

100TH CONGRESS
2D SESSION

H. R. 4867

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 1988

Ordered to be printed with the amendments of the Senate numbered

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:

7 TITLE I—DEPARTMENT OF THE INTERIOR

8 BUREAU OF LAND MANAGEMENT

9 MANAGEMENT OF LANDS AND RESOURCES

10 For expenses necessary for protection, use, improve-
11 ment, development, disposal, cadastral surveying, classifica-
12 tion, and performance of other functions, including mainte-

1 nance of facilities, as authorized by law, in the management
2 of lands and their resources under the jurisdiction of the
3 Bureau of Land Management, including the general adminis-
4 tration of the Bureau of Land Management,
5 **(1)** ~~\$500,959,000~~ \$510,595,000, of which not to exceed
6 \$1,000,000 to be derived from the special receipt account
7 established by section 4 of the Land and Water Conservation
8 Fund Act of 1965, as amended (16 U.S.C. 460l-6a(i)),
9 **(2)** ~~\$70,000,000~~ \$75,000,000 for firefighting and repay-
10 ment to other appropriations from which funds were trans-
11 ferred under the authority of section 102 of the Department
12 of the Interior and Related Agencies Appropriations Act,
13 1988, and \$23,000,000 for the Automated Land and Mineral
14 Record System Project shall remain available until expended:
15 *Provided*, That appropriations herein made shall not be avail-
16 able for the destruction of healthy, unadopted, wild horses
17 and burros in the care of the Bureau of Land Management or
18 its contractors: *Provided further*, That in fiscal year 1989 all
19 but \$742,000 of receipts, and thereafter all receipts from fees
20 established by the Secretary of the Interior for processing of
21 actions relating to the administration of the General Mining
22 Laws shall be available for program operations in Mining
23 Law Administration by the Bureau of Land Management to
24 supplement funds otherwise available, to remain available
25 until expended.

1 CONSTRUCTION AND ACCESS

2 For acquisition of lands and interests therein, and con-
3 struction of buildings, recreation facilities, roads, trails, and
4 appurtenant facilities, **(3)** ~~\$5,431,000~~ \$2,631,000, to
5 remain available until expended.

6 PAYMENTS IN LIEU OF TAXES

7 For expenses necessary to implement the Act of Octo-
8 ber 20, 1976 (31 U.S.C. 6901-07), \$105,000,000, of which
9 not to exceed \$400,000 shall be available for administrative
10 expenses. **(4)** *The Payments in Lieu of Taxes Act (31*
11 *U.S.C. 6901(2)) is amended by deleting the phrase "existing*
12 *in the State of Alaska on the date of enactment of this Act"*
13 *from the definition of a unit of Government.*

14 LAND ACQUISITION

15 For expenses necessary to carry out the provisions of
16 sections 205, 206, and 318(d) of Public Law 94-579 includ-
17 ing administrative expenses and acquisition of lands or
18 waters, or interest therein, **(5)** ~~\$11,640,000~~ \$12,020,000,
19 to be derived from the Land and Water Conservation Fund,
20 to remain available until expended.

21 OREGON AND CALIFORNIA GRANT LANDS

22 For expenses necessary for management, protection,
23 and development of resources and for construction, operation,
24 and maintenance of access roads, reforestation, and other im-
25 provements on the revested Oregon and California Railroad
26 grant lands, on other Federal lands in the Oregon and Cali-

1 fornia land-grant counties of Oregon, and on adjacent rights-
 2 of-way; and acquisition of lands or interests therein including
 3 existing connecting roads on or adjacent to such grant lands;
 4 ~~(6) \$61,445,000~~ \$59,141,000, to remain available until ex-
 5 pended: *Provided*, That the amount appropriated herein for
 6 road construction shall be transferred to the Federal High-
 7 way Administration, Department of Transportation: *Provided*
 8 *further*, That 25 per centum of the aggregate of all receipts
 9 during the current fiscal year from the revested Oregon and
 10 California Railroad grant lands is hereby made a charge
 11 against the Oregon and California land grant fund and shall
 12 be transferred to the General Fund in the Treasury in ac-
 13 cordance with the provisions of the second paragraph of sub-
 14 section (b) of title II of the Act of August 28, 1937 (50 Stat.
 15 876).

16 RANGE IMPROVEMENTS

17 For rehabilitation, protection, and acquisition of lands
 18 and interests therein, and improvement of Federal rangelands
 19 pursuant to section 401 of the Federal Land Policy and Man-
 20 agement Act of 1976 (43 U.S.C. 1701), notwithstanding any
 21 other Act, sums equal to 50 per centum of all moneys re-
 22 ceived during the prior fiscal year under sections 3 and 15 of
 23 the Taylor Grazing Act (43 U.S.C. 315, et seq.) and the
 24 amount designated for range improvements from grazing fees
 25 and mineral leasing receipts from Bankhead-Jones lands
 26 transferred to the Department of the Interior pursuant to

1 law, but not less than \$8,506,000, to remain available until
2 expended: *Provided*, That not to exceed \$600,000 shall be
3 available for administrative expenses.

4 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

5 For administrative expenses and other costs related to
6 processing application documents and other authorizations for
7 use and disposal of public lands and resources, for costs of
8 providing copies of official public land documents, for moni-
9 toring construction, operation, and termination of facilities in
10 conjunction with use authorizations, and for rehabilitation of
11 damaged property, such amounts as may be collected under
12 sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act
13 approved October 21, 1976 (43 U.S.C. 1701), and sections
14 101 and 203 of Public Law 93-153, to be immediately avail-
15 able until expended: *Provided*, That notwithstanding any pro-
16 vision to the contrary of subsection 305(a) of the Act of Octo-
17 ber 21, 1976 (43 U.S.C. 1735(a)), any moneys that have
18 been or will be received pursuant to that subsection, whether
19 as a result of forfeiture, compromise, or settlement, if not
20 appropriate for refund pursuant to subsection 305(c) of that
21 Act (43 U.S.C. 1735(c)), shall be available and may be ex-
22 pended under the authority of this or subsequent appropria-
23 tions Acts by the Secretary to improve, protect, or rehabili-
24 tate any public lands administered through the Bureau of
25 Land Management which have been damaged by the action
26 of a resource developer, purchaser, permittee, or any unau-

1 thORIZED person, without regard to whether all moneys col-
2 lected from each such forfeiture, compromise, or settlement
3 are used on the exact lands damage to which led to the for-
4 feiture, compromise, or settlement: *Provided further*, That
5 such moneys are in excess of amounts needed to repair
6 damage to the exact land for which collected.

7 MISCELLANEOUS TRUST FUNDS

8 In addition to amounts authorized to be expended under
9 existing law, there is hereby appropriated such amounts as
10 may be contributed under section 307 of the Act of Octo-
11 ber 21, 1976 (43 U.S.C. 1701), and such amounts as may be
12 advanced for administrative costs, surveys, appraisals, and
13 costs of making conveyances of omitted lands under section
14 211(b) of that Act, to remain available until expended.

15 ADMINISTRATIVE PROVISIONS

16 Appropriations for the Bureau of Land Management
17 shall be available for purchase, erection, and dismantlement
18 of temporary structures, and alteration and maintenance of
19 necessary buildings and appurtenant facilities to which the
20 United States has title; up to \$25,000 for payments, at the
21 discretion of the Secretary, for information or evidence con-
22 cerning violations of laws administered by the Bureau of
23 Land Management; miscellaneous and emergency expenses of
24 enforcement activities authorized or approved by the Secre-
25 tary and to be accounted for solely on his certificate, not to
26 exceed \$10,000: *Provided*, That appropriations herein made

1 for Bureau of Land Management expenditures in connection
2 with the revested Oregon and California Railroad and recon-
3 veyed Coos Bay Wagon Road grant lands (other than ex-
4 penditures made under the appropriation "Oregon and Cali-
5 fornia grant lands") shall be reimbursed to the General Fund
6 of the Treasury from the 25 per centum referred to in subsec-
7 tion (c), title II, of the Act approved August 28, 1937 (50
8 Stat. 876), of the special fund designated the "Oregon and
9 California land grant fund" and section 4 of the Act approved
10 May 24, 1939 (53 Stat. 754), of the special fund designated
11 the "Coos Bay Wagon Road grant fund": *Provided further,*
12 That appropriations herein made may be expended for sur-
13 veys of Federal lands of the United States and on a reimburs-
14 able basis for surveys of Federal lands of the United States
15 and for protection of lands for the State of Alaska: *Provided*
16 *further,* That an appeal of any reductions in grazing allot-
17 ments on public rangelands must be taken within thirty days
18 after receipt of a final grazing allotment decision. Reductions
19 of up to 10 per centum in grazing allotments shall become
20 effective when so designated by the Secretary of the Interior.
21 Upon appeal any proposed reduction in excess of 10 per
22 centum shall be suspended pending final action on the appeal,
23 which shall be completed within two years after the appeal is
24 filed: *Provided further,* That appropriations herein made shall
25 be available for paying costs incidental to the utilization of

1 services contributed by individuals who serve without
 2 compensation as volunteers in aid of work of the Bureau:
 3 *Provided further*, That notwithstanding section 5901(a) of
 4 title 5, United States Code, the uniform allowance for each
 5 uniformed employee of the Bureau of Land Management shall
 6 not exceed \$400 annually.

7 UNITED STATES FISH AND WILDLIFE SERVICE

8 RESOURCE MANAGEMENT

9 For expenses necessary for scientific and economic stud-
 10 ies, conservation, management, investigations, protection,
 11 and utilization of sport fishery and wildlife resources, except
 12 whales, seals, and sea lions, and for the performance of other
 13 authorized functions related to such resources; for the general
 14 administration of the United States Fish and Wildlife Serv-
 15 ice; and for maintenance of the herd of long-horned cattle on
 16 the Wichita Mountains Wildlife Refuge; and not less than
 17 \$1,000,000 for high priority projects within the scope of the
 18 approved budget which shall be carried out by Youth Conser-
 19 vation Corps as if authorized by the Act of August 13, 1970,
 20 as amended by Public Law 93-408, ~~(7) \$350,251,000~~
 21 *\$360,654,000, to remain available for obligation until Sep-*
 22 *tember 30, 1990, of which \$5,000,000, to carry out the pur-*
 23 *poses of 16 U.S.C. 1535, shall remain available until expend-*
 24 *ed; and of which (8) ~~\$6,523,000~~ \$6,811,000 shall be for*
 25 *operation and maintenance of fishery mitigation facilities con-*

1 structed by the Corps of Engineers under the Lower Snake
2 River Compensation Plan, authorized by the Water Re-
3 sources Development Act of 1976 (90 Stat. 2921), to com-
4 pensate for loss of fishery resources from water development
5 projects on the Lower Snake River, and which shall remain
6 available until expended (9): ~~Provided, That none of the~~
7 ~~funds provided herein may be used for the planning, imple-~~
8 ~~mentation, or financing of agreements or arrangements with~~
9 ~~entities for the management of United States Fish and Wild-~~
10 ~~life Service wildlife refuges, exclusive of waterfowl produc-~~
11 ~~tion areas, except for agreements or arrangements existing~~
12 ~~as of the date of enactment of this Act (10); and of which~~
13 *\$1,500,000 shall remain available until expended for the de-*
14 *velopment and installation of displays, exhibits, films, and*
15 *other educational material for an ecological center, which will*
16 *display the interdependency of fish and wildlife habitat upon*
17 *each other and the need for informed public stewardship of*
18 *these resources, including man's impact on freshwater and*
19 *coastal streams, and which will be located on non-Federal*
20 *land and be constructed by non-Federal participants.*

21 CONSTRUCTION AND ANADROMOUS FISH

22 For construction and acquisition of buildings and other
23 facilities required in the conservation, management, investi-
24 gations, protection, and utilization of sport fishery and wild-
25 life resources, and the acquisition of lands and interests there-
26 in; (11) ~~\$23,756,000~~ \$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
3 Act (16 U.S.C. 757a-757g).

4 LAND ACQUISITION

5 For expenses necessary to carry out the provisions of
6 the Land and Water Conservation Fund Act of 1965, as
7 amended (16 U.S.C. 460l-4-11), including administrative
8 expenses, and for acquisition of land or waters, or interest
9 therein, in accordance with statutory authority applicable to
10 the United States Fish and Wildlife Service,
11 ~~(12) \$50,809,000~~ \$61,849,000, to be derived from the
12 Land and Water Conservation Fund, to remain available
13 until expended (13): *Provided, That of the funds provided to*
14 *the United States Fish and Wildlife Service under the head-*
15 *ing "Construction and Anadromous Fish" in Public Law*
16 *100-71, \$1,200,000 shall be expended for the lease or pur-*
17 *chase of water rights, from willing sellers, for the benefit of*
18 *Stillwater Wildlife Management Area, Nevada: Provided*
19 *further, That the lease or purchase shall be carried out pursu-*
20 *ant to the statutory and procedural requirements of the laws*
21 *of the State of Nevada, and the Secretary shall proceed with*
22 *any such lease or purchase pursuant to this appropriation if*
23 *and only if the Secretary receives certification from the State*
24 *of Nevada that the transfer of water rights and associated*
25 *change of use for the beneficial use of Stillwater Wildlife*
26 *Management Area is approved by the State of Nevada: Pro-*

1 vided further, That notwithstanding any other provision of
2 this Act, the Secretary shall continue to pursue a comprehen-
3 sive settlement of water rights disputes on the Carson and
4 Truckee Rivers among the affected parties: Provided further,
5 That Stillwater Wildlife Management Area is to be consid-
6 ered a high priority wetland for purposes of this Act and
7 shall be fully considered by the Secretary for funding of any
8 future projects undertaken pursuant to the North American
9 Waterfowl Management Plan.

10 (14) The Secretary may acquire lands and waters or
11 interests therein subject to the interest of the State of Califor-
12 nia, including the public trust, in lands including submerged
13 lands which are now or at any time have been below the
14 highest high water mark of the Sacramento River and/or its
15 tributaries, in the event the boundary of said river has been
16 artificially raised, or said lands are now or at any time have
17 been below the ordinary high water mark of the Sacramento
18 River, if said river and/or its tributaries is in its natural
19 state; and further subject to any adverse claim based upon the
20 assertion that (i) any portion of said lands is not now or has
21 not at any time been below the highest high water mark of the
22 Sacramento River and/or its tributaries, in the event the
23 boundary of said river has been artificially raised, or is not
24 now and has not at any time been below the ordinary high
25 water mark, if said river and/or its tributaries is in its natu-

1 *ral state; (ii) some portion of said lands has been created by*
 2 *artificial means or has accreted to such portion so created; or*
 3 *(iii) some portion of said lands has been brought within the*
 4 *boundaries thereof by an avulsive movement of the Sacra-*
 5 *mento River and/or its tributaries, or has been formed by*
 6 *accretion to any such portion.*

7 NATIONAL WILDLIFE REFUGE FUND

8 For expenses necessary to implement the Act of Octo-
 9 ber 17, 1978 (16 U.S.C. 715s), ~~(15) \$7,645,000~~
 10 \$5,645,000.

11 ADMINISTRATIVE PROVISIONS

12 Appropriations and funds available to the United States
 13 Fish and Wildlife Service shall be available for purchase of
 14 not to exceed 160 passenger motor vehicles, of which 153
 15 are for replacement only (including 46 for police-type use);
 16 not to exceed \$400,000 for payment, at the discretion of the
 17 Secretary, for information, rewards, or evidence concerning
 18 violations of laws administered by the United States Fish and
 19 Wildlife Service, and miscellaneous and emergency expenses
 20 of enforcement activities, authorized or approved by the Sec-
 21 retary and to be accounted for solely on his certificate; repair
 22 of damage to public roads within and adjacent to reservation
 23 areas caused by operations of the United States Fish and
 24 Wildlife Service; options for the purchase of land at not to
 25 exceed \$1 for each option; facilities incident to such public
 26 recreational uses on conservation areas as are consistent with

1 their primary purpose; and the maintenance and improve-
2 ment of aquaria, buildings, and other facilities under the juris-
3 diction of the United States Fish and Wildlife Service and to
4 which the United States has title, and which are utilized pur-
5 suant to law in connection with management and investiga-
6 tion of fish and wildlife resources: *Provided*, That the United
7 States Fish and Wildlife Service may accept donated aircraft
8 as (16) *new, or* replacements for existing aircraft: *Provided*
9 *further*, That hereafter the Columbian White Tail Deer
10 Refuge shall be known as the Julia Butler Hansen Refuge
11 for the Columbian White Tail Deer.

12 NATIONAL PARK SERVICE

13 OPERATION OF THE NATIONAL PARK SYSTEM

14 For expenses necessary for the management, operation,
15 and maintenance of areas and facilities administered by the
16 National Park Service (including special road maintenance
17 service to trucking permittees on a reimbursable basis), and
18 for the general administration of the National Park Service,
19 including not to exceed (17) ~~\$424,000~~ \$442,000 for the
20 Roosevelt Campobello International Park Commission and
21 not less than \$1,000,000 for high priority projects within the
22 scope of the approved budget which shall be carried out by
23 Youth Conservation Corps as if authorized by the Act of
24 August 13, 1970, as amended by Public Law 93-408,
25 (18) ~~\$742,181,000~~ \$746,024,000, without regard to the

1 Act of August 24, 1912, as amended (16 U.S.C. 451), of
2 which not to exceed \$52,200,000 to remain available until
3 expended is to be derived from the special fee account estab-
4 lished pursuant to title V, section 5201, of Public Law 100-
5 203 (19): *Provided, That (i) amounts covered into the spe-*
6 *cial account established under section 4 of the Land and*
7 *Water Conservation Fund Act of 1965, as amended, for the*
8 *National Park Service during the fiscal year ending Septem-*
9 *ber 30, 1990, and each fiscal year thereafter, shall be allocat-*
10 *ed among park system units in accordance with clause (ii),*
11 *and notwithstanding any other provision of law, such*
12 *amounts shall be available, without further appropriation, for*
13 *obligation or expenditure by the Director of the National*
14 *Park Service to be used as follows:*

15 (1) *In the case of receipts from entrance fees col-*
16 *lected at units of the national park system: for resource*
17 *protection, research, and interpretation at units of the*
18 *national park system.*

19 (2) *In the case of receipts from user fees collected*
20 *at units of the national park system: for resource pro-*
21 *tection, research, interpretation, and maintenance at*
22 *units of the national park system.*

23 (ii)(1) *Half of the funds made available to the Director*
24 *of the National Park Service under clause (i) in such fiscal*
25 *year shall be allocated among units of the national park*

1 *system in accordance with paragraph (2) and half shall be*
2 *allocated in accordance with paragraph (3). Amounts allocat-*
3 *ed to a unit for any fiscal year and expended in that fiscal*
4 *year shall remain available for expenditure at that unit until*
5 *expended.*

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

11 (3) *The fraction allocated to each unit under this para-*
12 *graph for each fiscal year shall be determined by dividing the*
13 *fees collected under this section at that unit during the prior*
14 *fiscal year by the total fees collected under this section at all*
15 *units during the prior fiscal year: Provided, (20) That of*
16 *the funds appropriated from the General Fund of the Treas-*
17 *ury, \$56,733,000 shall be for interpretation and visitor serv-*
18 *ices, \$269,392,000 shall be for maintenance, and*
19 *\$77,726,000 shall be for resources management: Provided*
20 *further, That the National Park Service shall not enter into*
21 *future concessionaire contracts, including renewals, that do*
22 *not include a termination for cause clause that provides for*
23 *possible extinguishment of possessory interests excluding de-*
24 *preciated book value of concessionaire investments without*
25 *compensation (21): Provided further, That \$85,000 shall be*

1 available to assist the town of Harpers Ferry, West Virginia,
2 for police force use (22): Provided further, That the Nation-
3 al Park Service shall continue its review of the proposal to
4 acquire property in and around Natchez, Mississippi for the
5 Mississippi River National Park and for the terminus of the
6 Natchez Trace Parkway. For such purposes, up to \$500,000
7 is authorized to be expended from available funds: Provided
8 further, That funds appropriated to the National Park Serv-
9 ice may be used for the purchase or hire of personnel services
10 without regard to personnel laws as contained in title V of
11 the United States Code, only to provide for the orderly tran-
12 sition from regional finance offices to a central finance
13 office (23): ~~Provided further, That of the funds provided~~
14 ~~herein, \$250,000 is available for the National Institute for~~
15 ~~the Conservation of Cultural Property (24):~~ Provided fur-
16 ther, That no funds appropriated by this Act shall be avail-
17 able to remove, obstruct, dewater, fill, or otherwise damage
18 the Brooks River fish ladder in the Katmai National Park,
19 Alaska (25): Provided further, That no funds appropriated
20 by this Act shall be available to conduct wolf research in
21 Denali National Park and Preserve until the National Park
22 Service complies with section 1308(a) of the Alaska National
23 Interest Lands Conservation Act and Personnel Management
24 Letter No. ADO-83-6-(370) (26): Provided further, That
25 the Service shall consider persons for research and research

1 support positions who, by reason of having lived or worked in
2 or near a conservation system unit, have special knowledge or
3 expertise concerning the natural or cultural resources of such
4 unit (27): Provided further, That where any Federal lands
5 included within the boundary of the Park created by the Act
6 of December 18, 1971 (Public Law 92-207), were legally
7 occupied or utilized on the date of approval of that Act for
8 grazing purposes pursuant to a lease, permit, or license
9 issued or authorized by any department, establishment, or
10 agency of the United States, the person or persons so occupy-
11 ing or utilizing such lands and the heirs of such person or
12 persons shall at that time be entitled to renew said leases,
13 permits, or licenses under such terms and conditions as the
14 Secretary of the Interior may prescribe, for the lifetime of the
15 permittee or any direct descendants (sons or daughters) born
16 on or before the enactment of Public Law 92-207 (December
17 18, 1971). Such grazing activities shall be subject to the fol-
18 lowing conditions:

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

22 (b) No physical improvements for stock use will be es-
23 tablished on NPS lands without the written concurrence of
24 the Park Superintendent.

