

OPB Copy
FY1990 Interior Approp.
Conference Report

101ST CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES

REPORT
101-264

71
p9

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER
30, 1990, AND FOR OTHER PURPOSES

OCTOBER 2, 1989.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 2788]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 19, 40, 42, 46, 51, 52, 53, 65, 66, 67, 68, 69, 73, 77, 80, 89, 90, 99, 101, 103, 108, 109, 115, 116, 117, 127, 130, 147, 154, 155, 156, 157, 158, 159, 160, 161, 162, and 163.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 20, 29, 30, 36, 56, 74, 75, 78, 82, 119, 125, 126, 141, 148, and 151, and agree to the same.

Amendment numbered 1:

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

In lieu of the sum proposed by said amendment insert \$442,084,000; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$5,961,000; and the Senate agree to the same.

Amendment numbered 9:

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

In lieu of the sum proposed by said amendment insert *\$12,610,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$397,956,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$5,750,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$1,800,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$9,000,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$32,750,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$88,556,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$484,709,000*; and the Senate agree to the same.

Amendment numbered 32:

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

In lieu of the sum named by said amendment insert *\$178,525,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$56,060,000; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

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

In lieu of the sum named insert \$64,000; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$174,759,000; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$105,035,000; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

Restore the matter stricken and inserted by said amendment, amended to read as follows: *\$1,035,534,000, including \$54,000,000 for conversion of tribal contracts and agreements to a calendar year basis as authorized by section 204(d)(1) of Public Law 100-472 (100 Stat. 2291), and;* and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$134,226,000; and the Senate agree to the same.

Amendment numbered 54:

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

In lieu of the sum proposed by said amendment insert \$76,489,000; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$935,000; and the Senate agree to the same.

Amendment Numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$33,339,000; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$23,260,000; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

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

SEC. 107. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

In lieu of the section number proposed by said amendment insert: 115; and the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the section number proposed by said amendment insert: 116; and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the section number proposed by said amendment insert: 117; and the Senate agree to the same.

Amendment numbered 85:

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

In lieu of the section number proposed by said amendment insert: 116; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$147,182,000; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$105,506,000*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$221,960,000*; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$38,993,000*; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

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

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$422,062,000*; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$40,900,000*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$413,262,000*; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$203,000,000*; and the Senate agree to the same.

Amendment numbered 128:

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$1,185,910,000*; and the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

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

In lieu of the sum named insert: *\$16,000,000*; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$3,000,000*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$70,996,000*; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$4,350,000*; and the Senate agree to the same.

Amendment numbered 136:

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$228,553,000*; and the Senate agree to the same.

Amendment numbered 137:

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$26,769,000*; and the Senate agree to the same.

Amendment numbered 138:

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

In lieu of the sum proposed by said amendment insert *\$8,320,000*; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$144,105,000*; and the Senate agree to the same.

Amendment numbered 144:

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$132,430,000*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

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

In lieu of the sum named insert \$4,200,000; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$22,675,000; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 12, 13, 15, 18, 21, 22, 23, 25, 26, 28, 34, 39, 43, 44, 47, 48, 49, 50, 55, 58, 61, 62, 63, 70, 71, 72, 76, 81, 86, 87, 88, 93, 94, 95, 96, 100, 102, 104, 105, 106, 107, 110, 111, 112, 114, 121, 124, 133, 135, 139, 140, 143, 149, 150, 152, 153, 164, 165, 166, 167, and 168.

SIDNEY R. YATES,
JOHN P. MURTHA,
NORM DICKS,
LES AU COIN,
TOM BEVILL,
CHESTER G. ATKINS,
JAMIE L. WHITTEN,
RALPH REGULA,
JOSEPH M. McDADE,
BILL LOWERY,
SILVIO O. CONTE,

Managers on the Part of the House.

ROBERT C. BYRD,
J. BENNETT JOHNSTON,
ERNEST F. HOLLINGS,
DENNIS DECONCINI,
QUENTIN N. BURDICK,
DALE BUMPERS,
HARRY REID,
DANIEL K. INOUYE,
JAMES A. McCLURE,
TED STEVENS,
JAKE GARN,
WARREN B. RUDMAN,
THAD COCHRAN,
DON NICKLES,
PETE V. DOMENICI,
MARK O. HATFIELD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2788), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1990, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2788 incorporates some of the provisions of both the House and the Senate versions of the bill. The language and allocations set forth in House Report 101-120 and Senate Report 101-85 shall be complied with unless specifically addressed to the contrary in the conference agreement and accompanying statement of the managers.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates \$442,084,000 for management of lands and resources instead of \$446,296,000 as proposed by the House and \$441,738,000 as proposed by the Senate. The net increase above the amount proposed by the Senate includes increases of \$125,000 for forest management; \$150,000 for project planning, and \$375,000 for the Oregon/Washington riparian initiative, both in grazing management; \$250,000 for Colorado River salinity control in soil, water, and air management; and \$372,000 for resources management planning; and decreases of \$28,000 for noxious weed control in Idaho, \$75,000 for noxious weed control in Montana, \$50,000 for research and development on fire resistant grasses at the University of Idaho, \$73,000 for grazing monitoring in Idaho, \$150,000 for riparian monitoring in Idaho, and \$50,000 for green-stripping in Idaho, all under grazing management; and \$500,000 for endangered species in wildlife habitat management.

The managers agree that:

1. modest cost-shared challenge grant programs modelled on the wildlife challenge grant program should be initiated in recreation and cultural resources management programs;
2. in the wild horse and burro program fee waiver adoptions should remain suspended, the regular adoption program should be expanded, a third sanctuary should be established if necessary, and although geographic diversity is still a key sanctuary

criterion, it is not intended to preclude sponsors from operating more than one sanctuary;

3. the Bureau should continue its participation in the Experimental Stewardship Program;

4. the Bureau should integrate Alaska into field testing of the automated land and mineral records system (ALMRS);

5. of the funds provided for wilderness management no less than \$2,700,000 should be applied to the management of wilderness study areas; and

6. within the total funds for recreation resources management \$300,000 is available for the study described in House Report 101-120 concerning a possible National Recreation Area on the American River in California.

FIREFIGHTING

Amendment No. 2: Deletes the National Forest System from the Firefighting account as proposed by the Senate. Funds for Forest Service firefighting are included in a separate account.

Amendment No. 3: Appropriates \$311,500,000 for firefighting as proposed by the Senate instead of \$740,393,000 as proposed by the House. The net decrease below the amount proposed by the House consists of a decrease of \$552,533,000 for Forest Service firefighting included in another account, offset by an increase of \$123,640,000 in Department of the Interior firefighting detailed in amendments 4 through 6.

Amendment No. 4: Earmarks \$193,761,000 for Bureau of Land Management firefighting activities as proposed by the Senate instead of \$96,716,000 as proposed by the House. The increase above the amount proposed by the House consists of \$14,545,000 for pre-suppression, \$80,500,000 for firefighting, and \$2,000,000 for rehabilitation. The recommended amounts provide for payment of 1990 firefighting costs as well as repayment of 1989 costs.

Amendment No. 5: Earmarks \$16,250,000 for United States Fish and Wildlife Service firefighting activities as proposed by the Senate instead of \$2,800,000 as proposed by the House. The recommended amount provides for payment of 1990 firefighting costs as well as repayment of 1989 costs.

Amendment No. 6: Earmarks \$34,464,000 for National Park Service firefighting activities as proposed by the Senate instead of \$21,319,000 as proposed by the House. The recommended amount provides for payment of 1990 firefighting costs as well as repayment of 1989 costs.

Amendment No. 7: Deletes House earmark of \$552,533,000 for the Forest Service as proposed by the Senate. Forest Service firefighting costs are included in a separate account.

CONSTRUCTION AND ACCESS

Amendment No. 8: Appropriates \$5,961,000 for construction and access instead of \$2,400,000 as proposed by the House and \$6,865,000 as proposed by the Senate. The decrease below the amount proposed by the Senate consists of an increase of \$101,000 for extension of a mountain bike trail from Colorado into Utah and decreases of \$180,000 for El Malpais National Conservation Area,

NM and \$825,000 for the Quail Hill road, AZ. The managers agree that the additional \$120,000 above the House amount for El Malpais is for construction of the Ranger/Visitor Contact Station, and the \$675,000 remaining for the Quail Hill road is for completion of survey and design, and construction of 3 miles of steep road.

LAND ACQUISITION

Amendment No. 9: Appropriates \$12,610,000 for land acquisition instead of \$13,490,000 as proposed by the House and \$11,340,000 as proposed by the Senate.

The managers agree to the following distribution:

Acquisition management.....	\$1,100,000
Bruneau River, ID	40,000
Carrizo Plains, CA	4,500,000
Chuckwalla Bench, CA	500,000
Coeur d'Alene NF, ID (Blackwell Island).....	500,000
Desert Tortoise Natural Area, CA.....	1,000,000
El Malpais NM, NM.....	1,250,000
King Range NCA, CA	500,000
New River ACEC, OR	500,000
N. Fork American River, CA.....	250,000
Overflow Wetlands HMP, NM	240,000
Owyhee River, ID/OR.....	400,000
Pariette Wetlands, UT.....	210,000
Rio Grande, CO	70,000
Soldier Meadows Ranch, NV	1,000,000
Steens Mountain Recreation River, OR	350,000
Upper Missouri W&SR, MT.....	200,000
Total, land acquisition.....	12,610,000

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 10: Appropriates \$397,956,000 for resource management instead of \$375,370,000 as proposed by the House and \$399,225,000 as proposed by the Senate. The net increase above the amount proposed by the House includes increases of \$150,000 for consultation, \$800,000 for spotted owl related activities, \$250,000 for endangered species grants, \$141,000 for an additional fisheries biologist and a contaminant specialist at the Elkins field office, \$50,000 for habitat assessment of waterfowl areas, \$75,000 for advanced wetlands planning, \$306,000 to establish a suboffice in Maine, \$100,000 for Chesapeake Bay toxics research, \$3,738,000 for refuge maintenance, \$1,000,000 for the Oregon Coast Aquarium, \$325,000 for operations at Lake Ophelia NWR, LA, \$600,000 for Alaska refuge operations, \$2,700,000 for refuge operations, \$300,000 for the challenge grant program, \$750,000 for Alaska subsistence grants, \$250,000 for drug enforcement, \$150,000 for increased enforcement related to African Elephant Conservation activities, \$200,000 for wetland conservation activities, \$500,000 for the North American Waterfowl Management Plan, \$2,000,000 for wetland restoration, \$200,000 for National Fisheries Academy training, \$2,750,000 for hatchery maintenance, \$250,000 for acid rain mitigation studies, \$2,500,000 for research and development maintenance, \$175,000 for prairie pothole pesticide levels, \$250,000 for a pintail duck population study, \$250,000 for waterfowl survey techniques

related to the Prince William Sound oil spill, \$200,000 for a study of Prince William Sound sea bird mortality, \$300,000 for Arctic Geese activity in Alaska, \$650,000 for marine mammals in Alaska, \$300,000 for a joint US/USSR walrus population survey, \$800,000 for Leetown NFC, WV striped bass and fish health research, \$200,000 for Hagerman field station operations, \$100,000 for Middle Snake River anadromous fish habitat research, \$525,000 for the Swan Falls Joint Agreement, \$150,000 for mountain lion habitat research, \$600,000 for the Louisiana coastal erosion study, \$200,000 for Hawaii forest birds research, \$250,000 for the Yukon Salmon Treaty; and decreases of \$1,704,000 for fire management, \$75,000 for migratory bird management, \$70,000 for fish food, \$150,000 for non-game species research, \$300,000 for an African Elephant biological assessment, and \$150,000 for African Elephant Conservation assistance.

The Managers have rejected report language proposed by the Senate requiring the Service to hire local professors and students without advertising vacancies. The Service may continue to engage students and professors under its existing cooperative agreement.

The managers agree that:

1. technical assistance only is provided for habitat conservation plans in Kern, San Diego and Riverside Counties in California. Local communities are expected to contribute to the effort. No specific amount is earmarked for each individual area;

2. endangered species recovery includes the activities listed in the House and Senate reports except that no money is provided for Cheyenne Bottoms in the endangered species recovery program;

3. when the Nisqually NFH, WA becomes operational in 1991, it is to be managed by the U.S. Fish and Wildlife Service;

4. within available funds there is \$80,000 for improvements to interpretive displays at Warm Springs, NFH, GA;

5. hydroelectric relicensing applicants may be in a disadvantageous negotiating position because of their existing capital investment; consequently, the Service is to work cooperatively with relicensing applicants;

6. the research lab at LaCrosse, WI is to operate at a level of \$1,750,000;

7. in addition to \$140,000 recommended in the budget estimate, the managers provided \$900,000 for the operation of the Northeast Anadromous Fish Laboratory, and not less than 16 FTE shall be assigned to this facility;

8. there is \$200,000 provided for the Lake Erie Shoreline study; and

9. there is \$300,000 to maintain the permanent field station and field office staff established in fiscal year 1989 at Auburn University under the Fort Collins Research Center to develop in-stream flow methodology for warm water fisheries management in the Southeastern United States.

Amendment No. 11: Provides \$5,750,000 for endangered species grants instead of \$5,500,000 as proposed by the House and \$6,000,000 as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows a procurement for the National Wetlands Research Center to be issued which includes the full scope of the previously issued procurement for the facility.

CONSTRUCTION AND ANADROMOUS FISH

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$58,560,000 for construction and anadromous fish instead of \$30,457,000 as proposed by the House and \$53,579,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Alaska Maritime NWR, AK/Homer maintenance facility.....	\$100,000
Alligator River NWR, NC/Maintenance facility.....	900,000
Anadromous fish grants.....	1,500,000
Bayou Sauvage NWR, LA/Maxent Lagoon Levee.....	3,750,000
Bosque del Apache NWR, NM rehab water & road system.....	650,000
Bowden NFH, WV.....	1,300,000
Cheyenne Bottoms, KS.....	1,640,000
Crab Orchard NWR, IL water treatment facilities.....	765,000
Craig Brook NFH, ME water supply treatment.....	552,000
Dam safety evaluations.....	3,250,000
Dam safety inspections.....	400,000
Eastern Neck NWR, MD (erosion control).....	2,900,000
Hagerman NWR, TX road & bridge repair.....	300,000
Hakalau NWR, HI fencing.....	250,000
Hammond Bay Biological Station, NY.....	1,322,000
John Hay Estate NWR, NH.....	491,000
Kenai NWR, AK (administrative facility).....	220,000
Little River NWR, OK.....	2,700,000
McKinney Lake NFH; holding house rehab.....	132,000
Mora NFH, NM fish hatchery.....	1,000,000
Natchitoches NFH, LA major rehabilitation.....	500,000
National Fisheries Research Center, WA (replacement lab).....	1,500,000
National Fisheries Research Center (Leetown, WV).....	5,550,000
National Training Center, Harpers Ferry, WV.....	4,900,000
National Wetlands Research Center, Lafayette, LA.....	6,000,000
North Attleboro NFH, MA rehabilitation.....	1,750,000
Okefenokee Swamp GA/FL Bridge repairs.....	840,000
Pacific Institute of Natural Sciences.....	1,000,000
Patuxent NRC, MD.....	3,100,000
Quilcene NFH, WA (pollution abatement facilities).....	748,000
San Bernardino NWR, AZ (power supply).....	160,000
Saratoga NFH, WY.....	100,000
Stewart McKinney NWR, CT (maintenance/headquarters).....	630,000
Stillwater NWR, NV water rights.....	1,500,000
Striped bass study.....	300,000
Tinicum NEC, PA.....	1,000,000
White River NWR, AR Essex Bayou Bridge.....	335,000
Wichita Mountains NWR, OK:	
Lake Elmer Thomas Dam.....	3,000,000
Road Rehab.....	800,000
Sewage Lagoons.....	200,000
Visitor center planning.....	450,000
Willow Beach NFH, AZ rockslide protection.....	75,000
Total, Construction and Anadromous Fish.....	58,560,000

The managers have included \$3,750,000 for repairs to the Maxent Lagoon Levee at Bayou Sauvage NWR, Louisiana. The actual construction cost could be twice this amount. The Service is to seek full funding for reconstruction of the levee from other sources. Until full funding is attained, no funds should be expended for land acquisition to establish the refuge. If this approach proves unworkable, the Service should propose by May 1, 1990 other uses for the previously appropriated land acquisition monies and the \$3,750,000 in construction funds contained in this bill.

The allowance includes \$4,900,000 for construction of a national training center near Harpers Ferry, West Virginia. Approximately \$2,900,000 of this amount is for design of the facility. The Service should consider design options which would permit use of the Center to meet the fish and wildlife training needs of other Federal and State agencies, as well as private organizations on a reimbursable basis. The design concept should include aquatic education, as well as a fresh water aquarium for public visitation. When the project design has reached the 35% completion stage, the Service should report to the Committees on the pros and cons of including a public aquarium as well as the potential for offsetting the cost of such an aquarium through outside donations, user fees, or other means.

The managers agree that:

1. the Fish and Wildlife Service is to prepare a report on the building needs at the Brazoria NWR, TX to include an analysis of site availability and cost estimates to be submitted to the Committees no later than March 1, 1990;
2. unobligated balances from the construction of the Northeast Anadromous Fish Laboratory may be used to acquire equipment and furnishings which are necessary for the laboratory and which are consistent with the original plan for the facility;
3. the Fish and Wildlife Service is to work with the Department of Defense for joint funding of the Lake Elmer Thomas Dam;
4. the National Wetlands Research Center may be constructed on lands leased from the University of Southwestern Louisiana on a long-term basis with the understanding that access roads and utilities will be provided by sources other than the Fish and Wildlife Service;
5. innovative and cost effective techniques should be used in the construction associated with erosion control at Eastern Neck Wildlife Refuge, MD, including the use of the Maryland National Guard if appropriate;
6. funds provided for the Stewart McKinney NWR, CT are for a maintenance/headquarters facility;
7. the Service is to report to the Committees regarding the concept for the Homer Research & Maintenance Facility before May 1, 1990;
8. the \$900,000 for construction at Alligator River NWR, NC is for a shop and service facility;
9. the \$1,640,000 for Cheyenne Bottoms, KS is a one time only appropriation;

10. the striped bass study should emphasize the Chesapeake Bay; and

11. a total of \$500,000 is provided to initiate a joint administrative facility with the National Park Service on the site of the Kenai NWR, AK visitor center; and, of this amount, \$280,000 shall be provided by the National Park Service.

Amendment No. 14: Provides \$1,800,000 for the Anadromous Fish Conservation Act instead of \$2,000,000 as proposed by the House and \$1,500,000 as proposed by the Senate. This amount includes \$300,000 for the striped bass study.

LAND ACQUISITION

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$67,990,000 for land acquisition instead of \$65,790,000 as proposed by the House and \$52,810,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Acquisition management.....	\$3,000,000
Emergency and hardships.....	1,500,000
Ace Rivers Basin, SC.....	1,500,000
Blunt-nosed lizard, CA.....	160,000
Bogue Chitto NWR, LA.....	500,000
Bowerman/Grays Harbor, WA.....	700,000
Cache River NWR, IL.....	2,000,000
Cape May, NJ.....	1,000,000
Chincoteague NWR, VA.....	4,730,000
Columbia River NWR, WA/OR.....	1,500,000
Great Swamp NWR, NJ.....	1,000,000
High priority wetlands.....	11,000,000
Key Deer NWR, FL.....	1,000,000
Klamath Forest NWR, OR.....	3,300,000
Lake Ophelia NWR, LA.....	3,000,000
Lower Rio Grande NWR, TX.....	8,000,000
Minnesota Valley NWR, MN.....	3,000,000
Oahu forest birds, HI.....	2,500,000
Ohio River islands, WV.....	850,000
Pelican Island NWR, FL.....	1,900,000
Pettaquamscutt NWR, RI.....	1,400,000
Rachel Carson NWR, ME.....	2,400,000
Sacramento River NWR, CA.....	2,000,000
San Francisco Bay NWR, CA.....	3,750,000
San Joaquin River NWR, CA.....	3,000,000
San Pablo Bay NWR, CA.....	3,000,000
Stones Lake NWR, CA.....	100,000
Tensas NWR, LA.....	200,000
Total, land acquisition.....	67,990,000

Although the managers have not provided any funds for the Animas Mountains NWR, NM (Gray Ranch), there is strong interest in this area being in Federal ownership. When mineral rights, grazing and hunting questions have been resolved, the managers will give every consideration to providing appropriations.

The managers agree that:

1. the Service should examine alternatives to fee acquisition to protect sea turtles at the Archie Carr NWR, FL and should

work with individual landowners to establish acquisition priorities where there is no alternative to fee acquisition and report to the Committees by May 1, 1990;

2. within the \$11,000,000 for high priority wetlands is \$2,000,000 for the National Fish and Wildlife Foundation;

3. acquisition at Lake Thompson NWR, SD may come from the amount provided for high priority wetlands;

4. the \$100,000 provided for the Stones Lake NWR, CA is for the Service, in cooperation with the relevant State, county and local governments, to complete an assessment and provide a recommendation for the establishment of the refuge;

5. The Service is encouraged to use the high priority wetlands money for areas such as Bond Swamp NWR, GA; and

6. the Service should return to an active land acquisition program at Tensas NWR with funds that are to be restored from the firefighting account.

NATIONAL WILDLIFE REFUGE FUND

Amendment No. 16: Appropriates \$9,000,000 for the National Wildlife Refuge Fund instead of \$7,645,000 as proposed by the House and \$10,500,000 as proposed by the Senate.

Amendment No. 17: Deletes Senate provision which would have made up to \$2,845,000 additional available for the National Wildlife Refuge Fund to be derived from the Federal share of receipts from on-shore minerals leasing and royalty collection in excess of \$389,000,000.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$778,419,000 for Operation of the National Park System instead of \$774,179,000 as proposed by the House and \$771,617,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase to the amount provided by the House includes increases of \$800,000 for new or expanding park areas, \$125,000 for the Student Conservation Association, \$400,000 for the National Trails System, \$2,164,000 for park operations, \$150,000 for the Harpers Ferry NHP visitor transportation system, \$500,000 for drug operations, \$85,000 for Harpers Ferry police, \$241,000 for additional costs associated with lease of a helicopter, \$500,000 for acceleration of review of Alaska mining and minerals, \$500,000 for protection of archeological resources to prevent looting, \$250,000 for informational publications, \$200,000 for the Native Hawaiian Culture and Arts program, \$1,000,000 for Fisk University, \$175,000 for a Wheeling, WV commission, and \$200,000 for the Steel Industry Heritage Task Force; and decreases of \$240,000 for emergency storm and fire damage, \$500,000 for in-park management and administration, \$75,000 for Navy Memorial operations, \$263,000 for

artifact preservation and collection management, \$20,000 for the International Union for Conservation of Nature, \$1,927,000 in additional retirement system costs, and \$25,000 related to the Blackstone River Corridor Commission.

The managers agree that:

1. each park should receive no less than a five percent increase over fiscal year 1989 while capping the increase for individual parks at fifteen percent for all but new or expanding parks;

2. while no specific amount is provided to train Alaska Natives for Federal land management positions, the Service is encouraged to work with Natives toward this purpose;

3. the Service should explore technological options to prevent looting of cultural or archeological resources;

4. funds provided for wolf reintroduction at Yellowstone National Park are to continue studies necessary for wolf reintroduction without development of a formal environmental impact statement;

5. within available maintenance funds there is up to \$50,000 for a study of the use of calcium magnesium acetate;

6. the Service is encouraged to continue its progress in the planning process for Natchez NHP, MS and in the establishment of the Park;

7. the Service is expected to report to the Committees by March 1, 1990 on the feasibility of establishing an Asian cultural center at Jean Lafitte NHPP, LA;

8. no funds are made available for a comprehensive river conservation study of Hanford Reach;

9. the Service is directed to provide the Committees by January 1, 1990 a plan for reducing servicewide administrative costs;

10. the budget request includes \$80,000 to continue the Spanish colonization study;

11. of the \$325,000 provided for the Blackstone River Valley National Heritage Corridor, \$230,000 is for the Commission and \$95,000 is for National Park Service technical assistance for development of the corridor;

12. in lieu of language contained in the House and Senate reports, the Service is directed to report to the Committees before March 1, 1990, on the advisability of consolidating the Williamsport Training Center activities with other related activities of the Service, on the need to enhance or expand the activities and to incorporate new initiatives, and on a suitable location or locations for these activities near Williamsport or elsewhere;

13. there is no objection to the Service's development of regulations regarding subsistence fishing at Glacier Bay NP, AK;

14. the Service is to make a grant of \$175,000 to the City of Wheeling, West Virginia for the purpose of establishing a commission to cooperate with the Service on reviewing the historic features of Wheeling for incorporation as a unit of the National Park System;

15. of the \$1,800,000 provided for the Native Hawaiian Culture and Arts program, \$1,000,000 is for the Hawaii Maritime Museum; and

16. the only change from the budget request for general management plans as detailed in a May 12, 1989 memorandum is provision for \$125,000 to continue the New River Parkway Authority.

