

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES
APPROPRIATIONS BILL, 1989

JULY 6, 1988.—Ordered to be printed

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

REPORT

[To accompany H.R. 4867]

The Committee on Appropriations, to which was referred the bill (H.R. 4867) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes commended:

AMOUNTS IN NEW BUDGET (OBLIGATIONAL) AUTHORITY, FISCAL YEAR 1989

Amount of bill passed by House	\$9,697,798,000
Amount of increase by Senate.....	+ 392,432,000
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Total of bill as reported to Senate.....	10,090,230,000
Estimates considered by House	8,864,974,000
Estimates considered by Senate.....	8,864,974,000
Over the budget estimate, 1989.....	1,225,256,000
Over appropriations, 1988	747,570,000

	Fiscal year—		
	1987	1988	1989
Department of the Interior	\$6,545,930,000	\$4,928,119,000	\$6,218,082,000
Forest Service	1,353,352,000	1,357,027,000	1,386,168,000
Naval petroleum and oil shale re- serves	668,000,000	756,000,000	759,000,000
Total	8,567,282,000	7,041,146,000	8,363,250,000

MAJOR CHANGES RECOMMENDED IN THE BILL

In an effort to honor congressional spending limitations, the Committee has developed substantial revisions in both the budget and House allowance for the 1989 fiscal year.

A comparative summary of funding in the bill by agency is shown by agency or principal program in the following table:

	Committee recommendation	Committee recommendation compared with—	
		Budget estimate	House allowance
Title I—Department of the Interior:			
Bureau of Land Management	\$703,993,000	+\$61,028,000	+\$4,912,000
Fish and Wildlife Service	453,188,000	+106,229,000	+20,727,000
National Park Service	947,743,000	+166,796,000	-12,842,000
Geological Survey	448,045,000	+23,042,000	-11,000
Minerals Management Service	171,847,000	-70,000	+1,838,000
Bureau of Mines	165,167,000	+38,562,000	+18,913,000
Office of Surface Mining Reclama- tion and Enforcement	302,165,000	+42,005,000	+6,925,000
Bureau of Indian Affairs	1,076,578,000	+64,044,000	-15,904,000
Territorial Affairs	144,734,000	+35,542,000	-2,257,000
Secretarial offices	93,944,000	-3,678,000	-980,000
Total, title I—Department of the Interior	4,507,404,000	+533,500,000	+21,321,000
Title II—Related agencies:			
Forest Service	1,834,231,000	+225,877,000	+17,722,000
Department of Energy	1,942,022,000	+378,842,000	+376,456,000
Indian Health	1,064,721,000	+77,949,000	-15,996,000
Indian Education	72,297,000	+4,644,000	+4,144,000
Navajo and Hopi Indian Relocation Commission	26,473,000	+3,500,000	-1,250,000
Institute of American Indian and Alaska Native Culture and Arts Development	2,849,000	+382,000	-245,000
Smithsonian Institution	243,429,000	-9,075,000	-632,000
National Gallery of Art	39,543,000		+1,212,000
Woodrow Wilson International Center for Scholars	4,590,000	-45,000	+350,000
National Endowment for the Arts	168,631,000	+900,000	-369,000
National Endowment for the Hu- manities	144,235,000	+3,800,000	-9,465,000
Institute of Museum Services	21,944,000		-676,000
Commission of Fine Arts	5,475,000	+5,024,000	
Advisory Council on Historic Pres- ervation	1,781,000		+7,000

An advance appropriation of \$91,555,000 is also recommended for fiscal year 1990 to permit prior orders for oil to be delivered in the first quarter of that fiscal year.

The recommendations, together with \$105,189,000 that is excess to fiscal year 1988 needs, will permit a fill rate of approximately 50,000 barrels per day. At that rate the reserve would contain 572 million barrels by October 1, 1989. Presently, there are approximately 549 million barrels in the inventory, or the equivalent of nearly 92 days of current net petroleum imports.

The administration has also proposed to increase the fill rate to 100,000 barrels per day and to create a separate defense petroleum inventory of 10 million barrels contingent on the passage of legislation authorizing the sale of Naval Petroleum Reserves 1 and 3 (Elk Hills and Tea Pot Dome) as a funding offset. Since no such authorization is likely this year, the Committee has not recommended funding for these additions to the strategic petroleum reserve.

Because the Committee recommends filling the reserve at less than the previously mandated rate of 75,000 barrels per day, language in the House bill relating to exemptions from automatic restrictions on the distribution and sale of oil from the naval petroleum reserves has been retained.

ENERGY INFORMATION ADMINISTRATION

1988 appropriation	\$61,398,000
1989 budget estimate	62,856,000
House allowance	62,856,000
Committee recommendation	63,156,000

The Committee recommends an appropriation of \$63,156,000, \$300,000 more than the budget estimate and the House allowance.

The increase recommended by the Committee provides for more timely replacement of peripheral automated data processing [ADP] equipment.