1 (c) *Nothing in this section shall apply to any lease,*
 2 *permit, or license for mining purposes or for public accommo-*
 3 *dations and services or to any occupancy or utilization of*
 4 *lands for purely temporary purposes.*

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

8 (e) *The provisions of Public Law 97-341 are hereby*
 9 *repealed.*

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

12 NATIONAL RECREATION AND PRESERVATION

13 For expenses necessary to carry out recreation pro-
 14 grams, natural programs, cultural programs, environmental
 15 compliance and review, and grant administration, not other-
 16 wise provided for, **(28)** ~~\$14,093,000~~ \$13,470,000.

17 HISTORIC PRESERVATION FUND

18 For expenses necessary in carrying out the provisions of
 19 the Historic Preservation Act of 1966 (80 Stat. 915), as
 20 amended (16 U.S.C. 470), **(29)** ~~\$30,000,000~~ \$30,250,000
 21 to be derived from the Historic Preservation Fund, estab-
 22 lished by section 108 of that Act, as amended, to remain
 23 available for obligation until September 30, 1990: *Provided,*
 24 *That the Trust Territory of the Pacific Islands is a State*
 25 *eligible for Historic Preservation Fund matching grant assist-*
 26 *ance as authorized under 16 U.S.C. 470w(2): *Provided fur-**

1 *ther, That pursuant to section 105(1) of the Compact of Free*
2 *Association, Public Law 99-239, the Federated States of Mi-*
3 *ronesia and the Republic of the Marshall Islands shall also*
4 *be considered States for purposes of this appropriation (30):*
5 *Provided further, That \$1,000,000 of the amount appropri-*
6 *ated herein shall remain available until expended in the Bi-*
7 *centennial Lighthouse Fund, to be distributed on a matching*
8 *grant basis after consultation among the National Park*
9 *Service, the National Trust for Historic Preservation, State*
10 *Historic Preservation Officers from States with resources eli-*
11 *gible for financial assistance, and the lighthouse community.*
12 *Consultation shall include such matters as a distribution for-*
13 *mula, timing of grant awards, a redistribution procedure for*
14 *grants remaining unobligated longer than two years after the*
15 *award date, and related implementation policies. The distri-*
16 *bution formula for fiscal year 1989 shall include consider-*
17 *ation of such factors as—*

18 *(A) the number of lighthouses on or determined to*
19 *be eligible for listing on the National Register of His-*
20 *toric Places by March 30, 1989;*

21 *(B) the number of river lights and number of his-*
22 *toric river sites on or determined to be eligible for list-*
23 *ing on the National Register by March 30, 1989; and*

24 *(C) the availability of matching contributions in*
25 *the State: Provided further, That no State shall receive*

1 more than 15 per centum of the Bicentennial Light-
2 house Fund in any one fiscal year, nor more than 10
3 per centum of the total appropriations to the Fund in
4 any two fiscal year period: Provided further, That only
5 the light station structure, itself, shall be counted in de-
6 termining the number of properties in each State eligi-
7 ble to participate in the Fund: Provided further, That
8 the Secretary shall allocate appropriate funds from the
9 Bicentennial Lighthouse Fund to be transferred, with-
10 out the matching requirement, for use by Federal agen-
11 cies, in cooperative agreements with the National Park
12 Service and the State Office of Historic Preservation
13 in which the property is located, for properties other-
14 wise eligible for the National Register but owned by
15 the Federal Government.

16 CONSTRUCTION

17 For construction, improvements, repair or replacement
18 of physical facilities, without regard to the Act of August 24,
19 1912, as amended (16 U.S.C. 451), ~~(31) \$131,809,000~~
20 ~~\$119,072,000~~, to remain available until expended ~~(32)~~, ~~in-~~
21 ~~cluding \$2,950,000 to carry out the provisions of sections~~
22 ~~302, 303, and 304 of Public Law 95-290~~: Provided, That for
23 payment of obligations incurred for continued construction of
24 the Cumberland Gap Tunnel, as authorized by section 160
25 of Public Law 93-87, \$47,000,000 to be derived from the
26 Highway Trust Fund and to remain available until expended

1 to liquidate contract authority provided under section
2 104(a)(8) of Public Law 95-599, as amended, such contract
3 authority to remain available until expended.

4 LAND AND WATER CONSERVATION FUND

5 (RESCISSION)

6 The contract authority provided for fiscal year 1989 by
7 16 U.S.C. 4601-10a is rescinded.

8 LAND ACQUISITION AND STATE ASSISTANCE

9 For expenses necessary to carry out the provisions of
10 the Land and Water Conservation Fund Act of 1965, as
11 amended (16 U.S.C. 4601-4-11), including administrative
12 expenses, and for acquisition of land or waters, or interest
13 therein, in accordance with statutory authority applicable to
14 the National Park Service, ~~(33) \$62,206,000~~ \$64,961,000
15 to be derived from the Land and Water Conservation Fund,
16 to remain available until expended, including \$3,300,000 to
17 administer the State Assistance program: *Provided, That*
18 *of the amounts previously appropriated to the Secretary's*
19 *contingency fund for grants to States, \$357,000 shall be*
20 *available in 1989 for administrative expenses of the State*
21 *grant program (34): Provided further, That \$3,000,000 of*
22 *the funds made available herein shall be available for land*
23 *acquisition at Congaree Swamp National Monument, South*
24 *Carolina, subject to enactment of authorizing legislation.*

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

2 For expenses necessary for operating and maintaining
3 the nonperforming arts functions of the John F. Kennedy
4 Center for the Performing Arts, \$5,181,000: *Provided*, That
5 contracts **(35)** *hereafter* awarded for environmental sys-
6 tems, housekeeping, protection systems, and repair or ren-
7 ovation of buildings of the John F. Kennedy Center for the
8 Performing Arts may be negotiated with selected contractors
9 and awarded on the basis of contractor qualifications as well
10 as price.

11 **(36)** ~~ILLINOIS AND MICHIGAN CANAL NATIONAL~~

12 ~~HERITAGE CORRIDOR COMMISSION~~

13 For operation of the Illinois and Michigan Canal Na-
14 tional Heritage Corridor Commission, \$250,000.

15 **(37)** ~~AMERICAN REVOLUTION BICENTENNIAL~~

16 ~~ADMINISTRATION~~

17 For expenses necessary to pay awards resulting from
18 claims by licensees against the American Revolution Bicen-
19 tennial Administration and its successors, \$4,765,000: *Pro-*
20 *vided*, That payment of awards shall occur no later than 30
21 days after enactment of this Act.

1 **(38) NATIONAL FILM PRESERVATION BOARD**

2 **SALARIES AND EXPENSES**

3 For necessary expenses of the National Film Preserva-
4 tion Board, \$100,000: *Provided*, That the following may be
5 cited as the "National Film Preservation Act of 1988":

6 **SECTION 1. FINDINGS.**

7 The Congress finds that—

8 (1) motion pictures are an indigenous American
9 art form that has been emulated throughout the world;

10 (2) certain motion pictures represent an enduring
11 part of our Nation's historical and cultural heritage;

12 and

13 (3) it is appropriate and necessary for the Federal
14 Government to recognize motion pictures as a signifi-
15 cant American art form deserving of protection.

16 **SEC. 2. NATIONAL FILM PRESERVATION BOARD.**

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

20 **SEC. 3. DUTIES OF SECRETARY OF THE INTERIOR.**

21 (a)(1) The Secretary, as empowered by the Board, shall
22 by rulemaking in accordance with the requirements of the
23 Administrative Procedures Act (5 U.S.C.)—

1 (A) establish criteria for guidelines pursuant to
2 which such films may be included in the National Film
3 Registry;

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

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

10 (2) In addition, the Secretary shall—

11 (A) determine, from time to time, in consultation
12 with the Board, which films satisfy the criteria devel-
13 oped pursuant to subparagraph (a)(1)(A) and qualify to
14 be included in the National Film Registry. The Secre-
15 tary shall not select more than 25 films per year for
16 inclusion in the Registry;

17 (B) determine, from time to time, in consultation
18 with the Board and in accordance with criteria estab-
19 lished under subparagraph (a)(1)(B), which films, if any,
20 should be removed from the National Film Registry;

21 (C) convene, from time to time, a panel of experts
22 solely to advise the Board on a definition of "material
23 alteration" for purposes of subparagraph (a)(1)(C). Such
24 panel shall be comprised of four persons, one repre-
25 sentative each from the Motion Picture Association of

1 America and the National Association of Broadcasters,
2 and two representatives of the film guilds representing
3 directors, writers, cinematographers, editors, and set
4 designers;

5 (D) provide a seal to indicate that the film has
6 been included in the National Film Registry as an en-
7 during part of our national cultural heritage which seal
8 may be used in the promotion of any version of such
9 film that has not been materially altered; and

10 (E) have published in the Federal Register the
11 name of each film whenever it is included in or re-
12 moved from the National Film Registry.

13 (b) APPEALS TO THE SECRETARY.—The exhibitor or
14 distributor of a film may appeal to the Secretary—

15 (1) objecting to a nomination of such film for in-
16 clusion in the National Film Registry;

17 (2) the failure or refusal of the Secretary to nomi-
18 nate such film for inclusion in the National Film Regis-
19 try;

20 (3) the removal of such film from the National
21 Film Registry; or

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

1 The Secretary shall refer such appeals to the Board for deci-
2 sions.

3 (e) **REGISTRY COLLECTION.**—The Secretary shall en-
4 deavor to obtain by gift from the owner, a copy of an original
5 version of each film included in the National Film Registry
6 for scholarly research. Such films shall be stored in an appro-
7 priate place to be determined by the Secretary, in consulta-
8 tion with the Administrator of General Services.

9 **SEC. 4. LABELING REQUIREMENTS.**

10 (a) No person shall knowingly distribute or exhibit to
11 the public a materially altered version of a film included in
12 the National Film Registry unless the version is labeled as
13 required by subsection (b).

14 (b)(1) A label for a materially altered version of a film,
15 other than a colorized version, shall consist of a panel card
16 immediately preceding the commencement of the film which
17 bears the following statement:

18 “Materially edited version of original work; cer-
19 tain creative contributors did not participate in this
20 version of the film.”

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

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

1 “Colorized version of original work; certain cre-
2 ative contributors did not participate.”

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

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

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

8 “Materially edited version of original work; cer-
9 tain creative contributors did not participate in this
10 version of the film.”

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

14 (B) an area of a rectangle on the side of the pack-
15 age which bears the following statement:

16 “Materially edited version of original work; cer-
17 tain creative contributors did not participate in this
18 version of the film.”

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

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

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

1 "Colorized version of original work; certain cre-
2 ative contributors did not participate."

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

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

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

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

13 SEC. 5. MISUSE OF SEAL.

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

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

18 or

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

21 SEC. 6. REMEDIES.

22 The several district courts of the United States are in-
23 vested with jurisdiction, for cause shown, to prevent and re-
24 strain violations of sections 4 and 5 of this Act upon the
25 application of the Commissioner of Patents and Trademarks

1 to the Attorney General of the United States acting through
2 the several United States attorneys in their several districts.
3 The scope of the relief shall be limited to the prospective
4 application of a label or removal of a seal as appropriate
5 except in cases in which the Commissioner finds a pattern or
6 practice of willful disregard of this Act. In such cases, the
7 United States district courts are vested with jurisdiction to
8 order civil fines of not more than \$10,000 and appropriate
9 injunctive relief.

10 **SEC. 7. LIMITATIONS OF REMEDIES.**

11 The remedies under section 6 shall be the exclusive
12 remedies under this Act or any other Federal or State law,
13 regarding the use of a seal as described by subparagraph
14 3(a)(2)(D) or labeling of materially altered films.

15 **SEC. 8. NATIONAL FILM PRESERVATION BOARD.**

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

19 (1) the President of the Academy of Motion Pic-
20 ture Arts and Sciences;

21 (2) the President of the Directors Guild of Amer-
22 ica;

23 (3) the President of the Writers Guild of America;

24 (4) the President of the National Society of Film
25 Critics;

1 (5) the President of the Society for Cinema
2 Studies;

3 (6) the President of the American Film Institute;

4 (7) the Chairman of the Department of Theatre,
5 Film and Television, College of Fine Arts at the Uni-
6 versity of California, Los Angeles;

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

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

12 (10) the President of the Motion Picture Associa-
13 tion of America;

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

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

18 (13) the President of the Screen Actors Guild.

19 The Secretary shall appoint a member to serve as Chair-
20 person.

21 (b) TERM OF OFFICE.—(1) The term of each member of
22 the Board shall be four years from the expiration of his pred-
23 ecessor's term; except that the members first appointed shall
24 serve for terms of one to four years, as designated by the
25 Secretary at the time of appointment, in such manner as to

1 insure that the terms of no more than two of them will expire
2 in any one year. A member whose term has expired shall
3 serve until that member's successor has been appointed.

4 (2) A vacancy in the Board shall be filled in the manner
5 in which the original appointment was made. Appointments
6 may be made under this subsection without regard to section
7 ~~5311(b)~~ of title 5, United States Code. Any member appoint-
8 ed to fill a vacancy before the expiration of the term for
9 which his predecessor was appointed shall be appointed only
10 for the remainder of such term.

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

13 (d) BASIC PAY.—Members of the Board shall serve
14 without pay, except that members of the Board are each au-
15 thorized to be paid the daily equivalent of the maximum
16 annual rate of basic pay in effect for grade GS-18 of the
17 General Schedule for each day, including travel time, during
18 which they are engaged in the actual performance of duties of
19 the Board. While away from their homes or regular places of
20 business in the performance of services for the Board, mem-
21 bers of the Board shall be allowed travel expenses, including
22 per diem in lieu of subsistence, in the same manner as per-
23 sons employed intermittently in Government service are al-
24 lowed expenses under section 5703 of title 5 of the United
25 States Code.

1 (e) MEETINGS.—The Board shall meet at least twice
2 each calendar year and the first such meeting shall be within
3 120 days after the effective date of this section. Meetings
4 shall be at the call of the Chairperson or a majority of its
5 members.

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

7 (a) STAFF.—The Chairperson of the Board may appoint
8 and fix the pay of such personnel as the Chairperson consid-
9 ers appropriate.

10 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
11 LAWS.—The staff of the Board may be appointed without
12 regard to the provisions of title 5, United States Code, gov-
13 erning appointments in the competitive service, and may be
14 paid without regard to the provisions of chapter 51 and sub-
15 chapter III of chapter 53 of such title relating to classifica-
16 tion and General Schedule pay rates, except that no individ-
17 ual so appointed may receive pay in excess of the annual rate
18 of basic pay payable for GS-16 of the General Schedule.

19 (c) EXPERTS AND CONSULTANTS.—The Chairperson of
20 the Board may procure temporary and intermittent services
21 under section 3109(b) of title 5, United States Code, but at
22 rates for individuals not to exceed the daily equivalent of the
23 maximum rate of basic pay payable for GS-15 of the General
24 Schedule.

1 **SEC. 10. POWERS OF BOARD.**

2 (a) **IN GENERAL.**—The Board may, for the purpose of
 3 carrying out its duties, hold such hearings, sit and act at such
 4 times and places, take such testimony, and receive such evi-
 5 dence, as the Board considers appropriate, to review nomina-
 6 tions of films submitted to the Board for inclusion in the Na-
 7 tional Film Registry and to consult with the Secretary with
 8 respect to the inclusion of such films in the Registry and the
 9 removal of any films from the Registry, and those powers
 10 defined in section 3. From time to time, the Board may alter
 11 the labeling by two-thirds vote of those present.

12 (b) **NOMINATION OF FILMS.**—The Board shall consider,
 13 for inclusion in the National Film Registry, nominations sub-
 14 mitted by representatives of the film industry, such as the
 15 guilds and societies representing actors, directors, screen-
 16 writers, producers, and film critics, film preservation organi-
 17 zations and representatives of academic institutions with film
 18 study programs. The Board shall not nominate more than 25
 19 films a year for inclusion in the Registry.

20 **SEC. 11. DEFINITIONS.**

21 As used in sections 1 through 6:

22 (1) The term “Secretary” means the Secretary of
 23 the Interior.

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

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

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

6 (5) "Material alteration" shall include fundamental
7 changes in the film such as colorization, substitution of
8 characters' bodies and faces, significant changes in
9 theme, plot and character. Excluded from the definition
10 of material alteration are practices such as the inser-
11 tion of commercials and public service announcements
12 for television broadcast.

13 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

18 **SEC. 13. EFFECTIVE DATE.**

19 The effective date is the date of enactment of this Act.
20 The provisions of this Act shall not apply to any films materi-
21 ally altered prior to said effective date.