Amendment No. 19: Provides \$500,000 for the National Institute for the Conservation of Cultural Property as proposed by the House and stricken by the Senate.

Amendment No. 20: Deletes House provision which established a minimum level of employees for the Cuyahoga Valley National Recreation Area, Ohio.

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

Amendment No. 22. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which requires an environmental impact statement to evaluate alternative levels of development within the Appalachian Trail corridor in Rutland County, Vermont and prevents the Secretary of the Interior from implementing the easement signed January 19, 1989, between the National Park Service and Killington, Ltd., Inc., until 60 calendar days after the final EIS is filed.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$16,136,000 for national recreation and preservation instead of \$16,029,000 as proposed by the House and \$15,735,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the House level includes increases of \$135,000 for Allegheny County, PA HAER activities, \$100,000 for a historic preservation technology transfer program, \$100,000 for the Steel Industry Heritage Task Force, \$25,000 for the Carrie Furnaces/Homestead Works, and \$75,000 for Allegheny, Beaver, Washington and Green counties reconnaissance; and decreases of \$28,000 for Chicago landmarks and \$300,000 in the rivers review activity.

Funds for Gettysburg, PA technical assistance are provided in the construction account.

HISTORIC PRESERVATION FUND

Amendment No. 24: Appropriates \$32,750,000 for the Historic Preservation Fund instead of \$30,500,000 as proposed by the House and \$38,000,000 as proposed by the Senate.

The increase above the House level includes \$1,000,000 for the final year of the Bicentennial Lighthouse Fund, \$1,000,000 for State grants and \$250,000 for the National Trust for Historic Pres-

ervation. Within the amount provided for State grants is \$500,000 for grants to tribes pursuant to 16 USC 470a(d)(3)(B). Such grants are not subject to the matching requirements contained in 16 USC 470b(a)(3).

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides \$1,000,000 for the Bicentennial Lighthouse Fund and establishes procedures for distribution of the money.

CONSTRUCTION

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$199,716,000 for construction instead of \$174,210,000 as proposed by the House and \$140,851,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to amendment of the Senate.

The managers have agreed to the following distribution of funds:

America's Industrial Heritage, PA.....	\$8,332,000
Apostle Islands, NL, WI (Little Sand Dock).....	380,000
Arkansas Post NM, AR	100,000
Biscayne, NP, FL	3,948,000
Boston-African American NHS, MA.....	1,525,000
Buffalo NR, AR (Erbie campground/Tyler Bend)	2,000,000
Canaveral NS, FL (Playalinda Beach Rd).....	2,600,000
Canyonlands NP, UT	4,000,000
Cape Hatteras NS, NC (comfort station/showers).....	207,000
Chamizal NM, TX.....	500,000
Chickamauga/Chattanooga NMP:	
Road relocation.....	8,000,000
Visitor center.....	1,000,000
Crater Lake NP, OR (Lodge stabilization)	50,000
Cuyahoga Valley NRA, OH:	
Krejci Dump Site.....	4,000,000
Canal Visitor Center—site development	293,000
Ohio and Erie Canal Towpath.....	2,682,000
Oak Hill Environmental Education Center	350,000
Delaware Water Gap NRA, NJ (Watergate campground facilities) ...	600,000
Foothills Parkway TN (road resurfacing)	1,000,000
Fort Clatsop NM, OR	1,795,000
Franklin Delano Roosevelt Memorial, DC	5,852,000
Gateway NRA, NJ/NY:	
Canarsie Pier	7,030,000
Sandy Hook bathroom and showers	930,000
Sandy Hook water well.....	600,000
George Washington Memorial Parkway, VA:	
Maintenance facility.....	3,985,000
Spout Run improvements	8,000,000
Golden Gate NRA, CA (restroom facilities).....	1,210,000
Haleakala NP, HI (fencing)	250,000
Harpers Ferry NHP, WV	650,000
Hawaii Volcanoes NP, HI (fencing).....	250,000
Hot Springs NP, AR.....	800,000
Indiana Dunes NL, IN	2,000,000
Jean Lafitte NHPP, LA:	
Big Woods Environmental Center	1,674,000
Acadian Cultural Center Exhibits	2,094,000
Acadian House.....	750,000
Jimmy Carter NHS, GA (school stabilization)	200,000

Kenai Fjords NP, AK (maintenance facility)	443,000
Klondike Gold Rush NHS, AK.....	1,124,000
Knife River NHS, ND (visitor center).....	2,100,000
Lake Mead NRA:	
Purchase toilet facilities	400,000
Sanitation facilities.....	340,000
Road construction	500,000
Lassen Volcanic NP, CA.....	310,000
Lincoln Home NHS, IL.....	745,000
Lowell Historic Preservation Commission	5,250,000
Mesa Verde NP, CO (water treatment plant)	850,000
Natchez Trace Parkway	17,000,000
New River NR, WV	3,325,000
North Cascades NP, WA (Henry Jackson Visitor Center).....	2,620,000
Petrified Forest NP AZ.....	5,624,000
Pinelands NR, NJ (observations facility)	200,000
Rocky Mountain NP, CO (deactivate Bluebird Dam).....	700,000
Salem Maritime NHS, MA	300,000
San Antonio Missions NHP, TX	200,000
Sequoia NP, CA (Replace Giant Forest facilities).....	4,759,000
Sleeping Bear Dunes NL, MI (Platte River Campground).....	2,000,000
Steamtown NHS, PA.....	12,000,000
Stones River NP, TN (Fortress Rosecrans)	525,000
Suitland Parkway, MD (rehabilitation).....	6,000,000
Theodore Roosevelt NP, ND	400,000
Tuskegee Institute NHS, AL	4,000,000
Women's Rights NHS, NY	588,000
Yellowstone NP, WY:	
Canyon Water treatment.....	2,886,000
Old Faithful garage/warehouse	650,000
Yosemite NP, CA (rehab park electrical system)	1,174,000
Emergency, unscheduled and housing.....	12,500,000
Planning:	
America's Industrial Heritage Project:	
Summit Level.....	105,000
Oral histories.....	185,000
Allegheny Highlands Rails to Trails Project	133,000
Altoona Rail Memorial Museum	150,000
Aluminum Heritage Research	50,000
Bedford Transportation Museum	75,000
Brownsville Reconnaissance Survey	110,000
Mt. Edna Iron Furnace Complex.....	100,000
Saltsburg Canal	75,000
Somerset Center	220,000
St. Michael Historic District	50,000
Windber/Scalp Level Coal Heritage	100,000
Andersonville NHS, GA (road and visitor center).....	435,000
Blue Ridge Parkway, NC:	
Headquarters/Visitor Center.....	560,000
Fisher Peak	800,000
Castillo de San Marcos, FL.....	160,000
Coal Heritage: Southern WV.....	100,000
Coastal Heritage Trail, NJ.....	125,000
Crater Lake NP, OR (Lodge Rehab and Rim Development)	2,241,000
Delaware Water Gap NRA, NJ (Weygadt Visitor Center)	300,000
Denali NP, AK (hotel and related facilities)	800,000
El Malpais NM, NM (multi-agency facility)	200,000
Everglades NP, FL (visitor center complex)	154,000
Fort Clatsop NM, OR.....	105,000
Gateway NRA, NY (Jacob Riis Park)	934,000
Gettysburg Historic Pathways	100,000
Glacier NP, MT (facility rehabilitation).....	500,000
Grand Portage NM, MN (multi-purpose facility)	180,000
Hagerman Fossil NM, ID (visitor center).....	200,000
Harpers Ferry NHP, WV	1,905,000
Hot Springs NP, AR (comfort stations/wayside exhibits).....	290,000

Jean Lafitte NHPP:	
Acadian House headquarters.....	165,000
Big Woods Environmental Center	150,000
Westbank riverfront exhibits.....	36,000
John Day Fossil Beds NM, OR.....	360,000
Joshua Tree NM, CA.....	187,000
Lake Mead NRA (flood problem areas).....	300,000
Lewis and Clark National Historic Trail Interpretation Center, NE.	300,000
Little River Canyon, AL.....	150,000
New River NR, WV (Thurmond, Fayette, Cunard).....	1,055,000
Pinelands NR, NJ (Interpretative program).....	200,000
Saguaro NM AZ (Red Hills).....	367,000
Salem Maritime NHS, MA	2,630,000
Scranton Heritage Park, PA	150,000
Voyageurs NP, MN (Kettle Falls Hotel)	300,000
Western Historic Trails Center, IA.....	300,000
Women's Rights NHP, NY.....	800,000
Budget request.....	10,874,000
Add-on planning.....	800,000
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Total, Construction	199,716,000

The managers agree that:

1. the Service should report to the Committees on total development of Canyonlands NP, UT at \$4,000,000, \$6,000,000, \$8,000,000, \$10,000,000 and \$12,000,000 levels within thirty days of enactment and should not advertise for bids for construction until sixty days after that report has been submitted;

2. the Service should report quarterly to the Committees on the use of the emergency, unscheduled projects funds provided in the construction account;

3. the Service should provide a phased working plan to the Committees on the proposed facility rehabilitation at Glacier NP, MT;

4. the Service should explore alternate financing methods for the rehabilitation of individual houses at the Martin Luther King, Jr. NHS, GA and report to the Committees by March 1, 1990;

5. the Service shall report to the Committees by November 1, 1989 on the health and safety project needs on a Park by Park basis and in priority order servicewide;

6. the Service is to construct a bear observation platform on the Naknek River in Katmai NPP. The Park Service should fully construct this platform with \$100,000 to be reprogrammed from funds previously appropriated for a pedestrian bridge over Margot Creek, also in Katmai NPP;

7. a report should be submitted to the Committees by the Service before March 1, 1990, on the advisability of increasing the number of over-night accommodations beyond 144 in the replacement Denali Park Hotel. The report should also indicate the estimated Federal and non-Federal cost increases associated with the additional accommodations;

8. Scranton Heritage Park funds are for technical assistance only;

9. the National Park Service should work with the Forest Service to develop a national policy for the interpretation of America's historic trails; and

10. a total of \$500,000 is to be available to initiate design and construction of a joint National Park Service-Fish and Wildlife Service administrative facility on the site of the Kenai NWR Visitor Center, serving both the refuge and Lake Clark NPP. The initial construction funding includes reprogrammings from prior appropriations of \$220,000 from the Margot Creek pedestrian bridge in Katmai NPP and \$60,000 from the Polychrome Pass portable rest rooms in Denali NPP and a new appropriation of \$220,000 which is included within the Construction and Anadromous Fish account of the Fish and Wildlife Service.

LAND ACQUISITION AND STATE ASSISTANCE

Amendment No. 27: Appropriates \$88,556,000 for land acquisition and State assistance instead of \$81,016,000 as proposed by the House and \$89,018,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Assistance to States:	
Matching grants	\$16,700,000
Administrative expenses.....	3,300,000
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Subtotal	20,000,000
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National Park Service:	
Acquisition management	6,317,000
Emergency, inholding and hardship acquisitions	5,000,000
Antietam NB, MD.....	500,000
Appalachian Trail	7,000,000
Blue Ridge Parkway, NC (Fisher Peak).....	1,300,000
C&O Canal NHP	4,000,000
Chattahoochee River NRA, GA.....	3,000,000
Congaree Swamp NM, SC.....	1,500,000
Cuyahoga Valley NRA, OH	3,000,000
Delaware Water Gap NRA PA/NJ	750,000
Denali NP, AK (mountaineering center).....	75,000
El Malpais NM, NM	2,500,000
Gates of the Arctic NPP, AK (Helmericks prop.)	1,179,000
Haleakala NP, HI	1,000,000
Indiana Dunes NL, IN.....	500,000
Jean Lafitte NHP and Preserve, LA.....	1,500,000
John Muir NHS, CA.....	2,000,000
Lake Clark NPP, AK (Tazimina Lake)	1,500,000
Lewis and Clark Trail Site, IL.....	115,000
Lowell NHP, MA.....	600,000
McKinley site.....	800,000
Natchez NHP, MS.....	5,270,000
National Park of American Samoa	400,000
New River Gorge NR, WV	4,000,000
Petroglyphs NM, NM	1,000,000
Pinelands NR, NJ	500,000
Santa Monica Mountains NRA, CA	12,000,000
Timucuan E&H Preserve, FL	750,000
War in the Pacific, Guam.....	500,000
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Subtotal, NPS acquisition	68,556,000
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Total, land acquisition & State assistance.....	88,556,000

The managers agree to the detailing of regional office staff to Santa Monica Mountains NRA, CA to provide on site land acquisition support.

Federal acquisition of private inholdings in the Kantishna area of Denali NPP is highly desirable if such acquisition can signifi-

cantly benefit the preservation of wildlife sightings in areas adjacent to the Denali Park Road, and if the acquisition can be accomplished at a reasonable cost. The Service is directed to prepare a list of all inholdings in Denali NPP; the name of each owner or owners; the statutory basis for the inholding (Mining Act, Homestead Act, etc.); the approximate acreage of the inholdings; its current, and potential, relative threat to Park values (high, medium, low); and its location and number on an accompanying map. In addition, a comprehensive resource management plan should be prepared for the Kantishna region. The plan should identify reasonable strategies for accommodating or resolving the inherent conflicts between resource utilization and preservation. Furthermore, to the extent that the draft Environmental Impact Statement, which is to be finalized in October, 1989, indicates that mining in certain areas may be acceptable, the Service is directed to work with mining applicants on a cooperative basis, and at early stages, to minimize expenses in developing mining plans of operation which comply with existing and new regulations. Resource protection by frustration is not an acceptable strategy. For example, if mining is clearly not permissible in certain proposed areas or circumstances, then a speedy rejection is preferable to a protracted maze of administrative hurdles whose successful completion holds no likely benefit to the applicant. The Service should provide the information related to inholdings and the comprehensive resource management plan no later than May 1, 1990.

No money has been provided for land acquisition at Valley Forge NHP, PA because of the slow pace of obligating land acquisition funds. The managers agree that the pace of land acquisition at Valley Forge should be accelerated.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter proposed by said amendment, insert: *Provided further, That of the amount provided above, \$800,000 is for acquisition of the Saxton House, 331 South Market Street, Canton, Ohio, as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e)): Provided further, That section 317 of Public Law 98-146 is amended by adding the following:*

"The land owner may also use the credits in exchange for excess lands, wherever located, under the jurisdiction of the Secretary of the Interior."

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

The amendment clarifies the section of Public Law 98-146 being amendment and allows the National Park Service to acquire the Saxton-McKinley Site.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Amendment No. 29: Appropriates \$9,193,000 for the John F. Kennedy Center for the Performing Arts as proposed by the Senate instead of \$15,193,000 as proposed by the House.

Amendment No. 30: Provides \$4,000,000 to remain available until expended for garage repairs at the John F. Kennedy Center for the

Performing Arts as proposed by the Senate instead of \$10,000,000 as proposed by the House.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 31: Appropriates \$484,709,000 for surveys, investigations, and research instead of \$486,931,000 as proposed by the House and \$476,909,000 as proposed by the Senate. The decrease below the amount proposed by the House consists of \$67,000 for volcano hazards reduction, \$200,000 for Louisiana barrier island studies in coastal studies, \$1,250,000 in offshore geologic surveys, \$205,000 in mineral resource surveys for roadless and RARE II areas, and \$500,000 for modernization of water data dissemination.

The managers agree that:

1. all geomagnetism observatories are expected to continue operations;

2. contributing States should continue to receive priority consideration in the National Aerial Photography Program (NAPP);

3. the Survey should continue the existing site selection process for establishing priorities for the side-looking airborne radar (SLAR) program; however, if priority considerations permit, coverage of Louisiana, Mississippi, and Alabama and contiguous geologic features should be completed;

4. the national program plan for coastal studies should include western Louisiana and eastern Texas as part of options presented to the Congress;

5. the Survey should conduct a feasibility study on alternate locations for the Deer Creek marine research facility, including, but not limited to the Marine Science Center in Newport, OR;

6. any water quality assessments of Tualatin River pollution in Oregon should be carried out as part of the joint Federal-State cooperative water program, and should not be undertaken by the Survey without State participation;

7. the Survey shall explore the possibility of assisting the Town of Searchlight, Nevada, through the Federal/State Cooperative Program, in its effort to locate a water supply for use by the local citizenry; and

8. the Survey shall expend the \$1.5 million appropriated for mineral resource investigations of roadless areas on work identified during the development of the Idaho State Wilderness Bill. The Geological Survey shall coordinate their field operations with those of the Bureau of Mines and the Idaho Geological Survey.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

Amendment No. 32: Appropriates \$178,525,000 for leasing and royalty management instead of \$175,066,000 as proposed by the House and \$179,761,000 as proposed by the Senate.

The net increase over the amount proposed by the House includes increases of \$1,000,000 in outer continental shelf lands for second year funding of a three-year cost-shared oil spill research initiative and \$3,600,000 in royalty management to initiate a project to place audits on a more timely schedule using additional in-house and State and tribal auditors.

The increases are partially offset by decreases of \$1,000,000 in outer continental shelf lands for the environmental studies program and in royalty management of \$100,000 for systems development and \$41,000 for refunds on Indian allottee lease overpayments.

The managers agree that the MMS should coordinate and cooperate in the Northwest OCS Task Force which was established to assist in identifying and resolving OCS issues specific to that region. The managers expect the MMS to work closely with the task force on identifying and conducting needed environmental studies and on scheduling the prelease steps leading to Sale 132. The Federal government and the States are urged to appoint high level management officials, authorized to make commitments on behalf of their respective organizations, to the task force.

The managers agree that the focus of the oil spill research initiative should be on containment, cleanup and mitigation measures including those associated with spills from tanker accidents.

Elsewhere in the bill there are restrictions on OCS oil and natural gas leasing activities. None of these restrictions apply to the non-fuel minerals leasing program on the OCS.

The grounding of the Exxon Valdez on March 24, 1989 in Prince William Sound has led to concern among many people, including the fishermen of Bristol Bay, over the possible impact oil and gas exploration and development in the North Aleutian Basin could have on fisheries resources. The managers recognize that these concerns should be addressed before oil and gas exploration in Bristol Bay goes forward. For that reason, the managers have included a one-year moratorium on exploration and development in the North Aleutian Basin.

The managers agree that the Secretary of the Interior should conduct a three-pronged study to address concerns related to oil and gas exploration in the North Aleutian Basin and report to the Committees by March 1, 1991 as follows:

1. Within available funds, the Fish and Wildlife Service, in cooperation with the National Oceanic and Atmospheric Administration and the State of Alaska, is to conduct a study of the effects of the March 24, 1989 oil spill on the Prince William Sound fisheries. The Service may draw upon the results of the fisheries research projects being conducted as part of the damage assessment process under the Clean Water Act and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). These studies are already funded through the CERCLA process. The study should also address the applicability of its findings to reasonable potential threats to the Bristol Bay fisheries if OCS exploration and production were to occur in the North Aleutian Basin.

2. In order to better assess the risk in the North Aleutian Basin, the Secretary is to determine if:

(i) contingency plans for the North Aleutian Basin are acceptable and based on the best available technology;

(ii) the technology, equipment and personnel will be in place and personnel will be adequately trained to implement the contingency plans; and

(iii) the contingency plans together with the technology, equipment and personnel in place to implement them are capable of containing a maximum volume spill during the exploration phase. A maximum volume spill shall be determined by potential spill volume and without reference to the probability of such a spill occurring.

3. The Secretary is to examine the possible repurchase of leases currently held in the North Aleutian Basin, including alternative options for compensating lease holders in the North Aleutian Basin, assuming the compensation procedures outlined in 43 U.S.C. 1334 and applicable court decisions. These options should include, to the extent practicable, credits in lieu of appropriations, such as credits on Federal royalties on producing OCS leases. Based on the results of the Fish and Wildlife study and the North Aleutian Basin risk assessment study, the Secretary is to recommend whether the repurchase options should be exercised. No such option may be exercised, however, without an Act of Congress addressed to this issue.

In directing the Department to conduct these studies, the managers' action should not be construed as support by the Congress for either continuing or discontinuing the moratorium in the North Aleutian Basin. Nor should it be construed as taking a position on whether the leases should be repurchased.

In other matters, the managers endorse the concept of a more timely audit cycle using in-house and State and tribal auditors. The managers caution the MMS to proceed at a reasonable pace in implementing the contemporaneous audit initiative. Candidates for in-house auditing positions should be carefully screened and interviewed to ensure that a high quality and enduring program is maintained. Hiring through term appointments for the audit program should be minimized and used only to the extent that highly qualified candidates are available for such appointments. Routine attrition in the staffing of permanent positions should permit the MMS to manage an orderly reduction of the additional auditors hired to support the project as the contemporaneous audit objectives are achieved.

Amendment No. 33: Earmarks \$56,060,000 for royalty management instead of \$52,601,000 as proposed by the House and \$56,796,000 as proposed by the Senate.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter proposed by said amendment, insert: *: Provided further, That of the above enacted amounts, up to one-half of the increase over the fiscal year 1989 funding provided for mineral royalty audits may be used to compensate States and Indian tribes for audit activities under the provisions of sections 202 and 205 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1732, 1735): Provided further, That for fiscal year*

1990 and each fiscal year thereafter, notwithstanding the provisions of section 201 of the Federal Oil and Gas Royalty Management Act of 1982, sections 202 through 206 of that Act shall apply to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1337), which, for purposes of those provisions and for no other purposes, shall be regarded as within the coastal State or States entitled to receive revenues from it under section 8(g)

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

The amendment modifies language proposed by the Senate regarding audit funding for States and Indian tribes to clarify that up to one-half of the increase in audit program funds may be used for State and tribal audit programs, in addition to the funds already in the base for these programs. Further, the managers have included language authorizing the Secretary to enter into cooperative agreements for the conduct of 8(g) audits.

Amendment No. 35: Restores language proposed by the House and stricken by the Senate providing for refunds of Indian allottee royalty overpayments and earmarks \$64,000 for these refunds instead of \$105,231 as proposed by the House and nothing as proposed by the Senate.

Amendment No. 36: Deletes language proposed by the House providing for deduction of the administrative costs of the mineral leasing program prior to division and distribution of the receipts between the States and the Treasury.

BUREAU OF MINES

MINES AND MINERALS

Amendment No. 37: Appropriates \$174,759,000 for mines and minerals instead of \$161,876,000 as proposed by the House and \$175,000,000 as proposed by the Senate.

The net increase above the House level includes increases of \$1,200,000 in information and analysis for second year funding of a four-year mineral land assessment study program on roadless lands in Idaho; \$500,000 in health, safety and mining technology for development and field testing of control and guidance technology for high wall mining systems including the Edna mining system, \$5,000,000 to continue the 25 percent cost-shared Casa Grande in-situ copper leaching field test, \$500,000 for in-house laboratory support for the Casa Grande project, \$500,000 for rockbursts, and \$250,000 for self-contained self-rescuers; \$1,000,000 in minerals and materials science to continue strategic and critical minerals research at the Idaho National Engineering Laboratory; \$300,000 in environmental technology for third-year funding of a five-year demonstration program on soil revegetation conducted with the Soil Conservation Service in Arkansas and \$1,500,000 for research on water contamination associated with mining of which \$500,000 is earmarked for the University of Idaho; and \$4,425,000 in mineral institutes for allotment grants to the 32 institutes and \$108,000 for program administration.

The increases are partially offset by reductions of \$1,000,000 in health, safety and mining technology for mine entry studies; and

\$1,400,000 in environmental technology for biotechnology in waste management research.

The managers understand that the cost-shared Oregon metals initiative is expected to amount to a total project cost of \$5,000,000 over three years.

The managers agree that \$150,000 of the funds provided for subsidence research should be used for a characterization study at an abandoned iron ore mine site in Mine Hill, New Jersey, with the understanding that local, county or State funds will be identified to match the Federal share and that the total cost of the project will not exceed \$300,000. Further, the managers agree that the \$1,200,000 for the Marine Minerals Technology Center shall be allocated in the manner described in P.L. 100-202 (101 Stat. 1329-226).

Amendment No. 38: Earmarks \$105,035,000 to remain available until expended instead of \$97,885,000 as proposed by the House and \$105,935,000 as proposed by the Senate.

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

In lieu of the matter proposed by said amendment, insert: : Provided further, That the Secretary is authorized to convey in fee the decommissioned Keyes Helium Plant in Keyes, Oklahoma, to the Cimarron Industrial Park Authority, a public trust of the State of Oklahoma, on or before September 30, 1990, on terms mutually agreed on between the Secretary and the Authority: Provided further, That prior to conveyance, the Secretary shall complete the current effort to repair asbestos insulation on piping and equipment, including cleanup and disposal of asbestos containing debris: Provided further, That, as a condition of conveyance, the Cimarron Industrial Park Authority shall accept full responsibility for any remedial actions with respect to hazardous substances remaining at the plant after the date of conveyance

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

The amendment modifies language proposed by the Senate regarding conveyance of the Keyes Helium Plant to state that the plant has been decommissioned and to specify that the Secretary's responsibility with respect to asbestos cleanup is limited to completion of the current repair and cleanup project.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The managers agree that, in addition to standardized data reporting, annual State evaluations and reports should identify specific accomplishments and areas in need of improvement and that the State oversight prototype project should be limited to no more than four States. The Committees are to be kept apprised of the status of the prototype project on a quarterly basis.