The Committee has included language in the bill to extend the availability of \$1,000,000 within this account until expended. Use of these funds is limited to the ADP services program activity, and will permit the Energy Information Administration to maintain uninterrupted operation of its vital information services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

1988 appropriation	\$949,481,000
1989 budget estimate	986,772,000
House allowance	1,016,667,000
Committee recommendation	1,014,536,000

The Committee recommends an appropriation of \$1,014,536,000, an increase of \$27,764,000 over the budget estimate, \$2,131,000 below the

House level, and \$65,055,000 above the fiscal year 1988 appropriation. The Committee remains concerned about the administration's woefully inadequate request for the provision of the most basic health care services for Indians. Backlogs in a number of IHS program areas have resulted in attention to only the most critical of health emergencies. Recommended allowances are contained in the following table:

	Budget estimate	Committee recommendation	Change
Hospital and health clinic programs.....	\$566,423,000	\$578,068,000	+ \$21,645,000
Dental health.....	30,318,000	30,318,000	
Mental health.....	13,091,000	13,091,000	
Alcoholism.....	30,959,000	31,159,000	+ 200,000
Maintenance and repair.....	11,756,000	11,756,000	
Contract care.....	208,335,000	214,454,000	+ 6,119,000
Sanitation.....	24,626,000	24,626,000	
Public health nursing.....	14,467,000	14,467,000	
Health education.....	4,651,000	4,651,000	
Community health representatives.....	27,282,000	29,282,000	+ 2,000,000
Immunization.....	417,000	417,000	
Urban health programs.....	8,662,000	8,662,000	
Indian health manpower.....	7,646,000	7,896,000	+ 250,000
Tribal management.....	3,218,000	3,218,000	
Direct operations.....	42,471,000	42,471,000	
Indian health facilities.....	2,450,000		- 2,450,000
Total, Indian Health Services.....	986,772,000	1,014,536,000	+ 27,764,000

The Committee concurs in the House rejection of the administration's proposed bill language which would have identified a specific amount of funding for tribal contractors. The Committee agrees that such a proposal would likely do little to advance or increase the amount of tribal contracting. As indicated by the House, the more likely result would be the creation of 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. As accepted by the House and proposed by the administration, language has been included making Medicare/Medicaid reimbursements available for 2 years after the year in which they are collected.

Under administrative provisions, the Committee concurs in the amendatory language which will allow tribally administered facilities to serve non-Indians, under certain conditions. The proposed language on subrogation of claims is not accepted, since the impact of the change is not clear.

With respect to the proposed eligibility regulations, the Committee concurs in the House language to extend deferral of implementation for an additional year. As presently crafted, the proposed regulations could affect significantly both contract health services eligibility, yet no consideration of this possibility is reflected in the administration's request. Legislation (S. 2382) is presently pending before the authorizing committee which raises these same issues. Accordingly, the Committee directs IHS to investigate further these concerns and submit a study, by March 1, 1989, to the Appropriations Committees and appropriate authorizing committees. The Committee will expect an interim report by

December 1, 1988, identifying the methodology to be used and outlining the scope of the study. At that time, the Committee will expect an assessment as to the timeframe estimated by the agency as necessary to address the Committee's concern. The Committee wishes to reiterate to the administration that any additional cost increases resulting from the proposed regulations should be reflected in the budget submission for the year in which implementation is assumed.

The Committee concurs in the House inclusion of bill language to amend the Federal Tort Claims Act, as amended in the fiscal year 1988 appropriations act. This language clarifies congressional intent that the Federal Tort Claims Act is 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 disagrees with both the IHS and Department of Justice that private liability insurance must still be purchased to cover tail claims, which are claims based on injuries which occurred prior to December 22, 1987. Likewise, it was not the Committee's intention that the amendatory language enacted in Public Law 100-202 would not extend Federal tort claims coverage to non-Indian patients of tribal contractors. Again, a narrow interpretation of this issue by the IHS and Department of Justice has resulted in the continued purchase of expensive liability insurance by private contractors. To eliminate any doubt as to the scope of the language, the Committee has included language further amending the Federal Tort Claims Act to extend coverage to non-Indian patients treated by tribal contractors and establishing the Federal Tort Claims Act as the exclusive remedy for claims against tribal organizations, regardless of when the alleged injury occurred and/or when the claim is or was asserted, so long as the claim is still within the statute of limitations as of December 22, 1987. Bill language is also included to make a technical correction by adding the phrase "an Indian tribe" for purposes of consistency with the language contained in the Indian Self-Determination Act, Public Law 93-638.

Hospitals and health clinics.—The Committee recommends an increase of \$21,645,000, which is \$1,864,000 more than the House level. The Committee concurs in the House increase of \$400,000 for staffing at new facilities at Rosebud and Kyle, SD, which are due to open in August and September, 1989, respectively. The Committee fully expects the administration to include full year annualization of these staffing and operating costs in the fiscal year 1990 budget request. The Committee includes \$3,000,000 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). The Committee wishes to reiterate the House language that IHS include funding and data on the program requirements of newly recognized tribes, rather than taking the funding from existing programs. Failure to do so only exacerbates further the health service backlog.