22 **ADMINISTRATIVE PROVISIONS**

23 Appropriations for the National Park Service shall be
24 available for the purchase of not to exceed 360 passenger
25 motor vehicles, of which 290 shall be for replacement only,
26 including not to exceed 290 for police-type use and 26 buses;

1 to provide, notwithstanding any other provision of law, at a
2 cost not exceeding \$100,000, transportation for children in
3 nearby communities to and from any unit of the National
4 Park System used in connection with organized recreation
5 and interpretive programs of the National Park Service; op-
6 tions for the purchase of land at not to exceed \$1 for each
7 option; and for the procurement and delivery of medical serv-
8 ices within the jurisdiction of units of the National Park
9 System: *Provided*, That no funds available to the National
10 Park Service may be used, unless the proposed transfer is
11 approved in advance by the House and Senate Committees
12 on Appropriations in compliance with the reprogramming
13 procedures contained in House Report 99-714, to maintain
14 law and order in emergency and other unforeseen law en-
15 forcement situations and conduct emergency search and
16 rescue operations in the National Park System: *Provided fur-*
17 *ther*, That none of the funds appropriated to the National
18 Park Service may be used to process any grant or contract
19 documents which do not include the text of 18 U.S.C. 1913:
20 *Provided further*, That none of the funds appropriated to the
21 National Park Service may be used to add industrial facilities
22 to the list of National Historic Landmarks without the con-
23 sent of the owner: *Provided further*, That the National Park
24 Service may use helicopters and motorized equipment at
25 Death Valley National Monument for removal of feral burros

1 and horses: *Provided further*, That notwithstanding any other
2 provision of law, the National Park Service may recover
3 unbudgeted costs of providing necessary services associated
4 with special use permits, such reimbursements to be credited
5 to the appropriation current at that time: *Provided further*,
6 That none of the funds appropriated to the National Park
7 Service may be used to implement an agreement for the rede-
8 velopment of the southern end of Ellis Island until such
9 agreement has been submitted to the Congress and shall not
10 be implemented prior to the expiration of 30 calendar days
11 (not including any day in which either House of Congress is
12 not in session because of adjournment of more than three
13 calendar days to a day certain) from the receipt by the
14 Speaker of the House of Representatives and the President of
15 the Senate of a full and comprehensive report on the develop-
16 ment of the southern end of Ellis Island, including the facts
17 and circumstances relied upon in support of the proposed
18 project.

19 No funds shall be available for the National Park Serv-
20 ice to issue any construction permit for the Potomac Greens
21 interchange on the George Washington Memorial Parkway
22 unless an Environmental Impact Statement is conducted.
23 The Environmental Impact Statement shall be commenced
24 promptly and completed and filed within eighteen months of
25 the date on which Public Law 100-202 was enacted. After

1 completion and filing, the EIS shall be transmitted to the
2 appropriate Congressional Committees for a period of 60
3 days, during which time the National Park Service shall not
4 issue any construction permit for the Potomac Greens inter-
5 change on the George Washington Memorial Parkway.

6 The Environmental Impact Statement shall review the
7 traffic impact of only the proposed 38-acre development op-
8 posite Daingerfield Island west of the George Washington
9 Memorial Parkway: *Provided*, That the National Park Serv-
10 ice shall review the impact of the planned development on
11 the visual, recreational and historical integrity of the Park-
12 way.

13 The Environmental Impact Statement shall also provide
14 an evaluation of alternative acquisition strategies to include
15 but not be limited to appraisal estimates for the access rights,
16 the entire 38-acre parcel, that portion of the 38-acre parcel
17 as defined approximately by the historic district boundary
18 line, and any other recommendations by the National Park
19 Service to mitigate the Parkway degradation effects of the
20 proposed development so as to adequately protect and pre-
21 serve the Parkway. Such appraisals shall be prepared and
22 filed as soon as is reasonably possible. The National Park
23 Service solely shall determine the legal and factual sufficien-
24 cy of the Environmental Impact Statement and its compli-
25 ance with the National Environmental Policy Act of 1969.

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

8 **(39)** None of the funds in this Act may be used to
9 issue a permit for seismic exploration of Big Cypress Nation-
10 al Preserve, Florida, until an environmental impact state-
11 ment has been completed.

12 **(40)** None of the funds provided in this or any other
13 Act shall be available to prepare a request or study or re-
14 spond to a request or to cooperate with the Office of Personnel
15 Management or to take any other action to increase special
16 pay provisions for the United States Park Police except as
17 provided for in this Act.

18 **(41)** None of the funds provided in this or any other
19 Act shall be available to the National Park Service to investi-
20 gate, study, plan, or otherwise advance a proposal to restore
21 Hetch Hetchy Valley to a natural condition.

22 **(42)** There is hereby established a Fellowship in Con-
23 gressional Operations Program for employees of the National
24 Park Service. The Director of the National Park Service
25 shall design and administer the program, within available

1 *funds, to improve mutual understanding and cooperation be-*
2 *tween Service employees, and Members and Committees of*
3 *Congress. The program is dedicated to the memory of Pietro*
4 *Antonio (Tony) Bevinetto, and Service employees participat-*
5 *ing in the program shall be known as "Bevinetto Fellows".*

6 GEOLOGICAL SURVEY

7 SURVEYS, INVESTIGATIONS, AND RESEARCH

8 For expenses necessary for the Geological Survey to
9 perform surveys, investigations, and research covering topog-
10 raphy, geology, hydrology, and the mineral and water re-
11 sources of the United States, its Territories and possessions,
12 and other areas as authorized by law (43 U.S.C. 31, 1332
13 and 1340); classify lands as to their mineral and water re-
14 sources; give engineering supervision to power permittees
15 and Federal Energy Regulatory Commission licensees; ad-
16 minister the minerals exploration program (30 U.S.C. 641);
17 and publish and disseminate data relative to the forego-
18 ing activities; ~~(43) \$448,056,000~~ \$448,045,000, of which
19 \$58,800,000 shall be available only for cooperation with
20 States or municipalities for water resources investigations:
21 *Provided*, That no part of this appropriation shall be used to
22 pay more than one-half the cost of any topographic mapping
23 or water resources investigations carried on in cooperation
24 with any State or municipality.

1 ADMINISTRATIVE PROVISIONS

2 The amount appropriated for the Geological Survey
3 shall be available for purchase of not to exceed 19 passenger
4 motor vehicles, for replacement only; reimbursement to the
5 General Services Administration for security guard services;
6 contracting for the furnishing of topographic maps and for the
7 making of geophysical or other specialized surveys when it is
8 administratively determined that such procedures are in the
9 public interest; construction and maintenance of necessary
10 buildings and appurtenant facilities; acquisition of lands for
11 gauging stations and observation wells; expenses of the
12 United States National Committee on Geology; and payment
13 of compensation and expenses of persons on the rolls of the
14 Geological Survey appointed, as authorized by law, to repre-
15 sent the United States in the negotiation and administration
16 of interstate compacts: *Provided*, That activities funded by
17 appropriations herein made may be accomplished through the
18 use of contracts, grants, or cooperative agreements as defined
19 in Public Law 95-224.

20 MINERALS MANAGEMENT SERVICE

21 LEASING AND ROYALTY MANAGEMENT

22 For expenses necessary for minerals leasing and envi-
23 ronmental studies, regulation of industry operations, and col-
24 lection of royalties, as authorized by law; for enforcing laws
25 and regulations applicable to oil, gas, and other minerals

1 leases, permits, licenses and operating contracts; and for
2 matching grants or cooperative agreements; including the
3 purchase of not to exceed eight passenger motor vehicles for
4 replacement only; ~~(44) \$170,009,000~~ \$171,847,000, of
5 which not less than ~~(45) \$51,567,000~~ \$53,605,000 shall be
6 available for royalty management activities including general
7 administration: *Provided*, That notwithstanding any other
8 provision of law, funds appropriated under this Act shall be
9 available for the payment of interest in accordance with 30
10 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed
11 \$3,000 shall be available for reasonable expenses related to
12 promoting volunteer beach and marine clean-up activities:
13 *Provided further*, That of the above enacted amounts,
14 \$250,000 proposed for data gathering to help determine the
15 boundary between State and Federal lands offshore of Alaska
16 shall be available only if an equal amount is provided by the
17 State of Alaska from State revenues to match the Federal
18 support for this project.

19 BUREAU OF MINES

20 MINES AND MINERALS

21 For expenses necessary for conducting inquiries, techno-
22 logical investigations, and research concerning the extrac-
23 tion, processing, use, and disposal of mineral substances
24 without objectionable social and environmental costs; to
25 foster and encourage private enterprise in the development of

1 mineral resources and the prevention of waste in the mining,
2 minerals, metal, and mineral reclamation industries; to in-
3 quire into the economic conditions affecting those industries;
4 to promote health and safety in mines and the mineral indus-
5 try through research; and for other related purposes as au-
6 thorized by law, (46) ~~\$146,254,000~~ \$165,167,000, of
7 which (47) ~~\$84,435,000~~ \$92,785,000 shall remain avail-
8 able until expended: *Provided*, That none of the funds in this
9 or any other Act may be used for the closure or consolidation
10 of any research centers or the sale of any of the helium facili-
11 ties currently in operation (48): *Provided further*, That
12 within funds provided under this heading, \$250,000 shall be
13 made available for sealing abandoned mine sites in and
14 around the Town of Galena, Kansas.

15 ADMINISTRATIVE PROVISIONS

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

1 OFFICE OF SURFACE MINING RECLAMATION AND
2 ENFORCEMENT
3 REGULATION AND TECHNOLOGY

4 For necessary expenses to carry out the provisions of
5 the Surface Mining Control and Reclamation Act of 1977,
6 Public Law 95-87, including the purchase of not to exceed
7 14 passenger motor vehicles, of which 9 shall be for replace-
8 ment only; and uniform allowances of not to exceed \$400 for
9 each uniformed employee of the Office of Surface Mining
10 Reclamation and Enforcement; ~~(49) \$104,086,000~~
11 \$100,837,000, and notwithstanding 31 U.S.C. 3302, an ad-
12 ditional amount, to remain available until expended, equal to
13 receipts to the General Fund of the Treasury from perform-
14 ance bond forfeitures in fiscal year 1989: *Provided*, That not-
15 withstanding any other provision of law, the Secretary of the
16 Interior, pursuant to regulations, may utilize directly or
17 through grants to States, moneys collected in fiscal year
18 1989 pursuant to the assessment of civil penalties under sec-
19 tion 518 of the Surface Mining Control and Reclamation Act
20 of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected
21 by coal mining practices after August 3, 1977, to remain
22 available until expended: *Provided further*, That the Secre-
23 tary of the Interior shall abide by and adhere to the terms of
24 the Settlement Agreement in *NWR v. Miller*, C.A. No. 86-
25 99 (E.D. Ky), and not take any actions inconsistent with the

1 provisions of footnote 3 of the Agreement with respect to any
2 State or Federal program.

3 ABANDONED MINE RECLAMATION FUND

4 For necessary expenses to carry out the provisions of
5 title IV of the Surface Mining Control and Reclamation Act
6 of 1977, Public Law 95-87, including the purchase of not
7 more than 21 passenger motor vehicles, of which 15 shall be
8 for replacement only, ~~(50) \$191,154,000~~ \$201,328,000 to
9 be derived from receipts of the Abandoned Mine Reclamation
10 Fund and to remain available until expended: *Provided*, That
11 pursuant to Public Law 97-365, the Department of the Inte-
12 rior is authorized to utilize up to 20 per centum from the
13 recovery of the delinquent debt owed to the United States
14 Government to pay for contracts to collect these debts: *Pro-*
15 *vided further*, That of the funds made available to the States
16 to contract for reclamation projects authorized in section
17 406(a) of Public Law 95-87, administrative expenses may
18 not exceed 15 per centum: *Provided further*, That none of
19 these funds shall be used for a reclamation grant to any State
20 if the State has not agreed to participate in a nationwide data
21 system established by the Office of Surface Mining Reclama-
22 tion and Enforcement through which all permit applications
23 are reviewed and approvals withheld if the applicants (or
24 those who control the applicants) applying for or receiving
25 such permits have outstanding State or Federal air or water
26 quality violations in accordance with section 510(c) of the

1 Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to
2 abate cessation orders, outstanding civil penalties associated
3 with such failure to abate cessation orders, or uncontested
4 past due Abandoned Mine Land fees: *Provided further*, That
5 the Secretary of the Interior may deny 50 per centum of an
6 Abandoned Mine Reclamation Fund grant, available to a
7 State pursuant to title IV of Public Law 95-87, in accord-
8 ance with the procedures set forth in section 521(b) of the
9 Act, when the Secretary determines that a State is system-
10 atically failing to administer adequately the enforcement pro-
11 visions of the approved State regulatory program. Funds will
12 be denied until such time as the State and Office of Surface
13 Mining Reclamation and Enforcement have agreed upon an
14 explicit plan of action for correcting the enforcement deficien-
15 cy. A State may enter into such agreement without admis-
16 sion of culpability. If a State enters into such agreement, the
17 Secretary shall take no action pursuant to section 521(b) of
18 the Act as long as the State is complying with the terms of
19 the agreement: *Provided further*, That expenditure of moneys
20 as authorized in section 402(g)(3) of Public Law 95-87 shall
21 be on a priority basis with the first priority being protection
22 of public health, safety, general welfare, and property from
23 extreme danger of adverse effects of coal mining practices, as
24 stated in section 403 of Public Law 95-87: *Provided further*,
25 That 23 full-time equivalent positions are to be maintained in

1 the Anthracite Reclamation Program at the Wilkes-Barre
2 Field Office (51): *Provided further, That notwithstanding*
3 *any other provision of law, no funds in this, or any other Act,*
4 *shall be used to alter the allocation formula used in fiscal*
5 *year 1988 to distribute the Secretary's discretionary share of*
6 *the Abandoned Mine Reclamation Fund to States pursuant*
7 *to section 402(g)(3) of Public Law 95-87 (52): *Provided**
8 *further, That notwithstanding any other provisions of law,*
9 *appropriations for the Office of Surface Mining Reclamation*
10 *and Enforcement may, hereafter, provide for the travel and*
11 *per diem expenses of State and tribal personnel attending*
12 *OSMRE sponsored training (53): *Provided further, That**
13 *(a) No funds appropriated by this Act may be used by the*
14 *Secretary of the Interior for the purpose of reconciling the*
15 *Abandoned Mine Reclamation Fund unless the Secretary of*
16 *the Interior, from existing funds, conducts a thorough ac-*
17 *counting and reconciliation of the Abandoned Mine Reclama-*
18 *tion Fund, under title IV of the Surface Mining Control and*
19 *Reclamation Act of 1977, for the period from fiscal year*
20 *1977 through fiscal year 1988. This accounting and reconcil-*
21 *iation shall determine, by State, the source of all contribu-*
22 *tions to the fund and shall denote all fund disbursements by*
23 *purpose and fiscal year including letter of credit grants to*
24 *States.*

1 **(b)** *Funds authorized as grants to States shall be recon-*
2 *ciled according to—*

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

5 **(2)** *the formula for allocaton of the discretionary*
6 *share as expressed by the Office of Surface Mining*
7 *and Reclamation during each relevant fiscal year*
8 *under review.*

9 **(c)** *The report required by this section shall be presented*
10 *to the appropriate committees of the Congress prior to June 1,*
11 *1989. The findings of the Secretary under this section shall*
12 *not be used to amend or revise State allocations during fiscal*
13 *year 1989.*

14 BUREAU OF INDIAN AFFAIRS

15 OPERATION OF INDIAN PROGRAMS

16 For operation of Indian programs by direct expenditure,
17 contracts, cooperative agreements, and grants including ex-
18 penses necessary to provide education and welfare services
19 for Indians, either directly or in cooperation with States and
20 other organizations, including payment of care, tuition, as-
21 sistance, and other expenses of Indians in boarding homes,
22 institutions, or schools; grants and other assistance to needy
23 Indians; maintenance of law and order; management, devel-
24 opment, improvement, and protection of resources and appur-
25 tenant facilities under the jurisdiction of the Bureau of Indian

1 Affairs, including payment of irrigation assessments and
2 charges; acquisition of water rights; advances for Indian in-
3 dustrial and business enterprises; operation of Indian arts and
4 crafts shops and museums; development of Indian arts and
5 crafts, as authorized by law; for the general administration of
6 the Bureau of Indian Affairs, including such expenses in field
7 offices, (54) ~~\$996,024,000~~ \$980,486,000, of which not to
8 exceed (55) ~~\$71,004,000~~ \$68,564,000 for higher education
9 scholarships, adult vocational training, and assistance to
10 public schools under the Act of April 16, 1934 (48 Stat.
11 596), as amended (25 U.S.C. 452 et seq.), shall remain avail-
12 able for obligation until September 30, 1990, and of which
13 \$25,000,000 for firefighting and repayment to other appro-
14 priations from which funds were transferred under the au-
15 thority of section 102 of the Department of the Interior and
16 Related Agencies Appropriations Act, 1988, shall remain
17 available until expended, and the funds made available to
18 tribes and tribal organizations through contracts authorized
19 by the Indian Self-Determination and Education Assistance
20 Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall
21 remain available until September 30, 1990: *Provided*, That
22 this carryover authority does not extend to programs directly
23 operated by the Bureau of Indian Affairs unless the tribe(s)
24 and the Bureau of Indian Affairs enter into a cooperative
25 agreement for consolidated services; and for expenses neces-

1 sary to carry out the provisions of section 19(a) of Public
2 Law 93-531 (25 U.S.C. 640d-18(a)), \$1,997,000, to remain
3 available until expended: *Provided further*, That none of the
4 funds appropriated to the Bureau of Indian Affairs shall be
5 expended as matching funds for programs funded under sec-
6 tion 103(b)(2) of the Carl D. Perkins Vocational Education
7 Act (56): ~~*Provided further*, That \$300,000 of the funds~~
8 ~~made available in this Act shall be available for cyclical~~
9 ~~maintenance of tribally owned fish hatcheries and related fa-~~
10 ~~ilities: *Provided further*, That any savings realized by the~~
11 ~~Bureau of Indian Affairs from the transfer of fish hatcheries~~
12 ~~to the United States Fish and Wildlife Service shall be~~
13 ~~available for cyclical maintenance of tribally owned fish~~
14 ~~hatcheries and related facilities: *Provided further*, That no~~
15 part of any appropriations to the Bureau of Indian Affairs
16 shall be available to provide general assistance payments for
17 Alaska Natives in the State of Alaska unless and until other-
18 wise specifically provided for by Congress: *Provided further*,
19 That the Secretary shall take no action to close the school or
20 dispose of the property of the Phoenix Indian School until the
21 Congress has specifically approved the school closure or pro-
22 vided for disposition of the property in legislation: *Provided*
23 *further*, That none of the funds in this Act shall be used by
24 the Bureau of Indian Affairs to transfer funds under a con-
25 tract with any third party for the management of tribal or

1 individual Indian trust funds until the funds held in trust for
2 such tribe or individual have been audited and reconciled, and
3 the tribe or individual has been provided with an accounting
4 of such funds, and the appropriate committees of the Con-
5 gress and the tribes have been consulted with as to the terms
6 of the proposed contract or agreement: *Provided further,*
7 That none of the funds in this Act shall be used to implement
8 any regulations, or amendments to or revisions of regula-
9 tions, relating to the Bureau of Indian Affairs' higher educa-
10 tion grant program that were not in effect on March 1, 1987:
11 *Provided further,* That (57) ~~\$120,000~~ \$230,000 of the
12 amounts provided for education program management shall
13 be available for a grant to the Close Up Foundation: *Provid-*
14 *ed further,* That if the actual amounts required in this ac-
15 count for costs of the Federal Employee Retirement System
16 in fiscal year 1989 are less than amounts estimated in budget
17 documents, such excess funds may be transferred to "Con-
18 struction" and "Miscellaneous Payments to Indians" to cover
19 the costs of the retirement system in those accounts: *Provid-*
20 *ed further,* That notwithstanding any other provision of law,
21 concurrent with the opening of the Western Cheyenne River
22 Consolidated School the following schools shall be perma-
23 nently closed: Bridger Day School (Howes, SD); Cherry
24 Creek Day School (Cherry Creek, SD); and the Red Scaffold
25 School (Faith, SD) (58): *Provided further,* That subsection

1 (b) of section 5 of the Cow Creek Band of Umpqua Tribe of
2 Indians Recognition Act (25 U.S.C. 712c) is amended by
3 striking out "Indian individuals" and inserting in lieu
4 thereof "Cow Creek descendants or other Indian individ-
5 uals" (59): Provided further, That the amounts available
6 for assistance to public schools under the Act of April 16,
7 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.),
8 shall be distributed on the same basis as such funds were
9 distributed in fiscal year 1986 (60): Provided further, That
10 notwithstanding any other provision of law, section 4 of the
11 Act of May 1, 1986 (100 Stat. 404) is amended by deleting
12 the language before the colon and inserting the following in
13 lieu thereof: "The balance of the income derived by the Secre-
14 tary of the Interior from the interests in the lands identified
15 in section 1 of this Act which were transferred to the Treas-
16 ury as miscellaneous receipts shall be transferred to and held
17 in trust by the Secretary for use as follows" (61): Provided
18 further, That for the purpose of enabling Indian reservation
19 residents in Arizona who are eligible for General Assistance
20 and who have dependent children to participate and succeed
21 in Job Corps training, the Bureau shall pay general assist-
22 ance support for the dependent children at the full State
23 AFDC A-2 grant level (62): Provided further, That not-
24 withstanding any other provision of law, any portion of the
25 funds appropriated under the authority of Public Law 93-

1 530 not yet obligated, but not to exceed \$700,000, shall be
2 transferred by the Secretary of the Interior to the governing
3 body of the San Carlos Apache Tribe (hereafter referred to as
4 the "Tribe") by no later than the date that is sixty days after
5 the date of enactment of this Act. Amounts transferred to the
6 Tribe under this proviso shall be used for economic develop-
7 ment purposes in accordance with the plan which was adopt-
8 ed by the governing body of the Tribe on April 12, 1988, and
9 any amendment thereto which has been approved by the Sec-
10 retary of the Interior. The Tribe may expend the amounts
11 transferred under this proviso for the purposes authorized
12 without the prior approval of the Secretary of the Interior.
13 None of the funds transferred to the Tribe may be used to
14 make per capita payments to the members of the Tribe: Pro-
15 vided further, That notwithstanding any other provision of
16 law, the funds transferred by this Act to the San Carlos
17 Apache Tribe may be treated as non-Federal, private funds of
18 the Tribe for purposes of any provision of Federal law which
19 requires that non-Federal or private funds be used in a
20 project or for a specific purpose: Provided further, That the
21 Federal Government shall have no further obligation to ap-
22 propriate funds for the purposes indentified in Public Law
23 93-530.

