

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF
THE INTERIOR AND RELATED AGENCIES, FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 1992, AND FOR
OTHER PURPOSES

OCTOBER 17, 1991.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 2686]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2686) making appropriations for the Department of the Interior and Related Agencies, for the fiscal year ending September 30, 1992, 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 7, 8, 13, 17, 31, 35, 38, 42, 44, 45, 46, 49, 50, 59, 61, 67, 72, 73, 77, 78, 79, 80, 82, 90, 92, 93, 94, 99, 110, 112, 125, 132, 139, 140, 141, 146, 150, 156, 159, 160, 161, 162, 166, 177, 178, 186, 192, 200, 203, 223, and 225.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 15, 27, 83, 84, 85, 102, 103, 104, 114, 115, 116, 117, 118, 119, 120, 147, 155, 158, 168, 169, 189, 210, 211, 220, and 221 and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$23,500,000; 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 matter stricken by said amendment insert: *Provided, That of the funds herein provided up to \$22,000,000 may be used for the emergency program authorized by Section 410 of Public Law 95-87, as amended, of which no more than 20 percent shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed \$15,000,000: Provided further, That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office*

And on page 26 beginning on line 9 of the House engrossed bill, H.R. 2686, strike: "of which, notwithstanding any other provision of law, the following amounts shall be available to carry out the various provisions of section 402(g) of Public Law 95-87, as amended (30 U.S.C. 1232(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 specifies the distribution of emergency funding and the staffing level for the Wilkes-Barre Field Office and strikes language referring to section 402(g) of Public Law 95-87, as amended.

Amendment No. 69: 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:

After the word "Provided" in said amendment insert: *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 amendment allows the Department of the Interior to use up to 20 percent of delinquent debt recoveries, pursuant to Public Law 97-365, to pay for contracts to collect these debts. The House had no such provision.

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 which limits administrative expenses of the rural abandoned mine program to 15 percent of the funds available for that program. The House had no such provision.

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 which allows the Secretary of the Interior to deny 50 percent of a State's AML grant if the State is systematically failing to administer its approved regulatory program. The House had no such provision.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 72: Restores language proposed by the House and stricken by the Senate making funds available for education.

Amendment No. 73: Restores language proposed by the House and stricken by the Senate making funds available for schools.

Amendment No. 74: Appropriates \$1,236,078,000 for operation of Indian programs instead of \$1,283,630,000 as proposed by the House and \$803,489,000 as proposed by the Senate. The decrease from the

amount proposed by the House consists of the following: decreases of \$47,437,000 for education, \$4,000,000 for self-determination services; \$5,000,000 for community and economic development grants, \$50,000 for agriculture, \$200,000 for water resources; \$197,000 for wildlife and parks, \$50,000 for minerals and mining, \$500,000 for rights protection, and \$2,500,000 for essential tribal services; and increases of \$1,330,000 for tribal government services; \$400,000, for social services; \$1,857,000 for Indian services, tribe/agency; \$2,621,000 for natural resources, tribe/agency; \$50,000 for trust responsibilities, tribe/agency to restore the 1991 add-on for Flathead realty; \$400,000 for facilities operations and maintenance (transferred from school operations); and \$5,724,000 for general administration.

The decrease in education consists of a decrease of \$6,274,000 to school operations, which includes increases of \$1,000,000 for the ISEP formula and \$100,000 for the Navajo child sexual abuse project, to be spent consistent with the comprehensive plan formulated to address this problem, and decreases of \$2,000,000 for Education 2000 grants, \$1,400,000 to facilities operations and maintenance, and \$3,974,000 to transfer facilities area offices staffing to the facilities operations and maintenance (non-education) line item; an increase of \$532,000 for continuing education, including a decrease of \$118,000 for SIPI and increases of \$500,000 for Title I tribally-controlled colleges and \$150,000 for the Navajo Community College; an increase of \$1,000,000 for tribe/agency operations, to restore FY 1991 scholarship funding, as allocated by the Senate; and a decrease of \$42,695,000 for putting the balance of the education programs on a forward-funded basis. The managers hope to be able to address this issue in the next fiscal year.

