

DEPARTMENT OF THE INTERIOR AND RELATED
 AGENCIES APPROPRIATIONS BILL, 1989

JUNE 20, 1988.—Committed to the Committee of the Whole House on the State of
 the Union and ordered to be printed

Mr. YATES, from the Committee on Appropriations,
 submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 4867]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1989. The bill provides regular annual appropriations for the Department of the Interior (except the Bureau of Reclamation) and for other related agencies, including the Forest Service, the Department of Energy, the Smithsonian Institution, and the National Foundation on the Arts and Humanities.

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The Committee recommends an appropriation of \$62,856,000, the budget estimate, for the Energy Information Administration (EIA).

The Committee expects EIA to continue to support the State heating oil (winter distillate) program except for the direct grants to States for data collection.

ALCOHOL FUELS

The Committee recommends including administrative provisions in the bill for the Department of Energy's alcohol fuels program, as requested by the Administration. To date two alcohol fuel plant loans have defaulted and the Government has disbursed funds from the Alcohol Fuels Loan Guarantee reserve to cover the defaults. One remaining plant has been shut down but has not yet defaulted on its loan. The potential liability on the plant (Tennol, Inc.) is between \$65 and \$70 million. Currently only approximately \$11 million in unencumbered funds remain in the loan guarantee reserve.

Therefore, the Committee has recommended bill language that would provide for the use of certain funds only for expenses connected with existing loans and associated costs. The funds may be derived from (1) the sale of assets obtained as a result of defaulted loans; (2) other receipts, such as loan payments, received in connection with the program; and (3) unobligated balances in the Alternative Fuels Production account, if excess to the needs of that account. The amounts available from each of these sources is not estimated easily. If a loan default occurs and the existing funds are insufficient, new appropriations may be necessary in the future.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Appropriation enacted, 1988.....	\$949,481,000
Budget estimate, 1989.....	986,772,000
Recommended, 1989.....	1,016,667,000
Comparison:	
Appropriation, 1988.....	+67,186,000
Budget estimate, 1989.....	+29,895,000

The amounts recommended by the Committee for fiscal year 1989, compared with the budget estimates, are shown in the following table:

	(in thousands of dollars)			Change from Estimates
	FY 1988 Enacted	Budget Estimates	Committee Bill	
Hospital and health clinic programs.....	537,000	556,423	576,204	+19,781
Dental health program.....	26,374	30,318	32,495	+2,167
Mental health program.....	12,466	13,091	13,091	---
Alcoholism program.....	29,335	30,959	31,159	+200
Maintenance and repair.....	11,359	11,756	11,756	---
Contract care.....	189,481	209,335	214,454	+6,119
Sanitation.....	23,907	24,628	24,654	+26
Public health nursing.....	14,113	14,467	14,467	---
Health education.....	4,413	4,651	4,651	---
Community health representative program.....	27,282	27,282	29,282	+2,000
Immunization.....	395	417	417	---
Urban health projects.....	9,624	8,662	10,462	+1,800
Indian health manpower.....	7,646	7,646	7,896	+250
Tribal management.....	3,094	3,218	3,218	---
Direct operations.....	41,392	42,471	42,471	---
Facilities.....	---	2,450	---	-2,450
Medicare/Medicaid reimbursements.....	---	---	---	---
Total, Indian Health Services.....	949,481	986,772	1,016,667	+29,895

The Committee recommends an appropriation of \$1,016,667,000, an increase of \$29,895,000 over the budget estimate. The recommended level, an increase of \$67,186,000 over the 1988 level, will essentially maintain the Indian Health Service programs at the 1988 level, plus address the needs of newly recognized tribes, provide small increases for deferred services, and make up part of the shortfall in tribal contractor indirect costs.

