possessions,
and other areas as authorized by law (43 U.S.C. 31, 1332
and 1340); classify lands as to their mineral and water re-
sources; give engineering supervision to power permittees
and Federal Energy Regulatory Commission licensees; ad-
minister the minerals exploration program (30 U.S.C. 641);
and publish and disseminate data relative to the forego-
ing activities; (43) $448,056,000 $448,045,000, of which
$58,800,000 shall be available only for cooperation with
States or municipalities for water resources investigations:
Provided, That no part of this appropriation shall be used to
pay more than one-half the cost of any topographic mapping
or water resources investigations carried on in cooperation
with any State or municipality.
The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 19 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95–224.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals
leases, permits, licenses and operating contracts; and for
matching grants or cooperative agreements; including the
purchase of not to exceed eight passenger motor vehicles for
replacement only; (44) $170,000,000 $171,847,000, of
which not less than (45) $51,567,000 $53,605,000 shall be
available for royalty management activities including general
administration: PROVIDED, That notwithstanding any other
provision of law, funds appropriated under this Act shall be
available for the payment of interest in accordance with 30
U.S.C. 1721 (b) and (d): PROVIDED further, That not to exceed
$3,000 shall be available for reasonable expenses related to
promoting volunteer beach and marine clean-up activities:
PROVIDED further, That of the above enacted amounts,
$250,000 proposed for data gathering to help determine the
boundary between State and Federal lands offshore of Alaska
shall be available only if an equal amount is provided by the
State of Alaska from State revenues to match the Federal
support for this project.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, techno-
logical investigations, and research concerning the extrac-
tion, processing, use, and disposal of mineral substances
without objectionable social and environmental costs; to
foster and encourage private enterprise in the development of
mineral resources and the prevention of waste in the mining,
minerals, metal, and mineral reclamation industries; to in-
quire into the economic conditions affecting those industries;
to promote health and safety in mines and the mineral indus-
try through research; and for other related purposes as au-
thorized by law, (46) $146,254,000 $165,167,000, of
which (47) $84,485,000 $92,785,000 shall remain avail-
able until expended: Provided, That none of the funds in this
or any other Act may be used for the closure or consolidation
of any research centers or the sale of any of the helium facili-
ties currently in operation (48): Provided further, That
within funds provided under this heading, $250,000 shall be
made available for sealing abandoned mine sites in and
around the Town of Galena, Kansas.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings,
equipment, and other contributions from public and private
sources and to prosecute projects in cooperation with other
agencies, Federal, State, or private: Provided, That the
Bureau of Mines is authorized, during the current fiscal year,
to sell directly or through any Government agency, including
corporations, any metal or mineral product that may be man-
ufactured in pilot plants operated by the Bureau of Mines,
and the proceeds of such sales shall be covered into the
Treasury as miscellaneous receipts.
Office of Surface Mining Reclamation and Enforcement

regulation and technology

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed $400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; (49) $104,086,000 $100,837,000, and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, equal to receipts to the General Fund of the Treasury from performance bond forfeitures in fiscal year 1989: Provided, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1989 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That the Secretary of the Interior shall abide by and adhere to the terms of the Settlement Agreement in NWR v. Miller, C.A. No. 86-99 (E.D. Ky), and not take any actions inconsistent with the
provisions of footnote 3 of the Agreement with respect to any State or Federal program.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, \((50) \$191,154,000 \$201,328,000\) to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95–87, administrative expenses may not exceed 15 per centum: Provided further, That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the
Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders, or uncontested past due Abandoned Mine Land fees: Provided further, That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund grant, available to a State pursuant to title IV of Public Law 95–87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement: Provided further, That expenditure of moneys as authorized in section 402(g)(3) of Public Law 95–87 shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95–87: Provided further, That 23 full-time equivalent positions are to be maintained in
the Anthracite Reclamation Program at the Wilkes-Barre
Field Office (51): Provided further, That notwithstanding
any other provision of law, no funds in this, or any other Act,
shall be used to alter the allocation formula used in fiscal
year 1988 to distribute the Secretary's discretionary share of
the Abandoned Mine Reclamation Fund to States pursuant
to section 402(g)(3) of Public Law 95–87 (52): Provided
further, That notwithstanding any other provisions of law,
appropriations for the Office of Surface Mining Reclamation
and Enforcement may, hereafter, provide for the travel and
per diem expenses of State and tribal personnel attending
OSMRE sponsored training (53): Provided further, That
(a) No funds appropriated by this Act may be used by the
Secretary of the Interior for the purpose of reconciling the
Abandoned Mine Reclamation Fund unless the Secretary of
the Interior, from existing funds, conducts a thorough ac-
counting and reconciliation of the Abandoned Mine Reclama-
tion 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 reconcil-
iation shall determine, by State, the source of all contribu-
tions to the fund and shall denote all fund disbursements by
purpose and fiscal year including letter of credit grants to
States.
(b) 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.

(c) The report required by this section shall be presented to the appropriate committees of the Congress prior to June 1, 1989. The findings of the Secretary under this section shall not be used to amend or revise State allocations during fiscal year 1989.

Bureau of Indian Affairs

Operation of Indian Programs

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian
Affairs, including payment of irrigation assessments and
carges; acquisition of water rights; advances for Indian in-
dustrial and business enterprises; operation of Indian arts and
crafts shops and museums; development of Indian arts and
crafts, as authorized by law; for the general administration of
the Bureau of Indian Affairs, including such expenses in field
offices, (54) $996,024,000 $980,486,000, of which not to
exceed (55) $74,004,000 $68,564,000 for higher education
scholarships, adult vocational training, and assistance to
public schools under the Act of April 16, 1934 (48 Stat.
596), as amended (25 U.S.C. 452 et seq.), shall remain avail-
able for obligation until September 30, 1990, and of which
$25,000,000 for firefighting and repayment to other appro-
priations from which funds were transferred under the au-
thority of section 102 of the Department of the Interior and
Related Agencies Appropriations Act, 1988, shall remain
available until expended, and the funds made available to
tribes and tribal organizations through contracts authorized
by the Indian Self-Determination and Education Assistance
remain available until September 30, 1990: Provided, That
this carryover authority does not extend to programs directly
operated by the Bureau of Indian Affairs unless the tribe(s)
and the Bureau of Indian Affairs enter into a cooperative
agreement for consolidated services; and for expenses neces-
sary to carry out the provisions of section 19(a) of Public
Law 93–531 (25 U.S.C. 640d–18(a)), $1,997,000, to remain
available until expended: Provided further, That none of the
funds appropriated to the Bureau of Indian Affairs shall be
expended as matching funds for programs funded under sec-
tion 103(b)(2) of the Carl D. Perkins Vocational Education
Act (56): Provided further, That $200,000 of the funds
made available in this Act shall be available for cyclical
maintenance of tribally owned fish hatcheries and related fa-
cilities: Provided further, That any savings realized by the
Bureau of Indian Affairs from the transfer of fish hatcheries
to the United States Fish and Wildlife Service shall be
available for cyclical maintenance of tribally owned fish
hatcheries and related facilities: Provided further, That no
part of any appropriations to the Bureau of Indian Affairs
shall be available to provide general assistance payments for
Alaska Natives in the State of Alaska unless and until other-
wise specifically provided for by Congress: Provided further,
That the Secretary shall take no action to close the school or
dispose of the property of the Phoenix Indian School until the
Congress has specifically approved the school closure or pro-
vided for disposition of the property in legislation: Provided
further, That none of the funds in this Act shall be used by
the Bureau of Indian Affairs to transfer funds under a con-
tact with any third party for the management of tribal or
individual Indian trust funds until the funds held in trust for such tribe or individual have been audited and reconciled, and the tribe or individual has been provided with an accounting of such funds, and the appropriate committees of the Congress and the tribes have been consulted with as to the terms of the proposed contract or agreement: Provided further, That none of the funds in this Act shall be used to implement any regulations, or amendments to or revisions of regulations, relating to the Bureau of Indian Affairs' higher education grant program that were not in effect on March 1, 1987:

Provided further, That (57) $120,000 $230,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: Provided further, That if the actual amounts required in this account for costs of the Federal Employee Retirement System in fiscal year 1989 are less than amounts estimated in budget documents, such excess funds may be transferred to "Construction" and "Miscellaneous Payments to Indians" to cover the costs of the retirement system in those accounts: Provided further, That notwithstanding any other provision of law, concurrent with the opening of the Western Cheyenne River Consolidated School the following schools shall be permanently closed: Bridger Day School (Howes, SD); Cherry Creek Day School (Cherry Creek, SD); and the Red Scaffold School (Faith, SD) (58): Provided further, That subsection
(b) of section 5 of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712c) is amended by striking out "Indian individuals" and inserting in lieu thereof "Cow Creek descendants or other Indian individuals": Provided further, That the amounts available for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be distributed on the same basis as such funds were distributed in fiscal year 1986: Provided further, That notwithstanding any other provision of law, section 4 of the Act of May 1, 1986 (100 Stat. 404) is amended by deleting the language before the colon and inserting the following in lieu thereof: "The balance of the income derived by the Secretary of the Interior from the interests in the lands identified in section 1 of this Act which were transferred to the Treasury as miscellaneous receipts shall be transferred to and held in trust by the Secretary for use as follows": Provided further, That for the purpose of enabling Indian reservation residents in Arizona who are eligible for General Assistance and who have dependent children to participate and succeed in Job Corps training, the Bureau shall pay general assistance support for the dependent children at the full State AFDC A–2 grant level: Provided further, That notwithstanding any other provision of law, any portion of the funds appropriated under the authority of Public Law 93–
530 not yet obligated, but not to exceed $700,000, shall be
transferred by the Secretary of the Interior to the governing
body of the San Carlos Apache Tribe (hereafter referred to as
the “Tribe”) by no later than the date that is sixty days after
the date of enactment of this Act. Amounts transferred to the
Tribe under this proviso shall be used for economic develop-
ment purposes in accordance with the plan which was adopt-
ed by the governing body of the Tribe on April 12, 1988, and
any amendment thereto which has been approved by the Sec-
retary of the Interior. The Tribe may expend the amounts
transferred under this proviso for the purposes authorized
without the prior approval of the Secretary of the Interior.
None of the funds transferred to the Tribe may be used to
make per capita payments to the members of the Tribe: Pro-
vided further, That notwithstanding any other provision of
law, the funds transferred by this Act to the San Carlos
Apache Tribe may be treated as non-Federal, private funds of
the Tribe for purposes of any provision of Federal law which
requires that non-Federal or private funds be used in a
project or for a specific purpose: Provided further, That the
Federal Government shall have no further obligation to ap-
propriate funds for the purposes indentified in Public Law
93–530.