ABANDONED MINE RECLAMATION FUND

Amendment No. 40: Appropriates \$192,772,000 for the Abandoned Mine Reclamation Fund as proposed by the House instead of \$192,112,000 as proposed by the Senate.

The managers agree that the Office of Surface Mining Reclamation and Enforcement (OSM) should work with the States to help them identify approaches to improving their grant obligation rates and report to the Committees, no later than two weeks prior to the first of the OSM's fiscal year 1991 budget hearings before the Committees, on the results of OSM's consultations with the States.

The managers ask that the OSM identify the remaining available funds for acquisition and relocation activities under Public Law 98-181 (97 Stat. 1294) and report to the Committees on the amount of those funds which are considered in excess of the requirements for which they were appropriated. Further, the OSM is to report to the Committees on the advisability of funding a joint demonstration program which would provide surplus heavy equipment for land reclamation in the Pennsylvania counties of Luzerne, Columbia, Montour, Northumberland, Carbon, Monroe and Sullivan. The report should include a detailed description of what the demonstration program would entail and information on the total estimated cost for the project by fiscal year. The managers neither endorse nor oppose this project. The Committees will review the merits of the project after receipt of the OSM report.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 41: Appropriates \$1,035,534,000 for operation of Indian programs instead of \$1,065,574,000 as proposed by the House and \$965,126,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of increases of \$356,000 for school operations, including \$256,000 for the Writers Workbench demonstration project, ND and \$100,000 for a pilot project for the Mississippi Band of Choctaw Indians; \$1,525,000 for continuing education; \$500,000 for employment development for the Crownpoint Institute of Technology; \$900,000 for real estate and financial trust services; and \$250,000 for general administration; and decreases of \$500,000 for tribal government services, for new tribes funding; \$6,993,000 for Indian services—tribe/agency operations; \$75,000 for economic development; \$520,000 for natural resources, wildlife and parks; \$1,783,000 for natural resources—tribe/agency operations; \$700,000 for Indian rights protection; and \$23,000,000 for tribal contract conversion.

The managers encourage the bureau to work with the Hopi tribe to identify resources within the funds provided through the education formula to address the curriculum development needs of the tribe. The managers remain concerned about lack of adequate funding for schools such as the Hopi school to meet BIA education standards, and direct that the report on the lack of progress in meeting education standards requested in the House report be submitted to the Committees by no later than November 1, 1989. The managers have included funding, as proposed by the House, to re-

store the fiscal year 1989 funding level for substance and alcohol abuse counselors. The managers intend that the Bureau continue to try to hire certified substance abuse counselors wherever possible, or use the funds provided to secure additional substance abuse training for existing counselors or new hires.

For continuing education, the increase over the House consists of decreases of \$200,000 for Haskell Indian Junior College, \$100,000 for the Southwestern Indian Polytechnical Institute, and increases of \$1,375,000 for Title I tribally controlled community colleges, and \$450,000 for Title II, the Navajo Community College. The managers encourage the tribal colleges to continue their efforts to reduce costs and secure other sources of funds.

Within the total funding provided for new tribes, the managers intend that \$500,000 be made available to the Coquille Tribe and \$500,000 be made available to the Lac Vieux Desert Tribe.

With regard to the \$500,000 provided for the Crownpoint Institute, the managers agree this is the last time funding will be provided unless authorizing legislation is enacted.

Under Indian services—tribe/agency operations, the managers have provided increases over the House of \$50,000 for Penobscot community fire protection, and \$380,000 for the Navajo Nation government reform task force to be matched equally by the tribe; and decreases of \$323,000 for tribal courts, \$2,000,000 for social services, associated with the child abuse initiative, \$2,100,000 for law enforcement, and \$3,000,000 for self-determination grants. Of the funds recommended for tribal courts, the managers recommend the following changes from the House level: decreases of \$200,000 for Cheyenne River Sioux, \$150,000 for the Northwest Intertribal Court System, \$23,000 for the Lower Elwha Tribe, and \$50,000 for the Standing Rock Sioux; and increases of \$50,000 for Pasqua Yaqui and \$50,000 for St. Regis Mohawk. Within the increase of \$200,000 over the budget for the Northwest Intertribal Court System, the managers intend for the Lower Elwha Tribe to be included in the system. Of the funding recommended for law enforcement, the following changes to the House recommendation are provided: decreases of \$1,500,000 for juvenile detention centers staffing, \$50,000 for Lower Elwha, \$50,000 for Penobscot, \$100,000 for Lummi, \$100,000 for Cheyenne River Sioux, \$50,000 for Ramah Navajo, \$50,000 for Uintah and Ouray, \$50,000 for Rosebud Sioux, \$100,000 for Miccosukee, \$50,000 for St. Regis Mohawk, and \$100,000 for Standing Rock Sioux; and an increase of \$100,000 is recommended for the San Carlos Apache.

With respect to contract support funds provided to the Bureau of Indian Affairs, the managers direct the Bureau and the Inspector General to take steps to notify tribes that indirect cost rates may be negotiated to include the administrative costs of operation of tribal departments of education. Because of the specific situation of the Mississippi Band of Choctaw Indians, the managers have included \$100,000 for a one-year pilot project for establishment of a reservation-wide education system. The Committees will review the results of this project before providing any additional funds for tribal departments of education. In addition, beginning with the fiscal year 1991 budget request, the Bureau shall identify separately the funds necessary to fund fully the administrative cost grants

to schools operated by tribes and tribal organizations pursuant to P.L. 93-638 contracts and P.L. 100-297 tribally controlled school grants. The managers wish to reiterate that indirect costs related to construction are to be funded only from the "Construction" appropriation account.

The managers remain concerned about cost estimates associated with the new requirement of providing general assistance in the States of Washington and Oregon, and the Bureau's estimate that only 2.2 percent of eligible persons in Washington State will participate in the general assistance program. The Committees have provided \$1,200,000 for this purpose, but should this amount not prove sufficient to meet the requirements of these States, the Bureau should notify the Committee promptly of the additional funds necessary. The Bureau should also report by no later than March 1, 1990 on the number of persons, by tribe, participating in the general assistance program in Washington and Oregon, and on the total estimated cost in fiscal year 1990 of the program in the two States.

The decrease from the House level in economic development consists of a decrease of \$125,000 for the grant to Michigan tribes, and offsetting increases of \$20,000 for the Indian Arts and Crafts Board to allow the Blackfeet tribe to contract for museum operations, and \$30,000 for the proposed Kootenai tribe land transfer.

Within natural resources, the managers intend that \$50,000 of the funds provided for forest products marketing assistance be used to update the Intertribal Timber Council's study on forest products marketing and business development. Under water management and development, the managers are aware of the requests of the Fort Belknap, Navajo, Nez Perce, Standing Rock Sioux, Rosebud Sioux and Yakima tribes for water management funds, and expect that these requests will be reviewed and funded to the maximum extent possible within the funds provided, including funds to continue the Navajo water monitoring program funded in prior years.

For natural resources, wildlife and parks, the decreases from the House level consist of \$70,000 for the U.S./Canada Pacific Salmon treaty, \$100,000 for Columbia River tribes planning, \$100,000 for unresolved hunting and fishing rights, \$50,000 for the Quinault tribe for fisheries habitat restoration on the Queets River, \$50,000 for Suquamish fisheries management, \$50,000 for Stillaquamish fisheries management, and \$100,000 for the Native American Fish and Wildlife Society. The funding agreed to by the Committees for the Upper Columbia United Tribes should be used only in direct support of tribal needs.

The decrease for natural resources—tribe/agency operations consists of decreases of \$633,000 for forestry and \$1,150,000 for wildlife and parks. Within forestry, the reduction from the House level includes decreases of \$133,000 for new lands associated with the Grand Ronde, \$200,000 for the San Carlos Apache, and \$300,000 for the White Mountain Apache.

The managers recommend no change to the total funding provided by the House for natural resources—tribe/agency operations for water resources. Within that total, however, the managers recommend a decrease from the House level of \$150,000 for the Umatilla tribe, which will be funded within the water management line-

item, and an increase of \$150,000 for ongoing efforts in North Dakota to resolve water disputes, including the development of a water management plan.

The reduction from the House level for natural resources—tribe/agency operations includes the following decreases for wildlife and parks: \$100,000 for the Cheyenne River Sioux, \$50,000 for the Sault Ste. Marie, \$200,000 for Yakima wildlife and fish, \$150,000 for the Oglala Sioux, \$50,000 for Umatilla fisheries, \$50,000 for the St. Regis Mohawk, \$300,000 for the Tulalip fisheries, \$100,000 for the Karuk, \$50,000 for the White Earth tribe, and \$100,000 for the Nez Perce tribe.

Within trust responsibilities, the managers recommend a decrease of \$200,000 to the House level for remedial investigations of environmental quality, and \$500,000 for attorneys' fees. With respect to the *U.S. v. Oregon* litigation, the managers have concurred in the House funding of \$300,000 for the Shoshone-Bannock tribe to address imbalances in funding provided for the various tribes participating in the litigation. It is the managers' intent that future funding related to this litigation be made available equitably to all the parties involved. Within water rights and negotiation, the Bureau is to provide \$100,000 for contract studies for the Navajo and Hopi tribes and \$1,300,000 for the Little Colorado River adjudication for claim preparation costs. No funds are earmarked for the Western Shoshone Nation.

For real estate and financial trust services, the managers have included increases above the House level of \$400,000 for cadastral surveys related to the Arkansas Riverbed, and \$500,000 for the trust fund accounting contract. The managers are aware of the tribes' concerns about unauthorized third party occupation of the riverbed lands which prevents the tribes from benefitting fully from the use and development of those lands. Therefore, the managers direct the Bureau of Land Management to expedite completion of the full 96 miles of needed riverbed surveying and to recommend a funding level for fiscal year 1991 necessary to continue this expedited pace of surveying. The managers direct that the Bureau take steps to address the concerns raised over account reconciliation of trust funds. The Bureau should take all possible steps to reconcile accounts to the maximum extent possible, and an independent party should review the Bureau's reconciliation efforts and certify that no further reconciliation can be achieved before such accounts are transferred under the contract. The managers are also aware of concerns raised by another Committee of Congress with respect to the technical sufficiency of the contract and the operation of the software. It is the managers' expectation that the Bureau will address these concerns and will keep the Committees fully informed as to the steps taken to address these concerns.

For facilities management, the managers have concurred in the funding level proposed by the House. The funding provided for the facilities operation and maintenance program is to be distributed using the new allocation formula. With respect to the schools which serve the Eight Northern Pueblos, the managers understand their high priority needs will be addressed through the facilities improvement and repair and minor improvement and repair programs of the "Construction" appropriation account.

Within available funds provided to Alaska, \$300,000 shall be provided to establish a joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

The managers are concerned about steps being considered which would effect the transfer of facility management functions under provisions in the Indian Education Act Amendments of 1988, prior to consultation with and agreement by the Appropriations Committees. In light of the reprogramming guidelines with respect to reorganizations and concerns raised over changes without consultation, the managers reiterate that no reorganization or transfer changes should be undertaken without approval by the Appropriations Committees. Prior to implementation of Section 5112(b)(1)(B) of the Indian Education Act Amendments of 1988 (P.L. 100-297), the Department is to submit a reprogramming proposal specifically identifying those facility management positions to be affected, addressing funding implications for continuing to carry out non-education facility requirements, and specifying the schedule for implementation.

Under general administration, the managers have recommended increases above the House level of \$100,000 for departmental billings, \$100,000 for position staffing in the automated data processing program, and \$250,000 for a study of the costs associated with the recently enacted liability insurance provision. For departmental billings, the Department should include justification of such increases in the future in both the Bureau of Indian Affairs and Office of the Secretary budget justification documents. With regard to the liability insurance issue, as a temporary measure, the managers have included language in Title III of the Act extending coverage under the Federal Tort Claims Act to tribal contractors of both the Bureau and the Indian Health Service. In the interim, the managers expect the Bureau to work with the Indian Health Service and the Double Eagle, Inc. risk management group to address the cost implications of various options for extending liability coverage to tribal contractors. The managers expect these groups to work together, and to provide a joint report to the Committee by February 1, 1990 identifying the costs and benefits of various liability coverage alternatives.

On the matter of a field station at Neah Bay, Washington, the managers understand that the existing office has been established through funds available to the Portland Area, Olympic Agency. These funds should be transferred to the new agency office at Neah Bay for operation. The managers expect the Bureau to prepare a report on the staffing patterns at the various offices in the Portland area, including the identification of any shortfalls. The managers expect continued operation of the Klamath field office in fiscal year 1990 at current staffing levels.

The managers remain concerned about funding for the Penobscot and Passamaquoddy tribes of Maine. The managers expect the Bureau to conduct a comparison and analysis of the funding available to the tribes under the jurisdiction of the Eastern area office, along with data regarding the service population, the trust land base, and other relevant factors, and submit it to the Committees by March 1, 1990. This information should allow the Committees to assess the manner in which available resources are being allocated.

Should this report suggest an inequitable allocation of funds within the Eastern area, the managers may in the future request additional analyses regarding the needs of these Maine tribes.

For tribal contract conversion funds, the managers have provided \$54,000,000 in budget authority. It is the intent of the managers that these funds not be expended until the Bureau reports, by March 1, 1990, regarding the logistical and accounting needs of this conversion. Potential future conversion costs should also be analyzed.

Amendment No. 42: provides \$2,180,000 for litigation support as proposed by the House instead of \$1,480,000 as proposed by the Senate.

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

In lieu of the matter stricken by said amendment, insert the following: : *Provided further, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for such tribe or individual have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the tribe or individuals has been provided with an accounting of such funds*

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

As discussed earlier, the managers expect the Bureau to make every effort to complete reconciliation of tribal and individual trust funds to the maximum extent possible, and this effort should be reviewed and certified by an independent party.

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the payment of general assistance funds for dependent children of eligible Job Corps participants in Arizona at the full State AFDC A-2 grant level.

CONSTRUCTION

Amendment No. 45: Appropriates \$134,226,000 instead of \$134,379,000 as proposed by the House and \$119,671,000 as proposed by the Senate.

The net decrease below the House level consists of increases of \$65,000 for the Supai Village microwave transmitter, Truxton agency; \$235,000 for irrigation improvements for the Isleta Pueblo; \$1,500,000 to complete construction of the Standing Rock Sioux irrigation project; \$1,280,000 for the Indian unit of the Fort Yuma irrigation project; and \$1,000,000 for the Wind River delivery system; and decreases of \$2,749,000 for the San Carlos irrigation project, \$100,000 for the Milk River irrigation project; \$1,000,000 for the housing improvement program; and \$384,000 for the Nambe Falls road.

An amount of \$1,000,000 is provided, which will allow completion of the Pushmataha Road in Oklahoma.

With respect to the funds provided for advance planning and design, the managers understand that these funds will be sufficient to conduct the necessary Planning of New Institutions (PONI) studies for at least the first five detention facilities on the list, including Colville, and to award at least one architectural and engineering design contract.

Funds are not earmarked above the facilities improvement and repair request for the Hannahville, MI school. The Bureau should proceed with the planning for phase II of this project while phase I construction is underway, and should funds become available to begin construction of phase II during fiscal year 1990, approval to reprogram funds for this purpose should be requested.

The managers expect the Bureau of Indian Affairs and the Office of Construction Management to work with the Indian Health Service to prepare a joint report, due March 1, 1990, regarding efforts to include detoxification facilities in detention centers.

The reduction of \$1,000,000 to the housing improvement program was made only on the basis that separate contract support funds will be provided in the construction account, beginning in fiscal year 1990. There should be no impact on program level or accomplishments.

Amendment No. 46: Deletes language proposed by the Senate allowing the transfer of funds made available for the Safety of Dams program to the Bureau of Reclamation.

The managers are concerned about the safety of dams program as presently configured under the Bureau of Indian Affairs. The managers will expect a full report from the Bureau, to be submitted by December 1, 1989 on plans to restructure the dam safety program. The managers are particularly concerned about the issues and deficiencies identified in the recent audit conducted by the Inspector General. The report should address the issue of costs and personnel necessary to bring the dams into compliance with safety requirements. If transfer of the safety of dams program to the Bureau of Reclamation is considered as an option, the report should include the steps that would be taken to ensure that tribal concerns and input are adequately addressed, and the impact on P.L. 93-638 contracting. The program should not be transferred until the Committees and tribes have had an opportunity to review the report.

MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that funds appropriated for payment under the Aleutian and Pribilof Island Restitution Act (P.L. 100-383) are not subject to the subsurface estate revenue sharing provisions of ANCSA.

NAVAJO REHABILITATION TRUST FUND

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede

and concur in the amendment of the Senate which adds a new appropriation account to fund the Navajo Rehabilitation Trust Fund, provides \$800,000 as proposed by the Senate instead of nothing as proposed by the House, and includes language providing for the funds to remain available until expended.

MISCELLANEOUS TRUST FUNDS

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which establishes a new account, "Miscellaneous Trust Funds", and includes language providing that the Secretary shall retain excess interest earned on trust funds between January 1, 1987 and February 28, 1989, to compensate the trust funds for interest that would have been earned between June 30, 1985 and December 31, 1986, if all available trust funds had been invested.

ADMINISTRATIVE PROVISIONS

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: : Provided, That the property known as "Madrona Point" located on Orcas Island, Washington, shall be acquired in trust by the United States from the Lummi Indian Tribe under the conditions that it shall be preserved in its natural condition and shall not be developed for any commercial or residential purpose, except for a caretaker dwelling, a visitor or cultural center, or the interment of human remains: Provided further, That now and hereafter, the tribe, by contract, may impose additional restrictions: Provided further, That after acquisition by the United States, the property shall permanently be subject to the civil, regulatory (not including tax) and criminal jurisdiction of the State of Washington and its political subdivisions, concurrently with the Lummi Indian Tribe: Provided further, That except as provided herein, such grant of jurisdiction to the State shall have the same limitations as set forth in 18 U.S.C. 1162(b)

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment deletes Senate proposed language certifying a Native corporation as a Native Group under the Alaska Native Claims Settlement Act, and includes conditions for the acquisition for the Lummi Tribe of tribal burial grounds at Madrona Point in the State of Washington, for which the amount of \$2,200,000 is included in the construction account of the Bureau of Indian Affairs.

These funds shall be expended only on the condition that a final agreement is reached between San Juan County, WA, and the Lummi Indian Tribe pursuant to the memorandum of understanding reached between these parties on July 10, 1989.

The Madrona Point property on Orcas is currently planned and permitted for development. In order to preserve this property, the

Department of the Interior shall pursue the acquisition of this property as rapidly as possible.

Amendment No. 51: Deletes language proposed by the Senate deeming tribes or tribal organizations to be employees of the Department of the Interior while carrying out contracts, grant agreements, or cooperative agreements.

Amendment No. 52: Deletes language proposed by the Senate that would have afforded the protection and coverage of the Federal Tort Claims Act to tribal contractors performing functions pursuant to the Indian Self-Determination and Education Assistance Act of 1975, as amended.

Amendment No. 53: Deletes language proposed by the Senate requiring the Secretary of the Interior to request appropriations sufficient to reimburse the Treasury for claims paid pursuant to the extension of the Federal Tort Claims Act to tribes, tribal organizations, or tribal employees. This amendment is addressed in Amendment No. 164.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Amendment No. 54: Appropriates \$76,489,000 for administration of territories instead of \$76,789,000 as proposed by the House and \$76,204,000 as proposed by the Senate. The decrease to the amount proposed by the House consists of increases of \$1,725,000 for grants to American Samoa, including \$1,000,000 for tank farm improvements and \$725,000 for community centers and gymnasiums, \$250,000 for technical assistance, \$225,000 for the grant to the Close Up Foundation, and \$500,000 for the maintenance assistance fund; and decreases of \$2,000,000 for Guam hospital improvements and \$1,000,000 for Virgin Islands prison barracks construction.

None of the amounts included for drug abuse grants are to be released until a plan for the use of such funds has been prepared and submitted by each of the Governments. The plans should address funding needs in order of priority and should be reviewed by the National Drug Policy Board.

The funds provided for tank farm repairs should not be released until a commitment for a matching amount at least equal to the Federal contribution has been identified from other, non-Federal sources. The managers expect the American Samoa Government to raise the terminal user fee to 2 cents per gallon, with the additional revenues to be used to establish a tank farm maintenance fund to assure that future maintenance needs are addressed. The managers direct the Department of the Interior to work with the Department of Defense to identify additional funding for repair of the tank farm facility, commensurate with DOD's use of the tank farm.

The managers expect the Virgin Islands Government to propose a reprogramming of unobligated available funds, if additional funds are needed to meet the balance of prison construction needs.

The managers have agreed to provide funding for the brown tree snake as a separate line item within the territorial administration program.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede

and concur in the amendment of the Senate with an amendment providing \$73,543,000 for technical assistance, maintenance assistance and grants to territorial governments instead of \$72,843,000 as proposed by the House and \$73,258,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase over the amount proposed by the House consists of the increases and decreases listed in Amendment No. 54, plus an increase of \$1,000,000 for the brown tree snake in Guam.

Amendment No. 56: Provides \$2,946,000 for salaries and expenses as proposed by the Senate instead of \$3,946,000 as proposed by the House.

Amendment No. 57: Provides \$935,000 for a grant to the Close Up Foundation instead of \$710,000 as proposed by the House and \$1,025,000 as proposed by the Senate.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the maintenance assistance program to be made available to all the territorial, Trust Territory and Freely Associated Governments, with participation and cost-sharing to be determined by the Secretary.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Amendment No. 59: Appropriates \$33,339,000 for the Trust Territory of the Pacific Islands instead of \$34,102,000 as proposed by the House and \$32,164,000 as proposed by the Senate. The decrease below the amount proposed by the House consists of increases of \$200,000 for Trust Territory administration and \$250,000 for the public auditor and special prosecutor for Palau; and decreases of \$100,000 for medical supplies for Palau, \$1,000,000 for the Palau hospital, and \$113,000 for CIP deficiencies.

With regard to the funds for CIP deficiencies, the managers agree that these funds shall be allocated according to the table in the Senate report (Report 101-85), with the addition of \$75,000 for the Majuro hospital project. The managers intend that these funds to correct deficiencies are not to be made available until the receiving government has initiated participation in the maintenance assistance program established under the Administration of Territories appropriation account.

COMPACT OF FREE ASSOCIATION

Amendment No. 60: Appropriates \$23,260,000 for the Compact of Free Association instead of \$24,760,000 as proposed by the House and \$22,260,000 as proposed by the Senate. The increase over the amount proposed by the Senate is \$1,000,000 for the Ebeye dock. The remaining funds for the dock should be identified from other sources.

With regard to the Enewetak support program, the managers expect that the local government will assume full management responsibility for the program in 1991. In order for this to happen, the managers assume that the Departments of the Interior and

Energy and their contractors will cooperate fully with the Enewetak local government and Marshall Islands government in providing whatever assistance, training or information is needed.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$51,045,000 for the Office of the Secretary instead of \$51,295,000 as proposed by the House and \$51,716,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net decrease to the amount provided by the House includes an increase of \$50,000 for the Assistant Secretary for Fish and Wildlife and Parks and decreases of \$200,000 for environmental project review and \$100,000 for the Office of Hearings and Appeals.

The \$300,000 increase over the budget request for environmental project review is to help meet Departmental responsibilities with other agencies in the area of oil spills and other hazardous waste problems.

The managers have no objection to adjustments in the Office of the Secretary for the Federal Financial System for funds budgeted in the Office of the Solicitor, the Office of Inspector General and Construction Management.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following: : *Provided, That Alaskan oil spill damage assessment shall continue at least through September 30, 1990.*

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

The amendment assures that the Department of the Interior will continue assessment of damage from the *Exxon Valdez* oil spill through September 30, 1990 and deletes House language which would have prohibited establishment of a separate office for the Secretary of the Interior outside Washington, D.C., based on the Secretary's assurance that such an office will not be established.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment insert: *\$750,000*

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

The amendment provides \$750,000 for the National Indian Gaming Commission instead of nothing as proposed by the House and \$1,000,000 as proposed by the Senate. The managers agree that there are no restrictions on the immediate availability of the funds.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 64: Restores House language stricken by the Senate providing that the name of Mount McKinley shall not be changed, amended to make the provision applicable only to fiscal year 1990.

Amendment Nos. 65-69: Restore House proposed section numbers changed by the Senate.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *publishing draft environmental impact statements until five months after the President's Outer Continental Shelf Task Force releases its report to the President on Lease Sales 91, 95 and 116 or for the conduct in fiscal year 1990 of*

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

The amendment allows for a period of public review of the President's OCS Task Force report recommendations, which are scheduled to be released on January 1, 1990, before proceeding with the publication of draft environmental impact statements for California OCS Lease Sales 91, 95 and 119.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *final environmental impact statements,*

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

The amendment restores final environmental impact statements to the list of leasing steps precluded from being conducted in fiscal year 1990 for OCS Lease Sales 91, 95 and 119.