The increase of \$1,330,000 for tribal government services includes an increase of \$80,000 under new tribes funding for the Coquille tribe, and a decrease of \$250,000 for the Yurok Interim Council. This will provide continued funding of \$250,000, since the Council will not be organized and able to use these funds until November, 1992. There is also an increase of \$1,500,000 for child protection and family violence protection. The increase of \$400,000 for social services includes an increase of \$5,000,000 due to the increased rate of general assistance payments in Arizona, and decreases of \$1,600,000 for Kalispell retroactive payments, since these payments were made in fiscal year 1991, and \$3,000,000 for Indian Child Welfare Act grants, leaving an increase of \$7,550,000 over the fiscal year 1991 level. Within Indian services, tribe/agency, there is \$298,000 to continue the Navajo child sexual abuse program and \$100,000, which was included in the budget request, for the Hopi child sexual abuse program. Within the general assistance program, up to \$2,000,000 may be made available, as needed, for administrative costs related to the Alaska general assistance program.

The managers understand that some tribes have expressed concern about the lack of meaningful consultation in the BIA's current efforts to revise its social service regulations. The managers want to ensure that the annual appropriation for BIA social services provides for programs that are responsive to the needs of the tribes. Therefore, the managers strongly urge the BIA to give the

tribes additional opportunities to consult on the future of these vital programs prior to publication of proposed regulations.

The managers have agreed to provide a \$2,000,000 increase over the budget request for the self-governance demonstration project for shortfalls experienced by the tribes in negotiation and implementation. The education initiative associated with the project should be continued, with \$150,000 to be provided to the Lummi tribe. Shortfall monies are to be available only to tribal annual funding agreements, and to the extent possible stable tribal base funding should be maintained for those tribes entering their second year of project implementation. The managers are aware that various Bureau officials are questioning the discretionary authority of self-governance tribes in expending BIA funds according to tribal budget priorities pursuant to tribal compacts and annual funding agreements. The managers agree that the Bureau should not encroach on tribal decision-making authority regarding self-governance funds management, when such decision-making is pursuant to the compacts and funding agreements. Within the funds provided for self-governance activities, the Bureau shall consider the needs of the Makah tribe for its self-governance demonstration project.

The managers have agreed to provide \$200,000 each for the Intertribal Agricultural Council and the Council of Energy Resource Tribes. It is expected that an increasing portion of the costs for these organizations will be provided from member tribes.

The decrease of \$200,000 to water resources is for a transfer of funds from tribal water resource planning in Washington State (leaving a balance of \$550,000) to the Fish and Wildlife Service for shellfish negotiations.

The decrease of \$197,000 to wildlife and parks consists of decreases of \$500,000 to the timber-fish-wildlife initiative, \$110,000 for the Quinault tribe since these funds are included in the tribe's self-governance compact funding, \$100,000 for the Chippewa-Ottawa Treaty Fishery Management Authority, \$300,000 for the Circle of Flight wetlands initiative, \$86,000 for Minneapolis Area conservation officers training, \$25,000 for the Native American Fish and Wildlife Society, and \$100,000 for the bison project; and increases of \$174,000 for the Navajo natural heritage program, \$175,000 for Wisconsin fisheries, \$175,000 for the Skokomish Delta recovery plan, and \$500,000 for Pyramid Lake fisheries.

The increase of \$2,621,000 for natural resources-tribe/agency consists of restoration of the fiscal year 1991 add-ons, with the exception of \$174,000 for the Navajo natural heritage program which has been included under tribal management and development. The total amount provided includes \$100,000 to restore timber administration. The decrease of \$500,000 under rights protection is for water rights negotiation. The managers expect a total of \$1,800,000 to be made available for the Little Colorado River litigation, including funding for the Navajo, Hopi, Zuni and San Juan Southern Paiute tribes.