CONSTRUCTION

For construction, major repair, and improvement of irri-
gation and power systems, buildings, utilities, and other fa-
cities, including architectural and engineering services by
contract; acquisition of lands and interests in lands; prepara-
tion of lands for farming; and construction, repair, and im-
provement of Indian housing, (63)$79,126,000
$78,513,000, to remain available until expended: Provided,
That $1,449,000 of the funds appropriated for use by the
Secretary to construct homes and related facilities for the
Navajo and Hopi Indian Relocation Commission in lieu of
construction by the Commission under section 15(d)(3) of the
14(d)(3)), may be used for counseling, archeological clear-
ances, and administration related to the relocation of Navajo
families: Provided further, That (64)$1,100,000
$1,500,000 of the funds made available in this Act shall be
available for rehabilitation of tribally owned fish hatcheries
and related facilities: Provided further, That such amounts as
may be available for the construction of the Navajo Indian
Irrigation Project may be transferred to the Bureau of
Reclamation (65): Provided further, That $332,000 of the
funds appropriated under this heading, shall be transferred to
the Institute of American Indian and Alaskan Native Cul-
ture and Arts Development if the Institute enters into an
agreement before September 30, 1989, for the lease of (with
an option to purchase) a building in Santa Fe, New Mexico,
which has space suitable for use as a museum, classrooms, a
cultural research and exchange center, and a retail gift shop, which shall remain available to the Institute until expended for the renovation of such building and for the relocation of the collection of the museum of the Institute to such building (66): Provided further, That from the unobligated amount of previous appropriations available for irrigation construction for the Northern Cheyenne Reservation, the Secretary of the Interior shall transfer $34,000 to the Northern Cheyenne Tribe as a grant for the Dull Knife Memorial College.

ROAD CONSTRUCTION

Not to exceed 5 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover roads program management costs and construction supervision costs of the Bureau of Indian Affairs.

MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98–500, 99–264, and 99–503, including funds for necessary administrative expenses, (67) $13,952,000 $13,955,000, to remain available until expended, of which not to exceed $11,300,000 is made available to the Tohono O’odham Nation for purposes authorized in the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99–503.
REvolving fund for loans

During fiscal year 1989, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed resources and authority available.

Indian loan guaranty and insurance fund

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), $3,370,000, to remain available until expended: Provided, That during fiscal year 1989, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974, as amended, may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

Administrative provisions

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits, and purchase of not to exceed 150 passenger carrying motor vehicles, of which not to exceed 115 shall be for replacement only.
For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, (68) $82,397,000 $96,087,000, of which (1) (69) $79,371,000 $93,041,000 shall be available until expended for technical assistance; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98–454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for support of governmental functions; construction grants to the Government of the Virgin Islands as authorized by Public Law 97–357 (96 Stat. 1709); construction grants to the Government of Guam, as authorized by law (Public Law 98–454; 98 Stat. 1732); grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) (70) $2,926,000 $3,046,000 for salaries and expenses of the Office of Territorial and International Affairs: Provided, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administra-
tion: Provided further, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to (71) these the terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands (72) approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99-396: Provided further, That (73) $540,000 $710,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495); grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for sup-
1 port of governmental functions; (74) $28,434,000
2 $18,287,000 (75) including $10,304,000 for payment of
3 claims pursuant to the Micronesian Claims Act of 1971, to
4 remain available until expended: Provided, That all financial
5 transactions of the Trust Territory, including such transac-
6 tions of all agencies or instrumentalities established or util-
7 ized by such Trust Territory, shall be audited by the General
8 Accounting Office in accordance with chapter 35 of title 31,
9 United States Code: Provided further, That the government
10 of the Trust Territory of the Pacific Islands is authorized to
11 make purchases through the General Services Administra-
12 tion: Provided further, That all Government operations funds
13 appropriated and obligated for the Republic of Palau under
14 this account for fiscal year 1989, shall be credited as an
15 offset against fiscal year 1989 payments made pursuant to
16 the legislation approving the Palau Compact of Free Associa-
17 tion (Public Law 99–658), if such Compact is implemented
18 before October 1, 1989 (76): Provided further, That any
19 unobligated balances for Palau government operations which
20 remain available on the date of Compact implementation
21 shall be used by the Department of the Interior to reduce the
22 accumulated deficit of the Trust Territory Government.
23 COMPACT OF FREE ASSOCIATION
24 For economic assistance and necessary expenses for the
25 Federated States of Micronesia and the Republic of the Mar-
26 shall Islands as provided for in sections 122, 221, 223, 232,
1 and 233 of the Compact of Free Association,
2 (77) $36,160,000 $30,360,000, (78) including
3 $2,500,000 for the Enjebi Community Trust Fund, to remain
4 available until expended, as authorized by Public Law 99–
5 239: Provided, That notwithstanding the provisions of Public
6 Laws 99–500 and 99–591, the effective date of the Palau
7 Compact for purposes of economic assistance pursuant to the
8 Palau Compact of Free Association, Public Law 99–658,
9 shall be the effective date of the Palau Compact as deter-
10 mined pursuant to section 101(d) of Public Law 99–
11 658 (79): Provided further, That if the action entitled
12 Judæ, et al. v. The United States, No. 88–1206 (Fed. Cir.) is
13 voluntarily dismissed with prejudice and provided that the
14 People of Bikini accept that the following deposit fully meets
15 the obligation of the United States to assist in the rehabilita-
16 tion and resettlement of Bikini Atoll, to which the full faith
17 and credit of the United States is pledged pursuant to section
18 103(0)(1) of Public Law 99–239; such obligation shall be sat-
19 isfied by the deposit of $90,000,000 into the Resettlement
20 Trust Fund for the People of Bikini established pursuant to
21 Public Law 97–257, and governed pursuant to the terms of
22 such trust instrument, such deposit to be in installments of
23 $5,000,000 on October 1, 1988; $22,000,000 on October 1, 1989; $21,000,000 on October 1, 1990; $21,000,000 on October 1, 1991; and $21,000,000 on October 1, 1992 (80):
Provided further, That the terms of such Resettlement Trust Fund are hereby modified to provide that corpus and income may be expended for rehabilitation and settlement of Bikini Atoll, except that the Secretary may approve expenditures not to exceed $2,000,000 in any year from income for construction projects on Kili or Ejjit. Provided further, That one year prior to completion of the rehabilitation and resettlement program, the Secretary of the Interior shall report to Congress on future funding needs on Bikini Atoll. Unless otherwise determined by Congress, following completion of the rehabilitation and resettlement program, funds remaining in the Resettlement Trust Fund in excess of the amount identified by the Secretary as required for future funding needs shall be deposited in the Treasury of the United States as miscellaneous receipts. Upon completion of those needs, the Resettlement Trust Fund shall be extinguished and all remaining funds shall be deposited in the Treasury of the United States as miscellaneous receipts: Provided further, That in full satisfaction of the obligation of the United States to provide funds to assist in the resettlement and rehabilitation of Bikini Atoll by the People of Bikini, to which the full faith and credit of the United States is pledged pursuant to section 103(l) of Public Law 99–239, the United States shall deposit $90,000,000 into the Resettlement Trust Fund for the People of Bikini.
established pursuant to Public Law 97-257, and governed pursuant to the terms of such trust instrument, such deposit to be in installments of $5,000,000 on October 1, 1988; $22,000,000 on October 1, 1989; $21,000,000 on October 1, 1990; $21,000,000 on October 1, 1991; and $21,000,000 on October 1, 1992: Provided further, That the terms of such Resettlement Trust Fund are hereby modified to provide that corpus and income may be expended for rehabilitation and resettlement of Bikini Atoll, except that the Secretary may approve expenditures not to exceed $2,000,000 in any year from income for projects on Kili or Ejit: Provided further, That one year prior to completion of the rehabilitation and resettlement program, the Secretary of the Interior shall report to Congress on future funding needs on Bikini Atoll. Unless otherwise determined by Congress, following completion of the rehabilitation and resettlement program, funds remaining in the Resettlement Trust Fund in excess of the amount identified by the Secretary as required for future funding needs shall be deposited in the U.S. Treasury as miscellaneous receipts. Upon completion of those needs, the Resettlement Trust Fund shall be extinguished and all remaining funds shall be deposited in the U.S. Treasury as miscellaneous receipts. The payment and use of funds in accordance herewith is for the sole purpose of implementing and fulfilling the terms of the Section 177 Agreement referred to
in section 462(d) of the Compact of Free Association between
the United States and the Republic of the Marshall Islands,
including Article VI, section 1, and Articles X and XII,
thereof. Payments pursuant hereto shall be made only upon:
One, voluntary dismissal with prejudice of Juda et al. v. the
United States, No. 88-1206 (Fed. Cir.); and two, submis-
sion of written notice to the United States and the Republic
of the Marshall Islands, executed by duly-authorized repre-
sentatives acting on their behalf, that the People of Bikini
accept the obligations and undertaking of the United States
to make the payments prescribed by this Act, together with
the other payments, rights, entitlements and benefits provided
for under the Section 177 Agreement, as full satisfaction of
all claims of the People of Bikini related in any way to the
United States nuclear testing program in accordance with the
terms of the Section 177 Agreement.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of
the Interior, \(85\) $40,580,000 $48,809,000, of which not
to exceed $10,000 may be for official reception and represen-
tation expenses.\(86\). Provided, That 5 per centum of the
sum provided under this head shall not be available until on
or after the date that final rules are issued by the National
Park Service that require use of seatbelts while traveling on National Park Service roads.