An increase of \$2,881,000 above the administration's request is included to restore an increase that IHS proposes to fund from reimburse-

ments. Funding of \$1,000,000 is included, to be divided equally, for the Standing Rock and Fort Berthold Tribes to provide local hemodialysis at a location closer than the 100 to 200 miles that must be traveled presently several times a week by patients suffering from end-stage renal dialysis. The Committee is further aware that this problem affects others in the Aberdeen area, and, therefore, requests that a report be submitted to the Appropriations Committees prior to June 1, 1989, regarding a comprehensive plan to address the remaining patient workload in the Aberdeen area.

An increase of \$925,000 is recommended for emergency medical services in the Aberdeen area. The Committee is concerned about the level of funding distributed to the programs which comprise the hospital and health clinics activity. Accordingly, the IHS should prepare, for inclusion in the fiscal year 1990 and all future budget justifications, a summary table and accompanying narrative displaying these distributions for the prior, current, and budget year.

Additional funding of \$7,000,000 is provided to begin addressing program shortfalls in the Alaska Community Health Aide Program. The Committee understands that both higher salary levels for existing staff and additional staff to provide relief for overworked community health aides are necessary. These funds are intended to address immediate concerns in Alaska while IHS conducts the study requested in the House report.

The Committee recommends a decrease of \$4,800,000 from the request for within-grade increases. The Committee does not intend to suggest that within-grade increases for eligible employees be denied or delayed during fiscal year 1989. Rather, within the normal turnover of employees and lapses which occur before vacant positions are filled, often at lower graded salary levels, sufficient funds are available to cover within-grade increases. This assumption is consistent with OMB Circular A-11. For the remaining activities encompassed within the Indian Health Services appropriation, funds requested for within-grade increases are to be applied to the provision of program health services.

The Committee concurs in the House recommendation of an additional \$10,000,000 above the President's request for tribal contractor indirect cost funds. In future budget requests, the administration should identify, area by area, the total amount requested for tribal contractor indirect costs, including any changes to the base amount as a result of the budget request. In addition, the Committee will expect, by May 1 of each year, a report of contract care charges and payments through the first half of the fiscal year and an estimation of anticipated charges for the remainder of the year. Should a funding shortfall be likely, the Committee will expect a proposal for addressing such needs without disrupting the provision of emergency care.

Within the total provided, the Committee recommends the following earmarks: sufficient funding and FTE's to provide the Shoshone-Bannock Tribes with advance positions for a facilities manager, a general services specialist, and a personnel specialist; and sufficient resources to

coordinate interagency and community human services to focus on the needs of battered women and children, particularly at the Crow Indian Reservation in Montana, with a plan for a demonstration project to address these needs to be submitted to the Committee by April 1, 1989.

The Committee is also concerned about the availability of additional funds for the Alaska village-built clinic program. Accordingly, an increase of \$1,239,000 and authorization for an additional 28 clinics is included.

Dental health.—The Committee recommends the funding level requested in the President's budget, which is an increase of \$1,344,000 over the fiscal year 1988 appropriation.

Alcoholism.—The Committee concurs in the House recommendation of an increase of \$200,000 for prevention and intervention activities on fetal alcohol syndrome. The Committee requests that IHS submit, prior to March 31, 1989, a study on the impact of fetal alcohol syndrome in Alaska and the feasibility of a residential center during pregnancy. The substance abuse treatment program in Missoula shall continue to receive funding at the level provided in fiscal year 1988. The Committee expects the Warm Springs demonstration program and the funding for the Thunderbird Treatment Center to continue at the fiscal year 1988 level. The Committee also recommends that the Seattle Indian Health Board Children of Alcoholics Program be incorporated into the training curriculum for ongoing alcoholism and substance abuse activities.

Contract care.—The Committee accepts the House 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 concurs in the House language allowing \$10,000,000 for the Indian Health catastrophic emergency fund, and \$5,000,000 in contract care funds to remain available until expended. The Committee directs the agency to continue its efforts to work with the Sage Memorial Hospital to improve reimbursement methods. It is the Committee's expectation that Sage Memorial Hospital be considered within the additional funds made available.

The Committee expects that within the total amount recommended, IHS will continue the contract with the Mid-Dakota Hospital, South Dakota.

Sanitation.—The Committee recommends an appropriation of \$4,626,000, the same as the President's request and an increase of \$19,000 over the fiscal year 1988 appropriation. Within the total provided, the Committee directs that \$360,000 be provided to the Fort Berthold Tribe to address solid waste problems on the reservation.

Additional solid waste problems plague the Montana Indian reservations. The Committee is encouraged that an interdepartmental agreement among the Indian Health Service, the Bureau of Indian Affairs, and the Department of Housing and Urban Development has been executed to facilitate a plan of action, designate timeframes for completion of activities, and begin to identify funding mechanisms for resolv-

ing solid waste problems. The Committee is further aware of a memorandum of understanding being developed between IHS, the Environmental Protection Agency, HUD, and BIA to coordinate environmental programs. The Committee wishes to be apprised of progress on these working relationships at the time the fiscal year 1990 budget is submitted.

Community health representatives.—The Committee accepts the House increase of \$2,000,000 to provide increased services in Indian communities.

Urban health projects.—The Committee recommends an increase of \$962,000, which restores the program to the fiscal year 1988 level. Within the total, the two urban health clinics in Missoula and Billings, MT, shall continue to receive funding at least at the level provided in fiscal year 1988.