The Committee has not agreed with proposed bill language which would have identified a specific amount for tribal contractors. The Committee has always supported tribal contracting of health programs, but does not believe that this language would in any way advance or increase the amount of tribal contracting. In fact, it would have the effect of placing a ceiling on the amount of tribal contracting that could occur in any year. The Committee also has not included the proposed bill language that would have made an advance appropriation for fiscal year 1990. Language has been included, as proposed, making Medicare/Medicaid reimbursements available for two years after the year in which they are collected.

Under Administrative Provisions, the Committee has amended the bill language, as proposed, to allow tribally-administered facilities to serve non-Indians, under certain conditions. The Committee has not agreed to proposed language on subrogation of claims, since the impact of the change is not clear. With regard to the proposed eligibility regulations, which were deferred by Congress in the 1988 appropriations Act, the Committee has included language which will defer the regulations during fiscal year 1989, while a study is done to determine the impacts of the regulations and related costs. For example, the Committee has been told that contract health services eligibility could increase significantly once the new regulations go into effect, yet the agency does not have enough information to confirm what the increased population would be, nor has any adjustment in the budget been proposed as a result. This kind of information should be available, and the resulting costs should be reflected in the budget, before the regulations are implemented. The IHS should conduct the study, and submit a report to the Appropriations Committees and the appropriate authorizing committees by March 1, 1989. The fiscal year 1990 budget request should also reflect any required changes due to the regulations.

The Committee has also included bill language amending the Federal Tort Claims Act language carried in the 1988 appropriations Act, to clarify Congressional intent with regard to this language. In the 1988 Act, Congress amended section 102(c) of the Indian Self-Determination Act by making the Federal Tort Claims Act the exclusive remedy for death and personal injury claims arising out of the provision of health services by tribal contractors when administering Federal health programs. The Committee is concerned that the Indian Health Service has failed to carry out Congress' intent by insisting that tribal contractors continue to purchase private liability insurance to cover so-called "tail claims", which are claims based on injuries which occurred prior to December 22, 1987. The Committee intended that the 1988 language be understood as covering all such claims. To eliminate any doubt as to the scope of the language, the Committee has included language making it clear that the Federal Tort Claims Act is the exclusive remedy for all claims against tribal organizations arising out of the performance of health-related functions, regardless of when the alleged injury occurred and regardless of when the claim is or was asserted, so long as the claim is still within the statute of limitations as of December 22, 1987.

The Committee recently learned that the Indian Health Service will not extend Federal tort claims coverage to non-Indian patients of tribal contractors. Some tribal contractors treat non-Indian patients, often because the contractor is the only health care provider in an isolated area, such as in Alaska. The IHS's refusal to extend coverage to claims by these individuals will require continued purchase of expensive liability insurance by tribal contractors. The Committee intended to extend Federal tort claims coverage to claims by these patients, and has included new language to clarify this issue.

Finally, additional bill language has been included to make a technical correction to the language by adding the phrase "an Indian tribe" to the sentence containing the words "tribal organization or Indian contractor".

The Committee has received information regarding funding shortfalls in the Alaska Community Health Aide program. The IHS is requested to submit a report by February 1, 1989 on the current funding provided to the program, and any identified shortfalls, and the impacts thereof.

Hospital and health clinics.—The Committee recommends an increase of \$19,781,000 for hospital and health clinic programs. Included is \$400,000 for staffing for new facilities at Rosebud and Kyle, SD, and \$3,000,000 to provide funding for the newly recognized tribes of Alabama Coushatta (\$480,000), Ysleta del sur Pueblo (\$1,180,000), Wampanoag (\$140,000), and Klamath (\$1,200,000). In the future, the IHS should include funding and data on the program requirements of newly recognized tribes, rather than taking the funding from existing programs.