Office of the Solicitor

Salaries and Expenses

For necessary expenses of the Office of the Solicitor, $24,686,000.

Office of Inspector General

Office of Inspector General

For necessary expenses of the Office of Inspector General, (87) $18,858,000 $18,649,000.

Construction Management

For necessary expenses of the Office of Construction Management, $1,800,000.

Administrative Provisions

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 11 aircraft, 7 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That no programs funded with appropriated funds in the “Office of the Secretary”, “Office of the Solicitor”, and “Office of Inspector General” may be augmented through the Working Capital Fund or the Consolidated Working Fund.
Sec. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Sec. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods or volcanoes; for the prevention, suppression, and control of actual or potential grasshopper and Mormon Cricket outbreaks on lands under the jurisdiction of
the Secretary, pursuant to the authority in section 1773(b) of
Public Law 99–198 (99 Stat. 1658); for emergency reclama-
tion projects under section 410 of Public Law 95–87; and
shall transfer, from any no year funds available to the Office
of Surface Mining Reclamation and Enforcement, such funds
as may be necessary to permit assumption of regulatory au-
thority in the event a primacy State is not carrying out the
regulatory provisions of the Surface Mining Act: Provided,
That appropriations made in this title for fire suppression
purposes shall be available for the payment of obligations in-
curred during the preceding fiscal year, and for reimburse-
ment to other Federal agencies for destruction of vehicles,
aircraft, or other equipment in connection with their use for
fire suppression purposes, such reimbursement to be credited
to appropriations currently available at the time of receipt
thereof: Provided further, That all funds used pursuant to
this section must be replenished by a supplemental appropria-
tion which must be requested as promptly as possible.

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

4 Sec. 104. Appropriations made to the Department of
5 the Interior in this title shall be available for services as au-
6 thorized by 5 U.S.C. 3109, when authorized by the Secre-
7 tary, in total amount not to exceed (88) $500,000
8 $810,000; hire, maintenance, and operation of aircraft; hire
9 of passenger motor vehicles; purchase of reprints; payment
10 for telephone service in private residences in the field, when
11 authorized under regulations approved by the Secretary; and
12 the payment of dues, when authorized by the Secretary, for
13 library membership in societies or associations which issue
14 publications to members only or at a price to members lower
15 than to subscribers who are not members: Provided, That no
16 funds available to the Department of the Interior are avail-
17 able for any expenses of the Great Hall of Commerce.

18 Sec. 105. Appropriations available to the Department
19 of the Interior for salaries and expenses shall be available
20 for uniforms or allowances therefor, as authorized by law (5

22 Sec. 106. Appropriations made in this title shall be
23 available for obligation in connection with contracts issued by
24 the General Services Administration for services or rentals
for periods not in excess of twelve months beginning at any
time during the fiscal year.

(89) Sec. 107. None of the funds appropriated or other-
wise made available pursuant to this Act shall be obligated
or expended to finance changing the name of the mountain
located 62 degrees, 04 minutes, 15 seconds west, presently
named and referred to as Mount McKinley.

(90) Sec. 107. No funds made available by this or
any other Act shall be expended to exchange lands located
within the boundaries of the Lake Mead National Recreation
Area in Nevada in township 32 south, range 22 west, Mount
Diablo Meridian.

Sec. 108. Notwithstanding any other provisions of law,
appropriations in this title shall be available to provide insur-
ance on official motor vehicles, aircraft, and boats operated
by the Department of the Interior in Canada and Mexico.

Sec. 109. No funds provided in this title may be used to
detail any employee to an organization unless such detail is
in accordance with Office of Personnel Management
regulations.

Sec. 110. No funds provided in this title may be ex-
pended by the Department of the Interior for the conduct of
leasing, or the approval or permitting of any drilling or other
exploration activity, on lands within the Eastern Gulf of
Mexico planning area of the Department of the Interior
which lie south of 26 degrees North latitude and east of 86
degrees West longitude.

Sec. 111. No funds provided in this title may be ex-
pended by the Department of the Interior for the conduct of
leasing, or the approval or permitting of any drilling or other
exploration activity within the area identified by the Depart-
ment of the Interior in the Draft Environmental Impact
Statement (MMS 87–0032) for Lease Sale 91 in the Northern

Sec. 112. No funds provided in this title may be ex-
pended by the Department of the Interior for the preparation
for, or conduct of, preleasing and leasing activities (including
but not limited to: calls for information, tract selection, no-
tices of sale, receipt of bids and award of leases) of lands
described in, and under the same terms and conditions set
forth in section 107 of the Department of the Interior and
Related Agencies Appropriations Act, 1986, as contained in
Public Law 99–190; or of lands within the 400 meter isobath
surrounding Georges Bank, identified by the Department of
the Interior as consisting of the following blocks: in protraction
diagram NJ 19–2, blocks numbered 12–16, 54–55 and
57–58; in protraction diagram NK 19–5, blocks numbered
744, 788, 831–832, and 1005–1008; in protraction diagram
NK 19–6, blocks numbered 489–491, 532–537, 574–576,

(91) Sec. 142. Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following section:

"(g)(1) Any vessel, rig, platform, or other structure used for the purpose of exploration or production of oil and gas on the Outer Continental Shelf south of 49 degrees North latitude shall be built—
"(A) in the United States either by a United States chartered corporation or by a joint venture between a United States chartered corporation and a foreign corporation, with at least 50 per centum of total person hours expended in the United States; and

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

"(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, or for which a building contract has been executed, on or before October 1, 1988, and shall expire with respect to any vessel, rig, platform, or other structure for which either the bidding or award process has commenced on or after September 30, 1992.

"(3) The Secretary may waive—

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

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

92 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.

93 Sec. 114. Notwithstanding any other provision of law, the Secretary of the Interior shall transfer to the Housing Authority, Clark County, Nevada, without consideration, all right, title, and interest of the United States approximately eighty acres of land in Clark County, Nevada, described as township 21 south, range 60 east, Mount Diablo Meridian, section 24, north half southwest quarter, Clark County, Nevada, for use as a mobile home park for senior citizens, reserving to the United States all minerals in such land together with right.

94 Sec. 115. Section 103(h)(2) of the Compact of Free Association Act of 1985 (99 Stat. 1783, 48 U.S.C. 1681) is amended as follows: after the word "firm" insert "or by a grant to the Government of the Republic of the Marshall
Islands which may further contract only with a United States firm or a Republic of the Marshall Islands firm, the owners, officers and majority of the employees of which are citizens of the United States or the Republic of the Marshall Islands"; and, after the word "Bikini" insert "Rongelap, Utrik."

(95) Sec. 116. The Secretary of the Interior is authorized to guarantee a loan by the Federal Financing Bank to the Government of Guam, in amounts not to exceed $53,000,000, for water system improvements on Guam, provided that the conditions on such loan shall include but not be limited to the following: the Government of Guam shall place water rate-making authority in an independent public utility commission; a source of revenue for payment of the loan shall be identified, with such revenues placed in an escrow account in sufficient amounts to insure timely payment; and, should the Government of Guam default on the loan, the Secretary of the Interior shall deduct such sums as are in arrears from sums normally paid to the Government of Guam under section 1(c) of Public Law 95–348.

(96) Sec. 117. For all agencies funded in this Act, each appropriation in this Act shall be reduced by an amount equal to 2 per centum of the President's fiscal year 1989 Budget Request for object class 21 (travel), object class 25 (other services) object class 26 (supplies and materials) and
object class 31 (equipment): Provided, That such reductions shall not apply to funds budgeted for self-determination contracts for Indian tribes or for the Strategic Petroleum Reserve: Provided further, That notwithstanding any other provisions of law the Minerals Management Service shall award leases consistent with its bid review procedures for Outer Continental Shelf Lease Sale-92 (North Aleutian Basin) in October 1988.

(97) Sec. 118. The limitation of 30 percent for reasonable development costs established under section 504 of Public Law 98-454 (94 Stat. 1782) shall not apply to any funds received by the Government of Guam for lease of lands described in section 818(a)(2) of Public Law 96-418 (94 Stat. 1782) in excess of such percentage: Provided, That any such excess may be used for the development of port facilities on such land, or for the repayment of loans for such development, subject to the prior approval of the Secretary of the Interior.