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *prelease geological or geophysical activity which involves explosives or the introduction of drilling muds for prelease*

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

The managers have allowed prelease seismic studies which do not involve explosives and limited types of geological activities such as grab samples and shallow coring using pneumatic drives or pistons. The managers expect the MMS to consult with and carefully consider the recommendations of all concerned parties prior to

granting permits for high energy seismic surveys. The managers do not intend for the restrictions set forth in this section to apply to areas covered by existing leases.

Amendment No. 73: Restores House proposed section number changed by the Senate.

Amendment No. 74: Deletes language proposed by the House on offshore Mid-Atlantic oil and gas prelease restrictions.

Amendment No. 75: Deletes language proposed by the House restricting calls for information, tract selection, and environmental impact statements for offshore Mid-Atlantic oil and gas lease sales in a specified area.

The managers agree that the MMS should consider the areas under moratoria in the Mid-Atlantic as a separate deferral option in the environmental impact statement for OCS Lease Sale 121.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *prelease geological or geophysical activity which involves explosives or the introduction of drilling muds for prelease*

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

The managers have allowed prelease seismic studies which do not involve explosives and limited types of geological activities such as grab samples and shallow coring using pneumatic drives or pistons. The managers expect the MMS to consult with and carefully consider the recommendations of all concerned parties prior to granting permits for high energy seismic surveys.

Amendment No. 77: Restores House proposed section number changed by the Senate.

Amendment No. 78: Deletes language proposed by the House requiring that any new construction of OCS vessels, rigs, platforms or other structures be built from articles, materials or supplies at least 50 percent of which by cost shall have been produced or manufactured in the United States and that fabrication occur in the United States unless a waiver is granted by the Secretary of the Interior. The managers recognize that the design and manufacture of equipment used in the exploration and production of America's offshore oil resources is an important strategic American industry and the managers will continue to closely monitor developments in this area to assure that the industry remains a viable one. As such, the managers again urge the oil and gas industry, in every possible instance, to contract with U.S. manufacturers and fabricators for oil drilling and production equipment. Absent progress in this area there may be a need to include language such as the "Buy-Build America" provision.

The managers understand there are plans underway to construct a deep water platform in the Gulf of Mexico. The managers intend to closely monitor this project and expect the industry to utilize American contents and fabrication to the maximum extent possible.

Amendment No. 79: the amendment changes the section number proposed to "115".

Amendment No. 80: Restores House language referencing a prior agency designation by the Secretary of the Interior with respect to relocation to Avondale, Maryland.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *pursuant to section 17 of Public Law 100-440 (102 Stat. 1743), the Secretary shall designate, within 60 days of enactment of this Act, which Department of the Interior agency component or*

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

The managers agree that the Secretary should revisit the question of which Interior agency or organizational component is most suitable for relocation to the Avondale, Maryland site formerly occupied by the Bureau of Mines as a research laboratory. The organization designated by the Secretary is to consist of no fewer than 400 people including Federal and on-site contract staff.

While public transportation is available in close proximity to the Avondale site, there is not a subway stop planned within easy walking distance of the facility. For this reason, and because the site is not readily convenient to the main Interior headquarters building, the managers are concerned about the impact the move to Avondale may have on employees within the designated organization. The managers expect the Department to make every effort to minimize adverse impacts on the employees who will be relocated to Avondale. At a minimum this should include employee counseling on the move and, to the extent practicable, assistance in placing in comparable positions elsewhere in the Department those employees who choose not to relocate. Further, the managers expect all of the designated organization to be resident at Avondale. Top management of the designated organization should not be housed at a location separate from the Avondale facility. In addition, the Secretary, in designating an organization for relocation, should consider the extent to which needed support personnel should be collocated with that organization at Avondale.

Amendment No. 82: Deletes House proposed limitation on the expenditure of funds for consolidation of the Office of Surface Mining Reclamation and Enforcement in Avondale, Maryland as proposed by the Senate.

Amendment No. 83: The amendment changes the section number to "116". Section 116 does not prohibit the Fish and Wildlife Service from entering into a cooperative agreement with a nonprofit conservation organization for the maintenance and management of existing facilities on Matagorda Island, Texas, provided that the primary use of such facilities would involve wildlife oriented educational activities.

Amendment No. 84: The amendment changes the section number to "117".

Amendment No. 85: The amendment changes the section number to "116".

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

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

SEC. 118. Notwithstanding any other provision of law, the term "Class II gaming" in Public Law 100-497, for any Indian tribe located in the State of Minnesota, includes, during the period commencing on the date of enactment of this Act and continuing for 365 days from that date, any gaming described in section 4(7)(B)(ii) of Public Law 100-497 that was legally operated on Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated, requested the State of Minnesota, no later than 30 days after the date of enactment of Public Law 100-497, to negotiate a Tribal-State compact pursuant to section 11(d)(3) of Public Law 100-497.

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

The amendment will allow one additional year for tribes in Minnesota to enter into a compact with the State of Minnesota to operate Class II games under the Indian Gaming Regulatory Act of 1988.

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

SEC. 119. This section shall be effective only on October 1, 1989.

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

The managers agree to restrict the applicability of this provision to one day.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

SEC. 120. Section 13 of Public Law 93-531, as amended (25 U.S.C. 460d-12), is hereby amended by inserting the word "and" after the semicolon at the end of subparagraph (b)(2), by striking out the semicolon and the word "and" after the word "subsection" at the end of subparagraph (b)(3) and inserting a period in lieu thereof, and by striking out all of subparagraph (b)(4): Provided, That section 32 of Public Law 93-531, as amended (25 U.S.C. 640d-30), is hereby amended by inserting after subsection (d) the following new subsection:

"(e) by December 1, 1989, the Secretary of the Interior, with the advice of the Navajo Tribe and the Office of Navajo and Hopi Indian Relocation, shall submit to the Congress a conceptual framework for the expenditure of the funds authorized for the Navajo Rehabilitation Trust Fund. Such framework is to be consistent with

the purposes described in subsection (d) of this section.”: Provided further, That section 32 of Public Law 93-531, as amended (25 U.S.C. 640d-30), is further amended by redesignating subsection (e) as subsection (f), and by redesignating subsection (f) as subsection (g).

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

This language clarifies the responsibilities of the Secretary of the Interior with respect to the Navajo Rehabilitation Trust Fund. The managers agree that the Secretary should prepare a report to the Congress, by December 1, 1989, which provides a framework for the use of the Navajo Rehabilitation Trust Fund. The report should provide a long-term conceptual plan which addresses the problems resulting from relocation and the purposes of the trust fund with respect to addressing those problems. The report is to be coordinated with the Navajo Nation and with the Office of Navajo and Hopi Indian Relocation. Further the managers expect the Navajo Tribe to provide the Committees, by February 1, 1990, with a report on how funds appropriated in fiscal year 1990 for the trust fund will be expended, consistent with the framework reported by the Secretary. The managers agree that, prior to submission to the Committees, the report shall be submitted concurrently for review and comment to the Commissioner of the Office of Navajo and Hopi Indian Relocation and the Secretary of the Interior. Those comments and the response to them by the Navajo Tribe are to be submitted to the Committees along with the report. The Secretary will have final approval authority on all expenditures from the Fund. Because this appropriation eventually is to be repaid from the proceeds of the Paragon Ranch, the managers expect the Committees to be kept apprised of progress in developing the coal resources on the Paragon Ranch. The managers expect to see progress in this area before approving any future appropriations.

Amendment No. 89: Deletes Senate provision requiring a report within 90 days on steps to be taken to further research on an inexpensive means of converting salt water to fresh water. The managers direct the Secretary to provide such a report to the Appropriations Committees and the authorizing committees with jurisdiction over water research within 90 days of enactment of the accompanying bill.

Amendment No. 90: Deletes Senate provision regarding restrictions on the procurement of advisory or assistance services by the Department of the Interior.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 91: Appropriates \$147,182,000 for forest research instead of \$149,435,000 as proposed by the House and \$142,392,000 as proposed by the Senate. The net decrease from the amount proposed by the House consists of the following increases: for forest

protection research, \$300,000 for dogwood anthracnose; for resource analysis research, \$70,000 for hardwood materials research at Princetown, WV; for timber management research, \$58,000 for growth and yield research, and \$122,000 for silviculture and genetics research at Moscow, ID, \$182,000 for habitat classification research at Boise, ID, \$150,000 for timber management alternatives at Monticello, AR, and \$50,000 for Northeast spruce fir research at Orono, ME; for forest environment research, \$106,000 for sedimentation research at Boise, ID, \$53,000 for streamside systems research at Seattle, WA, \$250,000 for forest/atmosphere monitoring in Vermont (to be incorporated into the global climate change research program), \$112,000 for watershed management research at Parsons, WV, and \$146,000 for hydrologic evaluation at Oxford, MS; for forest products research, \$438,000 for timber bridge research, including \$288,000 at Madison, WI and \$150,000 for cooperative agreements with West Virginia University, and \$85,000 for hardwoods utilization research at Princeton, WV; and the following decreases: for forest protection research, \$50,000 for tree stress research at Hamden, CT, \$106,000 for fusiform rust research at Athens, GA, \$159,000 for gypsy moth research at Corvallis, OR, \$106,000 for wood decay research at Madison WI, \$200,000 for fire suppression research at Missoula, MT, \$360,000 for global climate change research, and \$100,000 for tropical forestry research; for resource analysis research, \$180,000 for fire economics research at Riverside, CA, \$85,000 for recreation research at Burlington, VT, and \$50,000 for tropical forestry research; for timber management research, \$106,000 for pine research at Pineville, LA, \$104,000 for growth and yield research at St. Paul, MN, \$106,000 for research on nitrogen-fixing plants at Research Triangle Park, NC, \$106,000 for vegetation control research at Macon, GA, \$124,000 for long-term productivity research at Portland, OR, \$132,000 for global climate change research, \$300,000 for tropical forestry research, and \$250,000 for old growth research; for forest environment research, \$112,000 for coldwater fish habitat research at Blacksburg, VA, \$106,000 for climate change at Otto, NC, \$190,000 for global climate change research, \$197,000 for tropical forestry research, and \$840,000 for spotted owl research; and for forest products research, \$106,000 for combustion products research at Madison, WI, \$100,000 for surface metallurgy research at the Oregon Graduate Center and Madison, WI, and \$100,000 for tropical forestry research.

Included within the total funding provided is an increase of \$1,051,000 for old growth research, including \$750,000 to initiate the old growth management research and demonstration project; and an increase of \$1,170,000 for accelerating spotted owl research. The managers request that the Forest Service provide the Committees with a report describing the expected products and timelines for completion of field research and publication of results from the old growth and spotted owl research efforts. The Forest Service should also include estimates of funding necessary to accelerate publication of final reports.

STATE AND PRIVATE FORESTRY

Amendment No. 92: Appropriates \$105,506,000 for State and private forestry instead of \$89,906,000 as proposed by the House and \$111,356,000 as proposed by the Senate. The increase from the amount proposed by the House consists of increases of \$4,400,000 for the Appalachian Integrated Pest Management program, \$1,000,000 for the stewardship program, \$2,500,000 for the economic diversification through rural development initiative, \$1,000,000 for wood utilization, \$2,700,000 for the timber bridge initiative, \$500,000 for economic diversification studies, and \$6,000,000 for a matching grant to the National Arbor Day Foundation for construction of the National Arbor Day Center; and a decrease of \$2,500,000 to the tropical forestry initiative.

The grant to the National Arbor Day Foundation is to be matched equally with non-Federal funds.

The managers note that the language in the Senate report (101-85) regarding the Idaho Centennial Trail does not apply to the Spokane Centennial Trail in Washington. The managers direct the Forest Service to maintain the reimbursement plan (as outlined in the memo dated December 2, 1988 by the Associate Deputy Chief of the Forest Service) currently in operation for the completion of the Spokane trail. The possibility exists that private sources of funding will provide \$800,000 to cover a portion of the construction costs for the Spokane trail. This is part of the total \$6,100,000 in local matching funds to be raised in fiscal year 1990. The managers agree that up to \$800,000 of the Federal grant may be used to cover other related costs incurred to complete the Spokane trail.

The Forest Service should report on the results of the economic diversification studies performed with the funds provided in fiscal year 1989, and plans for the use of the fiscal year 1990 funds, by March 1, 1990.

Included within the tropical forestry initiative funds are \$1,100,000 for technical assistance, \$1,250,000 for training and \$150,000 for support to international organizations. The Forest Service should provide a report on the use of these funds prior to the fiscal year 1991 hearings, including a discussion of additional opportunities that could be addressed in this area, encompassing non-Federal and international cooperators, along with associated costs.

The Forest Service and its urban forestry program are directed to assist the city of Chicago to develop and implement its plan to beautify the city.

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

In lieu of the matter stricken and inserted by said amendment, insert the following: : *Provided further, That notwithstanding any other provision of law, a grant of \$3,600,000 shall be provided to the Washington State Parks and Recreation Commission for completion of the Spokane River Centennial Trail: Provided further, That a grant of \$6,000,000 shall be made to the National Arbor Day Foun-*

ation as a matching grant for the construction of the National Arbor Day Center in Nebraska City, Nebraska.

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

The amendment provides the final year of funding for completion of the Spokane River Centennial Trail, and provides funding for a matching grant to the National Arbor Day Foundation.

NATIONAL FOREST SYSTEM

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$1,149,232,000 for the national forest system instead of \$1,132,426,000 as proposed by the House and \$1,141,013,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount proposed by the House consists of increases of \$225,000 for land line location; \$26,500,000 for road maintenance; \$6,986,000 for timber sales preparation; \$1,000,000 for timber stand improvement; and \$388,000 for wildlife and fish; and decreases of \$79,000 for minerals, related to timber support for region 6; \$498,000 for facilities maintenance; \$8,935,000 for fuels management, which is funded in the new firefighting appropriation account; \$1,000,000 for trail maintenance; \$1,339,000 for timber resource inventory; \$1,839,000 for silvicultural examination; \$2,082,000 for recreation use; \$1,963,000 for range management; and \$558,000 for soil, water, and air management, associated with timber support in region 6.

The managers have concurred in the House proposal to fund all activities related to the Tongass National Forest out of the Tongass Timber Supply Fund (TTSF). The funds provided will allow a timber sales program of 340 million board feet, plus 40 million board feet from excess receipts and the salvage fund, for a total of 380 million board feet for the Tongass National Forest. As such, those non-timber items normally funded from the National Forest System and Construction accounts are funded out of the TTSF. Language has been included, however, permitting the Tongass to benefit from increases provided above the President's Budget in various non-timber program areas, within the National Forest System account, including recreation and fish and wildlife. The following table identifies the funding recommendation for the Tongass:

<i>Item</i>	<i>Amount</i>
Tongass timber supply fund:	
Research.....	\$1,800,000
Timber resource planning and inventory.....	3,801,000
Timber sales preparation.....	2,350,000
Timber sales administration.....	3,994,000
Timber support.....	1,600,000
Timber stand improvement.....	920,000
Facilities construction.....
PCP support.....	6,512,000
Road construction.....	8,081,000
Log transfer site.....	1,725,000
Tongass plan revision.....	897,000

<i>Item</i>	<i>Amount</i>
General administration.....	6,195,000
Subtotal, TTSF.....	<u>37,875,000</u>
National Forest System:	
Minerals management	\$807,000
Real estate management	234,000
Land line location	494,000
Facilities maintenance	370,000
Cooperative law enforcement	25,000
Forest road maintenance	1,030,000
Forest trail maintenance	728,000
Timber sales	69,000
Reforestation and TSI	42,000
Recreation use	3,522,000
Wildlife and fish.....	3,500,000
Soil, water and air	1,855,000
General administration.....	1,321,000
Subtotal, NFS.....	<u>13,997,000</u>
Construction:	
Road construction	80,000
Recreation facilities	89,000
Trail construction	400,000
Subtotal, construction	569,000
Total, Tongass timber supply fund.....	<u>52,441,000</u>
Trust funds.....	2,572,000
Brush disposal	93,000
Timber salvage	640,000
Land acquisition.....	25,000
Subtotal	<u>3,330,000</u>
Total, Tongass National Forest	<u>55,771,000</u>

For the operations of the national forest system, the managers have refrained, with a few limited exceptions, from earmarking specific dollar amounts within the various budget line items. The managers are aware of the demands placed on the many units of the national forest system, and have attempted to provide funding to address these requirements. In particular, the managers are aware of the trail maintenance needs of the Mount Baker/Snoqualmie, Chequamegon, and Monongahela National Forests, the management and study needs of newly designated components of the Oregon Wild and Scenic Rivers system, the recreation, wilderness, and fish and wildlife needs of the Monongahela National Forest, and new recreation areas such as the Winding Stair Mountain National Recreation and Wilderness Area, and the elk habitat winter range requirements on the Apache-Sitgraves National Forest. The managers have also removed the specific earmarks related to the region 6 timber program for this account.

During fiscal year 1989, the Forest Service assumed responsibility for approximately 720,000 acres of land in Nevada, which were transferred from the Bureau of Land Management during the 100th Congress. As such, the managers provide the following earmarks for the Toiyabe National Forest: minerals management, \$175,000; lands administration, \$85,000; forest fire protection, \$254,000 in the new firefighting account; road maintenance, \$10,000; timber management, \$31,000; recreation management,

\$364,000; wildlife and fish management, \$50,000; range management, \$161,000; soil, water and air management, \$8,000; and general administration, \$22,000. Within the increase for range management, there are funds for the new wild horse and burro territories included in this transfer.

The increase for land line location consists of an increase over the House level of \$400,000 to restore the fiscal year 1990 base level and an offsetting decrease of \$175,000 associated with timber support in region 6. Within the funds provided for road maintenance, \$200,000 is earmarked for the Monongahela National Forest, to address safety concerns. The decrease recommended for timber resource inventory consists of a decrease of \$2,339,000 for the earmark for sales preparation in region 6, and an increase of \$1,000,000 for habitat inventory for spotted owls and old growth. The total funding recommended in timber resource inventory for spotted owl is \$4,200,000. This includes \$4,000,000 for old growth inventories and \$200,000 for the old growth management project. The decrease for silvicultural examination consists of a decrease of \$2,339,000 associated with the earmarks for region 6, offset by an increase of \$500,000, which leaves an increase over the fiscal year 1989 level.

The managers have recommended an increase of \$6,986,000 for timber sales preparation. This increase consists of an increase from the House level of \$1,600,000 to restore the reductions assumed for a lower timber program of 11.210 billion board feet (BBF), and a restoration of the \$11,500,000 reduced by the House for below-cost sales. These adjustments result in a total timber sales preparation level of \$119,000,000, which will support a fiscal year 1990 timber program of 11.283 BBF. The managers have agreed to the following distribution of volume by region:

Region:	Volume (million board feet)
1	1,138
2	370
3	400
4	435
5	1,800
6	4,600
8	1,345
9	810
10	385
Total	11,283

The amount included for region 6 is an approximate amount, because the timber sales program in region 6 in fiscal year 1990 will include both 1989 and 1990 sales, under the terms of section 318 of this Act.

Both the House and Senate Committees on Appropriations heard testimony regarding the development and implementation of the Timber Sales Program Information Reporting System (TSPIRS). As a result, each Committee recommended additional areas of evaluation and improvement as TSPIRS is implemented. The managers wish to emphasize and recommend the following areas for review: (1) methods of handling road construction costs; (2) the treatment of litigation and appeals costs; and (3) the utility of creating an additional TSPIRS report relating costs to actual receipts and display-

ing costs associated with multiple-use management. The Forest Service should work with the General Accounting Office in preparing to address these concerns at the fiscal year 1991 budget hearings. The managers also urge the Forest Service to continue to work expeditiously on the development of an all-resource accounting system.

On the issue of below-cost sales, the managers continue to struggle with an assessment of the timber program which fully encompasses all aspects of the program. The Forest Service should continue to keep the Committees apprised of efforts to improve the benefits to costs ratio of the program. The managers request the Forest Service to develop, by March 1, 1990, an analysis of the estimated costs that would be necessary for the non-timber programs to cover the costs of such sales if such sales were done for a particular purpose such as fire presuppression, wildlife habitat or recreation. The Forest Service should include in the report any other strategies or options for dealing with this issue.

With respect to the issue of minimum bids, the Forest Service should report to the Committees prior to the fiscal year 1991 hearings on options for the use of minimum bids. This report should address how and when to use minimum bids, and the potential impacts of such use.

On the matter of timber theft, the managers expect the Forest Service to report on the status of the action items in the timber theft plan prior to the fiscal year 1991 hearing. Before moving from log scaling to tree measurement and changes to the residual appraisal value system and lump sum sales, the Forest Service is to report to the Committees, by February 1, 1990, on the benefits of such policy changes versus estimated costs necessary to accomplish them.

In region 8, to the maximum extent feasible, the Forest Service should maintain the fiscal year 1989 and 1990 timber offer targets included herein while it makes revisions to the red-cockaded woodpecker handbook by moving forward in the pipeline sales outside of colony areas. In any event, the managers intend that the land and resource management plans be followed in the region. Future offer volumes for the region will be addressed in the appropriate fiscal year.

Of the decrease below the House level for recreation use, the managers have recommended decreases of \$1,500,000 for cultural resources management, and \$582,000 associated with timber support in region 6. For wildlife and fish activities, the managers have recommended an increase of \$388,000 above the House level. This consists of decreases of \$2,000,000 for surveys of spotted owls, which leaves a total of \$3,000,000; \$1,000,000 for endangered, threatened and sensitive species; \$612,000 for timber support in region 6; and increases of \$1,000,000 for wildlife and fish support, \$500,000 for inland fish habitat; and \$2,500,000 for anadromous fish habitat. The managers agree that a proportional amount of recreation and wildlife increases may be used for additional challenge cost-share projects. The managers encourage the Forest Service to pursue aggressively and proportionately cost share opportunities in all, rather than selected, program areas. None of the funds provided in inland fish habitat or endangered and threatened species are

earmarked, except for \$1,600,000 for plants. Of the funds provided for anadromous fish habitat, the Forest Service is to continue the level of effort from prior years associated with activities on the Green Mountain and White Mountain National Forests.

Within the funds available for the spotted owl inventory activities, funds should be made available for surveying spotted owls in the Olympic National Park, WA. The Forest Service is requested to seek the cooperation of the National Park Service in carrying out the surveys in the Park.

The decrease of \$1,963,000 recommended from the House level for range management consists of decreases of \$1,800,000 for range vegetation management, \$80,000 for wild horses and burros, and \$83,000 associated with timber support for region 6. The increases allowed for range vegetation management are to be used to carry out the recommendation in the recent GAO reports particularly with regard to improvements in riparian areas and reducing overstocked areas. The managers intend that the Forest Service give full consideration to the noxious weed requirements in Idaho and Montana. Within soil and water, the Forest Service is to continue the water quality monitoring effort of prior years in the Bull Run watershed.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which extends the availability of funds in the National Forest System account until September 30, 1991.

FOREST SERVICE FIREFIGHTING

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

FOREST SERVICE FIREFIGHTING

For necessary expenses for forest fire suppression and presuppression on or adjacent to National Forest System lands or Department of the Interior lands, and for forest fire protection and emergency forest fire rehabilitation of National Forest System lands, \$561,139,000, to remain available until expended: Provided, That such funds are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

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

The amendment appropriates \$561,139,000 for Forest Service firefighting instead of no funds as proposed by the House and \$556,139,000 as proposed by the Senate. The House had proposed \$552,533,000 for Forest Service firefighting in the firefighting account included under the Bureau of Land Management, and \$8,935,000 under the National Forest System account. The increase

over the amount proposed by the Senate is \$5,000,000 for fire protection.

CONSTRUCTION

Amendment 97: Appropriates \$221,960,000 for construction instead of \$222,199,000 as proposed by the House and \$180,094,000 as proposed by the Senate.

The net decrease below the House consists of increases of \$227,000 for administrative facilities construction on the Monongahela National Forest; \$1,000,000 for recreation construction at the Winding Stair Mountain National Recreation and Wilderness Area, OK; \$200,000 for planning of an interpretive center for the Lewis and Clark Trail, MT; \$130,000 for geotechnical investigations and design at the Corney Lake dam, Kisatchie National Forest, LA; \$50,000 to complete a conceptual plan for a branch of the Ketchikan visitor center at Hydaburg, Prince of Wales Island, Tongass National Forest, AK; \$929,000 for recreation construction on the Monongahela National Forest, WV; \$1,500,000 for planning and design of a research laboratory in conjunction with Northern Arizona University, Flagstaff, AZ; \$225,000 for construction of a water line at the Princeton, WV Forestry Sciences Laboratory; and a decrease of \$4,500,000 for unspecified recreation construction.

With respect to recreation construction needs throughout the national forest system, the managers are concerned about the establishment of priorities on a region-by-region, and therefore nationwide basis. Using the current forest plans, the Forest Service should report to the Committees by February 1, 1990 on the process for evaluating nationwide recreation priorities to ensure that funds are distributed equitably among regions and that past funding shortfalls and inequities are addressed. The managers are concerned that not enough evaluation is provided at headquarters to assess the priorities of the different regions before funds are allocated.