There is an increase of \$3,000,000 to provide full staffing for the regional youth substance abuse treatment centers, which should all be in operation in fiscal year 1989. An increase of \$2,881,000 is included to restore the budgeted increase, instead of being funded from reimbursements. The Committee has also recommended an

increase of \$500,000 for an AIDS assessment, education and surveillance program. The IHS has not been included in the funding requests of the other parts of the Department for AIDS efforts. The Committee recognizes that the spread of the AIDS virus represents a serious health threat to the nation, and supports all efforts to research and prevent the spread of the disease. While the Committee realizes that there is no available cure for AIDS, it believes that the impact of the disease on the Indian community should be carefully monitored, and that Indian people should be afforded the same protections as other citizens in regard to efforts to prevent the spread of the disease. Adequate resources must be directed towards screening activities for high risk populations in the Indian community, and an aggressive education effort must be promoted. The Committee therefore directs the Indian Health Service to develop and implement comprehensive plans for treating and monitoring the number of Indians who have acquired the AIDS virus. The Committee directs the IHS to prepare a report on its progress in addressing the AIDS problem, to be made available by March 15, 1989. Finally, there is an increase of \$10,000,000, for an additional amount for tribal contractor indirect cost funds, to be added to the base amount available for that purpose in fiscal year 1988. This will fund part of the identified shortfall of \$12-18,000,000. The IHS should identify the total amount included for tribal contractor indirect costs in the fiscal year 1990 budget justification, including any proposed changes to the base amount as a result of the budget request.

Dental health program—An increase of \$2,167,000 is recommended, which includes \$67,000 for the staffing at Kyle and Rosebud. There is also an increase of \$100,000 for additional supplies related to the infection control policy, and an increase of \$2,000,000 to address the \$15,000,000 backlog of dental restorative needs.

Alcoholism.—An increase of \$200,000 is recommended, to allow the IHS to develop prevention and intervention activities on fetal alcohol syndrome (FAS) in each of the IHS areas. Within the total provided, there is \$100,000 to continue the FAS research project at the University of Washington. The Committee expects the Warm Springs demonstration program and the funding for the Thunderbird Treatment Center to continue at the 1988 level.

Contract care.—The Committee recommends an increase of \$6,119,000 for contract health services. Included is \$5,000,000 to address the \$64,000,000 backlog of deferred services, and \$1,119,000 to fund the budgeted increase instead of having it funded from reimbursements. The Committee also has continued bill language allowing the \$10,000,000 catastrophic health care fund and \$5,000,000 in contract care funds to remain available until expended.

Within the total amount recommended, the Committee expects the IHS to continue the contract with the Mid-Dakota Hospital, SD.

Sanitation.—An increase of \$28,000 is recommended for staffing at the Rosebud facility.

Community health representatives.—The Committee recommends an increase of \$2,000,000, which will restore the program to the 1988 level, and allow a 2 percent increase.

Urban health projects.—An increase of \$1,800,000 is recommended, which restores the budgeted increase of \$1,500,000 instead of assuming it will be funded from reimbursements. There is also an increase of \$300,000 for an urban AIDS education and prevention initiative.

Indian health manpower.—An increase of \$250,000 is recommended, to allow the scholarship programs to continue at the 1988 level. Included within the total is \$375,000 for the INMED program, and \$250,000 for the MPH programs.

Tribal management.—The Committee recommends \$3,218,000, the same as the budget estimate. Within the total, the IHS is expected to continue the Tohono O'Odham demonstration program at the 1988 level of \$275,000.

The IHS is requested to provide a report on the costs and rationale for the 16 positions included under this program by February 1, 1989.

Direct operations.—The Committee recommends an appropriation of \$42,471,000, the budget estimate, for direct operations. The Committee has not included proposed bill language to allow \$2,500,000 to be used to study and possibly initiate a move of the IHS headquarters to a location outside the Washington, D.C. area. There is no objection to the use of no more than \$400,000 for a study of the issue of whether some or parts of the headquarters operation should be relocated, and if so, to where, and at what cost. No further activity beyond the study should be undertaken without specific approval of the Congress.