(98) Sec. 119. 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 occurring on Louisiana State Lease numbers 10087, 10088, and 10187, and Federal Lease numbers
OCS-G 5668 and OCS-G 5669 in the field on West Delta Blocks 17 and 18. Such factual findings shall include:

(a) whether drainage of either United States or State hydrocarbons has occurred in such field during the time period starting April 7, 1986 and ending on the date that 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, 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;

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

3 Within 90 days of the date of enactment of this Act, the third party factfinder shall submit a written report containing the factual findings required by this section to the Secretary, the Governor of Louisiana, and the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(99) SEC. 120. The United States Fish and Wildlife Service shall conduct a study to review alternative sites for a replacement facility for the National Fisheries Research Center. This study shall be completed no later than March 31, 1989. Such study shall include, but not be limited to, the following criteria in consideration of its site recommendation:

1 The costs of all anticipated construction needs, the cost of all relocation expenses of personnel and facilities, the quality and quantity of a fresh water source and all associated construction and operating costs. The study shall also compare the sites in terms of the availability and access to related research facilities, academic institutions, cooperative fish and wildlife programs and other governmental agencies doing comparable research. The study shall also include an analysis of the need for the replacement facility. The United States Fish and Wildlife Service shall submit such report to the
1 Committees on Appropriations of the Senate and House of
2 Representatives.
3
4 TITLE II—RELATED AGENCIES
5 DEPARTMENT OF AGRICULTURE
6 Forest Service
7 forest research
8 For necessary expenses of forest research as authorized
9 by law, (100)$130,865,000 $132,599,000, to remain
10 available until September 30, 1990 (101), of which
11 $3,000,000 shall remain available until expended for com-
12 petitive research grants, as authorized by section 5 of Public
13 Law 95–307 (102), of which $637,000 shall be available
14 for research at Lincoln, Nebraska.
15 (103) The Secretary is directed to convey by quitclaim
16 deed, without a requirement for reimbursement, all right,
17 title, and interest of the United States in and to all improve-
18 ments (1) situated on leased land as recorded in Docket
19 5191, pages 258–260, Maricopa County, Arizona, and (2)
20 situated on leased land as recorded in Docket 4388, pages
21 452–455 and Docket 4673, pages 147–148, Maricopa
22 County, Arizona.
23 The Secretary is further directed, concurrently with
24 conveyances under this section, to relinquish, without a re-
25 quirement for reimbursement, that certain lease dated Octo-
26 ber 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 may continue to occupy the facilities described herein, at no increased expense, until such time as comparable replacement space 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.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, (104) $78,142,000 $82,918,000, to remain available until expended, as authorized by law: Provided, That a grant of $2,800,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95–495 (105): Provided further, That notwithstanding any other provision of law, a grant of $2,600,000 shall be provided to the Washington State Parks and Recreation Commis—
sion for construction of the Spokane River Centennial Trail, a grant of $1,250,000 shall be provided to the County of Kootenai, Idaho, for construction of the Idaho Centennial Trail, and a grant of $600,000 shall be provided to the State of Oregon for the Old Columbia River Highway, as authorized by Public Law 99–663 (16 U.S.C. 544).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for reimbursement to other appropriation accounts from which funds were transferred in the preceding fiscal years for forest fighting and emergency rehabilitation of National Forest System lands, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", (106) $1,300,044,000 $1,329,018,000 to remain available for obligation until September 30, 1990, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a)(107): 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.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, (108) $216,542,000 $225,997,000, to remain available until expended, of which (109) $35,022,000 $30,000,000 is for construction and acquisition of buildings and other facilities; and (110) $181,504,000 $197,541,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205 (111), of which $1,250,000 shall be available for the Federal share of road reconstruction for the purpose of improved access to the Monongahela National Forest, West Virginia, which shall be matched on an equal basis by non-Federal participants: Provided, That funds becoming available in fiscal year 1989 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: Provided further, That not to exceed (112) $64,000,000 $125,367,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: Provided further, That notwithstanding any other provision of this Act or any other provision of law, there is authorized and appropriated out of the Highway Trust Fund (other than the Mass Transit Account),
$5,333,000 of contract authority to be transferred to the
Forest Service for road construction to Forest Develop-
ment State Road Standards to serve the Mount St. Helens
National Volcanic Monument, Washington: Provided further,
That the funds authorized by this section shall be available
for obligation in the same manner and to the same extent as
if such funds were apportioned under chapter 1 of title 23,
United States Code, except the Federal share of the cost of
this project shall be 100 per centum, and such funds shall
remain available until expended: Provided further, That
$5,333,000 to be derived from the Highway Trust Fund
(other than the Mass Transit Account) as authorized and ap-
propriated above is hereby made available to liquidate the
obligations incurred against the contract authority as pro-
vided for in this Act.

LAND ACQUISITION

For expenses necessary to carry out the provisions of
the Land and Water Conservation Fund Act of 1965, as
amended (16 U.S.C. 460l–4–11), including administrative
expenses, and for acquisition of land or waters, or interest
therein, in accordance with statutory authority applicable to
the Forest Service, $41,645,000 to be derived from the Land and Water Conservation Fund, to
remain available until expended and $600,000 for ac-
quision of land and interests therein and near the White
Salmon National Recreational River, Klickitat County,
Washington, as depicted on a map entitled “White Salmon River Acquisitions—1988” on file with the Forest Service, pursuant to the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428(a)), to remain available until expended.

The following may be cited as the “White Mountain National Forest Boundary Modification Act of 1988”.

SECTION 1. For the protection and management of the scenic, natural, recreation and other resource values associated with certain forest lands in the State of New Hampshire, the Secretary of Agriculture (hereafter “Secretary”) is authorized and directed to acquire by purchase, exchange, donation or otherwise, all rights, title and interests in those lands now or formerly owned by Diamond International Corporation in the State of New Hampshire, which are generally depicted on maps dated June, 1988 and entitled, “White Mountain National Forest Additions”, which maps are on file with the Chief, Forest Service, Washington, D.C. Acquisition under authority of this section shall be completed by the Secretary notwithstanding any other provision or requirement of law or condition precedent. The Secretary may exclude from acquisition such outstanding rights, rights-of-way, easements and other encumbrances deemed acceptable 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. Except as provided in section 3 of this Act and subject to the availability of donated or appropriated funds, if by October 1, 1988, the Secretary 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 an earlier filing of a declaration of taking if the Secretary deems further negotiations for the acquisition of the referenced lands to be futile or if the condemnation is for the purpose of clearing title.

Sec. 3. The Secretary is not required to condemn any lands owned or under option or contract by The Nature Conservancy, the Society for the Protection of New Hampshire Forests, the New Hampshire Retirement System, or the State of New Hampshire or an instrumentality thereof, but the Secretary shall seek to purchase any lands or interests therein which these entities may own within the area depicted on the map referenced in section 1 of this Act. It is the intent
of Congress that the Secretary shall cooperate with such enti-
ties in the acquisition of lands required by this section.

Sec. 4. The boundaries of the White Mountain Nation-
al Forest are modified and expanded as indicated on the map
dated June, 1988 and entitled "Boundary Modification—
White Mountain National Forest".

Sec. 5. The Secretary may correct technical and clerici-
mal errors in all maps referenced in this section.

Sec. 6. All lands acquired under authority of or pursu-
ant to this Act shall be administered under the Weeks Act of
March 1, 1911 (36 Stat. 961, as amended), and under the
laws, rules and regulations pertaining to the National Forest
System.

Sec. 7. Of the amount provided under the head "Land
acquisition" in the Act making appropriations for the De-
partment of the Interior and related agencies for the fiscal
year ending September 30, 1989, and for other purposes,
$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.

TONGASS TIMBER SUPPLY FUND

For necessary expenses for the Tongass National Forest
pursuant to section 705(a) of the Alaska National Interest
Lands Conservation Act of 1980 (16 U.S.C. 539d(a)), as
amended, $(117) \$25,264,000 \$40,699,000$, to remain avail-
able until expended.

(118) **TIMBER ROADS, PURCHASER ELECTION, FOREST SERVICE**

**RESCISSION**

Of the funds currently available and unobligated in this account, $40,000,000 is hereby rescinded.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

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

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic live-
stock on lands in National Forests in the sixteen Western
States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

MISCELLANEOUS TRUST FUNDS

For expenses authorized by 16 U.S.C. 1643(b), (119) $30,000 $90,000 to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 200 passenger motor vehicles of which ten will be used primarily for law enforcement purposes and of which 190 shall be for replacement only, of which acquisition of 165 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 59 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform
allowances for each uniformed employee of the Forest Serv-
ice, not in excess of $400 annually; (d) purchase, erection,
and alteration of buildings and other public improvements (7
U.S.C. 2250); (e) acquisition of land, waters, and interests
therein, pursuant to the Act of August 3, 1956 (7 U.S.C.
428a); (f) for expenses pursuant to the Volunteers in the Na-
tional Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a
note); and (g) for debt collection contracts in accordance with
31 U.S.C. 3718(c).

None of the funds made available under this Act shall be
obligated or expended to change the boundaries of any
region, to abolish any region, to move or close any regional
office for research, State and private forestry, or National
Forest System administration of the Forest Service, Depart-
ment of Agriculture, without the consent of the House and
Senate Committees on Appropriations and the Committee on
Agriculture, Nutrition, and Forestry in the United States
Senate and the Committee on Agriculture in the United
States House of Representatives.

Any appropriations or funds available to the Forest
Service may be transferred to the National Forest System
appropriation for forest firefighting and the emergency reha-
bilitation of burned-over lands under its jurisdiction.
The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

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

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

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

Permanent Appropriations to be expended for timber salvage sales from any national forest (120), 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,
construction, and supervision of construction of roads lost to
fire or other causes associated with the timber sales programs
described above: Provided, That not less than
(121) $47,561,000 shall be made available to
the Forest Service for obligation in fiscal year 1989 from the
Timber Salvage Sales Fund appropriation (122): Provided
further, That moneys received from the timber salvage sales
program in fiscal year 1988 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.

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

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

(123) Notwithstanding any other provision of law, any
appropriations or funds available to the Forest Service may
be used to provide nonmonetary awards of nominal value to private individuals and organizations that make contributions to Forest Service programs.

(124) Notwithstanding any other provision of the law, none of the funds available under this, or any other Act shall be obligated or expended to adjust annual recreational residence fees except on a four-year phased in basis commencing January 1, 1989.

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

(125) Notwithstanding the provisions under the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301–6308), the Forest Service is authorized to negotiate and enter into cooperative agreements with the various States, and private, nonprofit organizations to continue the recreation and wildlife and fish Challenge Cost-share Programs.

None of the funds made available to the Forest Service in this Act shall be expended for the construction of the Gasquet-Orleans (G–O) road.
None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Lewis Fork Creek in Madera County, California, at the site above, and adjacent to, Corlieu Falls bordering the Lewis Fork Creek National Recreation Trail until the studies required in Public Law 100-202 have been submitted to the Congress: Provided, That any special use authorization shall not be executed prior to the expiration of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt of the required studies by the Speaker of the House of Representatives and the President of the Senate.