24 CONSTRUCTION

25 For construction, major repair, and improvement of irri-
26 gation and power systems, buildings, utilities, and other fa-

1 cilities, including architectural and engineering services by
2 contract; acquisition of lands and interests in lands; prepara-
3 tion of lands for farming; and construction, repair, and im-
4 provement of Indian housing, ~~(63) \$79,136,000~~
5 *\$78,513,000*, to remain available until expended: *Provided*,
6 That \$1,449,000 of the funds appropriated for use by the
7 Secretary to construct homes and related facilities for the
8 Navajo and Hopi Indian Relocation Commission in lieu of
9 construction by the Commission under section 15(d)(3) of the
10 Act of December 22, 1974 (88 Stat. 1719; 25 U.S.C. 640d-
11 14(d)(3)), may be used for counseling, archeological clear-
12 ances, and administration related to the relocation of Navajo
13 families: *Provided further*, That ~~(64) \$1,100,000~~
14 *\$1,500,000* of the funds made available in this Act shall be
15 available for rehabilitation of tribally owned fish hatcheries
16 and related facilities: *Provided further*, That such amounts as
17 may be available for the construction of the Navajo Indian
18 Irrigation Project may be transferred to the Bureau of
19 Reclamation ~~(65)~~: *Provided further*, That \$332,000 of the
20 *funds appropriated under this heading, shall be transferred to*
21 *the Institute of American Indian and Alaskan Native Cul-*
22 *ture and Arts Development if the Institute enters into an*
23 *agreement before September 30, 1989, for the lease of (with*
24 *an option to purchase) a building in Santa Fe, New Mexico,*
25 *which has space suitable for use as a museum, classrooms, a*

1 *cultural research and exchange center, and a retail gift shop,*
2 *which shall remain available to the Institute until expended*
3 *for the renovation of such building and for the relocation of*
4 *the collection of the museum of the Institute to such build-*
5 *ing (66): Provided further, That from the unobligated*
6 *amount of previous appropriations available for irrigation*
7 *construction for the Northern Cheyenne Reservation, the*
8 *Secretary of the Interior shall transfer \$34,000 to the North-*
9 *ern Cheyenne Tribe as a grant for the Dull Knife Memorial*
10 *College.*

11 ROAD CONSTRUCTION

12 Not to exceed 5 per centum of contract authority avail-
13 able to the Bureau of Indian Affairs from the Federal High-
14 way Trust Fund may be used to cover roads program man-
15 agement costs and construction supervision costs of the
16 Bureau of Indian Affairs.

17 MISCELLANEOUS PAYMENTS TO INDIANS

18 For miscellaneous payments to Indian tribes and indi-
19 viduals pursuant to Public Laws 98-500, 99-264, and 99-
20 503, including funds for necessary administrative expenses,
21 (67) ~~\$13,952,000~~ \$13,955,000, to remain available until
22 expended, of which not to exceed \$11,300,000 is made avail-
23 able to the Tohono O'Odham Nation for purposes authorized
24 in the Gila Bend Indian Reservation Lands Replacement
25 Act, Public Law 99-503.

1 REVOLVING FUND FOR LOANS

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

7 INDIAN LOAN GUARANTY AND INSURANCE FUND

8 For payment of interest subsidies on new and outstand-
9 ing guaranteed loans and for necessary expenses of manage-
10 ment and technical assistance in carrying out the provisions
11 of the Indian Financing Act of 1974, as amended (88 Stat.
12 77; 25 U.S.C. 1451 et seq.), \$3,370,000, to remain available
13 until expended: *Provided*, That during fiscal year 1989, total
14 commitments to guarantee loans pursuant to the Indian Fi-
15 nancing Act of 1974, as amended, may be made only to the
16 extent that the total loan principal, any part of which is
17 to be guaranteed, shall not exceed resources and authority
18 available.

19 ADMINISTRATIVE PROVISIONS

20 Appropriations for the Bureau of Indian Affairs (except
21 the revolving fund for loans and the Indian loan guarantee
22 and insurance fund) shall be available for expenses of exhib-
23 its, and purchase of not to exceed 150 passenger carrying
24 motor vehicles, of which not to exceed 115 shall be for
25 replacement only.

1 TERRITORIAL AND INTERNATIONAL AFFAIRS

2 ADMINISTRATION OF TERRITORIES

3 For expenses necessary for the administration of territo-
4 ries under the jurisdiction of the Department of the Interior,
5 ~~(68) \$82,397,000~~ \$96,087,000, of which (1)
6 ~~(69) \$79,371,000~~ \$93,041,000 shall be available until ex-
7 pended for technical assistance; late charges and payments of
8 the annual interest rate differential required by the Federal
9 Financing Bank, under terms of the second refinancing of an
10 existing loan to the Guam Power Authority, as authorized by
11 law (Public Law 98-454; 98 Stat. 1732); grants to the judi-
12 ciary in American Samoa for compensation and expenses, as
13 authorized by law (48 U.S.C. 1661(c)); grants to the Govern-
14 ment of American Samoa, in addition to current local reve-
15 nues, for support of governmental functions; construction
16 grants to the Government of the Virgin Islands as authorized
17 by Public Law 97-357 (96 Stat. 1709); construction grants
18 to the Government of Guam, as authorized by law (Public
19 Law 98-454; 98 Stat. 1732); grants to the Government of
20 the Northern Mariana Islands as authorized by law (Public
21 Law 94-241; 90 Stat. 272); and (2) ~~(70) \$3,026,000~~
22 \$3,046,000 for salaries and expenses of the Office of Territo-
23 rial and International Affairs: *Provided*, That the territorial
24 and local governments herein provided for are authorized to
25 make purchases through the General Services Administra-

1 tion: *Provided further*, That all financial transactions of the
 2 territorial and local governments herein provided for, includ-
 3 ing such transactions of all agencies or instrumentalities es-
 4 tablished or utilized by such governments, shall be audited by
 5 the General Accounting Office, in accordance with chapter
 6 35 of title 31, United States Code: *Provided further*, That
 7 Northern Mariana Islands Covenant grant funding shall be
 8 provided according to (71) ~~those~~ *the* terms of the Agree-
 9 ment of the Special Representatives on Future United States
 10 Financial Assistance for the Northern Mariana Islands
 11 (72) ~~approved by Public Law 99-396~~, except that should
 12 the Secretary of the Interior believe that the performance
 13 standards of such agreement are not being met, operations
 14 funds may be withheld, but only by Act of Congress as re-
 15 quired by Public Law 99-396: *Provided further*, That
 16 (73) ~~\$540,000~~ \$710,000 of the amounts provided for tech-
 17 nical assistance shall be available for a grant to the Close Up
 18 Foundation.

19 TRUST TERRITORY OF THE PACIFIC ISLANDS

20 For expenses necessary for the Department of the Inte-
 21 rior in administration of the Trust Territory of the Pacific
 22 Islands pursuant to the Trusteeship Agreement approved by
 23 joint resolution of July 18, 1947 (61 Stat. 397), and the Act
 24 of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299;
 25 91 Stat. 1159; 92 Stat. 495); grants to the Trust Territory of
 26 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 uti-
 7 lized 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 ~~*Juda, 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(1)(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,~~
24 ~~1989; \$21,000,000 on October 1, 1990; \$21,000,000 on Oc-~~
25 ~~tober 1, 1991; and \$21,000,000 on October 1, 1992 (80):~~

1 *Provided further,* That the terms of such Resettlement Trust
2 Fund are hereby modified to provide that corpus and income
3 may be expended for rehabilitation and resettlement of Bikini
4 Atoll, except that the Secretary may approve expenditures
5 not to exceed \$2,000,000 in any year from income for con-
6 struction projects on Kili or Ejit (81): *Provided further,*
7 That one year prior to completion of the rehabilitation and
8 resettlement program, the Secretary of the Interior shall
9 report to Congress on future funding needs on Bikini Atoll.
10 Unless otherwise determined by Congress, following comple-
11 tion of the rehabilitation and resettlement program, funds re-
12 maining in the Resettlement Trust Fund in excess of the
13 amount identified by the Secretary as required for future
14 funding needs shall be deposited in the Treasury of the
15 United States as miscellaneous receipts. Upon completion of
16 those needs, the Resettlement Trust Fund shall be extin-
17 guished and all remaining funds shall be deposited in the
18 Treasury of the United States as miscellaneous re-
19 ceipts (82): *Provided further,* That in full satisfaction of the
20 obligation of the United States to provide funds to assist in
21 the resettlement and rehabilitation of Bikini Atoll by the
22 People of Bikini, to which the full faith and credit of the
23 United States is pledged pursuant to section 103(l) of Public
24 Law 99-239, the United States shall deposit \$90,000,000
25 into the Resettlement Trust Fund for the People of Bikini

1 established pursuant to Public Law 97-257, and governed
2 pursuant to the terms of such trust instrument, such deposit
3 to be in installments of \$5,000,000 on October 1, 1988;
4 \$22,000,000 on October 1, 1989; \$21,000,000 on October 1,
5 1990; \$21,000,000 on October 1, 1991; and \$21,000,000 on
6 October 1, 1992 (83): Provided further, That the terms of
7 such Resettlement Trust Fund are hereby modified to provide
8 that corpus and income may be expended for rehabilitation
9 and resettlement of Bikini Atoll, except that the Secretary
10 may approve expenditures not to exceed \$2,000,000 in any
11 year from income for projects on Kili or Ejit (84): Provided
12 further, That one year prior to completion of the rehabilita-
13 tion and resettlement program, the Secretary of the Interior
14 shall report to Congress on future funding needs on Bikini
15 Atoll. Unless otherwise determined by Congress, following
16 completion of the rehabilitation and resettlement program,
17 funds remaining in the Resettlement Trust Fund in excess of
18 the amount identified by the Secretary as required for future
19 funding needs shall be deposited in the U.S. Treasury as
20 miscellaneous receipts. Upon completion of those needs, the
21 Resettlement Trust Fund shall be extinguished and all re-
22 maining funds shall be deposited in the U.S. Treasury as
23 miscellaneous receipts. The payment and use of funds in ac-
24 cordance herewith is for the sole purpose of implementing and
25 fulfilling the terms of the Section 177 Agreement referred to

1 *in section 462(d) of the Compact of Free Association between*
 2 *the United States and the Republic of the Marshall Islands,*
 3 *including Article VI, section 1, and Articles X and XII,*
 4 *thereof. Payments pursuant hereto shall be made only upon:*
 5 *One, voluntary dismissal with prejudice of *Juda et al. v. the**
 6 *United States, No. 88-1206 (Fed. Cir.); and two, submis-*
 7 *sion of written notice to the United States and the Republic*
 8 *of the Marshall Islands, executed by duly-authorized repre-*
 9 *sentatives acting on their behalf, that the People of Bikini*
 10 *accept the obligations and undertaking of the United States*
 11 *to make the payments prescribed by this Act, together with*
 12 *the other payments, rights, entitlements and benefits provided*
 13 *for under the Section 177 Agreement, as full satisfaction of*
 14 *all claims of the People of Bikini related in any way to the*
 15 *United States nuclear testing program in accordance with the*
 16 *terms of the Section 177 Agreement.*

17 DEPARTMENTAL OFFICES

18 OFFICE OF THE SECRETARY

19 SALARIES AND EXPENSES

20 For necessary expenses of the Office of the Secretary of
 21 the Interior, (85) ~~\$49,580,000~~ \$48,809,000, of which not
 22 to exceed \$10,000 may be for official reception and represen-
 23 tation expenses (86):—*Provided, That 5 per centum of the*
 24 *sum provided under this head shall not be available until on*
 25 *or after the date that final rules are issued by the National*

1 Park Service that require use of seatbelts while traveling on
2 National Park Service roads.

3 OFFICE OF THE SOLICITOR

4 SALARIES AND EXPENSES

5 For necessary expenses of the Office of the Solicitor,
6 \$24,686,000.

7 OFFICE OF INSPECTOR GENERAL

8 OFFICE OF INSPECTOR GENERAL

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

11 CONSTRUCTION MANAGEMENT

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

14 ADMINISTRATIVE PROVISIONS

15 There is hereby authorized for acquisition from available
16 resources within the Working Capital Fund, 11 aircraft, 7 of
17 which shall be for replacement and which may be obtained by
18 donation, purchase or through available excess surplus prop-
19 erty: *Provided*, That no programs funded with appropriated
20 funds in the "Office of the Secretary", "Office of the Solici-
21 tor", and "Office of Inspector General" may be augmented
22 through the Working Capital Fund or the Consolidated
23 Working Fund.

1 GENERAL PROVISIONS, DEPARTMENT OF THE
2 INTERIOR

3 SEC. 101. Appropriations made in this title shall be
4 available for expenditure or transfer (within each bureau or
5 office), with the approval of the Secretary, for the emergency
6 reconstruction, replacement, or repair of aircraft, buildings,
7 utilities, or other facilities or equipment damaged or de-
8 stroyed by fire, flood, storm, or other unavoidable causes:
9 *Provided*, That no funds shall be made available under this
10 authority until funds specifically made available to the De-
11 partment of the Interior for emergencies shall have been ex-
12 hausted: *Provided further*, That all funds used pursuant to
13 this section must be replenished by a supplemental appropria-
14 tion which must be requested as promptly as possible.

15 SEC. 102. The Secretary may authorize the expenditure
16 or transfer of any no year appropriation in this title, in addi-
17 tion to the amounts included in the budget programs of the
18 several agencies, for the suppression or emergency preven-
19 tion of forest or range fires on or threatening lands under the
20 jurisdiction of the Department of the Interior; for the emer-
21 gency rehabilitation of burned-over lands under its jurisdic-
22 tion; for emergency actions related to potential or actual
23 earthquakes, floods or volcanoes; for the prevention, suppres-
24 sion, and control of actual or potential grasshopper and
25 Mormon Cricket outbreaks on lands under the jurisdiction of

1 the Secretary, pursuant to the authority in section 1773(b) of
2 Public Law 99-198 (99 Stat. 1658); for emergency reclama-
3 tion projects under section 410 of Public Law 95-87; and
4 shall transfer, from any no year funds available to the Office
5 of Surface Mining Reclamation and Enforcement, such funds
6 as may be necessary to permit assumption of regulatory au-
7 thority in the event a primacy State is not carrying out the
8 regulatory provisions of the Surface Mining Act: *Provided*,
9 That appropriations made in this title for fire suppression
10 purposes shall be available for the payment of obligations in-
11 curred during the preceding fiscal year, and for reimburse-
12 ment to other Federal agencies for destruction of vehicles,
13 aircraft, or other equipment in connection with their use for
14 fire suppression purposes, such reimbursement to be credited
15 to appropriations currently available at the time of receipt
16 thereof: *Provided further*, That all funds used pursuant to
17 this section must be replenished by a supplemental appropria-
18 tion which must be requested as promptly as possible.

19 SEC. 103. Appropriations made in this title shall be
20 available for operation of warehouses, garages, shops, and
21 similar facilities, wherever consolidation of activities will con-
22 tribute to efficiency or economy, and said appropriations shall
23 be reimbursed for services rendered to any other activity in
24 the same manner as authorized by sections 1535 and 1536 of
25 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
21 U.S.C. 5901-5902 and D.C. Code 4-204).

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

1 for periods not in excess of twelve months beginning at any
2 time during the fiscal year.

3 (89) ~~SEC. 107. None of the funds appropriated or oth-~~
4 ~~erwise made available pursuant to this Act shall be obligated~~
5 ~~or expended to finance changing the name of the mountain~~
6 ~~located 63 degrees, 04 minutes, 15 seconds west, presently~~
7 ~~named and referred to as Mount McKinley.~~

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

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

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

21 SEC. 110. No funds provided in this title may be ex-
22 pended by the Department of the Interior for the conduct of
23 leasing, or the approval or permitting of any drilling or other
24 exploration activity, on lands within the Eastern Gulf of
25 Mexico planning area of the Department of the Interior

1 which lie south of 26 degrees North latitude and east of 86
2 degrees West longitude.

3 SEC. 111. No funds provided in this title may be ex-
4 pended by the Department of the Interior for the conduct of
5 leasing, or the approval or permitting of any drilling or other
6 exploration activity within the area identified by the Depart-
7 ment of the Interior in the Draft Environmental Impact
8 Statement (MMS 87-0032) for Lease Sale 91 in the North-
9 ern California planning area issued December, 1987.