Indian health manpower.—The Committee recommends an increase of \$250,000, the same as the House 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 House allowance and the budget estimate. Within the total, the IHS is expected to continue the Tohono O'odham demonstration program at the fiscal year 1988 level of \$275,000.

Direct operations.—The Committee recommends an appropriation of \$42,471,000, the same as the House level and the budget estimate. The Committee concurs with the House action in deleting 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, DC, area. The Committee recommends that no more than \$200,000 be used for a study of the issue and whether some or parts of the headquarters operation should be relocated, and if so, to where, and at what cost. The study should include consultation with the tribes and should address also the alternative of locating offices at the present headquarters to address the deficiencies initially cited in the need for relocation. The study results should be presented to the Congress and no further action taken without specific approval of the Congress.

Facilities.—As recommended by the House, the Committee does not agree with the proposal to merge the facilities and services appropriations accounts. Accordingly, the \$2,450,000 requested for repair and improvement projects in the services account, and the related bill language, are deleted, and the projects will be considered under the facilities appropriation.

INDIAN HEALTH FACILITIES

1988 appropriation	\$62,511,000
1989 budget estimate	
House allowance	64,050,000
Committee recommendation	50,185,000

The Committee recommends an appropriation of \$50,185,000, an increase of \$50,185,000 above the budget estimate, \$13,865,000 below the

House allowance, and \$12,326,000 below the fiscal year 1988 appropriation. The following table summarizes the Committee's recommendations:

	Budget estimate	Committee recommendation	Change
Hospitals: New and replacement.....		\$2,700,000	\$2,700,000
Outpatient care facilities.....		11,611,000	+ 11,611,000
Personnel quarters.....			
Sanitation facilities.....		32,000,000	+ 32,000,000
Modernization and repair.....		3,874,000	+ 3,874,000
Total.....		50,185,000	+ 50,185,000

Hospitals.—A total of \$6,574,000 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:

Mount Edgecumbe, AK.....	2,200,000
Gallup, NM.....	780,000
Talahina, OK.....	644,000
Engineering studies, planning, design, and inspection fund.....	250,000
Subtotal.....	3,874,000

Total..... 6,574,000

Outpatient care facilities.—The Committee recommends an appropriation of \$11,611,000 for the design or construction of outpatient care facilities, as follows:

Wagner, SD—construction.....	\$4,227,000
Fort Hall, ID—construction.....	5,474,000
Blackfeet, MT—construction.....	314,000
Fort Belknap, MT—sitework.....	298,000
Taos, NM—planning.....	50,000
Tohatchi, NM—planning and design.....	581,000
Fort Yuma, AZ—planning and design.....	667,000
Total.....	11,611,000

The Committee encourages IHS to continue working with the Ganado Community Development Corp., on an innovative joint venture regarding the availability of housing in reservation communities. Bill language is included which authorizes the Secretary to undertake such a demonstration project. It is the Committee's expectation that IHS will submit a reprogramming request to the Committees identifying unobligated construction balances to be used for this project.

Sanitation facilities.—The Committee recommends an appropriation of \$32,000,000, a decrease of \$10,000,000 from the House level. This level of funding will provide \$17,000,000 for homes to be constructed or repaired by the Bureau of Indian Affairs; \$10,000,000 for the back-

log of existing homes requiring services; and \$5,000,000 to complete phase II of the water system on the Navajo new lands, as part of the Navajo-Hopi relocation program. Within the total provided, the Committee directs \$673,000 for the water development project at the Rocky Boy Reservation; \$2,000,000 for water supply at the Cattaraugus Reservation of the Seneca Nation; \$133,000 for water and sewer lines for Supai Village of the Havasupai Tribe; and \$1,250,000 for the city of Kotzebue, AK to repair its water and sewer system. The State of Alaska is providing a matching amount of \$1,250,000.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

1988 appropriation.....	\$66,326,000
1989 budget estimate.....	67,653,000
House allowance.....	68,153,000
Committee recommendation.....	72,297,000

The Committee recommends an appropriation of \$72,297,000, an increase of \$4,644,000 above the budget estimate and \$4,144,000 more than the House allowance, and \$5,971,000 over the fiscal year 1988 appropriation.

The following table illustrates the distribution of the funds:

Part A.....	\$53,492,000
Part B.....	11,807,000
Part C.....	3,500,000
Gifted and talented.....	1,000,000
Administration.....	2,498,000
Total.....	72,297,000

Part A.—Of the amount proposed for part A, \$49,992,000 is for grants to local education agencies, an increase of \$4,322,000 over the amount available in fiscal year 1988. Of this increase, \$3,644,000 is included to fund payments to the approximately 30,000 Indian students attending BIA schools now eligible for part A of title IV, the Indian Education Act. The remaining \$3,500,000 for part A is for grants to Indian-controlled schools.

Part B.—Of the funds provided for part B, \$2,262,000 is for educational personnel development; \$1,935,000 is for planning, pilot and demonstration projects; \$3,710,000 is for educational services; and \$2,300,000 is for the resource and evaluation centers; and \$1,600,000 is for fellowships.