None of the funds made available to the Forest Service in this Act may be used to adopt or implement any modifications to the final policy for the Small Business Timber Set-Aside Program which was issued by the Forest Service on June 6, 1985, and published in the Federal Register of June 12, 1985, at pages 24788 to 24793, as corrected in the Federal Register of July 9, 1985, at page 27997.

Notwithstanding 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
1 all National Forest Fund timber receipts received by the
2 Treasury during fiscal year 1988 from the harvesting of Na-
3 tional Forest Timber in excess of the National Forest Fund
4 timber receipts contained in the President’s Budget proposal
5 for fiscal year 1989: Provided, That such funds shall be
6 made available during fiscal year 1989, and shall be in addi-
7 tion to any funds appropriated in this Act: Provided further,
8 That this transaction will not effect, diminish, or otherwise
9 alter the payments to be made in accordance with the provi-
10 sions of the Act of May 23, 1908, as amended (16 U.S.C.
11 500) or the Act of July 10, 1930 (16 U.S.C. 577g): Provid-
12 ed further, That the funds associated with this section shall
13 be scored in a manner consistent with the President’s request
14 for fiscal year 1989: Provided further, That funds made
15 available to the Secretary of Agriculture pursuant to this sec-
16 tion shall be used for the necessary expenses, including sup-
17 port costs of National Forest Systems programs as follows: 6
18 per centum for National Forest trail maintenance; 4 per
19 centum for National Forest Trail construction; 23 per
20 centum for wildlife and fish habitat management; 22 per
21 centum for soil, water, and air management; 6 per centum for
22 cultural resource management; 6 per centum for wilderness
23 management; and 33 per centum for timber sales administra-
24 tion and management, including all timber support costs, in-
25 cluding advanced preparation work for fiscal year 1990 and
fiscal year 1991 timber sale offerings: Provided further, That
the Forest Service offers a minimum of an 11.727 billion
board feet timber sales program during fiscal year 1989 and
that any fiscal year 1989 timber sales resulting from these
funds shall be allocated in a manner consistent with the dis-
tribution of sales volume in the report accompanying this Act:
Provided further, That not later than 30 days after the sub-
mission of the President's fiscal year 1990 budget, the Chief
of Forest Service shall provide a report to the Committee on
the final amount, distribution and expenditure of funds ap-
propriated 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 appropriated 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 sec-
tion.

Notwithstanding the lack of authorization for
payment from appropriated funds in older supplements to co-
operative right-of-way construction and use agreements, the
Forest Service is authorized and directed to make cash pay-
ments in lieu of payment through collection rights where it
determines that an unreasonable delay has occurred or is
likely to occur before the collection rights can be exercised or
offsetting construction performed. In addition, the Service is
authorized and directed to make cash payment of excess cost
imbalances carried by cooperators which the Government has
not repaid within a reasonable time period through the exer-
cise of collection rights or by other means.

(129) Any money collected from the States for fire
suppression assistance rendered by the Forest Service on
non-Federal lands not in the vicinity of National Forest
System Lands shall be used to reimburse the applicable ap-
propriation and shall remain available until expended as the
Secretary may direct in conducting activities authorized by

(130) Of the funds available to the Forest Service,
$2,500 is available to the Chief of the Forest Service for
official receptions and representation expenses.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(131) 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
after September 30, 1989, and shall remain available until
expended.

(132) The first paragraph under this head in Public
Law 100–202 is amended by striking "and $525,000,000

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are appropriated for the fiscal year beginning October 1, 1988" and inserting "$100,000,000 are appropriated for the fiscal year beginning October 1, 1988, and shall remain available until expended, $225,000,000 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 this transfer is made pursuant to section 202(b)(1) of Public Law 100–119 (2 U.S.C. 909).

For the purposes of the sixth proviso under this head in Public Law 99–190, funds derived by the Tennessee Valley Authority from its power program are hereafter not to be precluded from qualifying as all or part of any cost-sharing requirement, except to the extent that such funds are provided by annual appropriations Acts: Provided, That unexpended balances of funds made available in the "Energy Security Reserve" account in the Treasury for the Clean Coal Technology Program by the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in \(133\) section 101(d) of Public Law 99–190, shall be merged with this account: Provided further, That for the purposes of the sixth proviso in Public Law 99–190 under this heading, funds provided under section 306 of Public Law 93–32 shall be considered non Federal: Provided further, That reports on projects selected by the
Secretary of Energy pursuant to authority granted under the heading "Clean coal technology" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99–190, which are received by the Speaker of the House of Representatives and the President of the Senate prior to the end of the second session of the 100th Congress shall be deemed to have met the criteria in the third proviso of the fourth paragraph under the heading "Administrative provisions, Department Energy" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99–190, upon expiration of 30 calendar days from receipt of the report by the Speaker of the House of Representatives and the President of the Senate.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $367,829,000, to remain available until expended, of which $249,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94–586 (90 Stat. 2908–2909), and pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of...
1974, as amended, of the amount appropriated under this
head, $3,500,000 shall be available for a grant for an energy
center at the University of Oklahoma in Norman, Oklaho-
ma (137), and $9,000,000 shall be available for a grant for
an energy center at West Virginia University in Morgan-
town, West Virginia, without section 111(b)(2) of such Act
being applicable, and $5,500,000 shall be available for con-
tinued construction of DOE Fossil Energy building B26:
Provided, That no part of the sum herein made available
shall be used for the field testing of nuclear explosives in the
recovery of oil and gas.

Of the funds herein provided, (138) $35,000,000
$40,900,000 is for implementation of the June, 1984 mul-
tiyear, cost-shared magnetohydrodynamics program targeted
on proof-of-concept testing: Provided further, That
(139) 25 30 per centum private sector cash or in-kind con-
tributions shall be required for obligations in fiscal year 1989,
and for each subsequent fiscal year’s obligations private
sector contributions shall increase by 5 per centum over the
life of the proof-of-concept plan: Provided further, That exist-
ing facilities, equipment, and supplies, or previously expended
research or development funds are not cost-sharing for the
purposes of this appropriation, except as amortized, depreci-
ated, or expensed in normal business practice: Provided fur-
ther, That cost-sharing shall not be required for the costs of
constructing or operating Government-owned facilities or for
the costs of Government organizations, National Laborato-
ries, or universities and such costs shall not be used in calcu-
ling the required percentage for private sector contribu-
tions: Provided further, That private sector contribution per-
centages need not be met on each contract but must be met
in total for each fiscal year.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum
and oil shale reserve activities, $185,071,000, to remain
available until expended.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conserv-
vation activities, \((140)\$371,562,000 \quad \$357,019,000\), to
remain available until expended, including, notwithstanding
any other provision of law, the excess amount for fiscal year
1989 determined under the provisions of section 3003(d) of
\((141)\$200,000,000 \quad \$197,100,000\) shall be for use in
energy conservation programs as defined in section 3008(3)
of Public Law 99-509 (15 U.S.C. 4507)\((142)\): Provided
further, That pursuant to section 111(b)(1)(B) of the Energy
Reorganization Act of 1974, as amended, of the amount ap-
propriated under this head, $4,900,000 shall be available for
a grant for an energy and natural resources technology devel-
operation center at Brandeis University in Waltham, Massa-
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chusetts without section 111(b)(2) of such Act being applica-
able (143): Provided further, That the Secretary of Energy
may use up to $5,000,000 for new steelmaking research and
development initiatives as authorized by law: Provided fur-
ther, That any such funds shall be made available from prior
appropriations for the steel initiative under this head: Provid-
ed further, That existing funds otherwise made available for
the steel initiative for multi-year contracts may be approved
for more than one fiscal year but shall only be obligated on a
year-by-year basis (144): Provided further, That notwith-
standing section 3003(d)(2) of Public Law 99–509 such sums
shall be allocated to the eligible programs in the same
amounts for each program as in fiscal year 1988, and of
which $10,000,000 shall be available for a grant for the
energy demonstration and research facility at Northwestern
University designated under this head in Public Law 100–
202 and as authorized by section 202 of Public Law 99–412
(42 U.S.C. 8281 note): Provided further, That the facility
may be expanded to encompass space for life scientists in ad-
dition to that for material scientists.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of
the Economic Regulatory Administration and the Office of
Hearings and Appeals, (145) $21,010,000 $21,372,000.
EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $6,154,000.

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94–163), (146) $172,421,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94–163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35), (147) $333,555,000, $242,000,000, to remain available until expended: Provided, That (148) an additional $91,555,000 shall be made available until expended beginning October 1, 1989: Provided further, That notwithstanding 42 U.S.C. 6240(d) the United States' share of crude oil in Naval Petroleum Reserve Number 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, (149) $62,856,000
$63,156,000 of which $1,000,000 for ADP operations shall remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

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

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

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

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

Notwithstanding 31 U.S.C. 3302, funds derived from the sale of assets as a result of defaulted loans made under the Department of Energy Alcohol Fuels Loan Guarantee program, or any other funds received in connection with this program, shall be credited to the Biomass Energy Development account, and shall be available solely for payment of the guaranteed portion of defaulted loans and associated costs of
the Department of Energy Alcohol Fuels Loan Guarantee
program for loans guaranteed prior to January 1, 1987.