10 SEC. 112. No funds provided in this title may be ex-
11 pended by the Department of the Interior for the preparation
12 for, or conduct of, preleasing and leasing activities (including
13 but not limited to: calls for information, tract selection, no-
14 tices of sale, receipt of bids and award of leases) of lands
15 described in, and under the same terms and conditions set
16 forth in section 107 of the Department of the Interior and
17 Related Agencies Appropriations Act, 1986, as contained in
18 Public Law 99-190; or of lands within the 400 meter isobath
19 surrounding Georges Bank, identified by the Department of
20 the Interior as consisting of the following blocks: in protract-
21 tion diagram NJ 19-2, blocks numbered 12-16, 54-55 and
22 57-58; in protraction diagram NK 19-5, blocks numbered
23 744, 788, 831-832, and 1005-1008; in protraction diagram
24 NK 19-6, blocks numbered 489-491, 532-537, 574-576,
25 578-581, 618-627, 661-662, 664-671, 705-716, 749-761,

1 793-805, and 969-971; in protraction diagram NK 19-8,
2 blocks numbered 37-40, 80-84, 124-127, and 168-169; in
3 protraction diagram NK 19-9, blocks numbered 13-18, 58-
4 63, 102-105, 107-108, 146-149, 151-152, 191-193, 195-
5 197, 235-237, 240-242, 280-282, 284-286, 324-331,
6 368-376, 412-420, 456-465, 500-510, 543-554, 587-594,
7 596-599, 631-637, 640-644, 675-688, 718-733, 762-778,
8 805-821, 846-865, 887-891, 894-908, 930-950, and 972-
9 994; in protraction diagram NK 19-10, blocks numbered
10 474-478, 516-524, 560-568, 604-612, 647-660, 692-704,
11 737-748, 787-792, 830-836, 873-880, 967-968, and
12 1011-1012; in protraction diagram NK 19-11, blocks num-
13 bered 621-632, 665-676, 700, 709-720, 744, 753-764,
14 785, 797-808, 825-827, 841-852, 856-860, 869, 890-905,
15 907-909, 929-931, 941-945, 947-949, 973-975, and 985-
16 989; and in protraction diagram NK 19-12, blocks numbered
17 452-456, 495-499, 536-537, 539-541, 575-577, 579-582,
18 617-621, 623-624, 661-662, 664-665, and 705-706.

19 (91) SEC. 113. Section 5 of the Outer Continental
20 Shelf Lands Act (43 U.S.C. 1334) is amended by adding at
21 the end the following section:

22 “(j)(1) Any vessel, rig, platform, or other structure used
23 for the purpose of exploration or production of oil and gas on
24 the Outer Continental Shelf south of 49 degrees North lati-
25 tude shall be built—

1 “(A) in the United States either by a United
2 States chartered corporation or by a joint venture be-
3 tween a United States chartered corporation and a for-
4 eign corporation, with at least 50 per centum of total
5 person hours expended in the United States; and

6 “(B) from articles, materials, or supplies at least
7 50 per centum of which by cost, shall have been
8 mined, produced, or manufactured, as the case may be,
9 in the United States.

10 “(2) The requirements of paragraph (1) shall not apply
11 to any vessel, rig, platform, or other structure which was
12 built, or for which a building contract has been executed, on
13 or before October 1, 1988, and shall expire with respect to
14 any vessel, rig, platform, or other structure for which either
15 the bidding or award process has commenced on or after Sep-
16 tember 30, 1992.

17 “(3) The Secretary may waive—

18 “(A) the requirement in paragraph (1)(B) when-
19 ever the Secretary determines that 50 per centum of
20 the articles, materials, or supplies for a vessel, rig,
21 platform, or other structure cannot be mined, produced,
22 or manufactured, as the case may be, in the United
23 States; and

24 “(B) the requirement in paragraph (1)(A) upon ap-
25 plication, with respect to any classification of vessels,

1 rigs, platforms, or other structures on a specific lease,
2 when the Secretary determines that at least 50 per
3 centum of such classification, as calculated by number
4 and by weight, which are to be built for exploration or
5 production activities under such lease will be built in
6 the United States in compliance with the requirements
7 of paragraph (1)(A).”

8 (92) SEC. 113. Notwithstanding any other provision
9 of this Act, nothing in this Act shall be construed to prohibit
10 the approval of permits for the acquisition of geologic and
11 geophysical data in Outer Continental Shelf areas.

12 (93) SEC. 114. Notwithstanding any other provision
13 of law, the Secretary of the Interior shall transfer to the
14 Housing Authority, Clark County, Nevada, without consid-
15 eration, all right, title, and interest of the United States ap-
16 proximately eighty acres of land in Clark County, Nevada,
17 described as township 21 south, range 60 east, Mount Diablo
18 Meridian, section 24, north half southwest quarter, Clark
19 County, Nevada, for use as a mobile home park for senior
20 citizens, reserving to the United States all minerals in such
21 land together with right.

22 (94) SEC. 115. Section 103(h)(2) of the Compact of
23 Free Association Act of 1985 (99 Stat. 1783, 48 U.S.C.
24 1681) is amended as follows: after the word “firm” insert “or
25 by a grant to the Government of the Republic of the Marshall

1 Islands which may further contract only with a United
2 States firm or a Republic of the Marshall Islands firm, the
3 owners, officers and majority of the employees of which are
4 citizens of the United States or the Republic of the Marshall
5 Islands"; and, after the word "Bikini" insert ", Rongelap,
6 Utrik,".

7 (95) SEC. 116. The Secretary of the Interior is au-
8 thorized to guarantee a loan by the Federal Financing Bank
9 to the Government of Guam, in amounts not to exceed
10 \$53,000,000, for water system improvements on Guam, pro-
11 vided that the conditions on such loan shall include but not be
12 limited to the following: the Government of Guam shall place
13 water rate-making authority in an independent public utility
14 commission; a source of revenue for payment of the loan shall
15 be identified, with such revenues placed in an escrow account
16 in sufficient amounts to insure timely payment; and, should
17 the Government of Guam default on the loan, the Secretary
18 of the Interior shall deduct such sums as are in arrears from
19 sums normally paid to the Government of Guam under sec-
20 tion 1(c) of Public Law 95-348.

21 (96) SEC. 117. For all agencies funded in this Act,
22 each appropriation in this Act shall be reduced by an amount
23 equal to 2 per centum of the President's fiscal year 1989
24 Budget Request for object class 21 (travel), object class 25
25 (other services) object class 26 (supplies and materials) and

1 *object class 31 (equipment): Provided, That such reductions*
2 *shall not apply to funds budgeted for self-determination con-*
3 *tracts for Indian tribes or for the Strategic Petroleum Re-*
4 *serve: Provided further, That notwithstanding any other pro-*
5 *visions of law the Minerals Management Service shall award*
6 *leases consistent with its bid review procedures for Outer*
7 *Continental Shelf Lease Sale-92 (North Aleutian Basin) in*
8 *October 1988.*

9 **(97)** *SEC. 118. The limitation of 30 percent for rea-*
10 *sonable development costs established under section 504 of*
11 *Public Law 98-454 (94 Stat. 1782) shall not apply to any*
12 *funds received by the Government of Guam for lease of lands*
13 *described in section 818(a)(2) of Public Law 96-418 (94*
14 *Stat. 1782) in excess of such percentage: Provided, That any*
15 *such excess may be used for the development of port facilities*
16 *on such land, or for the repayment of loans for such develop-*
17 *ment, subject to the prior approval of the Secretary of the*
18 *Interior.*

19 **(98)** *SEC. 119. Within currently available funds, the*
20 *Secretary of the Interior is directed immediately to appoint*
21 *and compensate an independent third party factfinder mutu-*
22 *ally agreed upon by the Secretary and the Governor of Lou-*
23 *isiana, to make all appropriate factual findings relating to*
24 *past drainage occurring on Louisiana State Lease numbers*
25 *10087, 10088, and 10187, and Federal Lease numbers*

1 *OCS-G 5668 and OCS-G 5669 in the field on West Delta*
2 *Blocks 17 and 18. Such factual findings shall include:*

3 (a) *whether drainage of either United States or*
4 *State hydrocarbons has occurred in such field during*
5 *the time period starting April 7, 1986 and ending on*
6 *the date that the factfinding proceeding is completed;*

7 (b) *the areas or reservoirs from which the drain-*
8 *age occurred;*

9 (c) *the quantity of recoverable hydrocarbons, de-*
10 *termined on a volumetric basis, originally in place*
11 *within such areas or reservoirs prior to any production*
12 *therefrom;*

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

16 (e) *the total accumulated volume of any net drain-*
17 *age, including the value thereof (together with a de-*
18 *scription of the method for determining such value) and*
19 *all production costs incurred during that period;*

20 (f) *the net dollar impact to the United States,*
21 *United States lessees, the State of Louisiana, and the*
22 *State lessees that has resulted from any such drainage;*

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

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

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

10 (99) SEC. 120. The United States Fish and Wildlife
11 Service shall conduct a study to review alternative sites for a
12 replacement facility for the National Fisheries Research
13 Center. This study shall be completed no later than March
14 31, 1989. Such study shall include, but not be limited to, the
15 following criteria in consideration of its site recommendation:
16 The costs of all anticipated construction needs, the cost of all
17 relocation expenses of personnel and facilities, the quality
18 and quantity of a fresh water source and all associated con-
19 struction and operating costs. The study shall also compare
20 the sites in terms of the availability and access to related
21 research facilities, academic institutions, cooperative fish and
22 wildlife programs and other governmental agencies doing
23 comparable research. The study shall also include an analy-
24 sis of the need for the replacement facility. The United States
25 Fish and Wildlife Service shall submit such report to the

1 *Committees on Appropriations of the Senate and House of*
2 *Representatives.*

3 TITLE II—RELATED AGENCIES

4 DEPARTMENT OF AGRICULTURE

5 FOREST SERVICE

6 FOREST RESEARCH

7 For necessary expenses of forest research as authorized
8 by law, ~~(100) \$139,865,000~~ \$132,599,000, to remain
9 available until September 30, 1990 (101),—of which
10 ~~\$3,000,000~~ shall remain available until expended for com-
11 petitive research grants, as authorized by section 5 of Public
12 Law ~~95-307~~ (102), of which \$637,000 shall be available
13 for research at Lincoln, Nebraska.

14 (103) *The Secretary is directed to convey by quitclaim*
15 *deed, without a requirement for reimbursement, all right,*
16 *title, and interest of the United States in and to all improve-*
17 *ments (1) situated on leased land as recorded in Docket*
18 *5191, pages 258-260, Maricopa County, Arizona, and (2)*
19 *situated on leased land as recorded in Docket 4388, pages*
20 *452-455 and Docket 4673, pages 147-148, Maricopa*
21 *County, Arizona.*

22 *The Secretary is further directed, concurrently with*
23 *conveyances under this section, to relinquish, without a re-*
24 *quirement for reimbursement, that certain lease dated Octo-*
25 *ber 13, 1962, as amended on May 15, 1963, and that certain*

1 *related Memorandum of Understanding of like date therewith*
2 *(collectively referred to herein as the "lease agreement"),*
3 *which instruments cover and pertain to the real property lo-*
4 *cated on the campus of Arizona State University in Tempe,*
5 *Arizona: Provided, That the United States is hereby released*
6 *from any and all liability arising from the future use of the*
7 *facilities or lands affected by this Act: Provided further, That*
8 *the Forest Service may continue to occupy the facilities de-*
9 *scribed herein, at no increased expense, until such time as*
10 *comparable replacement space is available: Provided further,*
11 *That the Forest Service may not move from the facilities de-*
12 *scribed herein unless the move is approved in advance by the*
13 *House and Senate Committees on Appropriations in compli-*
14 *ance with the reprogramming procedures contained in House*
15 *Report 99-714.*

16 STATE AND PRIVATE FORESTRY

17 For necessary expenses of cooperating with, and provid-
18 ing technical and financial assistance to States, Territories,
19 possessions, and others; and for forest pest management ac-
20 tivities, (104) ~~\$78,143,000~~ \$82,918,000, to remain avail-
21 able until expended, as authorized by law: *Provided, That a*
22 *grant of \$2,800,000 shall be made to the State of Minnesota*
23 *for the purposes authorized by section 6 of Public Law 95-*
24 *495 (105):—Provided further, That notwithstanding any*
25 *other provision of law, a grant of \$3,600,000 shall be provid-*
26 *ed to the Washington State Parks and Recreation Commis-*

1 sion for construction of the Spokane River Centennial Trail,
2 a grant of \$1,350,000 shall be provided to the County of
3 Kootenai, Idaho, for construction of the Idaho Centennial
4 Trail, and a grant of \$600,000 shall be provided to the State
5 of Oregon for the Old Columbia River Highway, as author-
6 ized by Public Law 99-663 (16 U.S.C. 544j).

7 NATIONAL FOREST SYSTEM

8 For necessary expenses of the Forest Service, not other-
9 wise provided for, for management, protection, improvement,
10 and utilization of the National Forest System, and for reim-
11 bursement to other appropriation accounts from which funds
12 were transferred in the preceding fiscal years for forest fire-
13 fighting and emergency rehabilitation of National Forest
14 System lands, and for administrative expenses associated
15 with the management of funds provided under the heads
16 "Forest Research", "State and Private Forestry", "National
17 Forest System", "Construction", and "Land Acquisition",
18 (106) ~~\$1,309,244,000~~ \$1,329,018,000 to remain available
19 for obligation until September 30, 1990, and including 65 per
20 centum of all monies received during the prior fiscal year as
21 fees collected under the Land and Water Conservation Fund
22 Act of 1965, as amended, in accordance with section 4 of the
23 Act (16 U.S.C. 4601-6a) (107): *Provided, That appropria-*
24 *tions in this account remaining unobligated at the end of the*
25 *fiscal year 1988, both annual and two-year funds, and which*
26 *would otherwise be returned to the General Fund of the*

1 *Treasury, shall be merged with and made a part of the fiscal*
 2 *year 1989 National Forest System appropriation, and shall*
 3 *remain available for obligation until September 30, 1990.*

4 CONSTRUCTION

5 For necessary expenses of the Forest Service, not other-
 6 wise provided for, for construction, ~~(108) \$216,542,000~~
 7 *\$225,997,000*, to remain available until expended, of which
 8 ~~(109) \$35,038,000~~ *\$30,000,000* is for construction and ac-
 9 quisition of buildings and other facilities; and
 10 ~~(110) \$181,504,000~~ *\$197,541,000* is for construction of
 11 forest roads and trails by the Forest Service as authorized by
 12 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205 ~~(111)~~, of
 13 *which \$1,250,000 shall be available for the Federal share of*
 14 *road reconstruction for the purpose of improved access to the*
 15 *Monongahela National Forest, West Virginia, which shall be*
 16 *matched on an equal basis by non-Federal participants: Pro-*
 17 *vided, That funds becoming available in fiscal year 1989*
 18 *under the Act of March 4, 1913 (16 U.S.C. 501), shall be*
 19 *transferred to the General Fund of the Treasury of the*
 20 *United States: Provided further, That not to exceed*
 21 ~~(112) \$64,000,000~~ *\$125,367,000*, to remain available until
 22 expended, may be obligated for the construction of forest
 23 roads by timber purchasers: *Provided further, That notwith-*
 24 *standing any other provision of this Act or any other provi-*
 25 *sion of law, there is authorized and appropriated out of the*
 26 *Highway Trust Fund (other than the Mass Transit Account),*

1 \$5,333,000 of contract authority to be transferred to the
 2 Forest Service for road construction to ~~(113) Forest Devel-~~
 3 ~~opment~~ State Road Standards to serve the Mount St. Helens
 4 National Volcanic Monument, Washington: *Provided further,*
 5 That the funds authorized by this section shall be available
 6 for obligation in the same manner and to the same extent as
 7 if such funds were apportioned under chapter 1 of title 23,
 8 United States Code, except the Federal share of the cost of
 9 this project shall be 100 per centum, and such funds shall
 10 remain available until expended: *Provided further,* That
 11 \$5,333,000 to be derived from the Highway Trust Fund
 12 (other than the Mass Transit Account) as authorized and ap-
 13 propriated above is hereby made available to liquidate the
 14 obligations incurred against the contract authority as pro-
 15 vided for in this Act.

16 LAND ACQUISITION

17 For expenses necessary to carry out the provisions of
 18 the Land and Water Conservation Fund Act of 1965, as
 19 amended (16 U.S.C. 4601-4-11), including administrative
 20 expenses, and for acquisition of land or waters, or interest
 21 therein, in accordance with statutory authority applicable to
 22 the Forest Service, ~~(114) \$41,645,000~~ \$57,734,000 to be
 23 derived from the Land and Water Conservation Fund, to
 24 remain available until expended ~~(115) and \$600,000 for ac-~~
 25 ~~quisition of land and interests therein and near the White~~
 26 ~~Salmon National Recreational River, Klickitat County,~~

1 ~~Washington~~, as depicted on a map entitled “White Salmon
2 River Acquisitions—1988” on file with the Forest Service,
3 pursuant to the Department of Agriculture Organic Act of
4 1956 (7 U.S.C. 428(a)), to remain available until expended.

5 (116) The following may be cited as the “White
6 Mountain National Forest Boundary Modification Act of
7 1988”.

8 SECTION 1. For the protection and management of the
9 scenic, natural, recreation and other resource values associ-
10 ated with certain forest lands in the State of New Hamp-
11 shire, the Secretary of Agriculture (hereafter “Secretary”) is
12 authorized and directed to acquire by purchase, exchange, do-
13 nation or otherwise, all rights, title and interests in those
14 lands now or formerly owned by Diamond International
15 Corporation in the State of New Hampshire, which are gen-
16 erally depicted on maps dated June, 1988 and entitled,
17 “White Mountain National Forest Additions”, which maps
18 are on file with the Chief, Forest Service, Washington, D.C.
19 Acquisition under authority of this section shall be completed
20 by the Secretary notwithstanding any other provision or re-
21 quirement of law or condition precedent. The Secretary may
22 exclude from acquisition such outstanding rights, rights-of-
23 way, easements and other encumbrances deemed acceptable to
24 the Secretary, and may also exclude from acquisition any
25 small or isolated parcels which the Secretary deems are not

1 *manageable for Federal purposes. It is the intent of Congress*
2 *that these acquisitions be completed prior to October 15,*
3 *1988.*

4 *SEC. 2. Except as provided in section 3 of this Act and*
5 *subject to the availability of donated or appropriated funds, if*
6 *by October 1, 1988, the Secretary has not acquired title or a*
7 *land purchase option or contract to purchase the lands refer-*
8 *enced in section 1, less any exclusions, the Secretary is di-*
9 *rected to condemn such lands, or portions thereof, commensu-*
10 *rate with available funds. Condemnation shall be as soon as*
11 *possible after October 1, 1988, by a declaration of taking*
12 *filed in accordance with the Act of February 26, 1931 (40*
13 *U.S.C. 258a, as amended). Nothing herein shall preclude an*
14 *earlier filing of a declaration of taking if the Secretary deems*
15 *further negotiations for the acquisition of the referenced lands*
16 *to be futile or if the condemnation is for the purpose of clear-*
17 *ing title.*

18 *SEC. 3. The Secretary is not required to condemn any*
19 *lands owned or under option or contract by The Nature Con-*
20 *servancy, the Society for the Protection of New Hampshire*
21 *Forests, the New Hampshire Retirement System, or the*
22 *State of New Hampshire or an instrumentality thereof, but*
23 *the Secretary shall seek to purchase any lands or interests*
24 *therein which these entities may own within the area depicted*
25 *on the map referenced in section 1 of this Act. It is the intent*

1 of Congress that the Secretary shall cooperate with such enti-
2 ties in the acquisition of lands required by this section.

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

7 *SEC. 5. The Secretary may correct technical and cleri-
8 cal errors in all maps referenced in this section.*

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

14 *SEC. 7. Of the amount provided under the head "Land
15 acquisition" in the Act making appropriations for the De-
16 partment of the Interior and related agencies for the fiscal
17 year ending September 30, 1989, and for other purposes,
18 \$5,250,000 shall be available from the Land and Water
19 Conservation Fund, to remain available until expended, for
20 the acquisition of lands and interests therein, and associated
21 administrative costs.*

22 **TONGASS TIMBER SUPPLY FUND**

23 For necessary expenses for the Tongass National Forest
24 pursuant to section 705(a) of the Alaska National Interest
25 Lands Conservation Act of 1980 (16 U.S.C. 539d(a)), as

1 amended, (117) ~~\$25,264,000~~ \$40,699,000, to remain avail-
 2 able until expended.