Facilities.—The Committee does not agree with the proposal to fund construction or renovation of facilities from the Services appropriation. Therefore, the \$2,450,000 requested for repair and improvement projects in this account, and the related bill language, are deleted, and the projects will be funded under the Facilities appropriation.

INDIAN HEALTH FACILITIES

Appropriation enacted, 1988.....	\$62,511,000
Budget estimate, 1989.....	
Recommended, 1989.....	64,050,000
Comparison:	
Appropriation, 1988.....	+1,539,000
Budget estimate, 1989.....	+64,050,000

The amounts recommended by the Committee for fiscal year 1989 compared to the budget estimates by activity are shown in the following table:

	(in thousands of dollars)			
	FY 1988 Enacted	Budget Estimates	Committee Bill	Change from Estimates
Hospitals				
New and replacement.....	8,064	---	2,700	+2,700
Modernization and repair.....	7,825	---	7,953	+7,953
Subtotal, Hospitals.....	15,689	---	10,653	+10,653
Outpatient care facilities.....	10,416	---	11,397	+11,397
Sanitation facilities.....	30,000	---	42,000	+42,000
Hospital and health clinic programs				
Personnel quarters.....	6,406	---	---	---
Total, Indian Health Facilities.....	62,511	---	64,050	+64,050

The Committee understands that the IHS has developed a new methodology for determining construction priorities, which will allow all locations to be evaluated equally. The IHS is requested to prepare and submit by March 1, 1989, a new priority list based on application of the new methodology, including a review of California facility needs.

The IHS is encouraged to work with the Inland Tribal Consortium in Washington with regard to a youth residential treatment center facility that will meet the needs of tribes in that area, and to report to the Committee by March 1, 1989, on the progress that has been made.

Hospitals.—A total of \$10,653,000 is recommended for the design and construction of new and replacement hospitals, and for modernization and repair projects, as follows:

New and replacement:	
Anchorage, AK—complete design and land acquisition.....	\$2,500,000
Winnebago, NE—planning.....	50,000
Phoenix, AZ—planning.....	150,000
Subtotal.....	2,700,000
Modernization and repair:	
Mt. Edgecumbe, AK.....	2,200,000
Gallup, NM.....	780,000
Tahahina, OK.....	644,000
Albuquerque, NM.....	830,000
Portland, OR.....	503,000
Cass Lake, MN.....	701,000
Whiteriver, AZ.....	491,000
Keams Canyon, AZ.....	1,304,000
Engineering studies, planning, design and inspection fund.....	500,000
Subtotal.....	7,953,000
Total.....	\$10,653,000

Outpatient care facilities.—The Committee recommends an appropriation of \$11,397,000 for the design or construction of outpatient care facilities, as follows:

Taos, NM—planning.....	\$50,000
Tohatchi, NM—planning and design.....	581,000
Yuma, AZ—planning and design.....	667,000
Pinon, AZ—planning.....	50,000
Montezuma Creek, UT—planning.....	50,000
Fort Belknap, MT—sitework.....	298,000
Wagner, SD—construction.....	4,227,000

Fort Hall, ID—construction.....	5,474,000
Total.....	\$11,397,000

Sanitation facilities.—The Committee recommends an appropriation of \$42,000,000 for sanitation facilities. This level of funding will provide services to approximately 3,000 homes to be constructed or repaired by the Bureau of Indian Affairs, tribes or other groups (\$27,000,000); and will provide \$10,000,000 for the backlog of existing homes requiring services, which is estimated to be about \$300,000,000. There is also \$5,000,000 to complete Phase II of the water system on the new Navajo lands, as part of the Navajo-Hopi relocation program.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Appropriation enacted, 1988.....	\$66,326,000
Budget estimate, 1989.....	67,653,000
Recommended, 1989.....	68,153,000
Comparison:	
Appropriation, 1988.....	+1,827,000
Budget estimate, 1989.....	+500,000

The Indian Education Act of 1972 (P.L. 93-318, Title IV), amended by P.L. 100-297, provides support for the special educational needs of American Indian and Alaskan Native children, college students and adults. Through this Act, the Secretary of Education is given the authority to operate a variety of programs, including supplementary educational services, experimental, demonstration, and dissemination activities. Since Indians have traditionally been among the most disadvantaged, the special programs authorized and funded under this Act are directed at their special educational needs.