Unobligated balances available in the "Alternative fuels
production" account may be used for payment of the guaran-
teed portion of defaulted loans and associated costs of the
Department of Energy Alcohol Fuels Loan Guarantee pro-
gram, subject to the determination by the Secretary of
Energy that such unobligated funds are not needed for carry-
ing out the purposes of the Alternative Fuels Production pro-
gram: Provided, That the use of these unobligated funds for
payment of defaulted loans and associated costs shall be
available only for loans guaranteed prior to January 1, 1987:
Provided further, That such funds shall be used only after the
unobligated balance in the Department of Energy Alcohol
Fuel Loan Guarantee reserve has been exhausted.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of
August 5, 1954 (68 Stat. 674), the Indian Self-Determi-
ation Act, the Indian Health Care Improvement Act, and
titles III and XXIII and sections 208 and 338G of the
Public Health Service Act with respect to the Indian Health
Service, including hire of passenger motor vehicles and air-
craft; purchase of reprints; purchase and erection of portable
buildings; payments for telephone service in private resi-
dences in the field, when authorized under regulations ap-
proved by the Secretary; (150) $1,016,667,000
$1,014,536,000, together with payments received during the
fiscal year pursuant to 42 U.S.C. 300cc-2 for services fur-
nished by the Indian Health Service: Provided, That not-
withstanding any other law or regulation, funds transferred
from the Department of Housing and Urban Development to
the Indian Health Service shall be administered under Public
Law 86–121 (the Indian Sanitation Facilities Act): Provided
further, That funds made available to tribes and tribal organi-
zations through grants and contracts authorized by the
Indian Self-Determination and Education Assistance Act of
1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available
until expended: Provided further, That $15,000,000 shall
remain available until expended, for the Indian Catastrophic
Health Emergency Fund and contract medical care: Provided
further, That of the funds provided, $2,000,000 shall be used
to carry out a loan repayment program under which Federal,
State, and commercial-type educational loans for physicians
and other health professionals will be repaid at a rate not to
exceed $25,000 per year of obligated service in return for
time clinical service in the Indian Health Service. Each
individual participating in this program must sign and submit
1 to the Secretary a written contract to accept repayment of
2 educational loans and to serve for the applicable period of
3 service in the Indian Health Service: Provided further, That
4 funds provided in this Act may be used for one-year contracts
5 and grants which are to be performed in two fiscal years, so
6 long as the total obligation is recorded in the year for which
7 the funds are appropriated: Provided further, That the
8 amounts collected by the Secretary of Health and Human
9 Services under the authority of title IV of the Indian Health
10 Care Improvement Act shall be available for two fiscal years
11 after the fiscal year in which they were collected, for the
12 purpose of achieving compliance with the applicable condi-
13 tions and requirements of titles XVIII and XIX of the Social
14 Security Act (exclusive of planning, design, construction of
15 new facilities, or major renovation of existing Indian Health
16 Service facilities): Provided further, That of the funds provid-
17 ed, $2,500,000 shall remain available until expended, for the
18 Indian Self-Determination Fund, which shall be available for
19 the transitional costs of initial or expanded tribal contracts,
20 grants or cooperative agreements with the Indian Health
21 Service under the provisions of the Indian Self-Determination
22 Act: Provided further, That funding contained herein, and in
23 any earlier appropriations Acts for scholarship programs
24 under section 103 of the Indian Health Care Improvement
25 Act and section 338G of the Public Health Service Act with
respect to the Indian Health Service shall remain available for expenditure until September 30, 1990.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, (151) $64,050,000, $50,185,000, to remain available until expended (152):

Provided, That the Indian Health Service may hold in reserve a sum not to exceed $600,000 as a contingency for site acquisition at the Kotzebue Hospital (153): 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.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to
1 exceed the per diem equivalent to the rate for GS–18, and
2 for uniforms or allowances therefor as authorized by law (5
3 U.S.C. 5901–5902), and for expenses of attendance at meet-
4 ings which are concerned with the functions or activities for
5 which the appropriation is made or which will contribute to
6 improved conduct, supervision, or management of those func-
7 tions or activities: Provided, That none of the funds appropri-
8 ated under this Act to the Indian Health Service shall be
9 available for the initial lease of permanent structures without
10 advance provision therefor in appropriations Acts: Provided
11 further, That non-Indian patients may be extended health
12 care at all tribally administered or Indian Health Service fa-
13 cilities, if such care can be extended without impairing the
14 ability of the facility to fulfill its responsibility to provide
15 health care to Indians served by such facilities and subject to
16 such reasonable charges as the Secretary of Health and
17 Human Services shall prescribe, the proceeds of which, to-
18 gether with funds recovered under the Federal Medical Care
19 Recovery Act (42 U.S.C. 2651–53), shall be deposited in the
20 fund established by sections 401 and 402 of the Indian
21 Health Care Improvement Act (154) and or in the case of
22 tribally administered facilities, shall be (155) available to
23 retained by the tribal organization without fiscal year limita-
24 tion: Provided further, That funds appropriated to the Indian
25 Health Service in this Act, except those used for administra-
tive and program direction purposes, shall not be subject to
limitations directed at curtailing Federal travel and transpor-
tation: Provided further, That with the exception of Indian
Health Service units which currently have a billing policy,
the Indian Health Service shall not initiate any further action
to bill Indians in order to collect from third-party payers nor
to charge those Indians who may have the economic means
to pay unless and until such time as Congress has agreed
upon a specific policy to do so and has directed the Indian
Health Service to implement such a policy: Provided further,
That the Secretary of Health and Human Services may au-
onor special retention pay under paragraph (4) of 37
U.S.C. 302(a) to any regular or reserve officer for the period
during which the officer is obligated under section 338B of
the Public Health Service Act and assigned and providing
direct health services or serving the officer's obligation as a
specialist: Provided further, That personnel ceilings may not
be imposed on the Indian Health Service nor may any action
be taken to reduce the full-time equivalent level of the Indian
Health Service by the elimination of temporary employees by
reduction in force, hiring freeze or any other means without
the review and approval of the Committees on Appropria-
tions: Provided further, That funds provided in this Act may
be used to reimburse the Indian Health Service travel costs
of spouses who accompany prospective Indian Health Service
medical professional employees to the site of employment as  
part of the recruitment process: Provided further, That sec-
tion 103(c) of the Indian Self-Determination Act (88 Stat.
2206), as amended by Public Law 100–202 (101 Stat. 1329–
246), is amended by inserting after the word "claims" the
words "by any person(156), 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, for medical services provided in Alaska", and is
further amended by inserting after the word "performance"
the words "prior to, including, or after December 22, 1987,"
and is further amended by inserting after the word "investi-
gations," the words "an Indian tribe," (157) and is further
amended by deleting the period after the word "agreement"
and adding the words: Provided, That such employees in
Alaska shall be deemed to be acting within the scope of their
employment in carrying out such contract or agreement when
they are required, as a term of employment, to perform medi-
cal, surgical, dental or related functions at a facility in
Alaska other than the facility operated pursuant to such con-
tract or agreement: Provided further, That none of the funds
made available to the Indian Health Service in this Act shall
be used to implement the final rule published in the Federal
Register on September 16, 1987, by the Department of
Health and Human Services, relating to eligibility for the
1 health care services of the Indian Health Service (158):
2 Provided further, That notwithstanding any other provision
3 of law, the Secretary is authorized to undertake a demonstra-
4 tion project at Kayenta, Arizona, on the Navajo Indian Res-
5 ervation, to construct 10 housing units on Federal land, i.e.,
6 three one-bedroom, four two-bedroom, and three three-bed-
7 room units, under an agreement with a non-profit, Indian
8 controlled community development corporation, and in return
9 for a Federal grant of $200,000, units which meet or exceed
10 Federal construction standards are to be built, operated,
11 maintained in adequate condition and, for a period of 20
12 years following completion of construction, offered for rent to
13 Federal employees. First preference for rental is to be given
14 to essential Indian Health Service (IHS) employees as deter-
15 mined in accordance with IHS quarters management poli-
16 cies. Rental rates charged by the owner shall be established
17 by the same method as would be used if the units were feder-
18 ally owned. Navajo Area IHS guidelines for occupant con-
19 duct and responsibility in Federal quarters shall apply
20 unless stricter standards are mutually adopted (159): Pro-
21 vided further, That notwithstanding any other provision of
22 law, there are 170 village built clinics authorized to be oper-
23 ated in Alaska.
For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act (160), as amended by Public Law 100–297, (161) $68,152,000 $72,297,000, of which (162) $49,848,000 $53,492,000 shall be for part A and (163) $15,807,000 $15,307,000 shall be for parts B and C: Provided, That the amounts available pursuant to section 423 of the Act shall remain available for obligation until September 30, 1990.

OTHER RELATED AGENCIES

NAVajo AND Hopi INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93–531, (164) $27,728,000 $26,473,000, to remain available until expended, for operating expenses of the Commission: Provided, That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the
1 Commission shall relocate any certified eligible relocatees
2 who have selected and received an approved homesite on the
3 Navajo reservation or selected a replacement residence off
4 the Navajo reservation or on the land acquired pursuant to

6 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
7 CULTURE AND ARTS DEVELOPMENT
8
9 Salaries and expenses
10 For necessary expenses of the Institute of American
11 Indian and Alaska Native Culture and Arts Development as
12 authorized by Public Law 99–498, (165)$2,094,000
13 $2,849,000, of which not to exceed $250,000 for Federal
14 matching contributions shall be paid to the Institute endow-
15 ment fund.

16 (166) Section 1513 of the Higher Education Amend-
17 ments of 1986 (20 U.S.C. 4420) is amended—
18
19 (1) by striking out "The Institute" and inserting
20 in lieu thereof "(a) Tax Status.—The Institute",
21
22 (2) by inserting "; TORT LIABILITY" after
23 "STATUS" in the section heading, and
24
25 (3) by adding at the end thereof the following new
26 subsection:
27
28 "(b) Tort Liability.—
29
30 "(1) The Institute shall be subject to liability re-
31 lating to tort claims only at the extent a Federal
agency is subject to such liability under chapter 171 of title 28, United States Code.

"(2) For purposes of chapter 171 of title 28, United States Code, the Institute shall be treated as a Federal agency (within the meaning of section 2671 of such title).

"(3) For purposes of chapter 171 of title 28, United States Code, the President of the Institute shall be deemed the head of the Agency."