Within road construction, the managers expect the Forest Service to report, by December 1, 1989, on the final allocation of the total funding provided among the various elements of the program, as included in the budget explanatory notes.

Of the recreation funds provided, the managers agree to the following earmarks: \$490,000 for the Leith Run Recreation Area, Wayne NF, Ohio; and \$155,000 for recreation facilities on Mount Graham, AZ. In trail construction, the managers agree to provide \$123,000 associated with the facilities on Mount Graham, AZ; \$642,000 for Mount St. Helens; \$400,000 for the Wayne National Forest, OH; \$150,000 for the Tehipite Valley Trail, CA, with the Forest Service to identify sources of State and private funding and voluntary labor for this project; \$300,000 for planning and construction of bike and foot trails in Colorado, for the Routt National Forest and the Arapaho National Forest, which is administered by the White River National Forest; \$361,000 for Winding Stair Mountain NR and WA, OK; and \$406,000 for the Monongahela National Forest, WV.

The managers have no objection to the use of \$108,000 for Lander Office Stage II construction, Shoshone National Forest, WY.

The Forest Service should work with the National Park Service to develop a national policy for the interpretation of America's historic trails.

Amendment No. 98: Appropriates \$38,993,000 for construction of buildings and other facilities instead of \$39,232,000 as proposed by the House and \$21,594,000 as proposed by the Senate. The net decrease below the amount proposed by the House consists of the changes listed in Amendment No. 97.

Amendment No. 99: Earmarks \$182,967,000 for construction of forest roads and trails as proposed by the House instead of \$158,500,000 as proposed by the Senate.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides \$1,500,000 for the Federal share of road reconstruction for improved access to the Monongahela National Forest, WV. These funds will be matched equally by non-Federal funds.

Amendment No. 101: Restores House proposed language stricken by the Senate which provided a ceiling of \$112,000,000 in new authority for construction of forest roads by timber purchasers. Additional carryover authority will be available.

LAND ACQUISITION

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$63,433,000 for land acquisition instead of \$61,988,000 as proposed by the House and \$45,013,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution of funds:

Acquisition management.....	\$6,054,000
Allegheny NF, PA	1,010,000
Appalachian Trail.....	3,000,000
Carson NF, NM.....	375,000
Chequamegon NF, WI.....	157,000
Clear Creek RCA, AL.....	500,000
Columbia River Gorge NSA, OR/WA.....	3,000,000
Daniel Boone NF, KY	1,000,000
DeSoto NF, MS.....	700,000
Flaming Gorge NRA, WY	12,000
Gallatin NF, MT (elk habitat):	
Elk habitat	3,500,000
Cottonwood Canyon	1,000,000
Green Mountain NF, VT.....	1,750,000
Hiawatha NF, MI (Grand Island)	3,500,000
Humboldt NF, NY	1,400,000
Kisatchie NF, LA.....	200,000
Lake Tahoe Basin, CA/NV	7,000,000
Monongahela NF, WV	250,000
Mount Baker-Snoqualmie NF, WA (Noisy Creek).....	2,000,000
Mount Hood NF, OR (Squaw Meadow).....	500,000
Nicolet NF, WI (Cathedral of Pines).....	775,000
Ocala NF, FL.....	4,000,000

Osceola NF, FL (Pinhook Swamp).....	1,500,000
Ouachita NF, AR.....	4,000,000
Ozark NF, AR.....	1,000,000
Pacific Crest Trail.....	1,000,000
Roosevelt NF, CO (Sheep Mountain Ranch).....	900,000
Shawnee NF, IL.....	1,000,000
Siuslaw NF, OR (Big Creek property).....	2,500,000
Siuslaw NF, OR (Searose II property).....	400,000
Spruce Knob-Seneca Rocks, WV.....	250,000
Talladega NF, AL.....	3,000,000
Toiyabe NF, CA/NV (Hope Valley).....	4,000,000
Ventana Wilderness, CA.....	200,000
Wayne NF, OH.....	2,000,000
Total.....	63,433,000

The managers agree to fund acquisition at Pere Marquette W&SR, MI from unobligated balances remaining for Kirtlands Warbler habitat.

CATASTROPHIC FIRE COMPENSATION FUND

Amendment No. 103: Deletes language proposed by the Senate which would have appropriated not to exceed \$3,000,000 for settlement of claims for property lost or damaged in the fires that occurred in and around Yellowstone National Park in 1988.

In considering claims for losses that arise from the Mink, Clover-Mist, Storm Creek, and Canyon fires that occurred in and around Yellowstone National Park in 1988, the Forest Service and National Park Service shall analyze all such claims filed within 90 days of enactment of this Act under the normal procedures for handling such claims. The agencies shall report to the Appropriations Committees by March 1, 1990 on the status of each claim, the amount requested, and the determination by the agency, if complete, of whether the claim should be paid.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: : Provided, That notwithstanding any other provision of law, moneys received from the timber salvage sales program in fiscal year 1990 shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended: Provided further, That amounts necessary shall be available from deposits into the salvage sale fund for salvage of timber damaged by Hurricane Hugo to the maximum extent possible without regard to the geographic origin of the funds

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

The managers have agreed to include language which provides that receipts from the timber salvage sales program shall be considered as money received for purposes of distributing the 25 percent payments to local governments. The need for this provision arose because of extensive fire years experienced recently. Salvage sales of timber burned in those fires will continue to be sold during

fiscal year 1990, offsetting green sale volumes which would normally result in receipts to be shared with local governments. This action is not intended to set a precedent for any changes in the basis for calculating the local share of timber receipts in the future, and the managers believe the authorizing committees should review the salvage sale fund to determine if any changes are needed in the fund's authorizing legislation.

This amendment also provides that salvage funds can be used to aid in the recovery and salvage efforts underway in South Carolina subsequent to the destruction caused by Hurricane Hugo in September, 1989. The language allows the use of salvage funds, irrespective of the geographic origin of the funds, to assist in these efforts.

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

Restore the matter stricken by said amendment, amended to read as follows: *That such excess amount made available for the overall purposes of this section shall not exceed \$65,000,000: Provided further, That an additional \$32,000,000 shall not be subject to the per centum allocations of subsequent provisions of this section and shall be made separately available solely for implementation of the timber sales program included in this Act as described in the accompanying statement of the managers and shall be used solely for the necessary expenses of such timber sales program including, but not limited to, timber sales administration and management (including all timber support costs) and construction and design of roads: Provided further, That the \$32,000,000 shall only be provided after all other sources of funds, appropriated and non-appropriated, have been utilized to the fullest extent possible: Provided further,*

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

The managers have included bill language directing the Secretary of the Treasury to make available to the Secretary of Agriculture timber receipts above the fiscal year 1989 receipts estimate of \$920,000,000 included in the President's fiscal year 1990 budget submission. These receipts are accruing because of high timber harvest levels and increased stumpage prices. Bill language precludes the use of mid-session adjustments in calculating the amount to be provided to the Forest Service and also requires that this transaction be made without reductions for the payments to be made to local governments under 16 U.S.C. 500, as amended.

The distribution of \$65,000,000 of these funds is provided for in the bill language and recognizes the multiple use nature of national forest system lands. The language will provide much needed funding in the non-commodity programs, as well as increasing the likelihood that the Forest Service will have adequate volume of timber prepared to sustain the timber offer volumes of recent years in the outyears, absent policy changes. The managers do not intend the 1990 timber sales program to differ significantly from the 11.283 billion board feet program outlined under the National Forest System account.

An additional \$32,000,000 is provided for necessary timber sales administration and management, including all timber support costs, and design and construction of forest roads. Of this amount, \$12,000,000 is provided in support of the Region 6 spotted owl agreement included in section 318 of this Act. The remaining funds are provided for design and construction of forest roads necessary to meet the timber sale program outlined above.

The managers wish to reiterate that the funds provided in excess of the \$65,000,000 are not to be used until all other funds (appropriated and non-appropriated dollars) are exhausted. However, the aforementioned \$12,000,000 in excess receipts associated with the Region 6 spotted owl agreement shall become available as soon as that Region's appropriated and non-appropriated funds have been expended. These excess receipts shall be released as needed, and are not contingent on the availability of funds in any other Forest Service region.

Similarly, if all available funds are exhausted in other regions, funds may be made available from the \$20,000,000 designated for those other regions without consideration of the availability of funds in Region 6. The managers expect that the Forest Service will review all funds available on a nationwide basis to determine if it might be possible to reallocate available appropriated and non-appropriated funds among regions before using any of the \$32,000,000 authorized in this section.

In addition to the report required to be submitted by the Chief within 30 days after the fiscal year 1991 budget is submitted on the amount and distribution of the \$65,000,000 provided under this amendment, the Forest Service shall submit a report to the Committees as soon as a decision is made that all available funds have been exhausted in a region, and that additional funds will be used from this source for the purposes provided in the amendment. The report should include a breakdown of all funds obligated to date, and a breakdown of the amounts to be provided from excess receipts, and how and where such funds are to be used. The Forest Service shall also submit a report, as soon after the end of fiscal year 1990 as possible, detailing the actual distribution and expenditure of funds received under this provision, and the actual outputs achieved.

Amendment No. 106: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which clarifies House proposed language providing that excess receipts shall be made available to the Forest Service without reductions to payments under the Act of May 23, 1908.

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

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

Notwithstanding section 705(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539d(a)), \$52,441,000 shall be available for timber supply, protection and management, research, resource protection, and construction on the Tongass National

Forest in fiscal year 1990: Provided, That all of the funds available from the Tongass Timber Supply Fund in fiscal year 1990 pursuant to section 705(a) of Public Law 96-487 shall be deemed obligated as of October 1, 1989 and shall remain available until expended: Provided further, That this funding limitation shall not include those funds available to the Forest Service as National Forest System (except for timber sales administration and management funds), Trust Funds, Permanent Funds (other than the Tongass Timber Supply Fund), Timber Receipts, or Purchaser Road Construction.

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

As discussed under Amendment No. 94, the managers have agreed to include all funding for the Tongass National Forest under the Tongass Timber Supply Fund, and to limit spending to \$52,441,000, with the specific exceptions to this limitation listed.

Amendment No. 108: Deletes language proposed by the Senate which would have provided additional funds from excess timber receipts to specified program elements if a specific national forest attained its annual average allowable sale quantity.

Amendment No. 109: Deletes language proposed by the Senate which would have directed the Secretary of the Treasury to make timber receipts available in order to allow for the preparation of timber sale volumes equal to the target of 125 percent of the average annual allowable sale quantity.

Amendment No. 110: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: Notwithstanding any other provision of law, the Forest Service is directed to compensate Davis Sheep Company, Montevue, Idaho, for reasonable expenses incurred as a result of mortality of permitted animals and moving permitted animals from one location to another as directed by the Forest Service: Provided, That in no event should expenses be less than \$85,000: Provided further. That up to an additional \$27,500 is authorized if the Forest Service, in conjunction with Davis Sheep Company, determines additional losses were incurred

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

The managers have agreed to bill language providing funds to compensate for livestock losses incurred as a result of actions taken to conserve and protect grizzly bears. Funding of \$85,000 is provided immediately and up to an additional \$27,500 could be provided if it is demonstrated that higher losses were sustained. Any amount above \$85,000 should be submitted by the Forest Service to the Committees on Appropriations following the normal reprogramming procedures.

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: : Provided further, That no funds provided in this title may be expended

by the Forest Service to implement a new fee schedule or increase the fees charged for communication site use of lands administered by the Forest Service above the levels in effect on January 1, 1989.

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

The amendment deletes Senate proposed language dealing with dissemination of program information through non-monetary items of nominal value, and inserts new language regarding fees charged for communication site use.

The managers agree that the Forest Service should report to the Committees by March 1, 1990 on how it will ensure that any proposed fee increases for communication site use on Forest Service lands will adequately reflect local fair market conditions. The managers are particularly concerned that a market survey approach to establishing site fees may result in an inequitable fee schedule for rural areas.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds the word "replacing" to the definition of clean coal technology. The managers agree that the inclusion of "replacing" for clean coal IV and V is intended to cover the complete replacement of an existing facility if, because of design or site specific limitations, repowering or retrofitting of the plant is not a desirable option.

Amendment No. 113: Appropriates \$450,000,000 for fiscal year 1990 for clean coal technology instead of \$500,000,000 as proposed by the House and \$325,000,000 as proposed by the Senate. This appropriation along with \$125,000,000 provided for fiscal year 1991 in Amendment 114 fully funds the third round of clean coal technology projects. The managers agree that additional manpower is required, particularly at the Department's Energy Technology Centers, in order to manage adequately the increased workload from the accumulation of active clean coal technology projects and the inclusion of additional procurements in this bill. Although a legislative floor is not included, the managers agree that at least eighty personnel will be required in addition to the approximately thirty FTE's now included in the fossil energy research and development appropriation. The managers agree further that funds from the fossil energy research and development appropriation should not be used to pay the cost of more than the equivalent FTE's paid under that account in fiscal year 1989.

Amendment No. 114: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *and shall remain available until expended, and \$125,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment provides \$125,000,000 in fiscal year 1991 for the third

clean coal technology procurement instead of \$75,000,000 as proposed by the House and \$100,000,000 as proposed by the Senate.

Amendment No. 115: Deletes Senate proposed appropriation of \$150,000,000 for fiscal year 1992 for clean coal technology. The House proposed no such appropriation.

Amendment No. 116: Restores House language stricken by the Senate which prohibits the use of supplemental, backup, or contingent project selections in clean coal technology procurements.

Amendment No. 117: Restores the word "further" stricken by the Senate.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 118: Appropriates \$422,062,000 for fossil energy research and development instead of \$422,660,000 as proposed by the House and \$407,090,000 as proposed by the Senate. The net decrease below the amount proposed by the House consists of increases of \$250,000 for advanced research in control technology for ceramic filters and novel separation and cleanup research at Morgantown Energy Technology Center (METC); \$100,000 for inhouse IGCC research, \$125,000 for IGCC subpilot particle control, and \$100,000 in supporting research and development, all in gas stream cleanup; \$250,000 for a waste water project in Wyoming in waste management; \$450,000 for turbine and gas stream cleanup research in coal utilization, \$300,000 for gas turbine component research, \$250,000 for instrumentation and diagnostics, \$200,000 for technical and economic analyses, and \$360,000 for university coal research including historically black colleges, all in advanced research and technology development; \$150,000 for atmospheric fluidized bed (AFB) combustion; \$500,000 for pressurized fluidized bed (PFB) combustion to offset the use of funds for close out of the NYU contract, and \$200,000 for design of a research combustion unit, both in PFB combustion; \$1,600,000 for molten carbonate fuel cells; \$1,200,000 for diesel engine contracts in heat engines; \$400,000 for required environmental work in underground coal gasification; \$400,000 for design and construction of a 12 inch gasifier, \$100,000 for inhouse research on sulfur capture, \$300,000 for technical assistance for site specific combined cycle assessments, and \$1,200,000 for turbine valve testing, all in the coal gasification power production program; \$100,000 for model development in the coal gasification industrial fuel program; \$100,000 for continuation of the four existing research facilities, \$1,000,000 for a bench-scale unit to convert char to clean carbon, \$400,000 for transportation applications research, \$300,000 for characterization of co-products, and \$700,000 for inhouse research and reactor construction, all in the coal gasification co-products program; \$1,500,000 for microbial recovery and reservoir watability work in enhanced oil recovery; \$400,000 for inhouse research, \$300,000 for rock fragmentation research, and \$250,000 for preliminary work on a cost-shared oil shale facility, all in oil shale; \$200,000 for western tight sands, \$750,000 for optimization of natural gas-fired fuel cells, \$300,000 for gas hydrates, and \$300,000 for deep source gas research, all in unconventional gas recovery; and \$500,000 to complete the METC administrative facility; and decreases of \$500,000 for coal drying studies, and \$500,000 for hi-bay

testing at Pittsburgh Energy Technology Center (PETC), both in coal preparation; \$300,000 for scale-up of combined SO₂/NO_x technology, and \$250,000 for advanced separations, both in flue gas cleanup; \$1,000,000 for a particle control test facility at Wilsonville, Alabama in gas stream cleanup; \$1,000,000 for the general House add for coal utilization, components, and instrumentation, in advanced research and technology development; \$1,100,000 for advanced research in coal liquefaction; \$200,000 for the Wilsonville pilot facility in direct liquefaction; \$1,200,000 for the LaPorte pilot facility in indirect liquefaction; \$200,000 for support studies in coal liquefaction; \$650,000 for advanced research in combustion systems, which allows \$500,000 for mineral transformation and ash transport and deposition work at PETC in addition to the work at METC included in the Senate report; \$550,000 for advanced sorbents in PFB combustion; \$400,000 for industrial combustors, and \$300,000 for small scale proof-of-concept combustors, both in advanced combustion; \$100,000 for fuels characterization, \$200,000 for storage, transport, and handling systems, and \$300,000 for fire tube boiler tests, all in alternative fuels utilization; \$500,000 in phosphoric acid fuel cells; \$1,000,000 in tubular solid oxide fuel cells; \$2,000,000 for magnetohydrodynamics; \$500,000 for oxygen production research in the industrial fuel gasification program; \$750,000 for cost-shared geoscience contracts and \$630,000 for tar sands, both in enhanced oil recovery; \$100,000 for gas-to-liquids research in unconventional gas recovery; \$103,000 for cooperative research and development, leaving \$2,371,000 for the University of North Dakota Energy and Minerals Research Center (UNDEMRC) and \$2,321,000 for Western Research Institute (WRI); and \$1,800,000 for renovation of PETC facilities.

The managers agree that:

1. the waste water project for low rank coals in Wyoming which is provided a total of \$1,750,000, including \$854,000 in unobligated prior year funds, should be at an existing facility, should be cost-shared and should evaluate several coals. The managers have no objection to the project being performed under the memorandum of understanding with the State of Wyoming, as long as none of the Federal funds are used to cover State overhead charges;
2. no funds are to be provided for construction of a hospital waste fluidized bed combustion project without at least fifty percent cost-sharing from other sources;
3. funding for the molten carbonate fuel cell program is provided to continue current contractors at existing levels and to initiate immediately a competitive, cost-shared procurement for further development of fuel cell power plants. The proposed procurement should reduce the number of full scale development efforts to two, and should provide stack research funding to the third developer;
4. up to 5 percent of internal (non-contract) research and development funds for METC, PETC, WRI, UNDEMRC, and the National Institute for Petroleum and Energy Research (NIPER) may be used for equipment, and such use should continue to be reported on a quarterly basis;

5. no more than one percent of each budget category may be used for technical and program management support. Such support should continue to be shown separately for each research and development activity in budget documents;

6. support for Argonne National Laboratory should continue at levels equivalent to previous fiscal years with emphasis on research programs;

7. a detailed geoscience implementation plan with funding options should be submitted to the Appropriations Committees by March 31, 1990. The managers are disturbed that after at least two years of development a comprehensive research strategy is not yet available. It is increasingly difficult to justify continued high levels of support for this program absent a research framework. The managers expect the Department to expedite the publication of such a strategy so that it can be used as a basis for developing the detailed implementation plan due in March, 1990;

8. the Department may initiate the design of a large scale fixed bed gasifier for power production within available funds. Proceeding with the design does not imply commitment to construction of such a facility, and no large expenditures should be undertaken absent a comprehensive program plan justifying its need and specific Congressional approval;

9. significant light oil research should be managed by the Metairie site office, including existing and new research and development projects and technology transfer and outreach activities throughout the region so that office personnel are utilized fully;

10. the amount for the Gravimelt coal cleaning process does not include funds for major equipment purchases;

11. funds for the Calderon project are only available to the extent they are matched on a 20 percent cost-sharing basis by project sponsors;

12. the increase of \$800,000 for bioprocessing of coal in advanced research and technology development is for programs at Idaho National Engineering Laboratory (INEL);

13. within funds for support studies in coal liquefaction, the Department should update base case economics for indirect liquefaction;

14. funds for the scale-up of one process to approximately one ton per hour from existing programs in the coproducts coal gasification program should be awarded on a competitive basis with a minimum of 20 percent cost-sharing;

15. the total of \$4,896,000 provided for PETC facility renovation may be used for either administrative facilities (Building 922), or the chemical engineering laboratory (Building 89). Additional estimated costs of \$3,200,000 are necessary through 1992 to complete the projects;

16. in the several instances where the Senate and House provided the same level of program funding but the Senate provided a more detailed breakdown below those levels, there is no objection to the use of the lower levels as program guidance;

17. \$750,000 in the oil shale program is to support the development of a comprehensive plan and justification for a pro-

posed oil shale facility involving in-situ processing of western shales as well as possible surface processing of mined materials and wastes. Such a facility would require a minimum of 60 percent costsharing by non-Federal sources. No commitment to construction of such a facility should be inferred from current year funding;

18. the fundamental thermodynamics program at NIPER should continue to be funded at levels at least equivalent to fiscal year 1989 (approximately \$1,000,000);

19. within the funds for advanced research in coal liquefaction, \$1,500,000 is to continue support of the Consortium for Fossil Fuel Liquefaction Science;

20. a more comprehensive program for cooperation between States and the Federal Government for oil and gas research and development is necessary. The current practice of negotiating individual, unrelated Memoranda of Understanding with individual States on an "ad hoc" basis does not provide a structure which assures individual States or regions equitable treatment, nor does it necessarily assure adherence to a set of national objectives. The managers agree that the Department should establish, using available funds, a formal Federal-State cooperative program in oil and gas research and development, requiring a minimum of 50 percent cost-sharing by the States. Such a program should be modeled on the highly successful Federal-State cooperative water program of the U.S. Geological Survey. As a minimum the program should define Federal priorities, establish a formal project review process at a regional level, allow for the participation of universities and industry in State projects, and be operational by fiscal year 1991;

21. a revised schedule and projected funding to complete the June, 1984 cost-shared MHD program should be submitted to the Appropriations Committees by February 1, 1990;

22. awards for the Historically Black Colleges and Universities program under the university coal research program in advanced research and technology development should be made on a competitive basis;

23. funds contained in the House-passed bill for selective coalescence (\$250,000) should be applied to selective coagulation processes; and

24. the Department shall investigate proven long reach horizontal drilling technology embodying multiple radials from a single vertical well to enhance oil and gas production, particularly in environmentally sensitive areas. The technology should also apply to unconventional gas, coal bed methane, salt dome interconnection, and remediation of hazardous wastes, including nuclear wastes, under buildings and facilities. The Department shall submit a report to the Appropriations Committees on this technology no later than February 1, 1990, including the costs of implementing a cost-shared demonstration of the technology.

Amendment No. 119: Earmarks \$4,000,000 for construction of DOE Fossil Energy building B26 at METC as proposed by the Senate instead of \$3,500,000 as proposed by the House.

Amendment No. 120: Earmarks \$40,900,000 for the magnetohydrodynamics program instead of \$37,000,000 as proposed by the Senate and \$42,900,000 as proposed by the House.

Amendment No. 121: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: : *Provided further, That section 303 of Public Law 97-257 is further amended by changing the number for the Office of the Assistant Secretary for Fossil Energy to "715", changing the number of the Pittsburgh Energy Technology Center to "290", changing the number for the Morgantown Energy Technology Center to "275", and changing the number for the headquarters organization of the Assistant Secretary for Fossil Energy to "not less than 125".*

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1989, shall be deposited in this account and immediately transferred to the General Fund of the Treasury.

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

The managers agree to amend the allocations of personnel floors to the individual organizations within Fossil Energy and also agree to increasing the overall floor to 715 positions. The floor at PETC is increased from 280 to 290 positions; the floor at METC is increased from 250 to 275 positions which is intended to include the Laramie Project Office in Wyoming; the floor at headquarters is reduced from 135 to 125; and the unallocated floor is reduced from 35 to 25 which is intended to include the Bartlesville Project Office in Oklahoma, and the office in Metairie, Louisiana.

The managers are concerned about the growing size of the headquarters organization given the fact that most program management activities are located in the field. Of particular concern is the increasing number of non-career appointments in the headquarters operation. Recognizing that the legal requirements are floors and not ceilings the Congress has not compelled the Department to reduce personnel in the headquarters organization and has provided sufficient funding to continue the approximate staffing levels now in place. The managers expect the Department to review carefully the headquarters functions and staffing with the goal of prudently reducing the overall size of the staff. The managers do not expect such review or any anticipated staff reductions to involve Reductions in Force (RIFs) or widespread involuntary transfers of staff to the field.

With regard to the Alternative Fuels Production account, the managers have identified interest income accrued from deposits in a trust fund established as part of the sale of the Great Plains Gasification Plant in Beulah, North Dakota. This revenue is being used

to offset other Department of Energy fossil energy requirements, and is estimated to be approximately \$8,800,000.