The Committee is pleased to see the Administration request a budget which provides funding to ameliorate some of the educational disadvantages faced by Indians. The Committee is recommending \$68,153,000 for fiscal year 1989, an increase of \$500,000 over the Administration's request of \$67,653,000. The amount included is shown in the following table:

	(in thousands of dollars)			Change from Estimates
	FY 1988 Enacted	Budget Estimates	Committee Bill	
Part A—Payments to school districts.....	49,170	49,848	49,848	---
Part B—Special projects for Indian students.....	11,707	11,807	11,807	---
Part C—Special projects for Indian adults.....	3,000	3,500	4,000	+500
Administration.....	2,449	2,498	2,498	---
Total, Indian Education.....	66,326	67,653	68,153	+500

Part A.—The Committee recommends \$49,848,000 for Part A grants, the Administration's request. Of this amount, \$46,348,000 is for grants to Local Educational Agencies (LEAs) and \$3,500,000 is for Indian-controlled schools. The Committee supports the Department's effort to begin to bridge the gap between per pupil expenditures.

Council. The Council is encouraged to consult with the Smithsonian Institution, specifically the Smithsonian Institution Exhibition Traveling Service, for assistance with technical and other support services. The goal of this project is to provide increased awareness, understanding and support for the mission of the Holocaust Memorial Museum.

From funds appropriated to the Council at least \$10,000 will be used for tiles to complete the tile project.

TITLE III—GENERAL PROVISIONS

The Committee recommends continuation of several provisions carried in previous bills as follows:

- Limitation on non-competitive leasing of oil and natural gas on the Shawnee National Forest, Illinois;
- Prohibition on assessments unless approved by the Committees on Appropriations;
- Employment funded by this Act shall not be subject to any personnel ceiling; and
- Prohibition on BLM and Forest Service jurisdictional interchange until enactment of legislation which authorizes the interchange.

In addition, the Committee has modified a provision dealing with leasing of minerals on certain public lands. Under this provision, there could be no leasing of coal, oil shale, phosphate, potassium, sulfur, gilsonite or geothermal resources on Federal lands within any Forest Service RARE II areas recommended for wilderness designation and BLM wilderness study areas.

The Committee does not continue a provision prohibiting transfer of certain National Forest System land in the Black Hills National Forest, South Dakota.

CHANGES IN APPLICATION OF EXISTING LAW

Pursuant to clause 3, rule XXI of the House of Representatives, the following statements are submitted describing the effect of provisions in the accompanying bill which directly or indirectly change the application of existing law. In most instances these provisions have been included in prior appropriations Acts.

The bill provides that certain appropriations items remain available until expended or extends the availability of funds beyond the fiscal year where programs or projects are continuing in nature under the provisions of authorizing legislation but for which that legislation does not specifically authorize such extended availability. Most of these items have been carried in previous appropriations Acts. This authority tends to result in savings by preventing the practice of committing funds at the end of the fiscal year.

The bill includes, in certain instances, limitations on the obligation of funds for particular functions or programs. These limitations include restrictions on the obligation of funds for administrative expenses, travel expenses, the use of consultants, and programmatic areas within the overall jurisdiction of a particular agency.

The Committee has included limitations for official entertainment or reception and representation expenses for selected agencies in the bill.

national Development and the Office of International Cooperation and Development for work in foreign countries.

Language is included under the Forest Service, Administrative provisions, to prohibit transfer of funds among appropriations without advance approval of the House and Senate Committees on Appropriations; and to prohibit transfer of funds to the working capital fund of the Department of Agriculture without approval of the Chief of the Forest Service.