Smithsonian Institution

Salaries and Expenses

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; (167) $200,266,000 $208,734,000, of which not to exceed $1,206,000 for the instrumentation program
shall remain available until expended and, including such
funds as may be necessary to support American overseas re-
search centers and a total of $125,000 for the Council of
American Overseas Research Centers: Provided, That funds
appropriated herein are available for advance payments to
independent contractors performing research services or par-
ticipating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL

ZOOCLOGICAL PARK

For necessary expenses of planning, construction, re-
remodeling, and equipping of buildings and facilities at the Na-
tional Zoological Park, by contract or otherwise, $5,305,000,
to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of
buildings owned or occupied by the Smithsonian Institution,
by contract or otherwise, as authorized by section 2 of the
Act of August 22, 1949 (63 Stat. 623), including not to
exceed $10,000 for services as authorized by 5 U.S.C. 3109,
$20,835,000 to $20,735,000, to remain available until
expended: Provided, That contracts awarded for environmen-
tal systems, protection systems, and exterior repair or resto-
ration of buildings of the Smithsonian Institution may be ne-
gotiated with selected contractors and awarded on the basis
of contractor qualifications as well as price.
CONSTRUCTION

For necessary expenses for construction, $8,655,000, to remain available until expended: Provided, That notwithstanding any other provision of law, the Institution is authorized to transfer to the State of Arizona, the counties of Santa Cruz and/or Pima, a sum not to exceed $150,000 for the purpose of assisting in the construction or maintenance of an access to the Whipple Observatory.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C 5901–5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance,
alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, (169) $37,821,000 $38,543,000, of which not to exceed $2,320,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, (170) $500,000 $1,000,000 to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles, and services as authorized by 5 U.S.C. 3109, $4,240,000 (171): Provided, That
appropriations in this account remaining unobligated at the
end of fiscal years 1988 and 1989 and which would other-
wise be returned to the General Fund of the Treasury, shall
be paid to the Endowment challenge fund and shall remain
available until September 30, 1990: Provided further, That
such sums as are available shall be transferred only to the
extent matched on a three-to-one basis by private funds.

(172) Payment to Endowment Challenge Fund

For payment to the Endowment challenge fund for the
Woodrow Wilson International Center for Scholars
$350,000, 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.

National Foundation on the Arts and the
Humanities

National Endowment for the Arts

Grants and Administration

For necessary expenses to carry out the National Foun-
dation on the Arts and Humanities Act of 1965, as amended,
(173) $141,800,000 $141,431,000 shall be available to the
National Endowment for the Arts for the support of projects
and productions in the arts through assistance to groups and
individuals pursuant to section 5(c) of the Act, and for admin-
istering the functions of the Act (174): Provided, That
none of the funds available to the National Endowment for
the Arts may be used to implement a peer panel review process different from that in place as of December 31, 1987.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $27,200,000, to remain available until September 30, 1990, to the National Endowment for the Arts, of which $18,200,000 shall be available for purposes of section 5(l): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, (175) $125,000,000 $115,535,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act.
1 To carry out the provisions of section 10(a)(2) of the
2 National Foundation on the Arts and the Humanities Act of
3 1965, as amended, $28,700,000, to remain available until
4 September 30, 1990, of which $16,700,000 shall be avail-
5 able to the National Endowment for the Humanities for the
6 purposes of section 7(h): Provided, That this appropriation
7 shall be available for obligation only in such amounts as may
8 be equal to the total amounts of gifts, bequests, and devises
9 of money, and other property accepted by the Chairman or
10 by grantees of the Endowment under the provisions of sub-
11 sections 11(a)(2)(B) and 11(a)(3)(B) during the current and
12 preceding fiscal years for which equal amounts have not pre-
13 viously been appropriated.

15 INSTITUTE OF MUSEUM SERVICES

16 GRANTS AND ADMINISTRATION

17 For carrying out title II of the Arts, Humanities, and
18 Cultural Affairs Act of 1976, as amended,
19 (176) $22,620,000 $21,944,000, including not to exceed
20 $250,000 as authorized by 20 U.S.C. 965(b): Provided, That
21 none of these funds shall be available for the compensation of
22 Executive Level V or higher positions: Provided further,
23 That the Museum Services Board shall not meet more than
24 three times during fiscal year 1989 (177): Provided further,
25 That the institute of museum services shall develop and im-
plement a plan, by which, within three fiscal years, each
State shall receive, at a minimum, one-half of one per
centum of the grant funds available, provided that each State
submits at least one qualified application: Provided further,
That the director of the institute of museum services shall
submit to the chairman of the Committees on Appropriations
of the Senate and House of Representatives report detailing
the reasons for a judgment that the application or applica-
tions of a museum or museums from a particular State were
deemed not qualified, causing that State to fall below the one-
half of one per centum criteria.

ADMINISTRATIVE PROVISIONS

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

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a
Commission of Fine Arts (40 U.S.C. 104), $475,000.
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, $5,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89–665, as amended, (178)$1,774,000 $1,781,000: Provided, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $2,962,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $28,000 to remain available until September 30, 1990.
1. Pennsylvania Avenue Development Corporation

2. Salaries and Expenses

3. For necessary expenses, as authorized by section 17(a)
4. of Public Law 92–578, as amended, (179) $2,348,000
5. $2,311,000, for operating and administrative expenses of the

7. Public Development

8. For public development activities and projects in accord-
9. ance with the development plan as authorized by section
10. 17(b) of Public Law 92–578, as amended, (180) $2,175,000 $3,095,000, to remain available until ex-
11. pended.

13. United States Holocaust Memorial Council

14. Holocaust Memorial Council

15. For expenses of the Holocaust Memorial Council, as au-
16. thorized by Public Law 96–388 as amended, (181) $2,244,000 $2,209,000: Provided, That none of
17. these funds shall be available for the compensation of Execu-
18. tive Level V or higher positions.

20. Title III—General Provisions

21. Sec. 301. The expenditure of any appropriation under
22. this Act for any consulting service through procurement con-
23. tract, pursuant to 5 U.S.C. 3109, shall be limited to those
24. contracts where such expenditures are a matter of public
25. record and available for public inspection, except where oth-
Sec. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: Provided, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

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

Sec. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote
public support or opposition to any legislative proposal on
which congressional action is not complete.

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

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

Sec. 307. Except for lands described by sections 105
and 106 of Public Law 96–560, section 103 of Public Law
96–550, section 5(d)(1) of Public Law 96–312, and except
for land in the State of Alaska, and lands in the National
Forest System released to management for any use the Sec-
retary of Agriculture deems appropriate through the land
management planning process by any statement or other Act
of Congress designating components of the National Wilder-
ness Preservation System now in effect or hereinafter en-
acted, and except to carry out the obligations and responsibil-
ities of the Secretary of the Interior under section 17(k)(1)
(A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C.
226), none of the funds provided in this Act shall be obligated
for any aspect of the processing or issuance of permits or
leases pertaining to exploration for or development of coal,
oil, gas, oil shale, phosphate, potassium, sulfur, gil-
sonite, or geothermal resources on Federal lands within any
Forest Service RARE II areas recommended for wilderness
designation or allocated to further planning in Executive
Communication 1504, Ninety-sixth Congress (House Docu-
ment numbered 96-119); or within any lands designated by
Congress as wilderness study areas or within Bureau of Land
Management wilderness study areas: Provided, That nothing
in this section shall prohibit the expenditure of funds for any
aspect of the processing or issuance of permits pertaining to
exploration for or development of the mineral resources de-
scribed in this section, within any component of the National
Wilderness Preservation System now in effect or hereinafter
enacted, any Forest Service RARE II areas recommended
for wilderness designation or allocated to further planning,
within any lands designated by Congress as wilderness study
areas, or Bureau of Land Management wilderness study
areas, under valid existing rights, or leases validly issued in
accordance with all applicable Federal, State, and local laws
or valid mineral rights in existence prior to October 1, 1982:
Provided further, That funds provided in this Act may be
used by the Secretary of Agriculture in any area of National
Forest lands or the Secretary of the Interior to issue under
their existing authority in any area of National Forest or
public lands withdrawn pursuant to this Act such permits as
may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about the inventorying of energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: *Provided further,* That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting in conjunction with the Secretary of Energy, the National Laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as the Secretary deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemical techniques including stream sediment reconnaissance and x-ray diffraction analysis; land
satellites; or any other methods the Secretary deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by the Secretary to be qualified to engage in such activities whenever the Secretary has determined that such contract would decrease Federal expenditures and would produce comparable or superior results: Provided further, That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: Provided further, That funds provided in this Act may be used by the Secretary of the Interior to issue oil and gas leases for the subsurface of any lands designated by Congress as wilderness study areas, that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness study area or other nonsurface disturbing methods.

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

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

(184) Sec. 310. Employment funded by this Act shall
not be subject to any personnel ceiling or other personnel
restriction for permanent or other than permanent employ-
ment except as provided by law.

(185) Sec. 311. Notwithstanding any other provi-
sion of law, the Secretary of the Interior, the Secretary of
Agriculture, the Secretary of Energy, and the Secretary of
the Smithsonian Institution are authorized to enter into con-
tracts with State and local governmental entities, including
local fire districts, for procurement of services in the pre-
suppression, detection, and suppression of fires on any units
within their jurisdiction.

(186) Sec. 312. None of the funds provided by
this Act to the United States Fish and Wildlife Service may
be obligated or expended to plan for, conduct, or supervise
deer hunting on the Loxahatchee National Wildlife Refuge.

(187) Sec. 312. None of the funds made available
to the Department of the Interior or the Forest Service
during fiscal year 1989 by this or any other Act may be used
to implement the proposed jurisdictional interchange program
until enactment of legislation which authorizes the jurisdic-
tional interchange.