ENERGY CONSERVATION

Amendment No. 122: Appropriates \$413,262,000 for energy conservation instead of \$411,367,000 as proposed by the House and \$413,441,000 as proposed by the Senate. The net increase above the amount proposed by the House consists of increases of \$100,000 for windows and daylighting, and \$450,000 for building retrofit research, both in building systems; \$900,000 for district cooling demonstrations in community systems; \$300,000 for research on foaming agents and refrigerants in technology and consumer products; \$200,000 for the Federal Energy Management Program; \$300,000 for research on biodegradable plastics in waste energy reduction; \$900,000 for the metals initiative in process efficiency; \$100,000 for energy analysis and diagnostics centers; \$1,160,000 for implementation of the Alternative Motor Fuels Act of 1988; \$500,000 for battery research, \$400,000 for the site operators' user task force, and \$650,000 for vehicular fuel cell applications, all in electric and hybrid vehicle research; \$300,000 for combustion, \$450,000 for thermal sciences, \$500,000 for fuel cell technology, and \$1,250,000 for materials, all in energy conversion and utilization technology; and \$3,000,000 for State grants; and decreases of \$175,000 for non-CFC insulation, \$100,000 for roofs, \$200,000 for advanced energy design in commercial buildings using integrated computer systems, \$100,000 for building performance simulation, and \$100,000 for wall research, all in building systems; \$250,000 for district heating and cooling research, and \$90,000 for mine water heat recovery in Scranton, PA in community systems; \$250,000 for lighting research in technology and consumer products; \$200,000 for least cost utility planning; \$100,000 for capital equipment in buildings programs; \$300,000 for industrial heat pumps, \$400,000 for liquid/solid waste conversion, and \$1,000,000 for National Lab support, all in industrial waste energy reduction; \$300,000 for process electrolysis, \$700,000 for sensors and controls, and \$1,200,000 for materials processing other than the metals initiative, all in industrial process efficiency; \$500,000 for turbine development, and \$400,000 for non-CFC air conditioning research and window glazings, both in vehicle propulsion; \$500,000 for user groups and data collection in alternative fuels utilization; \$70,000 for propulsion systems, \$200,000 for test and evaluation, and \$80,000 for National Lab support, all in electric and hybrid vehicle research; \$200,000 in advanced materials; \$300,000 for the operation of the High Temperature Materials Laboratory; \$500,000 for capital equipment in transportation; \$500,000 for tribology, and \$50,000 for international programs, both in energy conversion and utilization technology; \$100,000 in multi-sector technology assessment and transfer; \$400,000 for multisector capital equipment; and \$300,000 for policy and analysis.

The managers agree that:

1. with respect to the schools and hospitals program, States may continue to allocate funds for technical assistance activities in the manner and under the conditions described in House Report 101-120;

2. with respect to the purchase of electric vehicles for the site operators' user task force, priority should be given to placing vehicles in areas of the country with air quality problems, and the Federal share of vehicle purchase costs may not exceed 50 percent. Further, in no case can Federal funds be used to reduce the purchase cost to participants of electric vehicles to levels below the cost of an equivalent non-electric vehicle;

3. funds provided for district cooling demonstrations in community systems may be used only for engineering and design work on demonstrations, and the Federal share of such costs may not exceed 25 percent;

4. funds included for heat pump research in technology and consumer products include work on desiccant cooling;

5. funds included for the metals initiative should be allocated first to continue existing work on schedule. After such allocation remaining amounts may be used for new initiatives;

6. funds for electric vehicle battery research are for the highest priority, most promising, and innovative concepts, and are not earmarked in specific amounts to any battery technology;

7. funds for energy conversion and utilization technology (ECUT) are not earmarked below the level of detail in House Report 101-120;

8. the additional \$3,000,000 for State grants shall be allocated to low income weatherization, schools and hospitals, energy extension service, and State conservation program grants in the same proportion as the base program level of \$200,000,000;

9. of the total of \$4,500,000 provided for implementation of the Alternative Motor Fuels Act of 1988, \$700,000 is for the competitive demonstration of natural gas-powered heavy duty vehicles in conjunction with engine manufacturers, and \$1,200,000 is for a program with West Virginia University to develop, construct and operate a transportable heavy duty engine dynamometer laboratory to test engine emissions and to be capable of handling all alternative and petroleum based fuels;

10. the \$2,500,000 for CFC related research is for a program of research on materials compatibility and lubricants for substitute refrigerants to replace restricted CFC compounds, and should include cost-sharing or in-kind contributions of 25% by industry collaborators. The work should be coordinated with EPA so that efforts are not duplicative. The managers also agree that the work with industrial consortia should be expedited to the extent possible because of the short deadlines of the "Montreal Protocol";

11. \$2,150,000 is included for work on proton exchange membrane (PEM) fuel cells for transportation applications of which \$500,000 is allocated to ECUT for a limited duration program of research on generic basic research issues related to enabling technology. The overall management of the remainder of the PEM fuel cell program should be assumed by the Department's Office of Transportation Systems. Within these funds, the Department should initiate a competitive procurement with the objective of contracting with a major automotive firm for a

comprehensive cost-shared program for a PEM fuel cell propulsion system with the goal of a proof-of-concept test-bed vehicle in the mid-to-late 1990's. Cost-sharing from other sources such as the California South Coast Air Quality Management District also should be sought. To the extent feasible existing work in Energy Storage should be coordinated and integrated with this program, including work on electrochemical research, and membrane technology;

12. the Hawaii methanol project is included in the alternative fuels utilization program at \$300,000;

13. funding for the Scranton mine water heat recovery and district heating and cooling projects is the final increment for these activities; and

14. the Department of Energy has failed to meet Appropriations Committee reporting deadlines for a number of requests made during the fiscal year 1989 appropriations process. Most notably, the Department was asked to submit a report related to the operation of the Weatherization Program by February 1, 1989. A letter was received from the Assistant Secretary for Conservation and Renewable Resources requesting an extension until June 1989. The managers note that this request for an extension was dated after the original due date. Subsequently, the report was not delivered to the Committees until September, more than three months after the extended deadline, with no explanation for the delay.

The Committees request such reports to assist in evaluating program performance and funding needs. Clearly the Department submitted this report much too late to be useful during the Committees' deliberations on fiscal year 1990 budget requests, despite repeated requests for its timely submission. Consequently, the managers expect the Secretary to develop a formal system to track requests by the Committees on Appropriations. This system should include as a minimum all reports requested from the Department in either the House or Senate Committee reports or in this Statement of the Managers, listing the subject of the report; the due date; and internal dates for clearance by appropriate offices within the Department to ensure timely submission to the Congress. A listing of such reports should be transmitted by the Secretary to the Committees not later than November 1, 1989.

Amendment No. 123: Earmarks \$203,000,000 for State energy conservation grant programs instead of \$200,000,000 as proposed by the House and \$205,000,000 as proposed by the Senate. The managers agree that the additional \$3,000,000 above the amount earmarked by the House is to be allocated to the individual grant programs in the same proportion as the base program of \$200,000,000.

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that earmarks \$16,900,000 for steel and aluminum research instead of \$16,000,000 as proposed by the House and \$15,900,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ECONOMIC REGULATION

The managers agree that the Economic Regulatory Administration (ERA) should continue to provide administrative support as budgeted in fiscal year 1990 to the fuels programs transferred to fossil energy research and development. The estimated costs of such support are \$102,000. Fossil energy should assume such costs in the fiscal year 1991 budget process.

SPR PETROLEUM ACCOUNT

Amendment No. 125: Appropriates \$227,820,000 for acquisition and transportation of petroleum for the Strategic Petroleum Reserve as proposed by the Senate instead of \$319,407,000 as proposed by the House. The managers agree to the Senate position providing an approximate daily rate of fill for the Reserve of 50,000 barrels based on a \$17.50 per barrel price for oil. Funding a higher fill rate is precluded by budget constraints.

Amendment No. 126: Deletes House proposed outlay ceiling for fiscal year 1990 as proposed by the Senate.

Amendment No. 127: Appropriates \$108,458,000 for acquisition and transportation of petroleum in fiscal year 1991 as proposed by the House instead of \$79,625,000 as proposed by the Senate. The managers agree that the advance appropriation for fiscal year 1991 is for purchases of oil to be delivered in the first quarter of the fiscal year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 128: Appropriates \$1,185,910,000 for Indian Health Services instead of \$1,189,330,000 as proposed by the House and \$1,160,093,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of increases of \$5,000,000 for the Alaska community health aide program, \$1,800,000 under the mental health program for indigent Indians in North and South Dakota committed to an institution by tribal courts, \$527,000 for a residential treatment center during pregnancy for Alaska Native Women, \$703,000 for immunization, including \$242,000 for hepatitis screening and testing and \$461,000 for the HIB prevention program in Alaska, and \$550,000 for urban health, including \$300,000 for Phoenix and \$250,000 for Flagstaff; and decreases of \$1,000,000 for health professions loan repayment, \$2,000,000 for the health promotion/disease prevention initiative (with the balance of \$3,000,000 to be allocated by IHS), \$1,000,000 for information resource management, \$1,000,000 for the mental health initiative, and \$7,000,000 for tribal contract conversion.

The \$470,000 provided for staffing and equipment for the Siletz clinic is to be used for a demonstration project, regarding how the funding needs of tribes which provide facilities outside of the IHS priority funding process can be met.

The \$1,800,000 mental health increase for indigent Indians will be available for the purpose of contracting for mental health and

chemical dependency treatment services from the North Dakota Department of Human Services and the State of South Dakota. These services under contract will be available to indigent Indian persons, resident in North or South Dakota, or on reservations located therein, and placed at State government treatment facilities by the Indian Health Service. Such funds shall not be used for any other purpose.

The \$500,000 increase provided for the community health representatives program should be provided to all newly-recognized tribes which have not yet had a CHR program established, using IHS standards for distribution of the funds based on population. The managers understand the Klamath tribe will receive about \$62,000 and the Grand Ronde tribes will receive about \$44,000.

The managers agree that the \$1,500,000 increase for scholarships shall consist of \$750,000 to initiate the special nursing program and \$750,000 for the regular scholarships program.

The increase of \$10,000,000 for inflationary cost increases includes funds for increases in contractual health care costs. The IHS is urged to work with the Hoopa Tribe in California to assist in developing a plan for a community health facility, and to report back to the Committees on the feasibility and costs of such a proposal by March 1, 1990.

For the model diabetes program, there is an increase of \$1,500,000 provided for five additional centers, including one for the Zuni Pueblo, NM.

Within the alcoholism program, there is \$100,000 for fetal alcohol syndrome research at the University of Washington. Within the total provided for contract health care, there is \$5,000,000 to address the backlog of deferred services. The managers expect IHS to continue to work with Sage Memorial Hospital in AZ and Mid-Dakota Hospital in SD to provide for ongoing contract care services in these areas.

Within the increase for Arizona urban health programs, a priority should be placed on prenatal treatment, particularly in Phoenix.

The managers understand that the Public Health Service budget includes \$992,000 for AIDS programs in IHS, and that these funds will be transferred to IHS for its use. Of this amount, at least \$350,000 should be provided to the urban health programs. The AIDS funds should be distributed based on a plan emphasizing education and prevention, and after tribal consultation.

The managers note that the language in the Senate report regarding a recent court decision should refer to on-reservation rather than off-reservation Indians.

The managers agree with the directives in the Senate report for material to be included in the IHS budget justification, including self-determination activities, new facilities' costs, newly recognized tribes, details of hospital and clinic funding, Medicare/Medicaid reimbursements, end stage renal disease, and equipment needs and priorities.

Amendment No. 129: Restores language and changes the sum proposed by the House for the conversion of tribal contracts and agreements to a calendar year basis. The funding proposed by the managers is \$16,000,000 in budget authority only instead of

\$23,000,000 as proposed by the House and no funding as proposed by the Senate.

The managers request that IHS submit a report on the logistical and accounting needs for tribal contract conversion to the Committees, prior to using any of these funds for such conversions. The report should address the option and costs of converting all IHS contracts to a calendar year basis.

Amendment No. 130: Provides \$17,000,000 for the Indian Catastrophic Health Emergency Fund and contract care as proposed by the House, instead of \$15,000,000 as proposed by the Senate. The increase is \$2,000,000 for the Catastrophic Health Emergency Fund.

Amendment No. 131: Provides \$3,000,000 for the health professions loan repayment program, instead of \$4,000,000 as proposed by the House and \$2,000,000 as proposed by the Senate.

INDIAN HEALTH FACILITIES

Amendment No. 132: Appropriates \$70,996,000 for Indian health facilities instead of \$75,420,000 as proposed by the House and \$65,535,000 as proposed by the Senate. The increase over the amount proposed by the Senate consists of increases of \$6,000,000 for sanitation facilities and \$461,000 for personnel quarters, Kotzebue, AK; and a decrease of \$1,000,000 for Pine Ridge, SD personnel quarters.

Within the total of \$31,000,000 provided for sanitation facilities, the following amounts are earmarked: \$1,644,000 for the Seneca, NY water project; \$1,471,000 for Tohono O'odham (which does not include funds for cash reserves for the tribal utility organization); \$980,000 for the Quileute Tribe, WA; \$450,000 for the Zuni Pueblo, NM; and \$1,250,000 for the city of Kotzebue, AK, with an equal matching amount to be provided from non-Federal sources. The IHS should also work with the Oglala Sioux and Pleasant Point Passamaquoddy Tribes to begin to address their needs in fiscal year 1990.

The managers agree that funds in the amount of \$2,750,000 reprogrammed from the Navajo "New Lands" project in fiscal year 1989 do not need to be restored to that project until such funds are ready to be used. The IHS should inform the Committees when the funds will be needed.

With regard to the Belcourt, ND personnel quarters project, IHS should inform the Committees as soon as information is available as to the number of housing units that will be required at this location.

The amount of \$1,000,000 has been provided for Pine Ridge, SD personnel quarters, instead of \$2,000,000 as proposed by the House and Senate, since the lower amount will allow the project to proceed on schedule with site development activities.

The managers agree that IHS shall use the \$10,000,000 included for repair and improvement projects for the highest priority projects; and shall include a breakdown of the projects funded in the fiscal year 1991 budget justification.

The managers have included \$3,759,000 for the Sallisaw, OK replacement health center. If additional funds are needed for this

project when the IHS is ready to award a contract, the managers agree that IHS may reprogram additional funds to this project, to provide up to a total of \$4,165,000, from available unobligated construction funds. IHS should inform the Committees promptly of any shortfall in funds for the project, and the source of funds to be reprogrammed.

The managers request a joint report from IHS and the Bureau of Indian Affairs on the possibility of including detoxification facilities in BIA detention facilities, to be submitted to the Committees by March 1, 1990.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: \$74,149,000 of which \$55,041,000 shall be for subpart 1 and \$16,361,000 shall be for subparts 2 and 3: Provided, That \$1,600,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1991: Provided further, That appropriations for subpart 2 remaining unobligated at the end of fiscal year 1989, which would otherwise be returned to the general fund of the Treasury, shall be merged with and made a part of the fiscal year 1990 Indian Education appropriation and shall remain available for obligation until September 30, 1990.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment appropriates \$74,149,000 for Indian education as proposed by both the House and the Senate but earmarks the amounts for subparts 1, 2, and 3 as proposed by the House; earmarks \$1,600,000 for fellowships for Indian students to remain available until September 30, 1991, as proposed by the House instead of an unspecified amount as proposed by the Senate; and provides for funds appropriated in fiscal year 1989 for the pilot gifted and talented program to remain available for obligation through fiscal year 1990.

The managers expect the Office of Indian Education to work with the tribally-controlled community colleges to enable them to develop acceptable proposals for the gifted and talented pilot program.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The managers agree that the Office of Navajo and Hopi Indian Relocation should coordinate with Tribal officials with respect to discretionary fund expenditures and report to the Committees, no

later than two weeks prior to the first of the Office's fiscal year 1991 budget hearings before the Committees, on tribal recommendations including those which cannot be accommodated.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND
ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

Amendment No. 134: Appropriates \$4,350,000 for payment to the Institute instead of \$4,650,000 as proposed by the House and \$3,500,000 as proposed by the Senate. The decreases from the amount proposed by the House consist of \$200,000 for operation of the Institute and \$100,000 for payment to the Institute endowment fund.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: , of which \$100,000 shall be transferred immediately from the Institute endowment fund to the Institute for use in Institute operations: Provided, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress

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

The amendment provides for transfer of \$100,000 from the Institute's endowment fund to the operating account of the Institute, and directs that the Institute's annual budget submission will be submitted to the Congress at the same time as the President's Budget is submitted. In accordance with law, the Institute's budget is not to be revised by the Administration prior to submission to the Congress.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 136: Appropriates \$228,553,000 for salaries and expenses instead of \$231,981,000 as proposed by the House and \$223,029,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of \$465,000 to the tropical forestry initiative, \$130,000 to the Tropical Research Institute, including \$30,000 for the Quincentenary and \$100,000 for staffing and equipping the Barro Colorado Island laboratory, \$75,000 for two positions and related costs at the National Zoo, \$40,000 for the Environmental Research Center, \$75,000 for African-American programs, \$245,000 to the National Museum of Natural History for the Quincentenary, \$135,000 to the National Museum of American History for the Quincentenary, \$60,000 to the National Museum of American Art for a curator position, \$61,000 to the Cooper-Hewitt Museum for support for the new building, \$2,000,000 to the Museum of the American Indian (leaving \$4,000,000, including \$100,000 for training of Native Americans),

\$87,000 to public service, leaving \$21,000 for a position in the Office of Public Affairs, \$40,000 to the Office of Quincentenary Programs, and \$15,000 to the Office of Folklife Programs for the Quincentenary.

The managers expect the Smithsonian to proceed with the master plan for the Anacostia Museum during fiscal year 1990, and to present a full report on its status to the Committees prior to the fiscal year 1991 hearings.

The managers are concerned with the Smithsonian's failure to notify both House and Senate Appropriations Committees in advance before using trust funds to acquire new facilities which are expected to result in additional Federal expenditures. The Smithsonian should ensure that all such plans are presented sufficiently in advance of such acquisitions to allow the Committees to review such plans and to respond appropriately.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 137: Appropriates \$26,769,000 for repair and restoration of buildings instead of \$26,869,000 as proposed by the House and \$26,653,000 as proposed by the Senate. The decrease from the amount proposed by the House is for renovation of the new Cooper-Hewitt building.

CONSTRUCTION

Amendment No. 138: Appropriates \$8,320,000 for construction instead of \$12,900,000 as proposed by the House and \$7,550,000 as proposed by the Senate. The change from the amount proposed by the Senate includes: increases of \$150,000 for planning for the Tropical Research Institute floating laboratory and \$620,000 for planning related to the Museum of the American Indian.

In proceeding with the planning for the floating laboratory, the managers request the Smithsonian to look for ways to bring the total cost down under the current estimates for the vessel, and expect a report prior to the 1991 hearings.

With regard to the Museum of the American Indian, the managers are concerned about the accuracy of the cost estimates for construction of the proposed Museum facilities, and the potential for significant increases in these estimates. Future budget submissions should contain a detailed project cost baseline before construction funds are requested, and should also reflect cost-sharing proposals using non-Federal funds.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$40,712,000 for salaries and expenses instead of \$40,789,000 as proposed by the House and \$40,744,000 as proposed by the Senate.

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

The change from the amount proposed by the House consists of decreases of \$52,000 for two new positions and \$25,000 for telephone and postage.

REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

Amendment No. 140: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$1,805,000 for repair, restoration and renovation of buildings instead of \$1,905,000 as proposed by the House and \$2,305,000 as proposed by the Senate.

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

The decrease from the amount proposed by the House is due to a delay in the schedule for the Sculpture Garden.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 141: Appropriates \$4,700,000 for salaries and expenses as proposed by the Senate instead of \$4,611,000 as proposed by the House.

The managers agree that the Center should set the maximum fellowship rate at the GS-14, Step 1 level and should not hire one of its fellows at the statutory pay cap. Instead, the managers expect the Center to use the resultant \$31,000 savings to help offset the fiscal year 1990 impact of the 1989 pay rise.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Amendment No. 142: Appropriates \$144,105,000 for grants and administration, National Endowment for the Arts, instead of \$144,205,000 as proposed by the House and \$143,005,000 as proposed by the Senate.

The managers agree to the following distribution:

Arts in Education	\$5,600,000
Dance.....	8,850,000
Design Arts	4,150,000
Expansion Arts.....	6,500,000
Folk Arts	3,300,000
Inter-Arts.....	4,000,000
Literature	5,000,000
Media Arts	12,000,000
Museums.....	11,400,000
Music	12,200,000
Opera-Musical Theater	4,200,000
Local Programs	2,600,000
Theater	10,800,000
Visual Arts.....	6,100,000
Advancement	1,300,000
Challenge.....	300,000
State programs	26,000,000
Policy, planning and research.....	1,000,000
Administration	18,600,000

Commission	250,000
Unallocated reduction.....	-45,000
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Total	144,105,000

The managers have included \$250,000 for a commission to examine National Endowment for the Arts grant making procedures and standards applied in awarding grants.

Amendment No. 143: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted, insert the following: : *Provided, That not less than thirty days prior to the award of any direct grant to the Southeastern Center for Contemporary Art (SECCA) in Winston-Salem, North Carolina, or for the Institute of Contemporary Art at the University of Pennsylvania, the National Endowment for the Arts shall submit to the Committees on Appropriations of the House and Senate a notification of its intent to make such an award: Provided further, That said notification shall delineate the purposes of the award which is proposed to be made and the specific criteria used by the Endowment to justify selection of said award*

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

The amendment requires the National Endowment for the Arts to submit to the Committees on Appropriations notice of its intent to make any direct grant to the Southeastern Center for Contemporary Art and the Institute of Contemporary Art.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

Amendment No. 144: Appropriates \$132,430,000 for grants and administration, National Endowment for the Humanities, instead of \$134,630,000 as proposed by the House and \$126,550,000 as proposed by the Senate.

The managers agree to the following distribution:

Media grants.....	\$9,400,000
Museums and Historical Organizations	8,900,000
Public Humanities projects.....	2,300,000
Humanities projects in libraries	2,800,000
Education programs	16,200,000
Fellowships and seminars	15,560,000
Research grants.....	17,000,000
State programs	26,000,000
Office of Preservation	17,700,000
Administration	16,570,000
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Total.....	132,430,000

Amendment No. 145: Restores House language stricken by the Senate which allows administration of the National Endowment for the Humanities and earmarks \$4,200,000 for the Office of Preservation, instead of \$6,400,000 as proposed by the House.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

Amendment No. 146: Appropriates \$22,675,000 for grants and administration, Institute of Museum Services, instead of \$23,000,000 as proposed by the House and \$22,350,000 as proposed by the Senate.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

Amendment No. 147: Appropriates \$516,000 for salaries and expenses as proposed by the House instead of \$494,000 as proposed by the Senate.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

Amendment No. 148: Appropriates \$5,500,000 for grants to cultural and artistic organizations as proposed by the Senate instead of \$5,000,000 as proposed by the House.

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for increasing the annual authorized funding level for the National Capital Arts and Cultural Affairs program from \$5,000,000 to \$7,500,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

Amendment No. 150: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment insert the following: \$1,920,000: Provided, That none of the funds under this head may be used to process comments on undertakings of Federal agencies, as specified in Sections 106 and 110 of the National Historic Preservation Act of 1966, as amended, on grants or contracts to institutions or facilities whose main activity is the conduct of scientific research and such agencies shall be relieved from the requirement of seeking comments on such undertakings unless requested in writing by the grantee

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

The amendment appropriates \$1,920,000 for salaries and expenses instead of \$1,945,000 as proposed by the House and \$1,795,000 as proposed by the Senate and specifies that undertakings pursuant to Federal grants or contracts to scientific institutions or facilities are exempt from the comment requirements of Sections 106 and 110 of the National Historic Preservation Act of 1966.

The difference from the amount proposed by the House includes decreases of \$17,000 for the first year costs associated with the ad-

dition of two historic preservation specialist positions and \$8,000 for printing expenses.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

Amendment No. 151: Appropriates \$3,133,000 for salaries and expenses as proposed by the Senate instead of \$3,123,000 as proposed by the House.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The managers agree that the Commission should receive a final review of memorial plans by the Commission of Fine Arts prior to the Park Service obligating funds for memorial construction.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

LAND ACQUISITION AND DEVELOPMENT FUND

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that authorizes \$5,000,000 for borrowing authority for land acquisition instead of \$12,000,000 as proposed by the House and \$10,000,000 as proposed by the Senate.

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

TITLE III—GENERAL PROVISIONS

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

In lieu of the matter proposed by said amendment, insert the following: *Provided, That—*

(A) *None of the funds authorized to be appropriated for the National Endowment for the Arts or the National Endowment for the Humanities may be used to promote, disseminate, or produce materials which in the judgment of the National Endowment for the Arts or National Endowment for the Humanities may be considered obscene, including but not limited to, depictions of sadomasochism, homo-eroticism, the sexual exploitation of children, or individuals engaged in sex acts and which, when taken as a whole, do not have serious literary, artistic, political or scientific value.*

(B) *It is the Sense of the Congress:*

(1) *That under the present procedures employed for awarding National Endowment for the Arts grants, although the National Endowment for the Arts has had an excellent record over the years, it is possible for projects to be funded without adequate review of the artistic content or value of the work.*

(2) *That recently works have been funded which are without artistic value but which are criticized as pornographic and shocking by any standards.*

(3) That censorship inhibits and stultifies the full expression of art.