Language is included under the Forest Service, Administrative provisions allowing the reimbursement of employees for employment-related expenses, providing a floor for the timber salvage sale fund, prohibiting expenditure of funds for construction of a road, prohibiting issuance of a special use authorization in California until two required studies have been submitted to the Congress and reviewed, and prohibiting modifications to the Small Business Timber Set-Aside program.

Language is included under the Department of Energy, Clean coal technology making funds derived by the Tennessee Valley Authority from its power program eligible as cost sharing.

Language is included under the Department of Energy, Fossil energy research and development, which places a limitation on the field testing of nuclear explosives for the recovery of oil and gas; which provides a grant for a university facility; and which provides for a cost-shared program in magnetohydrodynamics.

Language is included under the Department of Energy, Energy conservation, which provides an allocation of grants to State and local programs.

Language is included under the Department of Energy, SPR petroleum account which allows the sale of Naval Petroleum Reserve oil notwithstanding SPR fill rate limitations.

Language is included under Administrative provisions, Department of Energy, limiting programs of price supports or loan guarantees to what is provided in appropriations acts; providing for the transfer of funds to other agencies of the Government; providing for retention of revenues by the Secretary of Energy on certain projects; requiring certain contracts be submitted to Congress prior to implementation; allowing acceptance of contributions and carrying out cooperative projects; providing for emergency transfer of funds to the Emergency preparedness appropriation, and providing that the sale of assets, receipt of other funds and unobligated balances from the alternative fuels production account may be used to pay the guaranteed portion of alcohol fuels loans.

Language is included under Indian Health Service, Indian health services, for payments for telephone service in private residences in the field and purchase of reprints; providing for expenditure of funds received pursuant to 42 U.S.C. 300cc-2; providing for expenditure of funds transferred to IHS from the Department of Housing and Urban Development; providing for a loan repayment program; for purchase and erection of portable buildings; providing that contracts and grants may be performed in two fiscal years and for a Self-Determination Fund; and providing for use of collections under Title IV of the Indian Health Care Improvement Act, with limitations on types of projects.

Language is included under Indian Health Service, Indian health facilities, for the purchase of trailers.

Language is included under Indian Health Service, Administrative provisions providing that health care may be extended to non-Indians at Indian Health Service facilities.

Language is included under Indian Health Service, Administrative provisions, providing that no funds shall be available for initial lease of permanent structures, and to prevent the Indian Health Service from billing Indians in order to collect from third-party payers until Congress has agreed to implement a specific policy.

Language is included under Indian Health Service, Administrative provisions, providing for special retention pay, prohibiting imposition of personnel ceilings, providing for reimbursement of spousal travel costs, extending Federal tort claim coverage to Indian health contractors, specifying that certain funds shall not be subject to certain travel limitations, and prohibiting the expenditure of funds to implement new eligibility regulations.

Language is included under Navajo and Hopi Indian Relocation Commission, Salaries and expenses, prohibiting movement of any single Navajo or Navajo family unless a new or replacement home is available; and establishing a priority for relocation of Navajos to those certified eligible who have selected and received homesites on the Navajo reservation or selected a replacement residence off the Navajo reservation.

Language is included under Smithsonian Institution, Salaries and expenses, to allow for advance payments to independent contractors performing research services or participating in official Smithsonian presentations and providing that funds may be used to support American overseas research centers.

Language is included under Construction and improvements, National Zoological Park, and Restoration and renovation of buildings, Smithsonian Institution, to construct facilities by contract or otherwise.

Language is included under the Smithsonian Institution, Restoration and renovation buildings, to permit the Smithsonian Institution to select contractors for certain purposes on the basis of contractor qualifications as well as price.

Language is included under Smithsonian Institution, Construction, to authorize the transfer of funds to the State of Arizona to assist in the construction or maintenance of access to the Whipple Observatory.