The managers have agreed to provide \$12,500,000 for essential tribal services. Of this amount, \$500,000 is available to begin to address historic funding inequities at the Michigan agency. Additional efforts for this purpose, as well as to address historic inequities at other locations, should be reviewed and included in the recom-

mendations of the Reorganization Task Force. No earmark is included for the Taos Blue Lake wilderness program, for which the managers understand \$111,000 is included in the base for fiscal year 1992. The Taos Pueblo may use additional funds available under this program, as well as the expanded reprogramming authority discussed below, to increase this program if necessary in fiscal year 1992.

With regard to the essential tribal services funding, the managers agree that the funds are to be allocated under the Indian Priority System, but only for tribal priorities. None of the funds are available for Area office field operations, or for Agency office administrative or executive direction costs, unless the tribe or tribes involved establish such costs as a priority. For fiscal year 1992, the funds are not available for tribes receiving \$100,000 or more in restorations of fiscal year 1991 add-ons. At the beginning of fiscal year 1992, all tribe/agency funds included in the 1992 budget plus these additional funds may be reprogrammed by the tribes if they determine there are higher priorities than those for which the funds were initially provided, or as provided under the IPS process; thereafter, for the balance of the year, the regular reprogramming guidelines should be followed. The resulting revised distribution should be used as the basis for the table showing tribe/agency allocations included with fiscal year 1993 budget request, and the funds should be retained in the base.

The increase of \$5,724,000 in general administration includes \$1,000,000 for the Federal Financial System, \$250,000 for education program management, to be used only for education positions, not administrative positions, \$500,000 for construction program management, and \$3,974,000 for the transfer of the Area Office staffing from the school operations line item.

The managers agree that funding for the 1854 Authority includes the Fond du Lac tribe. Within water resources funds, the Miccosukee and Seminole water management programs are to be continued at current levels. At least \$300,000 is available for participation of the Lower Elwha Klallam tribe in FERC proceedings related to dam removal. The Bureau is directed to complete the strategic plan for trust fund management, continue to work with the General Accounting Office and the Intertribal Monitoring Association and report quarterly to the Committees on progress made in the program, including the reconciliation effort. In cooperation with the Reorganization Task Force, the managers expect the Bureau to consider alternative methods of presenting the natural resources budget. Within litigation support, there is \$150,000 for the Arkansas Riverbed Authority. Under attorneys' fees, the Bureau should provide sufficient funds for the Hopi and Navajo tribes for the 1882 litigation, and for the Hopi, Navajo and San Juan Southern Paiute tribes for the 1934 litigation.

Based on materials provided by Sealaska Corporation, the Tlingit and Haida Central Council, the Alaska Federation of Natives, and other readily available documents including court decisions, the Secretary is directed to prepare a report detailing the historical evidence, if any, which may indicate whether the villages of Tenakee Springs, Haines, Wrangell, Ketchikan, and Petersburg were in-

advertently denied village or urban corporation status under the Alaska Native Claims Settlement Act.

The managers are aware of a difficult situation in the community of White Swan, WA, and request the Department to work with the Yakima Tribe and the Mount Adams School District to investigate alternates to respond to the pressing needs of this community.

Amendment No. 75: Restores House language stricken by the Senate, amended to provide the sum of \$248,152,000 in advance funding for school operation costs, instead of \$302,025,000 as provided by the House. The differences are decreases of \$42,695,000 which the House had proposed to provide for forward funding of all education programs in fiscal year 1992, \$2,000,000 for Education 2,000 grants, \$3,000,000 for institutionalized handicapped, and \$7,278,000 for technical support, and an increase of \$1,100,000 for the Indian school equalization program.

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 which provides \$75,912,000 for scholarships, vocational training and assistance to public schools instead of \$74,912,000 as proposed by the House and \$18,392,000 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 of \$1,000,000 over the House is to restore scholarship funding (tribe/agency) to the 1991 level.

Amendment No. 77: Restores language proposed by the House and stricken by the Senate which provides funds for higher education scholarships and assistance to public schools.

Amendment No. 78: Restores language proposed by the House and stricken by the Senate providing that grants authorized by the Indian Education Amendments of 1988 shall remain available until expended.