(4) That free inquiry and expression is reaffirmed. Therefore, be it resolved:

(a) That all artistic works do not have artistic or humanistic excellence and an application can include works that possess both non-excellent and excellent portions.

(b) That the Chairman of the National Endowment for the Arts has the responsibility to determine whether such an application should be funded.

(c) That the National Endowment for the Arts must find a better method to seek out those works that have artistic excellence and to exclude those works which are without any redeeming literary, scholarly, cultural or artistic value.

(d) That a commission be established to review the National Endowment for the Arts' grant making procedures, including those of its panel system, to determine whether there should be standards for grant making other than "substantial artistic and cultural significance, giving emphasis to American creativity and cultural diversity and the maintenance and encouragement of professional excellence" (20 U.S.C. 954(c)(1)) and if so, then what other standards. The criteria to be considered by the commission shall include but not be limited to possible standards where (a) applying contemporary community standards would find that the work taken as a whole appeals to a prurient interest; (b) the work depicts or describes in a patently offensive way, sexual conduct; and (c) the work, taken as a whole, lacks serious artistic and cultural value.

(c)(1) There is hereby established a temporary Independent Commission for the purpose of:

(a) reviewing the National Endowment for the Arts' grant making procedures, including those of its panel system; and

(b) considering whether the standard for publicly funded art should be different than the standard for privately funded art;

(2) The Commission shall be composed of twelve members as follows:

(a) four members appointed by the President;

(b) four members appointed by the President upon the recommendation of the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives;

(c) four members appointed by the President upon the recommendation of the President pro tempore of the Senate in consultation with the minority leader of the Senate;

(d) the chairman shall be designated by vote of the Commission members; and

(e) a quorum for the purposes of conducting meetings shall be seven.

(3) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of sub-

sistence, in the same manner as persons employed intermittently in Government service are allowed expenses under 5 U.S.C. 5703.

(4) The Commission may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(5) The Commission shall issue a report to the Speaker of the House of Representatives and the President of the Senate no later than 180 days after the date of enactment of this Act.

(6) The Commission shall expire on September 30, 1990.

(7) Expenses of the Commission not to exceed \$250,000, including administrative support, shall be furnished by the National Endowment for the Arts

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

The managers have agreed to language which reaffirms the declaration of freedom of expression for American artists, writers, composers, dramatists and all practitioners of the arts which was contained in the Senate report when the National Endowments for the Arts and Humanities were created in 1965.

The managers agree that the House and Senate have no wish to nor do they intend by expressing their views herein to censor NEA or to impose their views on NEA.

The managers agree that NEA erred in approving the grants for the exhibiting publicly of certain controversial photographs by Robert Mapplethorpe and by granting a fellowship for Andres Serrano, whose subsequent work included a photograph of a crucifix in a jar of urine.

The managers agree that such grants do not come within the requirement of the NEA statute that "only applications and projects be funded that in the context in which they are presented, in the experts' view, foster excellence, are reflective of exceptional talent, and have significant literary, scholarly, cultural or artistic merit." (20 U.S.C. 959)

The managers are of the opinion that it is the sense of the Congress that the procedures of NEA and its panels system can be and should be improved to assure that the Chairman and Council of NEA will be able to carry out their statutory responsibility of reviewing all grants.

The managers agree that a commission of qualified persons should be appointed to review procedures of NEA and its panels looking to their improvement for grant-making.

Amendment Nos. 154-157: Restore section numbers proposed by the House and stricken by the Senate.

Amendment No. 158: Deletes Senate language which would have prevented expenditure of funds for training activities for the purpose of directing or encouraging (1) the organization or implementation to protest social conditions, and (2) any form of civil disobedience.

Amendment Nos. 159-162: Restore section numbers proposed by the House and stricken by the Senate.

Amendment No. 163: Restores language stricken by the Senate limiting planning, preparation, or offer for sale timber of giant se-

quoia trees located on National Forest System or Bureau of Land Management lands.

In developing the management implementation plan to protect the giant sequoia, the Forest Service and the Bureau of Land Management should be mindful of the need to protect the environment in the vicinity of the giant sequoia trees. The giant sequoia has a relatively shallow root system and to denude the area around each tree would leave the tree more liable to uprooting by winds and erosion of the soil around the root system. As such, the management plan to protect the giant sequoia should incorporate appropriate zones to protect the giant sequoia trees from clearcutting and its effects.

Amendment No. 164: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

SEC. 315. Section 9(a)(3) of Public Law 100-580 (102 Stat. 2932) is amended by inserting after the term "Council." the following: "The Yurok Transition Team may receive grants and enter into contracts for the purpose of carrying out this section and section 10(a) of this Act. Such grants and contracts shall be transferred to the Yurok Interim Council upon its organization." Provided, That using \$750,000 appropriated in the Energy and Water Development Appropriations Act, 1990, under "General Investigations, Corps of Engineer—Civil", the Secretary of the Army, acting through the Chief of Engineers, is directed to continue engineering and design of the McCook and Thornton Reservoirs, which are features of the Chicagoland and Underflow Plan: Provided further, That with respect to claims resulting from the performance of functions, during fiscal year 1990 only, or claims asserted after the effective date of this Act, but resulting from the performance of functions prior to fiscal year 1990, under a contract, grant agreement, or cooperative agreement authorized by the Indian Self-Determination and Education Assistance Act of 1975, as amended (88 Stat. 2203; 25 U.S.C. 450 et seq.) or by Title V, Part B—Trially Controlled School Grants of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988, as amended (102 Stat. 385; 25 U.S.C. 2501 et seq.), an Indian tribe, tribal organization or Indian contractor is deemed to be part of the Bureau of Indian Affairs in the Department of the Interior or the Indian Health Service in the Department of Health and Human Services while carrying out any such contract or agreement and its employees are deemed employees of the Bureau or Service while acting within the scope of their employment in carrying out the contract or agreement: Provided further, That upon the effective date of this legislation, any civil action or proceeding involving such claims brought hereafter against any tribe, tribal organization, Indian contractor or tribal employee covered by this provision shall be deemed to be an action against the United States and will be defended by the Attorney General and be afforded the full protection and coverage of the Federal Tort Claims Act: Provided further, That beginning with the fiscal year ending September 30, 1991 and thereafter, the appropriate Secretary shall request through annual appropriations funds sufficient to reimburse the

Treasury for any claims paid in the prior fiscal year pursuant to the foregoing provisions: Provided further, That nothing in this section shall in any way affect the provisions of Section 102(d) of the Indian Self-Determination and Education Assistance Act of 1975, as amended (88 Stat. 2203; 25 U.S.C. 450 et seq.).

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

The amendment limits grants and contracts to the Yurok Transition Team for the purposes of carrying out the Team's functions pursuant to the Hoopa-Yurok Settlement Act, clarifies funding of a Corps of Engineers project, and expands the coverage of the Federal Tort Claims Act to the Bureau of Indian Affairs and the Indian Health Service for Indian contractors. No similar House language was proposed. Senate language on the Hoopa-Yurok Settlement Act had broader applicability than the agreed upon amendment.

The amendment expands the Senate proposed language in amendments 51, 52, and 53 to include the Indian Health Service in addition to the Bureau of Indian Affairs.

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

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

SEC. 316. Effective sixty days after enactment of this Act, the Forest Service is directed to assure an immediate supply of timber from the Kootenai National Forest and to protect the environment: Provided, That pending implementation of the Forest Service's final agency action on the Upper Yaak Decision Area, as defined in the Upper Yaak Draft Environmental Impact Statement, the Forest Service is directed to expeditiously prepare, offer, and supervise the harvest of timber from the lodgepole pine timber type, as defined in the Upper Yaak Draft EIS, in the Upper Yaak Decision Area: Provided further, That adequate environmental assessments for certain timber sales in the Upper Yaak Decision Area have been completed and are adequate, decision notices have been issued, no appeals have been filed, and the time period for appeals as specified in Forest Service regulations has expired: Provided further, That the Forest Service action taken pursuant to this section shall comply with the Kootenai National Forest Plan: Provided further, That no construction of new system roads shall be permitted in the Upper Yaak River Drainage: Provided further, That this section does not in any manner represent a judgment upon the legal adequacy or in any way affect the final decision made in the development or implementation of the Upper Yaak Final EIS.

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

The amendment delays for sixty days the Senate proposed amendment allowing the Forest Service to proceed with supplying timber in the Upper Yaak Decision Area in the Kootenai National Forest in Montana. The House had no such provision. The amendment will allow a reasonable time for interested parties to resolve their differences on timber sales plans.

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

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

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

SEC. 317. Section 320 of Public Law 98-473 (98 Stat. 1974) as amended by Section 316 of Public Law 100-446 (102 Stat. 1826) is further amended by deleting the period and inserting “: Provided, That nothing contained herein shall prohibit an agreement between an Indian tribe or tribal organization and the Secretary of the Interior or the Secretary of Health and Human Services, pursuant to the Indian Self-Determination Act, as amended (25 U.S.C. 450 et seq.), under which such tribe or tribal organization may retain rents and charges for the operation, maintenance, and repair of such quarters.”

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment makes technical corrections to the Senate-proposed language that would allow tribal contractors instead of the Bureau of Indian Affairs or the Indian Health Service to collect rent to be used for operations and maintenance of the quarters in situations when the Federal Government retains title to the quarters, but the occupants of the quarters are funded under programs contracted to tribes. The House had no similar provision.

Amendment No. 167: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

SEC. 318. (a) From funds appropriated under this Act or otherwise made available—

(1) The Forest Service shall offer, notwithstanding the provisions of the Federal Timber Contract Payment Modification Act of 1984 (16 U.S.C. 613(a)(5)(C)), an aggregate timber sale level of seven billion seven hundred million board feet of net merchantable timber from the national forests of Oregon and Washington for fiscal years 1989 and 1990. Such timber sales shall be consistent with existing land and resource management plans or land and resource management plans as approved except, in the case of the Mapleton Ranger District of the Siuslaw National Forest, Oregon, such sales shall be consistent with the preferred alternative of the draft land and resource management plan and accompanying draft environmental impact statement dated October 1, 1986 pending approval of a final land and resource management plan for the Siuslaw National Forest: Provided, That of the seven billion seven hundred million board foot aggregate timber sale level of fiscal years 1989 and 1990, timber sales offered from the thirteen national forests in Oregon and Washington known to contain northern spotted owls shall meet an aggregate timber sale level for fiscal years 1989 and 1990 of five billion eight hundred million board feet of net merchantable timber: Provided further, That the sales volume shall be distributed in the same proportion between Oregon and Washington national forests known to contain northern spotted owls based on the average sale volumes for fiscal years 1986 through 1988 and;

(2) The Bureau of Land Management shall offer such volumes as are required in fiscal year 1990 to meet an aggregate timber sale level of one billion nine hundred million board feet for fiscal years 1989 and 1990 from its administrative districts in western Oregon.

(b)(1) In accordance with subsection (b)(2) of this section, all timber sales from the thirteen national forests in Oregon and Washington known to contain northern spotted owls prepared or offered pursuant to this section shall minimize fragmentation of the most ecologically significant old growth forest stands. "Old growth forest stands" are defined as those stands meeting the criteria according to Forest Service Research Publication #PNW-447. In those instances where the Forest Service, after consultation with the advisory boards established pursuant to subsection (c) of this section, determines that the definition in Forest Service Research Publication #PNW-447 is not fully applicable in national forests known to contain northern spotted owls, the Forest Service shall use old-growth definitions contained in its Pacific Northwest Regional Guide.

(2) To the extent that fragmentation of ecologically significant old growth forest stands is necessary to meet the timber sale levels directed by subsection (a)(1) of this section, the Forest Service shall minimize such fragmentation in the ecologically significant old growth forest stands on a national forest-by-national forest basis based on the Forest Service's discretion in determining the ecologically significant stands after considering input from the advisory boards created pursuant to subsection (c) of this section. The habitat of nesting pairs of spotted owls which are not in the Spotted Owl Habitat Areas (SOHAs) described in subsection (b)(3) of this section shall be considered an important factor in the identification of ecologically significant old growth forest stands.

(3) No timber sales offered pursuant to this section from the thirteen national forests in Oregon and Washington known to contain northern spotted owls may occur within SOHAs identified pursuant to the Final Supplement to the Environmental Impact Statement for an Amendment to the Pacific Northwest Regional Guide—Spotted Owl and the accompanying Record of Decision issued by the Forest Service on December 8, 1988 as adjusted by this subsection:

(A) For the Olympic Peninsula Province, which includes the Olympic National Forest, SOHA size is to be 3,200 acres;

(B) For the Washington Cascades Province, which includes the Mt. Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford-Pinchot National Forests, SOHA size is to be 2,600 acres;

(C) For the Oregon Cascades Province, which includes the Mt. Hood, Willamette, Rogue River, Deschutes, Winema, and Umpqua National Forests, SOHA size is to be 1,875 acres;

(D) For the Oregon Coast Range Province, which includes the Siuslaw National Forest, SOHA size is to be 2,500 acres; and

(E) For the Klamath Mountain Province, which includes the Siskiyou National Forest, SOHA size is to be 1,250 acres.

(F) All other standards and guidelines contained in the Chief's Record of Decision are adopted.

(4) In planning for the preparation and offer of timber sales authorized in subsection (a)(1) of this section, the Forest Service, to the

extent possible in areas proximate to SOHA sites identified in subsection (b)(3) of this section, should exercise discretion in selecting sites and/or silvicultural prescriptions in order to retain spotted owl habitat characteristics in such areas. The Forest Service should consider the relative location and quality of such areas contiguous to the SOHAs and should give higher priority to preparing and offering sales in areas of lower quality and less important location than to areas of greater quality and more important location relative to the SOHAs.

(5) No timber sales offered pursuant to this section on Bureau of Land Management lands in western Oregon known to contain northern spotted owls shall occur within the 110 areas identified in the December 22, 1987 agreement, except sales identified in said agreement, between the Bureau of Land Management and the Oregon Department of Fish and Wildlife. Not later than thirty days after enactment of this Act, the Bureau of Land Management, after consulting with the Oregon Department of Fish and Wildlife and the U.S. Fish and Wildlife Service to identify high priority spotted owl area sites, shall select an additional twelve spotted owl habitat areas. No timber sales may be offered in the areas identified pursuant to this subsection during fiscal year 1990.

(6)(A) Without passing on the legal and factual adequacy of the Final Supplement to the Environmental Impact Statement for an Amendment to the Pacific Northwest Regional Guide—Spotted Owl Guidelines and the accompanying Record of Decision issued by the Forest Service on December 8, 1988 or the December 22, 1987 agreement between the Bureau of Land Management and the Oregon Department of Fish and Wildlife for management of the spotted owl, the Congress hereby determines and directs that management of areas according to subsections (b)(3) and (b)(5) of this section on the thirteen national forests in Oregon and Washington and Bureau of Land Management lands in western Oregon known to contain northern spotted owls is adequate consideration for the purpose of meeting the statutory requirements that are the basis for the consolidated cases captioned *Seattle Audubon Society et al., v. F. Dale Robertson*, Civil No. 89-160 and *Washington Contract Loggers Assoc. et al., v. F. Dale Robertson*, Civil No. 89-99 (order granting preliminary injunction) and the case *Portland Audubon Society et al., v. Manuel Lujan, Jr.*, Civil No. 87-1160-FR. The guidelines adopted by subsections (b)(3) and (b)(5) of this section shall not be subject to judicial review by any court of the United States.

(B) The Forest Service is directed to review and revise as appropriate the decision adopted in the December, 1988 Record of Decision referenced in subsection (b)(6)(A) of this section and shall consider any new information gathered subsequent to the issuance of the Record of Decision, including the interagency guidelines for conservation of northern spotted owls developed by the Interagency Scientific Committee to address conservation of the northern spotted owl. This review, and any resulting changes to the December, 1988 decision determined to be necessary by the Forest service are to be completed and in effect not later than September 30, 1990.

(c)(1) The Secretaries of Agriculture and the Interior shall name advisory boards on a national forest-by-national forest and Bureau of Land Management district-by-district basis which shall be com-

prised of not more than seven individuals who, in the appropriate Secretary's judgment, represent a diversity of views. In the process of selecting individuals to serve on the advisory boards, the Secretaries shall make every effort to recognize the diversity of views and perspectives and allow parties which represent a cross-section of those views to participate in making recommendations in the selection of board members, provided that every effort will be made to ensure the advisory boards are comprised of an equal number of representatives of environmental and business concerns. The advisory boards shall be named not later than thirty days after enactment of this Act. The advisory boards shall provide recommendations to the Forest Service and the Bureau of Land Management in reviewing prospective timber sales which shall meet the timber sale levels directed by this section prior to their offer. The advisory boards shall present their advice within fifteen or forty-five days after receipt of the necessary review documents. The fifteen-day period applies to single sales and the forty-five-day period applies to multiple sales. The members of the advisory boards authorized by this section shall serve without compensation or reimbursement of expenses. The Forest Service and the Bureau of Land Management are authorized to use available funds for the services of professional, independent facilitators to assist in the work of the advisory boards.

(2) The Forest Service and Bureau of Land Management shall consider the recommendations of the advisory boards once such boards are established pursuant to this section, including any suggested modifications of individual sales. The Forest Service and Bureau of Land Management shall also consider recommendations made by the U.S. Fish and Wildlife Service on those timber sales conferred upon under Section 7(a)(4) or, if the spotted owl is listed as a threatened or endangered species, consult under Section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1536 (a)(2) and (a)(4)) prior to the offer of any subsequent timber sale in fiscal year 1990. These recommendations shall be considered regardless of whether the agreement provided in subsection (f)(1) of this section has been reached, entered into, and accepted by the relevant court. Adoption or rejection of such recommended modifications shall not require preparation of additional environmental documents, notwithstanding any other provision of law.

(d) Notwithstanding any other provision of law, there shall be not more than one level of administrative appeal of any decision by the Forest Service or the Bureau of Land Management to undertake any activity directed by this section for timber sales to be prepared, advertised, offered, and awarded during fiscal year 1990 from the thirteen national forests in Oregon and Washington and Bureau of Land Management lands in western Oregon known to contain northern spotted owls. If an administrative stay is granted in any such appeal the Regional Forester or the Interior Board of Land Appeals shall issue a final decision on the merits within forty-five days of the date of issuance of such stay. Notwithstanding any other provision of law, any party seeking to challenge a decision made after the date of enactment of this Act to prepare, advertise, offer, or award a timber sale in fiscal year 1990 from the thirteen national forests and Bureau of Land Management lands in western Oregon known to contain northern spotted owls need not exhaust their ad-

ministrative remedies prior to filing suit. Nothing in this subsection shall alter the administrative appeal requirements of the Forest Service or Bureau of Land Management.

(e) Nothing in this section shall affect interagency cooperation among the Forest Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service under Sections 7(a)(2) and 7(a)(4) of the Endangered Species Act and its regulations.

(f)(1) Not later than two days after enactment of this Act, the Forest Service shall submit to plaintiffs in the captioned case *Seattle Audubon Society et al., v. F. Dale Robertson*, Civil No. 89-160, a list of sales which had been prepared for offer in fiscal year 1989 and which contain at least 40 acres of suitable spotted owl habitat. Not later than fourteen days after receipt of such list, plaintiffs to the suit referenced in this subsection may enter into an agreement with the Forest Service releasing for sale not less than one billion one hundred million board feet of net merchantable timber. Such sales must be available for advertisement not later than fourteen days after the agreement required by this subsection is reached. Such timber sales selected shall not be subject to further judicial review by any court of the United States.

(2) If the agreement specified in subsection (f)(1) of this section is reached, then those timber sales described in the list submitted to plaintiffs pursuant to subsection (f)(1) of this section but not contained in the agreement authorized by subsection (f)(1) of this section shall not be offered for sale in fiscal year 1990.

(3) If the agreement authorized under subsection (f)(1) of this section is not implemented within the time frames prescribed in subsection (f)(1) of this section, one billion one hundred million board feet of net merchantable timber from such sales submitted to plaintiffs pursuant to subsection (f)(1) of this section shall be selected and modified as appropriate by the Forest Service in accordance with the provisions of this section. Selected sales shall be prepared, advertised, offered, awarded and operated notwithstanding any provision of law that is a basis for any stay, injunction or order issued in the proceeding identified in subsection (f)(1) of this section: Provided, That nothing in this subsection shall affect rights available under the Contract Disputes Act (41 U.S.C. 601 et seq.).

(4) The Forest Service shall, for each respective timber sale, lift its own stay or apply to the appropriate court for the lifting of the restraining order or injunction whose basis has been withdrawn by this section.

(5) Timber sales selection pursuant to subsections (f)(1) or (f)(3) of this section shall be based on the following criteria: (1) proportional distribution between Oregon and Washington national forests known to contain northern spotted owls based on the average sale volumes for fiscal years 1986 through 1988; (2) proportional distribution to the extent possible among the thirteen national forests known to contain northern spotted owls in Oregon and Washington based on the average sale volumes for fiscal years 1986 through 1988; and (3) to the extent possible, selection of sales outside the habitat of nesting pairs of spotted owls which are not in the Spotted Owl Habitat Areas described in subsection (b)(3) of this section.

(g)(1) No restraining order or preliminary injunction shall be issued by any court of the United States with respect to any decision

to prepare, advertise, offer, award, or operate a timber sale or timber sales in fiscal year 1990 from the thirteen national forests in Oregon and Washington known to contain northern spotted owls. The provisions of section 705 of title 5, United States Code shall not apply to any challenge to such a timber sale: Provided, That the courts shall have authority to enjoin permanently, order modification of, or void an individual sale if it has been determined by a trial on the merits that the decision to prepare, advertise, offer, award, or operate such sale was arbitrary, capricious or otherwise not in accordance with law: Provided further, That any challenge to a timber sale must be filed in Federal District Court within fifteen days of the date of initial advertisement of the challenged timber sale: Provided further, That for forty-five days after the date of filing of a challenge to a timber sale the affected agency shall take no action to award a challenged timber sale. Civil actions filed under this section shall be assigned for hearing at the earliest possible date and shall take precedence over all other matters pending on the docket of the court at that time except for criminal cases: Provided further, That the court shall render its final decision relative to any challenge within forty-five days from the date such challenge is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(2) Notwithstanding any other provision of law, the court may set rules governing the procedures of any such proceeding which set page limits on briefs and time limits on filing briefs and motions and other actions which are shorter than the limits specified in the Federal rules of civil or appellate procedure.

(3) In order to reach a decision within forty-five days, the Federal District Court may assign all or part of any such case or cases to one or more Special Masters, for prompt review and recommendations to the court.

(h) The Forest Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service shall submit reports updating their findings and progress as determined by the process recognized under subsection (e) of this section on a monthly basis to the President of the Senate and the Speaker of the House of Representatives for appropriate referral. Such reports shall also include information on the extent to which recommendations of the advisory boards established pursuant to subsection (c) of this section were integrated into timber sale decisions as well as reasons for modifying or not adopting recommendations made by the advisory boards. Such reports shall be submitted as directed beginning on December 1, 1989, and ending on September 30, 1990.

(i) Except for provisions of subsection (a)(1) of this section, the provisions of this section apply solely to the thirteen national forests in Oregon and Washington and Bureau of Land Management districts in western Oregon known to contain northern spotted owls. Nothing contained in this section shall be construed to require the Forest Service or Bureau of Land Management to develop similar policies on any other forest or district in Oregon or Washington.

(j) The advisory boards established under this section shall be subject to the Federal Advisory Committee Act (86 Stat. 770).

(k) Timber sales offered to meet the requirements of subsection (a) of this section shall be subject to the terms and conditions of this

section for the duration of those sale contracts. All other provisions of this section shall remain in effect until September 30, 1990.

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

The amendment sets terms and conditions applicable only for fiscal year 1990 for making timber sales on Federal lands in Oregon and Washington, for managing habitat for northern spotted owls, and for minimizing fragmentation of significant old growth forest stands.

The managers have agreed to this provision because a large portion of the Forest Service's and Bureau of Land Management's (BLM) fiscal year 1989 timber sale programs on the thirteen national forests in Oregon and Washington and five BLM administrative districts in western Oregon known to contain northern spotted owls have been interrupted due to legal challenges, and because these challenges have raised serious concerns about the adequacy of planned actions of the agencies with regard to managing habitat for the northern spotted owl and minimizing fragmentation of old growth stands. The managers are extremely concerned that the agencies did not pursue avenues to resolve the conflicts or more adequately address the issues raised in these legal challenges, thereby requiring the inclusion of this section. The extraordinary measures included in this section, particularly with regard to judicial processes, have been reluctantly agreed to because of the failure of the agencies to take steps on their own to resolve these matters in a manner which could have prevented the current situation. These measures included in this provision have been provided on an interim basis for fiscal year 1990 only, during which the BLM and Forest Service are expected to take further action to address these concerns, as discussed in the Act and in this statement. Except for provisions relating to timber sale volume, this section does not apply to the six National Forests in Region Six which do not contain northern spotted owls.