Part C.—The Committee concurs in the administration request of \$3,500,000. It is projected that this increase in funding will help to serve an additional 740 adults in programs to enable Indian adults to acquire basic literacy, complete secondary school, and secure the education necessary for them to benefit from vocational training and other special services.

TITLE III—GENERAL PROVISIONS

The Committee has recommended inclusion of several general provisions in the bill including the following:

SEC. 301. Provides that contracts which provide consulting services are a matter of public record and available for public law, except where otherwise provided by law.

SEC. 302. Continues the prohibition on the export of timber harvested on National Forest Service lands.

SEC. 303. Provides a restriction on noncompetitive bidding in the Shawnee National Forest, IL.

SEC. 304. Provides that appropriations available in the bill shall not be used to produce literature or otherwise promote public support of a legislative proposal on which legislative action is not complete.

SEC. 305. Provides that appropriations made available in this bill will not remain available beyond the current fiscal year unless otherwise provided.

SEC. 306. Provides that appropriations made available in this bill cannot be used to provide a cook, chauffeur, or other personal servants.

SEC. 307. Provides for a continuation of the prohibition on the use of funds to process or issue leases for coal, oil, gas, oil shale, phosphate, potassium, sulfur, gilsonate, or geothermal resources on wilderness lands and Forest Service RARE II further planning and Bureau of Land Management wilderness study areas.

SEC. 308. Provides for a restriction on the issuance of oil, gas, or geothermal leases in certain areas within the Mount Baker-Snoqualime National Forest, State of Washington.

SEC. 309. Provides a restriction on departmental assessments unless approved by the Committees on Appropriations.

SEC. 310. Provides that employment funded by this bill will not be subject to personnel ceilings or other such restrictions.

SEC. 311. Provides authority for the Secretary of the Interior, Secretary of Agriculture, and the Secretary of the Smithsonian Institution to enter into contracts for detection and suppression of fires.

SEC. 312. Provides a continued prohibition to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 313. Provides for a continued prohibition on implementation of any land interchange between the Department of the Interior and the Forest Service.

SEC. 314. Provides that the Forest Service and the BLM may continue the management of lands under existing plans and no plans may be challenged in their entirety on the sole basis that the data is old.

ticular activities, such as individual timber sales, are specifically exempted from this general prohibition against legal challenges to existing plans so long as the challenge to the particular activity is not in effect an indirect challenge to an existing plan.

The Committee recognizes and intends that section 314 prevent virtually all challenge to existing plans. Nonetheless, it considers the language to be a necessary, short-term response to the increased disruptions of efforts to develop new management plans. Congress intended disagreements over Federal land management activities to be addressed periodically, and through the land management process. The efforts of some to force the constant revisitation of decisions embodied in the existing plans simply cannot be allowed at this late stage of management under those plans. In short, in enacting section 314 the Committee intended activities to continue under existing plans pending the completion of new plans.

Section 315. Provides premium pay for forest and wildland firefighters.

Section 316. Allows money collected from quarters rental to be used in areas other than where collected.

Section 317. Provides that fiscal year 1989 pay raises be absorbed within the levels appropriated in this act.

Section 318. Extends the authority granted to the Secretary of the Interior to issue carbon dioxide leases.

Section 319. Provides language applying the prohibitions of title 18, United States Code, section 208 to particular matters involving a specific party or parties.

Section 320. Provides for timber harvest related to the Silver fire, Oregon.

The 1987 Silver complex fire on the Siskiyou National Forest resulted in major adverse impacts on the natural resources of the forest, including its timber, fish and recreation assets, and will likely result in major adverse impacts on the area economy dependent on those resources.

The Forest Service has devoted a substantial amount of time and resources into developing a recovery program for the area, and has taken extraordinary steps to involve the public in this process.

The Committee believes it is vitally important that the Forest Service's program to restore the area be implemented expeditiously. To help achieve this goal, the Committee has included in the bill a provision to prevent appeals and litigation from delaying implementation of the Silver complex fire recovery program EIS. This provision eliminates judicial challenge to the Silver fire EIS and to timber sales and related activities made pursuant to that EIS. It narrows and speeds, but does not eliminate, administrative appeal of the EIS.

The provision also prohibits substantial extension of the Bald Mountain Road as part of the recovery program. The Committee notes that the ultimate land allocation decision for this area is to be made in the new land and resource management plan and final environmental im-

LIMITATIONS AND LEGISLATIVE PROVISIONS

COMPLIANCE WITH PARAGRAPH 7 OF RULE XVI OF THE STANDING RULES OF THE SENATE

The Committee submits the following statement in compliance with paragraph 7 of rule XVI of the Standing Rules of the Senate, which requires the Committee to identify "each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session."

The following items are identified pursuant to this requirement:

In title I, the Committee recommends the following appropriations which lack authorization:

- \$464,719,000 for management of lands and resources, Bureau of Land Management;
- \$2,631,000 for construction and access, Bureau of Land Management;
- \$105,000,000 for payments in lieu of taxes, Bureau of Land Management;
- \$21,397,000 for endangered species, U.S. Fish and Wildlife Service; and
- \$5,181,000 for John F. Kennedy Center for the Performing Arts, National Park Service.