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

5 *(RESCISSION)*

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

8 ACQUISITION OF LANDS FOR NATIONAL FORESTS

9 SPECIAL ACTS

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

16 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

22 RANGE BETTERMENT FUND

23 For necessary expenses of range rehabilitation, protec-
 24 tion, and improvement, 50 per centum of all moneys received
 25 during the prior fiscal year, as fees for grazing domestic live-
 26 stock on lands in National Forests in the sixteen Western

1 States, pursuant to section 401(b)(1) of Public Law 94-579,
2 as amended, to remain available until expended, of which not
3 to exceed 6 percent shall be available for administrative ex-
4 penses associated with on-the-ground range rehabilitation,
5 protection, and improvements.

6 MISCELLANEOUS TRUST FUNDS

7 For expenses authorized by 16 U.S.C. 1643(b),
8 ~~(119) \$30,000~~ \$90,000 to remain available until expended,
9 to be derived from the fund established pursuant to the above
10 Act.

11 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

12 Appropriations to the Forest Service for the current
13 fiscal year shall be available for: (a) purchase of not to exceed
14 200 passenger motor vehicles of which ten will be used pri-
15 marily for law enforcement purposes and of which 190 shall
16 be for replacement only, of which acquisition of 165 passen-
17 ger motor vehicles shall be from excess sources, and hire of
18 such vehicles; operation and maintenance of aircraft, the pur-
19 chase of not to exceed two for replacement only, and acquisi-
20 tion of 59 aircraft from excess sources; notwithstanding other
21 provisions of law, existing aircraft being replaced may be
22 sold, with proceeds derived or trade-in value used to offset
23 the purchase price for the replacement aircraft; (b) services
24 pursuant to the second sentence of section 706(a) of the Or-
25 ganic Act of 1944 (7 U.S.C. 2225), and not to exceed
26 \$100,000 for employment under 5 U.S.C. 3109; (c) uniform

1 allowances for each uniformed employee of the Forest Serv-
2 ice, not in excess of \$400 annually; (d) purchase, erection,
3 and alteration of buildings and other public improvements (7
4 U.S.C. 2250); (e) acquisition of land, waters, and interests
5 therein, pursuant to the Act of August 3, 1956 (7 U.S.C.
6 428a); (f) for expenses pursuant to the Volunteers in the Na-
7 tional Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a
8 note); and (g) for debt collection contracts in accordance with
9 31 U.S.C. 3718(c).

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

20 Any appropriations or funds available to the Forest
21 Service may be transferred to the National Forest System
22 appropriation for forest firefighting and the emergency reha-
23 bilitation of burned-over lands under its jurisdiction.

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

4 Notwithstanding any other provision of law, any appro-
5 priations or funds available to the Forest Service may be
6 used to reimburse employees for the cost of State licenses
7 and certification fees pursuant to their Forest Service posi-
8 tion and that are necessary to comply with State laws,
9 regulations, and requirements.

10 Funds appropriated to the Forest Service shall be avail-
11 able for assistance to or through the Agency for International
12 Development and the Office of International Cooperation and
13 Development in connection with forest and rangeland re-
14 search, technical information, and assistance in foreign
15 countries.

16 Funds previously appropriated for timber salvage sales
17 may be recovered from receipts deposited for use by the ap-
18 plicable national forest and credited to the Forest Service
19 Permanent Appropriations to be expended for timber salvage
20 sales from any national forest (120), *and for sales prepara-*
21 *tion of timber sales to replace sales lost to fire or other causes,*
22 *and sales preparation activities to replace sales inventory on*
23 *the shelf for any national forest to a level sufficient to main-*
24 *tain new sales availability equal to a rolling five-year aver-*
25 *age of the total sales offerings, and for design, engineering,*

1 *construction, and supervision of construction of roads lost to*
2 *fire or other causes associated with the timber sales programs*
3 *described above: Provided, That not less than*
4 *(121) ~~\$37,561,000~~ \$47,561,000 shall be made available to*
5 *the Forest Service for obligation in fiscal year 1989 from the*
6 *Timber Salvage Sales Fund appropriation (122): Provided*
7 *further, That moneys received from the timber salvage sales*
8 *program in fiscal year 1988 shall be considered as money*
9 *received for purposes of computing and distributing 25 per*
10 *centum payments to local governments under 16 U.S.C. 500,*
11 *as amended.*

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

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

24 (123) *Notwithstanding any other provision of law, any*
25 *appropriations or funds available to the Forest Service may*

1 *be used to provide nonmonetary awards of nominal value to*
2 *private individuals and organizations that make contribu-*
3 *tions to Forest Service programs.*

4 **(124)** *Notwithstanding any other provision of the law,*
5 *none of the funds available under this, or any other Act shall*
6 *be obligated or expended to adjust annual recreational resi-*
7 *dence fees except on a four-year phased in basis com-*
8 *mencing January 1, 1989.*

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

15 **(125)** *Notwithstanding the provisions under the Feder-*
16 *al Grant and Cooperative Agreements Act of 1977 (31*
17 *U.S.C. 6301-6308), the Forest Service is authorized to ne-*
18 *gotiate and enter into cooperative agreements with the various*
19 *States, and private, nonprofit organizations to continue the*
20 *recreation and wildlife and fish Challenge Cost-share Pro-*
21 *grams.*

22 None of the funds made available to the Forest Service
23 in this Act shall be expended for the construction of the Gas-
24 quet-Orleans (G-O) road.

1 None of the funds made available to the Forest Service
2 in this Act shall be expended for the purpose of issuing a
3 special use authorization permitting land use and occupancy
4 and surface disturbing activities for any project to be con-
5 structed on Lewis Fork Creek in Madera County, California,
6 at the site above, and adjacent to, Corlieu Falls bordering the
7 Lewis Fork Creek National Recreation Trail until the studies
8 required in Public Law 100-202 have been submitted to the
9 Congress: *Provided*, That any special use authorization shall
10 not be executed prior to the expiration of thirty calendar days
11 (not including any day in which either House of Congress is
12 not in session because of adjournment of more than three
13 calendar days to a day certain) from the receipt of the re-
14 quired studies by the Speaker of the House of Representa-
15 tives and the President of the Senate.

16 (126) ~~None of the funds made available to the Forest~~
17 ~~Service in this Act may be used to adopt or implement any~~
18 ~~modifications to the final policy for the Small Business~~
19 ~~Timber Set-Aside Program which was issued by the Forest~~
20 ~~Service on June 6, 1985, and published in the Federal Regis-~~
21 ~~ter of June 13, 1985, at pages 24788 to 24793, as corrected~~
22 ~~in the Federal Register of July 9, 1985, at page 27997.~~

23 (127) *Notwithstanding any other provision of law, the*
24 *Secretary of the Treasury is directed to make available to the*
25 *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

1 *fiscal year 1991 timber sale offerings: Provided further, That*
2 *the Forest Service offers a minimum of an 11.727 billion*
3 *board feet timber sales program during fiscal year 1989 and*
4 *that any fiscal year 1989 timber sales resulting from these*
5 *funds shall be allocated in a manner consistent with the dis-*
6 *tribution of sales volume in the report accompanying this Act:*
7 *Provided further, That not later than 30 days after the sub-*
8 *mission of the President's fiscal year 1990 budget, the Chief*
9 *of Forest Service shall provide a report to the Committee on*
10 *the final amount, distribution and expenditure of funds ap-*
11 *propriated under this section and shall include an assessment*
12 *of National Forest resource outputs to be produced in fiscal*
13 *year 1989, fiscal year 1990, and subsequent years, using*
14 *funds appropriated under this section, and a comparison of*
15 *the outputs achieved in fiscal year 1989 and proposed for*
16 *fiscal year 1990, with the output levels for the program areas*
17 *listed described in the Forest Service resource management*
18 *plans in effect at the time of the report required by this sec-*
19 *tion.*

20 **(128)** *Notwithstanding the lack of authorization for*
21 *payment from appropriated funds in older supplements to co-*
22 *operative right-of-way construction and use agreements, the*
23 *Forest Service is authorized and directed to make cash pay-*
24 *ments in lieu of payment through collection rights where it*
25 *determines that an unreasonable delay has occurred or is*

1 likely to occur before the collection rights can be exercised or
 2 offsetting construction performed. In addition, the Service is
 3 authorized and directed to make cash payment of excess cost
 4 imbalances carried by cooperators which the Government has
 5 not repaid within a reasonable time period through the exer-
 6 cise of collection rights or by other means.

7 **(129)** Any money collected from the States for fire
 8 suppression assistance rendered by the Forest Service on
 9 non-Federal lands not in the vicinity of National Forest
 10 System Lands shall be used to reimburse the applicable ap-
 11 propriation and shall remain available until expended as the
 12 Secretary may direct in conducting activities authorized by
 13 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

14 **(130)** Of the funds available to the Forest Service,
 15 \$2,500 is available to the Chief of the Forest Service for
 16 official receptions and representation expenses.

17 DEPARTMENT OF ENERGY

18 CLEAN COAL TECHNOLOGY

19 **(131)** For necessary expenses of, and associated with,
 20 Clean Coal Technology demonstrations pursuant to 42
 21 U.S.C. 5901 et seq., \$575,000,000 shall be made available
 22 after September 30, 1989, and shall remain available until
 23 expended.

24 **(132)** The first paragraph under this head in Public
 25 Law ~~100-202~~ is amended by striking “and \$525,000,000

1 are appropriated for the fiscal year beginning October 1,
2 1988" and inserting "\$100,000,000 are appropriated for the
3 fiscal year beginning October 1, 1988, and shall remain
4 available until expended, \$225,000,000 are appropriated for
5 the fiscal year beginning October 1, 1989, and shall remain
6 available until expended, and \$200,000,000 are appropriated
7 for the fiscal year beginning October 1, 1990": *Provided,*
8 *That this transfer is made pursuant to section 202(b)(1) of*
9 *Public Law 100-119 (2 U.S.C. 909).*

10 For the purposes of the sixth proviso under this head in
11 Public Law 99-190, funds derived by the Tennessee Valley
12 Authority from its power program are hereafter not to be
13 precluded from qualifying as all or part of any cost-sharing
14 requirement, except to the extent that such funds are provid-
15 ed by annual appropriations Acts: *Provided, That unexpend-*
16 *ed balances of funds made available in the "Energy Security*
17 *Reserve" account in the Treasury for The Clean Coal Tech-*
18 *nology Program by the Department of the Interior and Re-*
19 *lated Agencies Appropriations Act, 1986, as contained in*
20 *(133) section 101(d) of Public Law 99-190, shall be*
21 *merged with this account (134): Provided further, That for*
22 *the purposes of the sixth proviso in Public Law 99-190*
23 *under this heading, funds provided under section 306 of*
24 *Public Law 93-32 shall be considered non Federal (135):*
25 *Provided further, That reports on projects selected by the*

1 *Secretary of Energy pursuant to authority granted under the*
2 *heading "Clean coal technology" in the Department of the*
3 *Interior and Related Agencies Appropriations Act, 1986, as*
4 *contained in Public Law 99-190, which are received by the*
5 *Speaker of the House of Representatives and the President of*
6 *the Senate prior to the end of the second session of the 100th*
7 *Congress shall be deemed to have met the criteria in the third*
8 *proviso of the fourth paragraph under the heading "Adminis-*
9 *trative provisions, Department Energy" in the Department of*
10 *the Interior and Related Agencies Appropriations Act, 1986,*
11 *as contained in Public Law 99-190, upon expiration of 30*
12 *calendar days from receipt of the report by the Speaker of the*
13 *House of Representatives and the President of the Senate.*

14 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

15 For necessary expenses in carrying out fossil energy re-
16 search and development activities, under the authority of the
17 Department of Energy Organization Act (Public Law 95-
18 91), including the acquisition of interest, including defeasible
19 and equitable interests in any real property or any facility or
20 for plant or facility acquisition or expansion,
21 **(136)** ~~\$357,361,000~~ \$367,829,000, to remain available
22 until expended, of which \$249,000 is for the functions of the
23 Office of the Federal Inspector for the Alaska Natural Gas
24 Transportation System established pursuant to the authority
25 of Public Law 94-586 (90 Stat. 2908-2909), and pursuant
26 to section 111(b)(1)(B) of the Energy Reorganization Act of

1 1974, as amended, of the amount appropriated under this
2 head, \$3,500,000 shall be available for a grant for an energy
3 center at the University of Oklahoma in Norman, Oklaho-
4 ma (137), and \$9,000,000 shall be available for a grant for
5 an energy center at West Virginia University in Morgan-
6 town, West Virginia, without section 111(b)(2) of such Act
7 being applicable, and \$5,500,000 shall be available for con-
8 tinued construction of DOE Fossil Energy building B26:
9 *Provided*, That no part of the sum herein made available
10 shall be used for the field testing of nuclear explosives in the
11 recovery of oil and gas.

12 Of the funds herein provided, (138) ~~\$35,000,000~~
13 \$40,900,000 is for implementation of the June, 1984 mul-
14 tiyear, cost-shared magnetohydrodynamics program targeted
15 on proof-of-concept testing: *Provided further*, That
16 (139) ~~25~~ 30 per centum private sector cash or in-kind con-
17 tributions shall be required for obligations in fiscal year 1989,
18 and for each subsequent fiscal year's obligations private
19 sector contributions shall increase by 5 per centum over the
20 life of the proof-of-concept plan: *Provided further*, That exist-
21 ing facilities, equipment, and supplies, or previously expended
22 research or development funds are not cost-sharing for the
23 purposes of this appropriation, except as amortized, depreci-
24 ated, or expensed in normal business practice: *Provided fur-*
25 *ther*, That cost-sharing shall not be required for the costs of

1 constructing or operating Government-owned facilities or for
 2 the costs of Government organizations, National Laborato-
 3 ries, or universities and such costs shall not be used in calcu-
 4 lating the required percentage for private sector contribu-
 5 tions: *Provided further*, That private sector contribution per-
 6 centages need not be met on each contract but must be met
 7 in total for each fiscal year.

8 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

12 ENERGY CONSERVATION

13 For necessary expenses in carrying out energy conser-
 14 vation activities, ~~(140) \$371,562,000~~ \$357,019,000, to
 15 remain available until expended, including, notwithstanding
 16 any other provision of law, the excess amount for fiscal year
 17 1989 determined under the provisions of section 3003(d) of
 18 Public Law 99-509 (15 U.S.C. 4502): *Provided*, That
 19 ~~(141) \$200,000,000~~ \$197,100,000 shall be for use in
 20 energy conservation programs as defined in section 3008(3)
 21 of Public Law 99-509 (15 U.S.C. 4507) ~~(142)~~: *Provided*
 22 *further*, That pursuant to section 111(b)(1)(B) of the *Energy*
 23 *Reorganization Act of 1974*, as amended, of the amount ap-
 24 propriated under this head, \$4,900,000 shall be available for
 25 a grant for an energy and natural resources technology devel-
 26 opment center at Brandeis University in Waltham, Massa-

1 chusetts without section 111(b)(2) of such Act being applica-
 2 ble (143): Provided further, That the Secretary of Energy
 3 may use up to \$5,000,000 for new steelmaking research and
 4 development initiatives as authorized by law: Provided fur-
 5 ther, That any such funds shall be made available from prior
 6 appropriations for the steel initiative under this head: Provid-
 7 ed further, That existing funds otherwise made available for
 8 the steel initiative for multi-year contracts may be approved
 9 for more than one fiscal year but shall only be obligated on a
 10 year-by-year basis (144): ~~Provided further, That notwith-~~
 11 ~~standing section 3003(d)(2) of Public Law 99-509 such sums~~
 12 ~~shall be allocated to the eligible programs in the same~~
 13 ~~amounts for each program as in fiscal year 1988, and of~~
 14 ~~which \$10,000,000 shall be available for a grant for the~~
 15 ~~energy demonstration and research facility at Northwestern~~
 16 ~~University designated under this head in Public Law 100-~~
 17 ~~202 and as authorized by section 202 of Public Law 99-412~~
 18 ~~(42 U.S.C. §281 note):~~ ~~Provided further, That the facility~~
 19 ~~may be expanded to encompass space for life sciences in ad-~~
 20 ~~dition to that for material sciences.~~

21

ECONOMIC REGULATION

22 For necessary expenses in carrying out the activities of
 23 the Economic Regulatory Administration and the Office of
 24 Hearings and Appeals, (145) ~~\$21,010,000~~ \$21,372,000.

1 EMERGENCY PREPAREDNESS

2 For necessary expenses in carrying out emergency pre-
3 paredness activities, \$6,154,000.

4 STRATEGIC PETROLEUM RESERVE

5 For expenses necessary to carry out the provisions of
6 sections 151 through 166 of the Energy Policy and Conser-
7 vation Act of 1975 (Public Law 94-163),
8 (146) ~~\$173,421,000~~ \$174,421,000, to remain available
9 until expended.

10 SPR PETROLEUM ACCOUNT

11 For the acquisition and transportation of petroleum and
12 for other necessary expenses under section 167 of the Energy
13 Policy and Conservation Act of 1975 (Public Law 94-163),
14 as amended by the Omnibus Budget Reconciliation Act of
15 1981 (Public Law 97-35), (147) ~~\$333,555,000~~
16 \$242,000,000, to remain available until expended: *Provided,*
17 That (148) *an additional \$91,555,000 shall be made avail-*
18 *able until expended beginning October 1, 1989: Provided*
19 *further, That* notwithstanding 42 U.S.C. 6240(d) the United
20 States' share of crude oil in Naval Petroleum Reserve Num-
21 bered 1 (Elk Hills) may be sold or otherwise disposed of to
22 other than the Strategic Petroleum Reserve.

23 ENERGY INFORMATION ADMINISTRATION

24 For necessary expenses in carrying out the activities of
25 the Energy Information Administration, (149) ~~\$62,856,000~~

1 \$63,156,000 of which \$1,000,000 for ADP operations shall
2 remain available until expended.

3 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

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

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

12 None of the funds made available to the Department of
13 Energy under this Act shall be used to implement or finance
14 authorized price support or loan guarantee programs unless
15 specific provision is made for such programs in an appropria-
16 tions Act.

17 The Secretary is authorized to accept lands, buildings,
18 equipment, and other contributions from public and private
19 sources and to prosecute projects in cooperation with other
20 agencies, Federal, State, private, or foreign: *Provided*, That
21 revenues and other moneys received by or for the account of
22 the Department of Energy or otherwise generated by sale of
23 products in connection with projects of the Department ap-
24 propriated under this Act may be retained by the Secretary
25 of Energy, to be available until expended, and used only for
26 plant construction, operation, costs, and payments to cost-

1 sharing entities as provided in appropriate cost-sharing con-
2 tracts or agreements: *Provided further*, That the remainder
3 of revenues after the making of such payments shall be cov-
4 ered into the Treasury as miscellaneous receipts: *Provided*
5 *further*, That any contract, agreement, or provision thereof
6 entered into by the Secretary pursuant to this authority shall
7 not be executed prior to the expiration of 30 calendar days
8 (not including any day in which either House of Congress is
9 not in session because of adjournment of more than three
10 calendar days to a day certain) from the receipt by the
11 Speaker of the House of Representatives and the President of
12 the Senate of a full and comprehensive report on such
13 project, including the facts and circumstances relied upon in
14 support of the proposed project.