Amendment No. 79: Provides that \$2,021,000 for litigation support shall remain available until expended as proposed by the House instead of \$3,021,000 as proposed by the Senate.

Amendment No. 80: Provides that \$5,000,000 shall be made available for self-governance tribal compacts as proposed by the House instead of \$3,000,000 as proposed by the Senate.

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 which adds language providing that the accounting of trust funds furnished to tribes or individual Indians will allow the beneficiary to determine whether there has been a loss.

Amendment No. 82: Restores House language stricken by the Senate which provides \$300,000 for a grant to the Close Up Foundation.

Amendment No. 83: Deletes House language which would have limited spending for the Federal Financial System in fiscal year 1992, as proposed by the Senate. The managers have agreed to provide \$4,218,000 for this purpose, and expect reprogramming procedures to be followed if this amount is to be exceeded.

Amendment No. 84: Deletes House language prohibiting the use of funds to prepare a reprogramming proposal to reorganize the

Bureau of Indian Affairs until a task force has reported to the Committees on Appropriations, and prohibiting a reorganization under provisions of law, as proposed by the Senate. This issue is discussed further under Amendment No. 87.

Amendment No. 85: Deletes House language providing for deductions from timber sale receipts to remain available until expended.

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 inserted by said amendment, insert the following: : Provided further, That until such time as legislation is enacted to the contrary, none of the funds appropriated in this or any other Act for the benefit of Indians residing within the jurisdictional service area of the Cherokee Nation of Oklahoma shall be expended by other than the Cherokee Nation, nor shall any funds be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without the consent of the Cherokee Nation

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 delete funding for the United Keetoowah Band of Cherokees in Oklahoma, and have included language providing that until such time as Congress enacts contrary legislation, Federal funds should not be provided to any group other than the Cherokee Nation, within the jurisdictional area of the Cherokee Nation.

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 inserted by said amendment, insert the following: : Provided further, That the Task Force on Bureau of Indian Affairs Reorganization shall continue activities under its charter as adopted and amended on April 17, 1991: Provided further, That any reorganization proposal shall not be implemented until the Task Force has reviewed it and recommended its implementation to the Secretary and such proposal has been submitted to and approved by the Committees on Appropriations, except that the Bureau may submit a reorganization proposal related only to management improvements, along with Task Force comments or recommendations to the Committees on Appropriations for review and disposition by the Committees

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 language that will allow the Task Force on Bureau of Indian Affairs Reorganization to continue its activities during fiscal year 1992, and to submit any reorganization proposals recommended by the Task Force after its review of such proposals to the Appropriations Committees for disposition. If the Bureau chooses to propose a reorganization that is related only to management improvements, such as in the areas of procurement, financial management, or data processing, the language will allow the Bureau to submit such a proposal to the Task Force for review

and comment, and then to submit the proposal, along with the Task Force comments or recommendations to the Appropriations Committees for review and disposition.

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 which provides that any funds provided in this Act that are to be included under a self-governance compact, with availability for more than one year, may be reprogrammed to one year availability but shall remain available within the compact until expended.

Amendment No. 89: 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: *Provided further, That within available funds \$100,000 is available to lease space in a facility to be constructed by the Nez Perce Tribe in Lapwai, Idaho: Provided further, That the Bureau of Indian Affairs will incorporate General Services Administration Market Survey findings into the final lease agreement: Provided further, That notwithstanding any other provision of law, \$150,000 shall be provided to the Blackfeet Tribe for a model trust department pilot program.*

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 make available \$100,000 to lease space in a facility to be constructed by the Nez Perce Tribe in Idaho, subject to GSA market survey findings, and to provide \$150,000 to the Blackfeet Tribe for a model trust department pilot program.

INDIAN EDUCATION PROGRAMS

Amendment No. 90: Deletes language proposed by the Senate which would have established a separate account for Indian education programs. These programs are continued within the Operation of Indian programs account.