(188) Sec. 313. The Forest Service and Bureau
of Land Management are to continue to complete as expedi-
tiously as possible development of their respective Forest
Land and Resource Management Plans to meet all applicable
statutory requirements. Notwithstanding the date in section
6(c) of the NFMA (16 U.S.C. 1600), the Forest Service, and
the Bureau of Land Management under separate authority,
may continue the management of lands within their jurisdic-
tion under existing land and resource management plans
pending the completion of new plans. Nothing shall limit judi-
cial review of particular activities on these lands: Provided,
however, That there shall be no challenges to any existing
plan on the sole basis that the plan in its entirety is outdated,
or in the case of the Bureau of Land Management, solely on
the basis that the plan does not incorporate information avail-
able subsequent to the completion of the existing plan: Pro-
vided further, That any and all particular activities to be car-
ried out under existing plans may nevertheless be challenged.

(189) Sec. 314. (a) From funds appropriated under this Act such sums as are necessary shall be made available to pay forest or wildland firefighters premium pay under the provision of subchapter V of chapter 55 of title 5, United States Code (notwithstanding the limitations of section 5547 of such title), for all premium pay that would have been paid to such forest or wildland firefighter employees, but for the provisions of section 5547 of such title, for all pay periods (and parts thereof) occurring during the fiscal year ending September 30, 1989.

(b) Notwithstanding the provisions of subsection (a), no forest or wildland firefighter employee may be paid premium pay to the extent that the aggregate rate of pay of such employee for the aggregate of all pay periods in any calendar year exceeds the maximum rate for GS–15 as provided under the General Schedule pursuant to subchapter III of chapter 53 of title 5, United States Code.

(c) For purposes of this section, the term "wildland forest firefighter" means any employee of the Department of Agriculture or the Department of the Interior who is as-
signed to, or in support of, work on forest or wildland wildfire emergencies.
Sec. 315. Section 320 of Pubic Law 98–473 (98 Stat. 1874), is amended by deleting the colon and all that follows the words "quarters of that agency" and inserting a period (.) in place of the colon.

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 environmental 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.

Sec. 318. No funds appropriated under this Act shall be expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the Federal entity or official to which funds are appropriated under this Act. Pursuant to this section an applicant for funds to be appropriated under this Act shall be ineligible to receive such funds if such applicant fails to include in its application an assurance that it has, and will administer in good faith, a policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances by its employees.
Sec. 316. Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Sec. 317. The authority granted to the Secretary of the Interior in section 306(a)(1) of Public Law 98-428 to issue carbon dioxide leases for a period of 5 years from the date of enactment of the Act (September 28, 1984) within Antone Bench and areas 2, 3, 4, and 5, is hereby extended by whatever period of time which may be consumed as a result of delays caused by administrative appeal, protest, or litigation.

Sec. 318. Notwithstanding any other provision of law, 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".

Sec. 319. 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. Notice of that appeal and appellant's Statement of Reasons shall be submitted simultaneously to the Chief of the Forest
Service within 30 days after the publication in the Federal Register of the Notice of Availability of the Final Environmental Impact Statement. The Chief must render his decision within 30 days of receipt of the notice of appeal.

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, DC, 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.E. ¼, N.W. ¼, of section 21, T. 36 S., R. 10 W., W.M.

1984) as modified by 801 F. 2d 360 (9th cir. 1986), the Secretary of Agriculture shall determine the potential environmental impact of all prepared timber sales in the Mapleton District that are contemplated by the Draft Environmental Impact Statement of October 1, 1986, concerning the Siuslaw National Forest Plan, and shall characterize each sale's potential environmental impact as minimal, moderate or serious. At such time as insufficient timber previously sold but returned pursuant to default or to the Federal Timber Contract Payment Modification Act of 1984, Public Law 98-478, 16 U.S.C. 618, is available for resale to maintain adequate timber availability in the Mapleton District as determined by the Secretary, and prior to implementation of the final Siuslaw National Forest Plan, the Secretary is authorized to sell other timber in the Mapleton District provided he gives sale priority to those sales with the least potential environmental impact as determined pursuant to this section. Any decision of the Secretary to sell timber pursuant to this section, and all characterizations of potential environmental impact made pursuant to this section, shall not be subject to judicial review. Timber sold pursuant to this section each fiscal year shall not exceed 90 million board feet of chargeable volume.

(198) Sec. 321. In implementing the provisions of this Act, the Director of the Office of Management and
1 Budget and the head of each Federal agency for which funds
2 are appropriated under this Act shall comply with the in-
3 structions and the specific allocations and earmarking of
4 funds contained in the joint statement of managers accompa-
5 nying the conference report of this Act.

(199) Sec. 322. Revenues received by the Department
6 of Energy from the sale of assets related to the termination of
7 the Baca Geothermal Demonstration Powerplant Project
8 shall be retained by the Department for use to clean out the
9 Hulin Well in the State of Louisiana.

(200) Sec. 323. Subsection (a)(1) of section 2 of
11 Public Law 94-204 (89 Stat. 1148), as amended by section
12 1411(a) of Public Law 96-487 (94 Stat. 2497), is amended
13 by inserting the phrase “, including wildlife,” after “re-
14 sources of lands”.

(201) Sec. 324. (a)(1) Notwithstanding any other
16 provision of this Act, no department, agency, or instrumen-
17 tality of the United States Government receiving appropri-
18 ated funds under this Act for fiscal year 1989, shall, during
19 fiscal year 1989, obligate and expend funds for consulting
20 services involving management and professional services; spe-
21 cial studies and analyses; technical assistance; and manage-
22 ment review of program funded organizations; in excess of an
23 amount equal to 85 percent of the amount obligated and ex-

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pended by such department, agency, or instrumentality for such services during fiscal year 1987.

(2) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and support services for research and development activities; engineering development and operational systems development; technical representatives; training; quality control, testing, and inspection services; specialized medical services; and public relations; in excess of an amount equal to 95 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) Notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1989 is reduced by an amount equal to—
(1) 15 percent of the amount expended by such
derpartment, agency, or instrumentality during fiscal
year 1987 for purposes described under subsection
(a)(1); and
(2) 5 percent of the amount expended by such de-
partment, agency, or instrumentality during fiscal year
1987 for purposes described under subsection (a)(2).
(d) As used in this section, the term "consulting serv-
ices" includes any service within the definition of "Advisory
and Assistance Services" in Office of Management and
(202) Sec. 325. (a) Subject to valid existing rights,
on the date of enactment of this section deposits of quartz
mineral within the Ouachita National Forest in the State of
Arkansas shall no longer be subject to location and entry
under the General Mining Law of 1872 (17 Stat. 91), as
amended, and all such deposits shall hereafter be disposed of
under the same conditions as are applicable to common varie-
ties of mineral materials on such lands under the Materials
Act of 1947 (61 Stat. 681), as amended: Provided, That fifty
percent of the moneys received pursuant to this section shall
be paid by the Secretary of the Treasury to the State of Ar-
kanas, to be expended as the State may prescribe for the
benefit of the public schools and public roads of the counties
in which the Ouachita National Forest is situated.
(b) The Secretary of Agriculture shall prescribe rules and regulations for the disposal of quartz mineral from the Ouachita National Forest.

Sec. 326. For fiscal year 1988 and each fiscal year thereafter, for the purposes of any law authorizing the leasing and extraction of oil, gas, oil, coal, or any other mineral from the Outer Continental Shelf or from any interest in land owned by the United States, regardless of the source or origin of the United States' ownership, any interest paid to the United States under any law, regulation, or other authority which arises from or accrues with respect to late payment of royalties, rents, bonuses, or other payments due to the United States for any period, and received after the date of enactment of this provision, shall be paid or distributed to the same recipients and in the same manner as the royalties, rents, bonuses, or other payments in connection with which such interest was paid. The Secretary of the Interior shall not recover or recoup any portion of late payment interest paid to the United States before the enactment of this provision which was paid or distributed to any State or other recipient of Federal mineral lease revenues, except for amounts paid in connection with royalties or other revenues subsequently determined to be not owing to the United States.

Sec. 327. (a) FINDINGS.—The Congress finds that—
(1) the Sandinistas are a signatory to the Esquipulas II agreement, and have thereby committed themselves to policies promoting peace in the region, and democratization in Nicaragua;

(2) the Sandinistas nonetheless have violated the provisions of the Esquipulas accord, which they are committed to observe;

(3) within the past 72 hours, the Sandinistas have taken dramatic new steps in brutally suppressing a peaceful demonstration for human rights; jailing without charge more than 40 members of the democratic opposition; closing down two independent media in the country, La Prensa and Catholic Radio; and expelling eight American diplomats, including the American Ambassador to Nicaragua;

(b) It is the sense of the Senate that—

(1) the Senate condemns the recent blatant actions by the Sandinistas against the internal opposition and the media and the expulsion of the American diplomats, and calls upon all who seek both peace and freedom in Central America to join in that condemnation;

(2) the Senate supports the action taken by the President in withdrawing the credentials of Nicaraguan diplomatic personnel accredited to the United
States as an appropriate response to the unjustified expulsion of United States diplomats from Managua;

(3) the United States should respond to these blatant violations of the Esquipulas accord by the Sandinistas by pursuing a policy that includes—

(i) strengthening democracy and the independent media of Nicaragua, including the immediate reopening of La Prensa and Catholic Radio;

(ii) maintaining the democratic opposition as one aspect of an overall policy toward the Sandinistas, by continuing to provide that opposition with assistance; and

(iii) supporting the efforts of the Central American democracies, through the provisions agreed to in the Esquipulas II accords, signed by the five Central American Presidents on August 7, 1987, with the purpose that the Sandinistas comply with the obligations they agreed to under those accords,

(4) the Sandinistas should understand that blatant violations of the Esquipulas II accord and the human rights of the Nicaraguan people could cause Congress to consider the provision of additional humanitarian and other appropriate assistance, including military aid, if conditions should so warrant, and
(5) should the Sandinistas comply with the Esquipulas II accord and proceed to permit the establishment of a democratic system in Nicaragua, the United States should consider responding by providing additional economic assistance to the nations of the region, including Nicaragua.


Attest: DONNALD K. ANDERSON,
Clerk.

Passed the Senate with amendments July 13 (legislative day, July 8), 1988.

Attest: WALTER J. STEWART,
Secretary.