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

19 Notwithstanding 31 U.S.C. 3302, funds derived from
20 the sale of assets as a result of defaulted loans made under
21 the Department of Energy Alcohol Fuels Loan Guarantee
22 program, or any other funds received in connection with this
23 program, shall be credited to the Biomass Energy Develop-
24 ment account, and shall be available solely for payment of the
25 guaranteed portion of defaulted loans and associated costs of

1 the Department of Energy Alcohol Fuels Loan Guarantee
2 program for loans guaranteed prior to January 1, 1987.

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

16 DEPARTMENT OF HEALTH AND HUMAN
17 SERVICES

18 INDIAN HEALTH SERVICE

19 INDIAN HEALTH SERVICES

20 For expenses necessary to carry out the Act of
21 August 5, 1954 (68 Stat. 674), the Indian Self-Determina-
22 tion Act, the Indian Health Care Improvement Act, and
23 titles III and XXIII and sections 208 and 338G of the
24 Public Health Service Act with respect to the Indian Health
25 Service, including hire of passenger motor vehicles and air-

1 craft; purchase of reprints; purchase and erection of portable
2 buildings; payments for telephone service in private resi-
3 dences in the field, when authorized under regulations ap-
4 proved by the Secretary; ~~(150) \$1,016,667,000~~
5 *\$1,014,536,000*, together with payments received during the
6 fiscal year pursuant to 42 U.S.C. 300cc-2 for services fur-
7 nished by the Indian Health Service: *Provided*, That not-
8 withstanding any other law or regulation, funds transferred
9 from the Department of Housing and Urban Development to
10 the Indian Health Service shall be administered under Public
11 Law 86-121 (the Indian Sanitation Facilities Act): *Provided*
12 *further*, That funds made available to tribes and tribal organi-
13 zations through grants and contracts authorized by the
14 Indian Self-Determination and Education Assistance Act of
15 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available
16 until expended: *Provided further*, That \$15,000,000 shall
17 remain available until expended, for the Indian Catastrophic
18 Health Emergency Fund and contract medical care: *Provided*
19 *further*, That of the funds provided, \$2,000,000 shall be used
20 to carry out a loan repayment program under which Federal,
21 State, and commercial-type educational loans for physicians
22 and other health professionals will be repaid at a rate not to
23 exceed \$25,000 per year of obligated service in return for
24 full-time clinical service in the Indian Health Service. Each
25 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

1 respect to the Indian Health Service shall remain available
2 for expenditure until September 30, 1990.

3 INDIAN HEALTH FACILITIES

4 For construction, major repair, improvement, and equip-
5 ment of health and related auxiliary facilities, including quar-
6 ters for personnel; preparation of plans, specifications, and
7 drawings; acquisition of sites, purchase and erection of porta-
8 ble buildings, and purchases of trailers; and for provision of
9 domestic and community sanitation facilities for Indians, as
10 authorized by section 7 of the Act of August 5, 1954 (42
11 U.S.C. 2004a), the Indian Self-Determination Act and the
12 Indian Health Care Improvement Act, ~~(151) \$64,050,000~~
13 ~~\$50,185,000~~, to remain available until expended ~~(152)~~:
14 *Provided, That the Indian Health Service may hold in re-*
15 *serve a sum not to exceed \$600,000 as a contingency for site*
16 *acquisition at the Kotzebue Hospital (153): Provided fur-*
17 *ther, That of funds appropriated in the fiscal year 1987 con-*
18 *tinuing resolution for the construction of detoxification facili-*
19 *ties for Indian youth, not to exceed \$600,000 shall be made*
20 *available for planning, and design of a youth alcohol and*
21 *substance abuse treatment facility by the Inland Tribal Con-*
22 *sortium, to be located in the State of Washington.*

23 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

24 Appropriations in this Act to the Indian Health Service,
25 available for salaries and expenses, shall be available for
26 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-

1 tive and program direction purposes, shall not be subject to
2 limitations directed at curtailing Federal travel and transpor-
3 tation: *Provided further*, That with the exception of Indian
4 Health Service units which currently have a billing policy,
5 the Indian Health Service shall not initiate any further action
6 to bill Indians in order to collect from third-party payers nor
7 to charge those Indians who may have the economic means
8 to pay unless and until such time as Congress has agreed
9 upon a specific policy to do so and has directed the Indian
10 Health Service to implement such a policy: *Provided further*,
11 That the Secretary of Health and Human Services may au-
12 thorize special retention pay under paragraph (4) of 37
13 U.S.C. 302(a) to any regular or reserve officer for the period
14 during which the officer is obligated under section 338B of
15 the Public Health Service Act and assigned and providing
16 direct health services or serving the officer's obligation as a
17 specialist: *Provided further*, That personnel ceilings may not
18 be imposed on the Indian Health Service nor may any action
19 be taken to reduce the full-time equivalent level of the Indian
20 Health Service by the elimination of temporary employees by
21 reduction in force, hiring freeze or any other means without
22 the review and approval of the Committees on Appropria-
23 tions: *Provided further*, That funds provided in this Act may
24 be used to reimburse the Indian Health Service travel costs
25 of spouses who accompany prospective Indian Health Service

1 medical professional employees to the site of employment as
2 part of the recruitment process: *Provided further*, That sec-
3 tion 103(c) of the Indian Self-Determination Act (88 Stat.
4 2206), as amended by Public Law 100-202 (101 Stat. 1329-
5 246), is amended by inserting after the word "claims" the
6 words "by any person (156), *whether or not such person is*
7 *an Indian or Alaska native or is served on a fee basis or*
8 *under other circumstances as permitted by Federal law or*
9 *regulations, for medical services provided in Alaska*", and is
10 further amended by inserting after the word "performance"
11 the words "prior to, including, or after December 22, 1987,"
12 and is further amended by inserting after the word "investi-
13 gations," the words "an Indian tribe," (157) *and is further*
14 *amended by deleting the period after the word "agreement"*
15 *and adding the words: Provided, That such employees in*
16 *Alaska shall be deemed to be acting within the scope of their*
17 *employment in carrying out such contract or agreement when*
18 *they are required, as a term of employment, to perform medi-*
19 *cal, surgical, dental or related functions at a facility in*
20 *Alaska other than the facility operated pursuant to such con-*
21 *tract or agreement: Provided further*, That none of the funds
22 made available to the Indian Health Service in this Act shall
23 be used to implement the final rule published in the Federal
24 Register on September 16, 1987, by the Department of
25 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.*

1 DEPARTMENT OF EDUCATION
2 OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
3 INDIAN EDUCATION

4 For necessary expenses to carry out, to the extent not
5 otherwise provided, the Indian Education Act (160), as
6 amended by Public Law 100-297, (161) ~~\$68,153,000~~
7 \$72,297,000, of which (162) ~~\$49,848,000~~ \$53,492,000
8 shall be for part A and (163) ~~\$15,807,000~~ \$15,307,000
9 shall be for parts B and C: *Provided*, That the amounts avail-
10 able pursuant to section 423 of the Act shall remain available
11 for obligation until September 30, 1990.

12 OTHER RELATED AGENCIES
13 NAVAJO AND HOPI INDIAN RELOCATION COMMISSION
14 SALARIES AND EXPENSES

15 For necessary expenses of the Navajo and Hopi Indian
16 Relocation Commission as authorized by Public Law 93-
17 531, (164) ~~\$27,723,000~~ \$26,473,000, to remain available
18 until expended, for operating expenses of the Commission:
19 *Provided*, That none of the funds contained in this or any
20 other Act may be used to evict any single Navajo or Navajo
21 family who, as of November 30, 1985, was physically domi-
22 ciled on the lands partitioned to the Hopi Tribe unless a new
23 or replacement home is provided for such household: *Provid-*
24 *ed further*, That no relocatee will be provided with more than
25 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
 5 25 U.S.C. 640d-10.

6 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
 7 CULTURE AND ARTS DEVELOPMENT
 8 SALARIES AND EXPENSES

9 For necessary expenses of the Institute of American
 10 Indian and Alaska Native Culture and Arts Development as
 11 authorized by Public Law 99-498, ~~(165) \$3,094,000~~
 12 \$2,849,000, of which not to exceed \$250,000 for Federal
 13 matching contributions shall be paid to the Institute endow-
 14 ment fund.

15 ~~(166)~~ *Section 1513 of the Higher Education Amend-*
 16 *ments of 1986 (20 U.S.C. 4420) is amended—*

17 *(1) by striking out “The Institute” and inserting*
 18 *in lieu thereof “(a) TAX STATUS.—The Institute”,*

19 *(2) by inserting “; TORT LIABILITY” after*
 20 *“STATUS” in the section heading, and*

21 *(3) by adding at the end thereof the following new*
 22 *subsection:*

23 *“(b) TORT LIABILITY.—*

24 *“(1) The Institute shall be subject to liability re-*
 25 *lating to tort claims only to the extent a Federal*

1 agency is subject to such liability under chapter 171 of
2 title 28, United States Code.

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

7 “(3) For purposes of chapter 171 of title 28,
8 United States Code, the President of the Institute shall
9 be deemed the head of the Agency.”

10 SMITHSONIAN INSTITUTION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Smithsonian Institution,
13 as authorized by law, including research in the fields of art,
14 science, and history; development, preservation, and docu-
15 mentation of the National Collections; presentation of public
16 exhibits and performances; collection, preparation, dissemina-
17 tion, and exchange of information and publications; conduct
18 of education, training, and museum assistance programs;
19 maintenance, alteration, operation, lease (for terms not to
20 exceed ten years), and protection of buildings, facilities, and
21 approaches; not to exceed \$100,000 for services as author-
22 ized by 5 U.S.C. 3109; up to 5 replacement passenger vehi-
23 cles; purchase, rental, repair, and cleaning of uniforms for
24 employees; **(167)** ~~\$209,266,000~~ \$208,734,000, of which
25 not to exceed \$1,206,000 for the instrumentation program

1 shall remain available until expended and, including such
2 funds as may be necessary to support American overseas re-
3 search centers and a total of \$125,000 for the Council of
4 American Overseas Research Centers: *Provided*, That funds
5 appropriated herein are available for advance payments to
6 independent contractors performing research services or par-
7 ticipating in official Smithsonian presentations.

8 CONSTRUCTION AND IMPROVEMENTS, NATIONAL

9 ZOOLOGICAL PARK

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

14 RESTORATION AND RENOVATION OF BUILDINGS

15 For necessary expenses of restoration and renovation of
16 buildings owned or occupied by the Smithsonian Institution,
17 by contract or otherwise, as authorized by section 2 of the
18 Act of August 22, 1949 (63 Stat. 623), including not to
19 exceed \$10,000 for services as authorized by 5 U.S.C. 3109,
20 **(168)** ~~\$20,835,000~~ \$20,735,000, to remain available until
21 expended: *Provided*, That contracts awarded for environmen-
22 tal systems, protection systems, and exterior repair or resto-
23 ration of buildings of the Smithsonian Institution may be ne-
24 gotiated with selected contractors and awarded on the basis
25 of contractor qualifications as well as price.

CONSTRUCTION

1
2 For necessary expenses for construction, \$8,655,000, to
3 remain available until expended: *Provided*, That notwith-
4 standing any other provision of law, the Institution is author-
5 ized to transfer to the State of Arizona, the counties of Santa
6 Cruz and/or Pima, a sum not to exceed \$150,000 for the
7 purpose of assisting in the construction or maintenance of an
8 access to the Whipple Observatory.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

9
10
11 For the upkeep and operations of the National Gallery
12 of Art, the protection and care of the works of art therein,
13 and administrative expenses incident thereto, as authorized
14 by the Act of March 24, 1937 (50 Stat. 51), as amended by
15 the public resolution of April 13, 1939 (Public Resolution 9,
16 Seventy-sixth Congress), including services as authorized by
17 5 U.S.C 3109; payment in advance when authorized by the
18 treasurer of the Gallery for membership in library, museum,
19 and art associations or societies whose publications or serv-
20 ices are available to members only, or to members at a price
21 lower than to the general public; purchase, repair, and clean-
22 ing of uniforms for guards, and uniforms, or allowances there-
23 for, for other employees as authorized by law (5 U.S.C
24 5901-5902); purchase, or rental of devices and services for
25 protecting buildings and contents thereof, and maintenance,

1 alteration, improvement, and repair of buildings, approaches,
 2 and grounds; and purchase of services for restoration and
 3 repair of works of art for the National Gallery of Art by
 4 contracts made, without advertising, with individuals, firms,
 5 or organizations at such rates or prices and under such
 6 terms and conditions as the Gallery may deem proper,
 7 **(169)** ~~\$37,831,000~~ \$38,543,000, of which not to exceed
 8 \$2,320,000 for the special exhibition program shall remain
 9 available until expended.

10 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

11 For necessary expenses of repair, restoration and ren-
 12 ovation of buildings, grounds and facilities owned or occupied
 13 by the National Gallery of Art, by contract or otherwise, as
 14 authorized, **(170)** ~~\$500,000~~ \$1,000,000 to remain available
 15 until expended: *Provided*, That contracts awarded for envi-
 16 ronmental systems, protection systems, and exterior repair or
 17 renovation of buildings of the National Gallery of Art may be
 18 negotiated with selected contractors and awarded on the
 19 basis of contractor qualifications as well as price.

20 WOODROW WILSON INTERNATIONAL CENTER FOR

21 SCHOLARS

22 SALARIES AND EXPENSES

23 For expenses necessary in carrying out the provisions of
 24 the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356)
 25 including hire of passenger vehicles, and services as author-
 26 ized by 5 U.S.C. 3109, \$4,240,000 **(171)**: *Provided*, That

1 appropriations in this account remaining unobligated at the
 2 end of fiscal years 1988 and 1989 and which would other-
 3 wise be returned to the General Fund of the Treasury, shall
 4 be paid to the Endowment challenge fund and shall remain
 5 available until September 30, 1990: Provided further, That
 6 such sums as are available shall be transferred only to the
 7 extent matched on a three-to-one basis by private funds.

8 **(172) PAYMENT TO ENDOWMENT CHALLENGE FUND**

9 For payment to the Endowment challenge fund for the
 10 Woodrow Wilson International Center for Scholars
 11 \$350,000, to remain available until September 30, 1990:
 12 Provided, That such sums shall be transferred only to the
 13 extent matched on a three-to-one basis by private funds.

14 NATIONAL FOUNDATION ON THE ARTS AND THE
 15 HUMANITIES

16 NATIONAL ENDOWMENT FOR THE ARTS

17 GRANTS AND ADMINISTRATION

18 For necessary expenses to carry out the National Foun-
 19 dation on the Arts and Humanities Act of 1965, as amended,
 20 **(173)** ~~\$141,800,000~~ \$141,431,000 shall be available to the
 21 National Endowment for the Arts for the support of projects
 22 and productions in the arts through assistance to groups and
 23 individuals pursuant to section 5(c) of the Act, and for admin-
 24 istering the functions of the Act **(174)**: ~~Provided, That~~
 25 ~~none of the funds available to the National Endowment for~~

1 the Arts may be used to implement a peer panel review pro-
2 cess different from that in place as of December 31, 1987.

3 MATCHING GRANTS

4 To carry out the provisions of section 10(a)(2) of the
5 National Foundation on the Arts and the Humanities Act of
6 1965, as amended, \$27,200,000, to remain available until
7 September 30, 1990, to the National Endowment for the
8 Arts, of which \$18,200,000 shall be available for purposes of
9 section 5(l): *Provided*, That this appropriation shall be avail-
10 able for obligation only in such amounts as may be equal to
11 the total amounts of gifts, bequests, and devises of money,
12 and other property accepted by the Chairman or by grantees
13 of the Endowment under the provisions of section 10(a)(2),
14 subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and
15 preceding fiscal years for which equal amounts have not pre-
16 viously been appropriated.

17 NATIONAL ENDOWMENT FOR THE HUMANITIES

18 GRANTS AND ADMINISTRATION

19 For necessary expenses to carry out the National Foun-
20 dation on the Arts and the Humanities Act of 1965, as
21 amended, ~~(175) \$125,000,000~~ \$115,535,000 shall be avail-
22 able to the National Endowment for the Humanities for sup-
23 port of activities in the humanities, pursuant to section 7(c) of
24 the Act, and for administering the functions of the Act.

MATCHING GRANTS

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

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

15
16
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-*

1 plement a plan, by which, within three fiscal years, each
2 State shall receive, at a minimum, one-half of one per
3 centum of the grant funds available, provided that each State
4 submits at least one qualified application: Provided further,
5 That the director of the institute of museum services shall
6 submit to the chairman of the Committees on Appropriations
7 of the Senate and House of Representatives report detailing
8 the reasons for a judgment that the application or applica-
9 tions of a museum or museums from a particular State were
10 deemed not qualified, causing that State to fall below the one-
11 half of one per centum criteria.

12 ADMINISTRATIVE PROVISIONS

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

20 COMMISSION OF FINE ARTS

21 SALARIES AND EXPENSES

22 For expenses made necessary by the Act establishing a
23 Commission of Fine Arts (40 U.S.C. 104), \$475,000.

1 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

2 For necessary expenses as authorized by Public Law
3 99-190 (99 Stat. 1261; 20 U.S.C. 956a), as amended,
4 \$5,000,000.

5 ADVISORY COUNCIL ON HISTORIC PRESERVATION

6 SALARIES AND EXPENSES

7 For expenses made necessary by the Act establishing an
8 Advisory Council on Historic Preservation, Public Law 89-
9 665, as amended, ~~(178) \$1,774,000~~ \$1,781,000: *Provided,*
10 That none of these funds shall be available for the compensa-
11 tion of Executive Level V or higher positions.

12 NATIONAL CAPITAL PLANNING COMMISSION

13 SALARIES AND EXPENSES

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

17 FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

18 SALARIES AND EXPENSES

19 For necessary expenses of the Franklin Delano Roose-
20 velt Memorial Commission, established by the Act of
21 August 11, 1955 (69 Stat. 694), as amended by Public Law
22 92-332 (86 Stat. 401), \$28,000 to remain available until
23 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) \$2,343,000~~
 5 ~~\$2,311,000~~, for operating and administrative expenses of the
 6 Corporation.

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,
 11 ~~(180) \$3,175,000~~ ~~\$3,095,000~~, to remain available until ex-
 12 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,
 17 ~~(181) \$2,244,000~~ ~~\$2,209,000~~: *Provided*, That none of
 18 these funds shall be available for the compensation of Execu-
 19 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-

1 erwise provided under existing law, or under existing Execu-
2 tive order issued pursuant to existing law.

3 SEC. 302. No part of any appropriation under this Act
4 shall be available to the Secretaries of the Interior and Agri-
5 culture for use for any sale hereafter made of unprocessed
6 timber from Federal lands west of the 100th meridian in the
7 contiguous 48 States which will be exported from the United
8 States, or which will be used as a substitute for timber from
9 private lands which is exported by the purchaser: *Provided*,
10 That this limitation shall not apply to specific quantities of
11 grades and species of timber which said Secretaries deter-
12 mine are surplus to domestic lumber and plywood manufac-
13 turing needs.

14 SEC. 303. No part of any appropriation under this Act
15 shall be available to the Secretary of the Interior or the Sec-
16 retary of Agriculture for the leasing of oil and natural gas by
17 noncompetitive bidding on publicly owned lands within the
18 boundaries of the Shawnee National Forest, Illinois: *Provid-*
19 *ed*, That nothing herein is intended to inhibit or otherwise
20 affect the sale, lease, or right to access to minerals owned by
21 private individuals.

22 SEC. 304. No part of any appropriation contained in this
23 Act shall be available for any activity or the publication or
24 distribution of literature that in any way tends to promote

1 public support or opposition to any legislative proposal on
2 which congressional action is not complete.