In title II, the Committee recommends the following appropriations which lack authorization:

- \$21,372,000 for economic regulation, Department of Energy;
- \$6,154,000 for emergency preparedness, Department of Energy;
- \$63,156,000 for Energy Information Administration, Department of Energy;
- \$8,662,000 for urban health programs; Indian Health Service;
- \$7,896,000 for Indian health manpower, Indian Health Service;
- \$350,000 for the endowment challenge fund; Woodrow Wilson International Center for Scholars; and
- \$2,209,000 for salaries and expenses, Holocaust Memorial Council.

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include "(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the

(5) include such other information and findings as may be deemed necessary by the Secretary of the Interior.

Such study shall be conducted in accordance with the best scientific methodology (as set forth by the National Academy of Sciences) and shall be transmitted by the National Academy of Sciences to the Committee on Energy and Natural Resources of the United States Senate, to the Committee on Interior and Insular Affairs of the United States House of Representatives, and to the Director of the National Park Service no later than January 1, 1992. Progress reports regarding the study shall be transmitted to the above Committees on January 1, 1984, and January 1 of each year thereafter.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Nothing in this section shall be construed to prevent the Secretary of the Interior from utilizing, for purposes of the contract referred to in section 2, funds which are available to the Secretary for such purposes under authority of law.]

Amendment to section 5(b) of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act as follows:

(b) Within three hundred and sixty-five days after the enactment of the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987, the Secretary shall prepare in accordance with the regulations contained in part 61 of title 25 of the Code of Federal Regulations a tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians. Such roll shall include all [Indian individuals] *Cow Creek descendants or other Indian individuals* who were not members of any other federally recognized Indian tribe on July 30, 1987 and who—

Amendment to section 4 of the act of May 1, 1986 (100 Stat. 404) as follows:

SEC. 4 [The unobligated balance of the income (after provision for payment of maintenance and other costs incurred before the enactment of this Act) derived by the Secretary from the interests in the land identified in section 1 of this Act shall be used in accordance with the provision from the Act of September 10, 1983 (96 Stat. at 839) codified in section 155b of title 25, United States Code (1982 Edition) and divided as follows] *The balance of the income derived by the Secretary of the Interior from the interests in the lands identified in section 1 of this Act which were transferred to the Treasury as miscellaneous receipts shall be transferred to and held in trust by the Secretary for use as follows:*

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

[In thousands of dollars]

Item (1)	1988 Appropriation (2)	Budget estimate (3)	House allowance (4)	Committee recom- mendation (5)	Senate Committee recommendation compared with (+ or -)		
					1988 Appropriation (6)	Budget estimate (7)	House allowance (8)
Policy and management.....	10,210	10,058	10,058	10,358	+148	+300	+300
Total, Energy Information Administration.....	61,398	62,856	62,856	63,156	+1,758	+300	+300
Total, Department of Energy.....	1,538,196	1,563,180	1,565,566	1,942,022	+403,826	+378,842	+376,456
DEPARTMENT OF HEALTH AND HUMAN SERVICES							
INDIAN HEALTH SERVICE							
Indian Health Services							
Clinical services							
IHS and tribal health delivery							
Hospital and health clinic programs.....	537,000	556,423	576,204	578,068	+41,068	+21,645	+1,864
Dental health program.....	28,974	30,318	32,485	30,318	+1,344	---	-2,167
Mental health program.....	12,466	13,091	13,091	13,091	+625	---	---
Alcoholism program.....	29,335	30,959	31,159	31,159	+1,824	+200	---
Maintenance and repair.....	11,359	11,756	11,756	11,756	+397	---	---
Contract care.....	198,481	208,335	214,454	214,454	+15,973	+6,119	---
Subtotal, Clinical services.....	817,615	850,882	879,149	878,846	+61,231	+27,964	-303
Preventive health							
Sanitation.....	23,907	24,626	24,654	24,626	+719	---	-28
Public health nursing.....	14,113	14,467	14,467	14,467	+354	---	---
Health education.....	4,413	4,651	4,651	4,651	+238	---	---
Community health representative program.....	27,282	27,282	29,282	29,282	+2,000	+2,000	---
Immunization.....	395	417	417	417	+22	---	---
Subtotal, Preventative health.....	70,110	71,443	73,471	73,443	+3,333	+2,000	-28
Urban health projects.....	9,624	8,662	10,462	8,662	-962	---	-1,800
Indian health manpower.....	7,646	7,646	7,896	7,896	+250	+250	---
Tribal management.....	3,094	3,218	3,218	3,218	+124	---	---
Direct operations.....	41,392	42,471	42,471	42,471	+1,079	---	---
Facilities.....	---	2,450	---	---	---	-2,450	---
Medicare/Medicaid Reimbursements							
Hospital and clinic accreditation.....	(62,000)	(66,000)	(66,000)	(66,000)	(4,000)	---	---
Total, Indian Health Services 1/2/.....	949,481	986,772	1,016,667	1,014,536	+65,055	+27,764	-2,131
Indian Health Facilities							
Hospitals							
New and replacement.....	8,064	---	2,700	2,700	-5,364	+2,700	---
Modernization and repair.....	7,625	---	7,953	3,874	-3,751	+3,874	-4,079
Subtotal, Hospitals.....	15,689	---	10,653	6,574	-9,115	+6,574	-4,079