In developing the amendment, the managers have sought to balance the goals of ensuring a predictable flow of public timber for fiscal year 1990 and protecting the northern spotted owl and significant old growth forest stands. In reconciling these often conflicting goals, the managers have limited all provisions in this subsection to fiscal year 1990, except that the timber sales offered under this section in fiscal year 1990 are covered by its terms and conditions throughout the length of the timber sale contracts. Sales offered under this section but not awarded and withdrawn after October 1, 1990 under normal Forest Service and BLM procedures may not be reoffered in subsequent fiscal years under the terms of this section. While it may be difficult to prepare substantial new sale volumes, the managers encourage the Forest Service to make every effort possible to prepare and offer new sales as part of the fiscal year 1990 program.

The managers have included language to ensure that the fiscal year 1990 sales volume is distributed in the same proportion between the states of Oregon and Washington, and to encourage proportional distribution of sales released through subsection (f). The managers agree that the proportional distribution should be based on the time frame of fiscal years, 1986, 1987, and 1988 to reflect an

accurate historic sales time period on which to base the sales program pursuant to the provisions of this section.

The amendment provides discretion to the Forest Service in the placement of timber sales proximate to Spotted Owl Habitat Areas (SOHAs). However, as the language in the Act states, the Forest Service should give consideration to the location and quality of proximate habitat in the course of sequencing areas for timber sales, by giving priority to timber sales in areas of lesser quality prior to consideration of sales in areas of greater quality, as necessary to meet the timber targets. The agencies are also urged to give consideration in the planning, scheduling, and offering of timber sales in fiscal year 1990 to minimize, to the extent feasible, the possibility that existing spotted owl populations will become isolated.

The managers have chosen to substitute adjusted interim standards for SOHAs for national forest lands in lieu of the spotted owl management Record of Decision (ROD) published in December, 1988. The designations contained in this section are made without prejudice to the validity of the Forest Service's ROD. However, the Forest Service is directed to review its ROD and make revisions to it as appropriate. In so doing, the Forest Service should develop documentation to support any revisions to the ROD. It is expected that the agency will give careful consideration to the recommendations of the Interagency Scientific Committee in reaching any final decisions regarding revisions to the ROD. The managers expect that the agency will make available to the Congress and the public explanations of any decisions to modify or reject such recommendations.

The legal adequacy of and prohibition against judicial review of the SOHA framework established in this section should not be construed to moot future action after fiscal year 1990 in the *Seattle Audubon Society/Washington Contract Loggers Association v. Robertson* cases against the current Forest Service owl management ROD or any cases which may be filed against a revised ROD.

The managers expect that the Forest Service shall make every reasonable effort to complete land and resource management plans by the end of fiscal year 1990.

The managers have chosen for fiscal year 1990 to expand by 12 sites the network of SOHAs identified through the December, 1987 agreement between the Bureau of Land Management and the Oregon Department of Fish and Wildlife (ODFW). This expanded reservation of areas for spotted owls again is deemed adequate to address for fiscal year 1990 only the concerns raised in the *Portland Audubon Society v. Lujan* case. The legal adequacy of and prohibition against judicial review of the SOHA framework established in this section should not be construed to moot future action after fiscal year 1990 in the *Portland Audubon Society v. Lujan* case against current BLM owl management activities or any cases which may be filed against future BLM management decisions.

The BLM shall continue to work in consultation with ODFW and the U.S. Fish and Wildlife Service to ensure that, to the extent practicable, the agencies coordinate their efforts in identifying and defining the 12 additional high priority spotted owl habitat areas.

Section (b)(6)(A) does not pass on the legal sufficiency of the existing Forest Service ROD or the BLM/ODFW agreement insofar

as each addresses concerns about the northern spotted owl. However, inasmuch as subsections (b)(3) and (b)(5) establish interim SOHA standards for fiscal year 1990 which protect more habitat than currently protected by the Forest Service and BLM, subsection (b)(6)(A) removes for fiscal year 1990 the sufficiency or insufficiency of those standards as a reason for injunctive relief. These provisions do not expire for the contracts resulting from timber sales offered through September 30, 1990 and subsequently awarded under this section. Subsection (b)(6)(A) should be read in combination with subsection (g) which establishes expedited procedures for challenging timber sales in court. Together, these two subsections preserve the opportunity for judicial review of individual timber sales on a single-sale basis.

This section in no way alters application of the Endangered Species Act or other environmental laws to Forest Service and BLM management activities.

Nothing in this section is intended to prejudice any future decision with regard to the current listing process for the northern spotted owl pursuant to the Endangered Species Act, any final decisions that may be reached by a Federal court in the *Seattle Audubon/Washington Contract Loggers Assoc. v. Robertson* cases and the *Portland Audubon v. Lujan* case, any revisions that may be made by the Forest Service to the ROD or any revisions that may be made by BLM to its owl management policies. In addition, nothing in this section is intended to affect any decision by the Forest Service to offer for sale after fiscal year 1990 any timber volume which was not sold during fiscal year 1990 pursuant to subsection (f) of this section or the process by which sales are prepared and offered after fiscal year 1990.

Seven-member advisory boards are to be established to provide input on the agencies' timber sale programs. The managers intend these boards to be established on a national forest-by-national forest or BLM district-by-district basis, and to be comprised of persons knowledgeable about the resource values of the particular forest or district. The boards will review timber sales and make their recommendations about which sales should be prohibited, released, or modified in furtherance of all provisions of this section, and the agencies are urged to consider fully these recommendations. The managers intend that the boards will be comprised of and will fairly represent the diverse views of the interests affected by this section. The managers expect the advisory boards to seek to minimize conflicts involved in this issue.

The section limits administrative appeals to one level of review in each agency, and sets time limits on the resolution of appeals in cases where an action is stayed. Also, appellants need not exhaust their appeal opportunities before filing suit under the terms of this section. No other changes to the appeals process are made.

Release of 1.1 billion board feet of net merchantable timber sales prepared for the Forest Service's fiscal year 1989 program shall be achieved through either of two mechanisms: an agreement between the Forest Service and plaintiffs in the *Seattle Audubon Society* case or, in the absence of such an agreement on a timely basis, by the Forest Service. Sales prepared but not released under either of

these mechanisms shall not be available as part of the fiscal year 1990 sale offer program.

The section narrows the time frame for filing civil actions in court and prohibits the issuance of pre-trial restraining orders and injunctions. It does encourage, however, that trials be scheduled and decided expeditiously.

The managers take note of the new Cedar River Municipal Watershed policies recently adopted by the City of Seattle for management of the City's 81 percent ownership of the watershed. The policies balance City land management in the Cedar River Municipal Watershed between habitat preservation and timber management. The United States owns about 18 percent of the Cedar River Municipal Watershed in the Mt. Baker-Snoqualmie National Forest. The managers note the long history of cooperation between the City of Seattle and the Forest Service in managing the Cedar River Municipal Watershed. The City and Forest Service have agreed in the past to use land exchanges to achieve City ownership of the watershed for water quality protection. The managers note that the recently adopted City policies require comprehensive negotiations between the City and the Forest Service to achieve land and timber exchanges. The managers support this negotiation process and encourage both parties to continue to strive for expeditious agreement.

The Forest Service and BLM shall, upon request, make available within five working days timber sale environmental assessments and related documentation.

The managers are encouraged by the formation of the Interagency Scientific Committee for the purpose of developing a strategy for conservation of the northern spotted owl. The managers understand that the Committee expects to complete its recommendations by no later than June, 1990 and encourage the agencies to provide necessary support to complete expeditiously the work of the Committee. The managers expect that the recommendations and report of the Committee will be made available to the public.

The managers expect that by January 30, 1990, the BLM will provide to the appropriate committees of Congress a report explaining agency actions and intentions to coordinate and integrate spotted owl management plans on its administration districts containing spotted owls. The managers further expect that the BLM will consider carefully any recommendations made by the Interagency Scientific Committee in the development of its new land and resource management plans.

Within 30 days of receipt, the Forest Service and BLM will make available to the public recommendations received from the Fish and Wildlife Service pursuant to actions undertaken in accordance with provisions of the Endangered Species Act.

Amendment No. 168: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

SEC. 319. (a)(1) Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end thereof the following new section:

“§ 1352. Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions

“(a)(1) None of the funds appropriated by any Act may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in paragraph (2) of this subsection.

“(2) The prohibition in paragraph (1) of this subsection applies with respect to the following Federal actions:

“(A) The awarding of any Federal contract.

“(B) The making of any Federal grant.

“(C) The making of any Federal loan.

“(D) The entering into of any cooperative agreement.

“(E) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

“(b)(1) Each person who requests or receives a Federal contract, grant, loan, or cooperative agreement from an agency or requires or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency, in accordance with paragraph (4) of this subsection—

“(A) a written declaration described in paragraph (2) or (3) of this subsection, as the case may be; and

“(B) copies of declarations received by such person under paragraph (5).

“(2) A declaration filed by a person pursuant to paragraph (1)(A) of this subsection in connection with a Federal contract, grant, loan, or cooperative agreement shall contain—

“(A) a statement setting forth whether such person—

“(i) has made any payment with respect to that Federal contract, grant, loan, or cooperative agreement, using funds other than appropriated funds, which would be prohibited by subsection (a) of this section if the payment were paid for with appropriated funds; or

“(ii) has agreed to make any such payment;

“(B) with respect to each such payment (if any) and each such agreement (if any)—

“(i) the name and address of each person paid, to be paid, or reasonably expected to be paid;

“(ii) the name and address of each individual performing the services for which such payment is made, to be made, or reasonably expected to be made;

“(iii) the amount paid, to be paid, or reasonably expected to be paid;

“(iv) how the person was paid, is to be paid, or is reasonably expected to be paid; and

“(v) the activity for which the person was paid, is to be paid, or is reasonably expected to be paid; and

“(C) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).

“(3) A declaration filed by a person pursuant to paragraph (1)(A) of this subsection in connection with a commitment providing for the United States to insure or guarantee a loan shall contain—

“(A) a statement setting forth whether such person—

“(i) has made any payment to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guaranty; or

“(ii) has agreed to make any such payment; and

“(B) with respect to each such payment (if any) and each such agreement (if any), the information described in paragraph (2)(B) of this subsection.

“(4) A person referred to in paragraph (1)(A) of this subsection shall file a declaration referred to in that paragraph—

“(A) with each submission by such person that initiates agency consideration of such person for award of a Federal contract, grant, loan, or cooperative agreement, or for grant of a commitment providing for the United States to insure or guarantee a loan;

“(B) upon receipt by such person of a Federal contract, grant, loan, or cooperative agreement or of a commitment providing for the United States to insure or guarantee a loan, unless such person previously filed a declaration with respect to such contract, grant, loan, cooperative agreement or commitment pursuant to clause (A); and

“(C) at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the information contained in any declaration previously filed by such person in connection with such Federal contract, grant, loan, cooperative agreement, loan insurance commitment, or loan guaranty commitment.

“(5) Any person who requests or receives from a person referred to in paragraph (1) of this subsection a subcontract under a Federal contract, a subgrant or contract under a Federal grant, a contract or subcontract to carry out any purpose for which a particular Federal loan is made, or a contract under a Federal cooperative agreement shall be required to file with the person referred to in such paragraph a written declaration referred to in clause (A) of such paragraph.

“(6)(A) The head of each agency shall collect and compile the information contained, pursuant to paragraphs (2)(B) and (3)(B) of this subsection, in the statements filed under this subsection and, on May 31 and November 30 of each year, submit to the Secretary of the Senate and the Clerk of the House of Representatives a report containing a compilation of the information contained, pursuant to such paragraphs, in the statements received during the six-month period ending on March 31 or September 30, respectively, of that year. The report, including the compilation shall be available for public inspection 30 days after receipt of the report by the Secretary and the Clerk.

“(B) Notwithstanding subparagraph (A)—

“(i) information referred to in subparagraph (A) that involves intelligence matters shall be reported only to the Select Commit-

tee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives in accordance with procedures agreed to by such committees;

“(ii) information referred to in subparagraph (A) that is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, is classified in accordance with such order, and is available only by special access shall be reported only to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives or the Committees on Armed Services of the Senate and the House of Representatives (whichever such committees have jurisdiction of matters involving such information) and to the Committees on Appropriations of the Senate and the House of Representatives in accordance with procedures agreed to by such committees; and

“(iii) information reported in accordance with this subparagraph shall not be available for public inspection.

“(7) The Director of the Office of Management and Budget, after consulting with the Secretary of the Senate and the Clerk of the House of Representatives, shall issue guidance for agency implementation of, and compliance with, the requirements of this section.

“(c)(1) Any person who makes an expenditure prohibited by subsection (a) of this section shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

“(2)(A) Any person who fails to file or amend a declaration required to be filed or amended under subsection (b) of this section shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

“(B) A filing of a declaration or a declaration amendment on or after the date on which an administrative action for the imposition of a civil penalty under this subsection is commenced does not prevent the imposition of such civil penalty for a failure occurring before that date. For the purposes of this subparagraph, an administrative action is commenced with respect to a failure when an investigating official determines in writing to commence an investigation of an allegation of such failure.

“(3) Sections 3803 (except for subsection (c)), 3804, 3805, 3806, 3807, 3808, and 3812 of this title shall be applied, consistent with the requirements of this section, to the imposition and collection of civil penalties under this subsection.

“(4) An imposition of a civil penalty under this subsection does not prevent the United States from seeking any other remedy that the United States may have for the same conduct that is the basis for the imposition of such civil penalty.

“(d)(1) The official of each agency referred to in paragraph (3) of this subsection shall submit to Congress each year an evaluation of the compliance of that agency with, and the effectiveness of, the requirements imposed by this section on the agency, persons requesting or receiving Federal contracts, grants, loans, or cooperative agreements from that agency, and persons requesting or receiving from that agency commitments providing for the United States to insure

or guarantee loans. The report shall be submitted at the same time the agency submits its annual budget justifications to Congress.

“(2) The report of an agency under paragraph (1) of this subsection shall include the following:

“(A) All alleged violations of the requirements of subsections (a) and (b) of this section, relating to the agency’s Federal actions referred to in such subsections, during the year covered by the report.

“(B) The actions taken by the head of the agency in such year with respect to those alleged violations and any alleged violations of subsections (a) and (b) of this section that occurred before such year, including the amounts of civil penalties imposed by the head of such agency in such year, if any.

“(3) The Inspector General of an agency shall prepare and submit the annual report of the agency required by paragraph (1) of this subsection. In the case of an agency that does not have an inspector general, the agency official comparable to an inspector general shall prepare and submit the annual report, or, if there is no such comparable official, the head of the agency shall prepare and submit such annual report.

“(e)(1)(A) Subsection (a)(1) of this section does not apply in the case of a payment of reasonable compensation made to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement to the extent that the payment is for agency and legislative liaison activities not directly related to a Federal action referred to in subsection (a)(2) of this section.

“(B) Subsection (a)(1) of this section does not prohibit any reasonable payment to a person, or any payment of reasonable compensation to an officer or employee of a person, requesting or receiving a Federal contract, grant, loan, or cooperative agreement or an extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement if the payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal contract, grant, loan, or cooperative agreement or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal contract, grant, loan, or cooperative agreement.

“(C) Nothing in this paragraph shall be construed as permitting the use of appropriated funds for making any payment prohibited in or pursuant to any other provision of law.

“(2) The reporting requirements in subsection (b) of this section shall not apply to any person with respect to—

“(A) payments of reasonable compensation made to regularly employed officers or employees of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or a commitment providing for the United States to insure or guarantee a loan;

“(B) a request for or receipt of a contract (other than a contract referred to in clause (C)), grant, cooperative agreement, subcontract (other than a subcontract referred to in clause (C)), or subgrant that does not exceed \$100,000; and

“(C) a request for or receipt of a loan, or a commitment providing for the United States to insure or guarantee a loan, that

does not exceed \$150,000 including a contract or subcontract to carry out any purpose for which such a loan is made.

“(f) The Secretary of Defense may exempt a Federal action described in subsection (a)(2) from the prohibition in subsection (a)(1) whenever the Secretary determines, in writing, that such an exemption is in the national interest. The Secretary shall transmit a copy of each such written exemption to Congress immediately after making such determination.

“(g) The head of each Federal agency shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced in such agency.

“(h) As used in this section:

“(1) The term ‘recipient’, with respect to funds received in connection with a Federal contract, grant, loan, or cooperative agreement—

“(A) includes the contractors, subcontractors, or subgrantees (as the case may be) of the recipient; but

“(B) does not include an Indian tribe, tribal organization, or any other Indian organization eligible to receive Federal contracts, grants, cooperative agreements, or loans from an agency but only with respect to expenditures that are by such tribe or organization for purposes specified in subsection (a) and are permitted by other Federal law.

“(2) The term ‘agency’ has the same meaning provided for such term in section 552(f) of title 5, and includes a Government corporation, as defined in section 9101(1) of this title.

“(3) The term ‘person’—

“(A) Includes an individual, corporation, company, association, authority, firm, partnership, society, State, and local government, regardless of whether such entity is operated for profit or not for profit; but

“(B) does not include an Indian tribe, tribal organization, or any other Indian organization eligible to receive Federal contracts, grants, cooperative agreements, or loans from an agency but only with respect to expenditures by such tribe or organization that are made for purposes specified in subsection (a) and are permitted by other Federal law.

“(4) The term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State, regional, or interstate entity having governmental duties and powers.

“(5) The term ‘local government’ means a unit of government in a State and, if chartered, established, or otherwise recognized by a State for the performance of a governmental duty, the following entities:

“(A) A local public authority.

“(B) A special district.

“(C) An intrastate district.

“(D) A council of governments.

“(E) A sponsor group representative organization.

“(F) Any other instrumentality of a local government.

“(6)(A) The terms ‘Federal contract’, ‘Federal grant’, ‘Federal cooperative agreement’ mean, respectively—

“(i) a contract awarded by an agency;

“(ii) a grant made by an agency or a direct appropriation made by law to any person; and

“(iii) a cooperative agreement entered into by an agency.

“(B) Such terms do not include—

“(i) direct United States cash assistance to an individual;

“(ii) a loan;

“(iii) loan insurance; or

“(iv) a loan guaranty.

“(7) The term ‘Federal loan’ means a loan made by an agency. Such term does not include loan insurance or a loan guaranty.

“(8) The term ‘reasonable payment’ means, with respect to professional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.

“(9) The term ‘reasonable compensation’ means, with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.

“(10) The term ‘regularly employed’, with respect to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or a commitment providing for the United States to insure or guarantee a loan, means an officer or employee who is employed by such person for at least 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract, grant, loan, cooperative agreement, loan insurance commitment, or loan guaranty commitment.

“(11) The terms ‘Indian tribe’ and ‘tribal organization’ have the meaning provided in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).”

(2) The table of sections for subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following new item:

“1352. Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions.”

(b) The first report submitted under subsection (b)(6) of section 1352 of title 31, United States Code (as added by subsection (a)), shall be submitted on May 31, 1990, and shall contain a compilation relating to the statements received under subsection (b) of such section during the six-month period beginning on October 1, 1989.

(c) The Director of the Office of Management and Budget shall notify the head of each agency that section 1352 of title 31, United States Code (as added by subsection (a)), is to be complied with commencing 60 days after the date of the enactment of this Act. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue the guidance required by subsection (b)(7) of such section.

(d) Section 1352 of title 31, United States Code (as added by subsection (a)), shall take effect with respect to Federal contracts, grants, loans, cooperative agreements, loan insurance commitments,

and loan guaranty commitments that are entered into or made more than 60 days after the date of the enactment of this Act.

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

Section 319 prohibits recipients of Federal grants, contracts, loans, or cooperative agreements from using Federal funds to pay persons to influence or to attempt to influence executive or legislative decisionmaking in connection with the awarding of any contract, grant, loan or cooperative agreement.

In the case of a payment, or progress payment, received by a contractor for performance of a contract, the portion of the payment properly allocable to the contractor's profit is not appropriated funds.

The managers agree that Federal actions defined in subsection (a)(2) do not include claims and settlements against the Federal Government. Activities related to such actions are not prohibited. The amendment is not intended to prohibit any citizen's right to petition Congress for a redress of grievances and does not proscribe legislative activities supporting or opposing programs within the purview of the government.

The section also requires that any person requesting or receiving a Federal grant, contract, cooperative agreement, loan, loan guarantee, or loan insurance, must report to the relevant agency the name of any lobbyists or consultants paid with non-Federal funds, the amounts such lobbyists or consultants were paid, and the purpose for which they were paid.

All Federal agencies will be required to file, on a semi-annual basis beginning May 31, 1990, a report compiling the information gathered regarding payments, including the names and addresses and amounts paid to all lobbyists or consultants who were paid with non-Federal funds for influencing (or attempting to influence) executive or legislative decisionmaking on Federal grants, contracts, cooperative agreements, loans, loan guarantees, or loan insurance.

The provision in subsection (c)(1) and (c)(2) sets civil penalties of a minimum of \$10,000 and a maximum of \$100,000 for each violation of the prohibition on the use of Federal funds to pay lobbyists and for each failure to report the information required when they are paid with non-Federal funds.

In determining whether to impose a civil penalty, and the amount of any such penalty, by reason of a violation by any person, the head of an agency shall consider the nature, circumstances, extent, and gravity of the violation, the effect on the ability of such person to continue in business, any prior violations by such person, the degree of culpability of such person, the ability of the person to pay the penalty, and such other matters as may be appropriate.

The provisions do not prohibit any reasonable payments to consultants (or officers or employees of persons) for professional, technical, or other similar services in connection with meeting requirements for receiving Federal contracts, loans, or cooperative agreements.

The managers agree that "agency and legislative liaison activities" referred to in subsection (e)(1)(A) include the provision of in-

formation requested by Federal agencies and Congress and the making of presentations to agency personnel related to the qualities and characteristics of products or services sought to be sold to the Federal Government.

Upon enactment of this section, the Office of Management and Budget (OMB) will have 60 days to issue guidance to all agencies of government as to how compliance with these provisions is to be carried out. The Conferees expect that all agencies shall expeditiously promulgate regulations to implement the requirements of this section, and that all such regulations shall be uniform and shall comply with the government-wide guidance issued by the Director of the Office of Management and Budget pursuant to paragraph (b)(7). Also, major agencies, as designated by OMB, shall issue a common rule complying with the guidance issued by OMB.

The Inspector General or the equivalent, of every agency of government, is required to submit an annual report commenting on the effectiveness of each Agency's compliance with these provisions and recommending any changes that may be necessary to strengthen or improve upon these provisions.

The provision exempts grants, contracts, cooperative agreements, subcontracts and subgrants of \$100,000 or less and loans (and Federal commitments to insure or guarantee loans and certain contracts and subcontracts relating to loans) that do not exceed \$150,000. This serves to exempt small contractors and individuals who seek Federally-insured loans (for the purchase of personal residences, for example) from these provisions.

The definitions of "recipient" in (g)(1) and "person" in (g)(3) are expanded to exclude Indian tribes, tribal organizations, or any other Indian organization for specific purposes permitted by other Federal law. Such Indian tribes and tribal organizations are defined in (g)(11) based on the Indian Self-determination and Education Assistance Act. Alaska Natives are included for this purpose under the definitions of Indian tribes in that Act.

The Conferees have deleted provisions of the Senate amendment which would have authorized cancellation or termination of a contract, grant, cooperative agreement, loan, loan insurance, or loan guarantee for violation of the payment prohibition or the reporting requirement of this section. This action was taken in light of the Conferees' concern with the legal or practical problems raised by authorizing the head of an agency to take such action in these circumstances. The Conferees recommend that the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives review and report appropriate legislation to institute such authority as is deemed appropriate and necessary.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1990, is defined by the Committee as follows:

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

under, the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, state and other administrative units and the like, for which funds are provided in fiscal year 1990.

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

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1990 recommended by the Committee of Conference, with comparisons to the fiscal year 1989 amount, the 1990 budget estimates, and the House and Senate bills for 1990 follow:

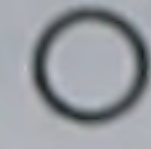
New budget (obligational) authority, fiscal year 1989	\$10,228,751,000
Budget estimates of new (obligational) authority, fiscal year 1990.....	9,128,704,000
House bill, fiscal year 1990	11,063,887,000
Senate bill, fiscal year 1990	10,884,101,000
Conference agreement, fiscal year 1990	11,180,742,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1989	+ 951,991,000
Budget estimates of new (obligational) authority, fiscal year 1990	+2,052,038,000
House bill, fiscal year 1990.....	+116,855,000
Senate bill, fiscal year 1990.....	+296,641,000

SIDNEY R. YATES,
 JOHN P. MURTHA,
 NORM DICKS,
 LES AU COIN,
 TOM BEVILL,
 CHESTER G. ATKINS,
 JAMIE L. WHITTEN,
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Managers on the Part of the House.

ROBERT C. BYRD,
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 DENNIS DECONCINI,
 QUENTIN N. BURDICK,
 DALE BUMPERS,
 HARRY REID,
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