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

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

11 SEC. 307. Except for lands described by sections 105
12 and 106 of Public Law 96-560, section 103 of Public Law
13 96-550, section 5(d)(1) of Public Law 96-312, and except
14 for land in the State of Alaska, and lands in the National
15 Forest System released to management for any use the Sec-
16 retary of Agriculture deems appropriate through the land
17 management planning process by any statement or other Act
18 of Congress designating components of the National Wilder-
19 ness Preservation System now in effect or hereinafter en-
20 acted, and except to carry out the obligations and responsibil-
21 ities of the Secretary of the Interior under section 17(k)(1)
22 (A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C.
23 226), none of the funds provided in this Act shall be obligated
24 for any aspect of the processing or issuance of permits or
25 leases pertaining to exploration for or development of coal,

1 (182) oil, gas, oil shale, phosphate, potassium, sulfur, gil-
2 sonite, or geothermal resources on Federal lands within any
3 Forest Service RARE II areas recommended for wilderness
4 designation or allocated to further planning in Executive
5 Communication 1504, Ninety-sixth Congress (House Docu-
6 ment numbered 96-119); or within any lands designated by
7 Congress as wilderness study areas or within Bureau of Land
8 Management wilderness study areas: *Provided*, That nothing
9 in this section shall prohibit the expenditure of funds for any
10 aspect of the processing or issuance of permits pertaining to
11 exploration for or development of the mineral resources de-
12 scribed in this section, within any component of the National
13 Wilderness Preservation System now in effect or hereinafter
14 enacted, any Forest Service RARE II areas recommended
15 for wilderness designation or allocated to further planning,
16 within any lands designated by Congress as wilderness study
17 areas, or Bureau of Land Management wilderness study
18 areas, under valid existing rights, or leases validly issued in
19 accordance with all applicable Federal, State, and local laws
20 or valid mineral rights in existence prior to October 1, 1982:
21 *Provided further*, That funds provided in this Act may be
22 used by the Secretary of Agriculture in any area of National
23 Forest lands or the Secretary of the Interior to issue under
24 their existing authority in any area of National Forest or
25 public lands withdrawn pursuant to this Act such permits as

1 may be necessary to conduct prospecting, seismic surveys,
2 and core sampling conducted by helicopter or other means
3 not requiring construction of roads or improvement of exist-
4 ing roads or ways, for the purpose of gathering information
5 about the inventorying of energy, mineral, and other resource
6 values of such area, if such activity is carried out in a manner
7 compatible with the preservation of the wilderness environ-
8 ment: *Provided further*, That seismic activities involving the
9 use of explosives shall not be permitted in designated wilder-
10 ness areas: *Provided further*, That funds provided in this Act
11 may be used by the Secretary of the Interior to augment
12 recurring surveys of the mineral values of wilderness areas
13 pursuant to section 4(d)(2) of the Wilderness Act and acquire
14 information on other national forest and public land areas
15 withdrawn pursuant to this Act, by conducting in conjunction
16 with the Secretary of Energy, the National Laboratories, or
17 other Federal agencies, as appropriate, such mineral invento-
18 ries of areas withdrawn pursuant to this Act as the Secretary
19 deems appropriate. These inventories shall be conducted in a
20 manner compatible with the preservation of the wilderness
21 environment through the use of methods including core sam-
22 pling conducted by helicopter; geophysical techniques such as
23 induced polarization, synthetic aperture radar, magnetic and
24 gravity surveys; geochemical techniques including stream
25 sediment reconnaissance and x-ray diffraction analysis; land

1 satellites; or any other methods the Secretary deems appro-
2 priate. The Secretary of the Interior is hereby authorized to
3 conduct inventories or segments of inventories, such as data
4 analysis activities, by contract with private entities deemed
5 by the Secretary to be qualified to engage in such activities
6 whenever the Secretary has determined that such contract
7 would decrease Federal expenditures and would produce
8 comparable or superior results: *Provided further*, That in car-
9 rying out any such inventory or surveys, where National
10 Forest System lands are involved, the Secretary of the Inte-
11 rior shall consult with the Secretary of Agriculture concern-
12 ing any activities affecting surface resources (183): *Provid-*
13 *ed further*, That funds provided in this Act may be used by
14 the Secretary of the Interior to issue oil and gas leases for the
15 subsurface of any lands designated by Congress as wilder-
16 ness study areas, that are immediately adjacent to producing
17 oil and gas fields or areas that are prospectively valuable.
18 Such leases shall allow no surface occupancy and may be
19 entered only by directional drilling from outside the wilder-
20 ness study area or other nonsurface disturbing methods.

21 SEC. 308. None of the funds provided in this Act shall
22 be used to evaluate, consider, process, or award oil, gas, or
23 geothermal leases on Federal lands in the Mount Baker-Sno-
24 qualmie National Forest, State of Washington, within the hy-
25 drographic boundaries of the Cedar River municipal water-

1 shed upstream of river mile 21.6, the Green River municipal
2 watershed upstream of river mile 61.0, the North Fork of the
3 Tolt River proposed municipal watershed upstream of river
4 mile 11.7, and the South Fork Tolt River municipal water-
5 shed upstream of river mile 8.4.

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

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

15 (185) ~~SEC. 311~~ 310. Notwithstanding any other provi-
16 sion of law, the Secretary of the Interior, the Secretary of
17 Agriculture, the Secretary of Energy, and the Secretary of
18 the Smithsonian Institution are authorized to enter into con-
19 tracts with State and local governmental entities, including
20 local fire districts, for procurement of services in the pre-
21 suppression, detection, and suppression of fires on any units
22 within their jurisdiction.

23 (186) ~~SEC. 312~~ 311. None of the funds provided by
24 this Act to the United States Fish and Wildlife Service may

1 be obligated or expended to plan for, conduct, or supervise
2 deer hunting on the Loxahatchee National Wildlife Refuge.

3 (187) SEC. ~~313~~ 312. None of the funds made available
4 to the Department of the Interior or the Forest Service
5 during fiscal year 1989 by this or any other Act may be used
6 to implement the proposed jurisdictional interchange program
7 until enactment of legislation which authorizes the jurisdic-
8 tional interchange.

9 (188) SEC. ~~314~~ 313. The Forest Service and Bureau
10 of Land Management are to continue to complete as expedi-
11 tiously as possible development of their respective Forest
12 Land and Resource Management Plans to meet all applicable
13 statutory requirements. Notwithstanding the date in section
14 6(c) of the NFMA (16 U.S.C. 1600), the Forest Service, and
15 the Bureau of Land Management under separate authority,
16 may continue the management of lands within their jurisdic-
17 tion under existing land and resource management plans
18 pending the completion of new plans. Nothing shall limit judi-
19 cial review of particular activities on these lands: *Provided,*
20 *however,* That there shall be no challenges to any existing
21 plan on the sole basis that the plan in its entirety is outdated,
22 or in the case of the Bureau of Land Management, solely on
23 the basis that the plan does not incorporate information avail-
24 able subsequent to the completion of the existing plan: *Pro-*

1 *vided further*, That any and all particular activities to be car-
2 ried out under existing plans may nevertheless be challenged.

3 (189) SEC. ~~315~~ 314. (a) From funds appropriated
4 under this Act such sums as are necessary shall be made
5 available to pay forest or wildland firefighters premium pay
6 under the provision of subchapter V of chapter 55 of title 5,
7 United States Code (notwithstanding the limitations of sec-
8 tion 5547 of such title), for all premium pay that would have
9 been paid to such forest or wildland firefighter employees, but
10 for the provisions of section 5547 of such title, for all pay
11 periods (and parts thereof) occurring during the fiscal year
12 ending September 30, 1989.

13 (b) Notwithstanding the provisions of subsection (a), no
14 forest or wildland firefighter employee may be paid premium
15 pay to the extent that the aggregate rate of pay of such em-
16 ployee for the aggregate of all pay periods in any calendar
17 year exceeds the maximum rate for GS-15 as provided under
18 the General Schedule pursuant to subchapter III of chapter
19 53 of title 5, United States Code.

20 (c) For purposes of this section, the term “wildland
21 forest firefighter” means any employee of the Department of
22 Agriculture or the Department of the Interior who is as-
23 signed to, or in support of, work on forest or wildland wildfire
24 emergencies.

1 (190) SEC. 316 315. Section 320 of Public Law 98-
2 473 (98 Stat. 1874), is amended by deleting the colon and all
3 that follows the words "quarters of that agency" and insert-
4 ing a period (.) in place of the colon.

5 (191) SEC. 317. None of the funds in this Act may be
6 used to plan, prepare, or offer for sale timber from trees clas-
7 sified as giant sequoia (*sequoiadendron giganteum*) which are
8 located on National Forest System or Bureau of Land Man-
9 agement lands until an environmental assessment has been
10 completed and the Giant Sequoia Management Implementa-
11 tion Plan is approved. In any event, timber harvest within
12 the identified groves only will be done to enhance and perpet-
13 uate giant sequoia. There will be no harvesting of giant se-
14 quoia specimen trees.

15 (192) SEC. 318. No funds appropriated under this Act
16 shall be expended in any workplace that is not free of illegal
17 use or possession of controlled substances which is made
18 known to the Federal entity or official to which funds are
19 appropriated under this Act. Pursuant to this section an ap-
20 plicant for funds to be appropriated under this Act shall be
21 ineligible to receive such funds if such applicant fails to in-
22 clude in its application an assurance that it has, and will
23 administer in good faith, a policy designed to ensure that all
24 of its workplaces are free from the illegal use, possession, or
25 distribution of controlled substances by its employees.

1 **(193)** *SEC. 316. Such sums as may be necessary for*
2 *fiscal year 1989 pay raises for programs funded by this Act*
3 *shall be absorbed within the levels appropriated in this Act.*

4 **(194)** *SEC. 317. The authority granted to the Secre-*
5 *tary of the Interior in section 306(a)(1) of Public Law 98-*
6 *428 to issue carbon dioxide leases for a period of 5 years*
7 *from the date of enactment of the Act (September 28, 1984)*
8 *within Antone Bench and areas 2, 3, 4, and 5, is hereby*
9 *extended by whatever period of time which may be consumed*
10 *as a result of delays caused by administrative appeal, protest,*
11 *or litigation.*

12 **(195)** *SEC. 318. Notwithstanding any other provision*
13 *of law, for the purposes of section 208 of title 18, United*
14 *States Code, "particular matter", as applied to employees of*
15 *the Department of the Interior and the Indian Health Serv-*
16 *ice, shall mean "particular matter involving specific parties".*

17 **(196)** *SEC. 319. Notwithstanding any other provision*
18 *of law, the Final Environmental Impact Statement issued by*
19 *the USDA Forest Service concerning the Silver Complex*
20 *Fire Recovery Project on the Siskiyou National Forest and*
21 *the Record of Decision accompanying the Environmental*
22 *Impact Statement shall not be subject to judicial review, and*
23 *shall be subject only to one level of administrative appeal.*
24 *Notice of that appeal and appellant's Statement of Reasons*
25 *shall be submitted simultaneously to the Chief of the Forest*

1 *Service within 30 days after the publication in the Federal*
2 *Register of the Notice of Availability of the Final Environ-*
3 *mental Impact Statement. The Chief must render his deci-*
4 *sion within 30 days of receipt of the notice of appeal.*

5 *Any decision of a responsible Forest Service official to*
6 *undertake a specific activity, including but not limited to the*
7 *preparation, advertisement and sale of timber and the prepa-*
8 *ration, advertisement and contracting for the construction of*
9 *related roads within the Silver Complex Fire Recovery Area,*
10 *as designated on maps dated June, 1988 and entitled "Silver*
11 *Complex Fire Recovery Area", which maps are on file with*
12 *the Chief, Forest Service, Washington, DC, shall not be sub-*
13 *ject to administrative appeal or judicial review.*

14 *No funds made available to the Forest Service under*
15 *this or any other Act may be expended to extend the Bald*
16 *Mountain Road on the Siskiyou National Forest beyond*
17 *S.E. 1/4, N.W. 1/4, of section 21, T. 36 S., R. 10 W., W.M.*

18 **(197)** *SEC. 320. To ensure adequate availability of*
19 *timber from the Mapleton Ranger District of the Siuslaw*
20 *National Forest pending completion of the final forest plan*
21 *pursuant to section 6 of the National Forest Management Act*
22 *of 1976, Public Law 94-588, 16 U.S.C. 1604, as amended,*
23 *and notwithstanding the injunctions issued pursuant to the*
24 *judgment in National Wildlife Federation et al. v. United*
25 *States Forest Service et al., 592 F. Supp. 931 (D. Ore.*

1 1984) as modified by 801 F. 2d 360 (9th cir. 1986), the
2 Secretary of Agriculture shall determine the potential envi-
3 ronmental impact of all prepared timber sales in the Maple-
4 ton District that are contemplated by the Draft Environmen-
5 tal Impact Statement of October 1, 1986, concerning the
6 Siuslaw National Forest Plan, and shall characterize each
7 sale's potential environmental impact as minimal, moderate
8 or serious. At such time as insufficient timber previously sold
9 but returned pursuant to default or to the Federal Timber
10 Contract Payment Modification Act of 1984, Public Law
11 98-478, 16 U.S.C. 618, is available for resale to maintain
12 adequate timber availability in the Mapleton District as de-
13 termined by the Secretary, and prior to implementation of the
14 final Siuslaw National Forest Plan, the Secretary is author-
15 ized to sell other timber in the Mapleton District provided he
16 gives sale priority to those sales with the least potential envi-
17 ronmental impact as determined pursuant to this section.
18 Any decision of the Secretary to sell timber pursuant to this
19 section, and all characterizations of potential environmental
20 impact made pursuant to this section, shall not be subject to
21 judicial review. Timber sold pursuant to this section each
22 fiscal year shall not exceed 90 million board feet of chargea-
23 ble volume.

24 (198) SEC. 321. In implementing the provisions of
25 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.*

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

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

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

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

3 (2) *Notwithstanding any other provision of this Act, no*
4 *department, agency, or instrumentality of the United States*
5 *Government receiving appropriated funds under this Act for*
6 *fiscal year 1989, shall, during fiscal year 1989, obligate and*
7 *expend funds for consulting services involving management*
8 *and support services for research and development activities;*
9 *engineering development and operational systems develop-*
10 *ment; technical representatives; training; quality control, test-*
11 *ing, and inspection services; specialized medical services; and*
12 *public relations; in excess of an amount equal to 95 percent*
13 *of the amount obligated and expended by such department,*
14 *agency, or instrumentality for such services during fiscal*
15 *year 1987.*

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

22 (c) *Notwithstanding any other provision of this Act, the*
23 *aggregate amount of funds appropriated by this Act to any*
24 *such department, agency, or instrumentality for fiscal year*
25 *1989 is reduced by an amount equal to—*

1 (1) 15 percent of the amount expended by such
2 department, agency, or instrumentality during fiscal
3 year 1987 for purposes described under subsection
4 (a)(1); and

5 (2) 5 percent of the amount expended by such de-
6 partment, agency, or instrumentality during fiscal year
7 1987 for purposes described under subsection (a)(2).

8 (d) As used in this section, the term "consulting serv-
9 ices" includes any service within the definition of "Advisory
10 and Assistance Services" in Office of Management and
11 Budget Circular A-120, dated January 4, 1988.

12 **(202)** SEC. 325. (a) Subject to valid existing rights,
13 on the date of enactment of this section deposits of quartz
14 mineral within the Ouachita National Forest in the State of
15 Arkansas shall no longer be subject to location and entry
16 under the General Mining Law of 1872 (17 Stat. 91), as
17 amended, and all such deposits shall hereafter be disposed of
18 under the same conditions as are applicable to common varie-
19 ties of mineral materials on such lands under the Materials
20 Act of 1947 (61 Stat. 681), as amended: Provided, That fifty
21 percent of the moneys received pursuant to this section shall
22 be paid by the Secretary of the Treasury to the State of Ar-
23 kansas, to be expended as the State may prescribe for the
24 benefit of the public schools and public roads of the counties
25 in which the Ouachita National Forest is situated.

1 **(b)** *The Secretary of Agriculture shall prescribe rules*
2 *and regulations for the disposal of quartz mineral from the*
3 *Ouachita National Forest.*

4 **(203)** *SEC. 326. For fiscal year 1988 and each fiscal*
5 *year thereafter, for the purposes of any law authorizing the*
6 *leasing and extraction of oil, gas, oil, coal, or any other min-*
7 *eral from the Outer Continental Shelf or from any interest in*
8 *land owned by the United States, regardless of the source or*
9 *origin of the United States' ownership, any interest paid to*
10 *the United States under any law, regulation, or other author-*
11 *ity which arises from or accrues with respect to late payment*
12 *of royalties, rents, bonuses, or other payments due to the*
13 *United States for any period, and received after the date of*
14 *enactment of this provision, shall be paid or distributed to the*
15 *same recipients and in the same manner as the royalties,*
16 *rents, bonuses, or other payments in connection with which*
17 *such interest was paid. The Secretary of the Interior shall*
18 *not recover or recoup any portion of late payment interest*
19 *paid to the United States before the enactment of this provi-*
20 *sion which was paid or distributed to any State or other re-*
21 *ipient of Federal mineral lease revenues, except for amounts*
22 *paid in connection with royalties or other revenues subse-*
23 *quently determined to be not owing to the United States.*

24 **(204)** *SEC. 327. (a) FINDINGS.—The Congress finds*
25 *that—*

1 (1) *the Sandinistas are a signatory to the Esqui-*
2 *pulas II agreement, and have thereby committed them-*
3 *selves to policies promoting peace in the region, and de-*
4 *mocratization in Nicaragua;*

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

8 (3) *within the past 72 hours, the Sandinistas*
9 *have taken dramatic new steps in brutally suppressing*
10 *a peaceful demonstration for human rights; jailing*
11 *without charge more than 40 members of the democrat-*
12 *ic opposition; closing down two independent media in*
13 *the country, La Prensa and Catholic Radio; and ex-*
14 *PELLING eight American diplomats, including the Ameri-*
15 *can Ambassador to Nicaragua;*

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

17 (1) *the Senate condemns the recent blatant ac-*
18 *tions by the Sandinistas against the internal opposi-*
19 *tion and the media and the expulsion of the American*
20 *diplomats, and calls upon all who seek both peace and*
21 *freedom in Central America to join in that condemna-*
22 *tion;*

23 (2) *the Senate supports the action taken by the*
24 *President in withdrawing the credentials of Nicara-*
25 *guan diplomatic personnel accredited to the United*

1 *States as an appropriate response to the unjustified ex-*
2 *pulsion of United States diplomats from Managua;*

3 (3) *the United States should respond to these bla-*
4 *tant violations of the Esquipulas accord by the Sandi-*
5 *nistas by pursuing a policy that includes—*

6 (i) *strengthening democracy and the inde-*
7 *pendent media of Nicaragua, including the imme-*
8 *diate reopening of La Prensa and Catholic Radio;*

9 (ii) *maintaining the democratic opposition as*
10 *one aspect of an overall policy toward the Sandi-*
11 *nistas, by continuing to provide that opposition*
12 *with assistance; and*

13 (iii) *supporting the efforts of the Central*
14 *American democracies, through the provisions*
15 *agreed to in the Esquipulas II accords, signed by*
16 *the five Central American Presidents on August*
17 *7, 1987, with the purpose that the Sandinistas*
18 *comply with the obligations they agreed to under*
19 *those accords,*

20 (4) *the Sandinistas should understand that bla-*
21 *tant violations of the Esquipulas II accord and the*
22 *human rights of the Nicaraguan people could cause*
23 *Congress to consider the provision of additional hu-*
24 *manitarian and other appropriate assistance, including*
25 *military aid, if conditions should so warrant, and*