Language is included under the National Gallery of Art, Salaries and expenses, for payment in advance for membership in library, museum, and art associations or societies and for restoration and repair of works of art by contract without advertising.

Language is included under National Gallery of Art, Repair, restoration and renovation of buildings, to perform work by contract or otherwise; and to select contractors for certain purposes on the basis of contractor qualifications as well as price.

Language is included under the National Foundation on the Arts and the Humanities, National Endowment for the Arts, prohibiting the use of funds to implement a new peer panel review process.

Language is included under National Foundation on the Arts and the Humanities, Matching grants, to allow for the obligation of

Language is included in Title III—General provisions allowing payment of premium pay to firefighters and allowing money collected from quarters rental to be used in areas other than where collected.

Language is included in Title III—General provisions prohibiting the sale of giant sequoia trees.

COMPLIANCE WITH RULE XIII—CLAUSE 3

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

At the end of section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334), insert the following new subsection:

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

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

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

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

(3) The Secretary may waive—

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

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

Section 103(c) of the Indian Self-Determination Act (88 Stat. 2206), as amended by Public Law 100-202 (101 Stat. 1329-246), is amended as follows:

For purposes of section 224 of the Public Health Service Act of July 1, 1944 (42 U.S.C. 233(a)), as amended by section 4 of the Act of December 31, 1970 (84 Stat. 1870), with respect to claims by any person for personal injury, including death, resulting from the per-

formance prior to, including, or after December 22, 1987, of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, *an Indian tribe*, a tribal organization or Indian contractor carrying out a contract, grant agreement, or cooperative agreement under sections 103 or 104(b) of this Act is deemed to be part of the Public Health Service in the Department of Health and Human Services while carrying out any such contract or agreement and its employees (including those acting on behalf of the organization or contractor as provided in section 2671 of title 28) are deemed employees of the Service while acting within the scope of their employment in carrying out the contract or agreement.

Public Law 98-473, Section 320 is amended as follows:

SEC. 320. Notwithstanding title 5 of the United States Code or any other provision of law, after September 30, 1984, rents and charges collected by payroll deduction or otherwise for the use or occupancy of quarters of agencies funded by this Act shall thereafter be deposited in a special fund in each agency, to remain available until expended, for the maintenance and operation of the quarters of that agency. *[:Provided, That for the fiscal year ending September 30, 1985, and each fiscal year thereafter, such amounts as may be collected may be expended in the agency unit or subunit (e.g. Park, refuge, hatchery, Forest, Agency office, School, Service unit, hospital, clinic, etc.) where the funds are collected: Provided further, That up to 10 per centum of funds collected in such unit may be transferred to another unit within the same agency.]*

Public Law 100-202, under the heading "Department of Energy, Clean Coal Technology" is amended as follows:

For necessary expenses of, and associated with, Clean Coal Technology demonstrations pursuant to 42 U.S.C. 5901 et seq., \$50,000,000 are appropriated for the fiscal year beginning October 1, 1987, and shall remain available until expended, *[and \$525,000,000 are appropriated for the fiscal year beginning October 1, 1988] \$100,000,000 are appropriated for the fiscal year beginning October 1, 1988, and shall remain available until expended, \$225,000,000 are appropriated for the fiscal year beginning October 1, 1989, and shall remain available until expended, and \$200,000,000 are appropriated for the fiscal year beginning October 1, 1990, and shall remain available until expended.*

Chapter 1 of title 17, United States Code, is amended by inserting at the end thereof the following new section:

"§ 119. Limitation on exclusive rights: theatrical motion pictures

"Whenever a theatrical motion picture is a part of the National Film Registry, it shall be unlawful to—

"(1) publicly perform, distribute, sell, or lease such motion picture which the National Film Commission determines has been materially altered without making all disclosures required to be made by the National Film Commission respecting such motion picture; or

"(2) publicly perform, distribute, sell, or lease such motion picture using its original title if such motion picture was originally released in black and white and has been subsequently colorized."