2/ 1988 Enacted includes \$6,184,000 transferred from Health Resources and Services Administration.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

[In thousands of dollars]

Senate Committee recommendation compared with
(+ or -)

Item (1)	1988 Appropriation (2)	Budget estimate (3)	House allowance (4)	Committee recom- mendation (5)	Senate Committee recommendation compared with (+ or -)		
					1988 Appropriation (6)	Budget estimate (7)	House allowance (8)
Outpatient care facilities.....	10,416	---	11,397	11,611	+1,195	+11,611	+214
Sanitation facilities.....	30,000	---	42,000	32,000	+2,000	+32,000	-10,000
Hospital and health clinic programs							
Personnel quarters.....	6,406	---	---	---	-6,406	---	---
Total, Indian Health Facilities.....	62,511	---	64,050	50,185	-12,326	+50,185	-13,865
Total, Indian Health Service.....	1,011,992	986,772	1,080,717	1,064,721	+52,729	+77,949	-15,996
DEPARTMENT OF EDUCATION							
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION							
Indian Education							
Part A—Payments to school districts.....	49,170	49,848	49,848	53,492	+4,322	+3,644	+3,644
Part B—Special projects for Indian students.....	11,707	11,807	11,807	11,807	+100	---	---
Part C—Special projects for Indian adults.....	3,000	3,500	4,000	3,500	+500	---	-500
Gifted and talented.....	---	---	---	1,000	+1,000	+1,000	+1,000
Administration.....	2,449	2,498	2,498	2,498	+49	---	---
Total, Indian Education.....	66,326	67,653	68,153	72,297	+5,971	+4,644	+4,144
OTHER RELATED AGENCIES							
NAVAJO/HOPI INDIAN RELOCATION COMMISSION							
Salaries and Expenses							
Operation of the Commission.....	25,270	22,973	27,723	26,473	+1,203	+3,500	-1,250
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT							
Salaries and expenses.....	---	2,467	3,094	2,849	+2,849	+382	-245
SMITHSONIAN INSTITUTION							
Salaries and Expenses							
Research							
Assistant Secretary for Research.....	1,259	1,229	1,229	1,229	-30	---	---
Astrophysical Observatory.....	9,892	10,416	10,416	10,416	+524	---	---
Tropical Research Institute.....	5,231	5,816	5,716	5,716	+485	-100	---
Environmental Research Center.....	1,373	1,397	1,413	1,397	+24	---	-16
National Zoological Park.....	12,979	13,890	13,840	13,840	+861	-50	---
Smithsonian Institution Archives.....	577	644	644	644	+67	---	---
Smithsonian Institution Libraries.....	5,070	5,079	5,054	5,054	-16	-25	---
Major scientific instrumentation.....	525	1,206	1,206	1,206	+681	---	---
Lapse rate.....	---	---	-143	-143	-143	-143	---
Subtotal, Research.....	36,906	39,677	39,375	39,359	+2,453	-318	-16

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1988 AND BUDGET ESTIMATES FOR 1989—Continued

PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—FEDERAL AND TRUST FUNDS

[Becomes available automatically under earlier, or "permanent" law without further, or annual action by the Congress. Thus, these amounts are not included in the accompanying bill.]

Agency and item	New budget (obligational) authority, 1988	New budget (obligational) authority, 1989	Fiscal year 1989 compared with fiscal year 1988
Operation, management, maintenance, and demolition of Federally acquired properties, Independence National Historical Park.....	15,000	15,000	---
Total, Receipts applied to operations.....	35,593,000	36,093,000	+500,000
Federal aid in wildlife restoration:			
Payments to States.....	115,089,000	119,000,000	+3,911,000
Land acquisition (contract authority).....	---	30,000,000	+30,000,000
Total, Department of the Interior.....	839,484,000	827,719,000	-11,765,000
Department of Agriculture - Forest Service			
Payments to States and local governments (indefinite):			
Payments to States, National Forests Fund (25 percent fund).....	304,025,000	294,788,000	-9,237,000
Payment to Minnesota (Cook, Lake, and St. Louis Counties).....	716,000	716,000	---
Payments to counties, National Grasslands.....	9,641,000	10,929,000	+1,288,000
Total, Payments to States and local governments.....	314,382,000	306,433,000	-7,949,000
Receipts applied to operations:			
Expenses, brush disposal (indefinite).....	54,438,000	54,680,000	+242,000
Licensee programs (Smokey Bear-Woodsey Owl) (indefinite).....	100,000	109,000	+9,000
Restoration of forest lands and improvements (indefinite).....	100,000	107,000	+7,000
Timber purchaser roads constructed by Forest Service (indefinite).....	21,037,000	9,837,000	-11,200,000
Timber salvage sales.....	24,502,000	27,000,000	+2,498,000
Tongass timber supply fund.....	45,379,000	---	-45,379,000
Operations and maintenance of quarters.....	5,500,000	5,869,000	+369,000
Total, receipts applied to operations.....	151,056,000	97,602,000	-53,454,000
Total, Department of Agriculture - Forest Service.....	465,438,000	404,035,000	-61,403,000
Department of Health and Human Services			
Health Resources and Services Administration:			
Indian Health.....	3,000,000	3,000,000	---

**COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988
AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR
1989—Continued**

Agency and item	New budget (obligational) authority, fiscal year 1988	Budget estimates of new obligational authority, fiscal year 1989	New budget (obligational) authority recommended in bill	Bill compared with—	
				New budget (obligational) authority, fiscal year 1988	Budget estimates of new (obligational) authority, fiscal year 1989
Road Construction.....	1,000,000	---	---	-1,000,000	---
Miscellaneous payments to Indians.....	13,340,000	13,955,000	13,952,000	+612,000	-3,000
Tribal trust funds.....	1,000,000	---	---	-1,000,000	---
Revolving fund for loans (limitation on direct loans).....	---	(13,000,000)	---	---	(-13,000,000)
Indian loan guaranty and insurance fund.....	3,085,000	3,370,000	3,370,000	+285,000	---
Indian loan guaranty and insurance fund (limitation on guaranteed loans).....	---	(45,000,000)	---	---	(-45,000,000)
Total, Bureau of Indian Affairs.....	1,072,406,000	1,012,534,000	1,092,482,000	+20,076,000	+79,948,000
Territorial and International Affairs					
Administration of territories.....	78,235,000	71,477,000	82,397,000	+4,162,000	+10,920,000
Trust Territory of the Pacific Islands.....	41,940,000	2,780,000	28,434,000	-13,506,000	+25,654,000
Compact of Free Association.....	33,620,000	34,935,000	36,160,000	+2,540,000	+1,225,000
Total, Territorial Affairs.....	153,795,000	109,192,000	146,991,000	-6,804,000	+37,799,000
Departmental Offices					
Office of the Secretary.....	47,519,000	51,681,000	49,580,000	+2,061,000	-2,101,000
Office of the Solicitor.....	23,053,000	25,325,000	24,686,000	+1,633,000	-639,000
Office of Inspector General.....	17,757,000	18,816,000	18,858,000	+1,101,000	+42,000
Construction Management.....	1,800,000	1,800,000	1,800,000	---	---
Total, Departmental Offices.....	90,129,000	97,622,000	94,924,000	+4,795,000	-2,698,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)...	4,395,735,000	3,972,904,000	4,483,983,000	+88,248,000	+511,079,000
Appropriations.....	(4,427,635,000)	(3,972,904,000)	(4,513,983,000)	(+86,348,000)	(+541,079,000)
Definite.....	(4,412,429,000)	(3,958,298,000)	(4,499,377,000)	(+86,948,000)	(+541,079,000)
Indefinite.....	(15,206,000)	(14,606,000)	(14,606,000)	(-600,000)	---
Rescission.....	(-31,900,000)	---	(-30,000,000)	(+1,900,000)	(-30,000,000)
(Liquidation of contract authority).....	(31,000,000)	(31,000,000)	(47,000,000)	(+16,000,000)	(+16,000,000)
(Limitation on direct loans).....	---	(13,000,000)	---	---	(-13,000,000)
(Limitation on guaranteed loans).....	---	(45,000,000)	---	---	(-45,000,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research.....	135,510,000	129,279,000	139,865,000	+4,355,000	+10,586,000
State and private forestry.....	76,469,000	34,781,000	78,143,000	+1,674,000	+43,362,000
National forest system.....	1,243,391,000	1,159,655,000	1,309,244,000	+65,853,000	+149,589,000
Construction.....	214,078,000	203,974,000	216,542,000	+2,464,000	+12,568,000
Timber receipts transfer to General Fund (indefinite).....	(-78,635,000)	(-79,100,000)	(-79,100,000)	(-465,000)	---
Timber purchaser credits.....	---	(125,367,000)	(64,000,000)	(+64,000,000)	(-61,367,000)
Mount St. Helens (contract authority).....	---	---	(5,333,000)	(+5,333,000)	(+5,333,000)
Land acquisition.....	49,076,000	3,900,000	42,245,000	-6,831,000	+38,345,000
Timber Roads, Purchaser Election, Forest Service (rescission).....	-75,000,000	---	---	+75,000,000	---
Timber Salvage Sales.....	37,000,000	---	---	-37,000,000	---
Tongass Timber Supply Fund.....	---	40,699,000	25,264,000	+25,264,000	-15,435,000
Operation and maintenance of recreation facilities.....	---	31,800,000	---	---	-31,800,000
Acquisition of lands for national forests, special acts.....	966,000	966,000	966,000	---	---
Acquisition of lands to complete land exchanges (indefinite).....	990,000	335,000	335,000	-655,000	---
Betterment fund (indefinite).....	3,605,000	3,875,000	3,875,000	+270,000	---
Miscellaneous trust funds.....	90,000	90,000	30,000	-60,000	-60,000
Total, Department of Agriculture.....	1,686,175,000	1,609,354,000	1,816,509,000	+130,334,000	+207,155,000