CONSTRUCTION

Amendment No. 91: Appropriates \$213,163,000 for construction instead of \$219,856,000 as proposed by the House and \$106,735,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of \$667,000 for two juvenile detention facilities (Ute Mountain Ute and Chinle), \$300,000 from facilities improvement and repair, for a transfer to construction program management, \$2,500,000 for Ute Mountain Ute farm development, \$2,500,000 for the Navajo Indian Irrigation Project, \$500,000 to employee housing, and \$3,000,000 to road sealing; and increases of \$500,000 for the Tamgass Creek hatchery, \$1,000,000 for the Wind River irrigation project, \$500,000 for road maintenance, and \$774,000 for land acquisition, including \$716,000 for the Swinomish Tribe (McGlenn Island) and \$58,000 for San Carlos mineral strip acquisitions.

The additional funds for road maintenance are for areas identified by the Bureau as high priority needs, including the Tohono O'odham. The Papago Agency base for fiscal year 1992 will be \$423,000 for road maintenance and \$380,000 for road sealing, as included in the BIA capability statement. Within the funds provided for employee housing, the Bureau should work with the Rough Rock and Black Mesa schools and Ramah Navajo tribe to meet their employee housing needs to the extent possible. The Bureau should work with the Chickasaw Nation to complete planning for a cultural resources center. The managers understand that other sources of funds will be sought for construction of such a center.

Funds have been provided to acquire in trust the property known as "McGlenn Island" located in Skagit County, WA for the Swinomish Tribal Community under the condition that it shall be preserved in its natural condition.

The managers have included funding, as discussed above, for planning and design of new schools, and funding for construction of new schools. In addition, a significant increase is provided over the funding requested in the President's Budget for facilities improvement and repair. With respect to these funds, the managers agree:

1. Planning and design funding will be available for the top ten schools contained on the fiscal year priority list, to the extent that funds are available;

2. Schools on the fiscal year 1992 priority list not funded for planning and design in fiscal year 1992 will be funded for these purposes in fiscal year 1993;

3. The Department shall review applications and prepare a new school construction priority list for fiscal year 1993, with these schools eligible for planning and design and construction funding, subject to budget constraints, in fiscal year 1993 and beyond in addition to any remaining fiscal year 1992 schools;

4. The Department should continue efforts currently underway to revise the new school construction priority setting process, with an emphasis on tribal consultation, improving the objectivity of the selection process, instilling some continuity into the program and addressing how emergency needs will be handled;

5. New school construction funding is not earmarked for specific projects, but is to be made available upon completion of the necessary validations and planning and design, starting at the top of the fiscal year 1992 list and including Pyramid Lake;

6. To the extent the construction funds are insufficient to address the total costs associated with the projects directed by the managers, additional funds to complete these projects will be provided in fiscal year 1993 and the outyears;

7. At least \$250,000 is available to begin planning and design of the replacement school at Pyramid Lake, with construction funds to be consistent with items 5 and 6 above; and

8. Within funds provided for facilities improvement and repair, \$835,000 is available for interim safety improvements at the existing facility at Pyramid Lake, and \$310,000 is available for health and safety needs at the Navajo Academy.

The managers are aware of the apparent need for additional space at the Four Winds School on the Fort Totten reservation,

and expect the school will participate in the revised priority setting process. The managers expect that the emergency replacement needs of the Second Mesa School will be reviewed as part of the priority-setting process discussed earlier.

The managers have not recommended any transfer at this time of the Old Tuba City Boarding School Building No. 78 pending the resolution of outstanding issues associated with the condition of the facility.

The managers expect the Department to submit expeditiously a reprogramming request to address the adequacy of space requirements for 300 students at Laguna Middle School.

Amendment No. 92: Rescinds \$7,000,000 as proposed by the House instead of \$3,000,000 as proposed by the Senate.

Amendment No. 93: Deletes language proposed by the Senate which would have made funds appropriated for the Wind River Irrigation Project in fiscal years 1990, 1991 and hereafter available on a non-reimbursable basis. The managers understand that there are questions as to whether the costs of the Wind River Irrigation Project should be non-reimbursable, and request that a report on the legal history of the project and its status be provided to the Committees by April 1, 1992.

EDUCATION CONSTRUCTION

Amendment No. 94: Deletes language proposed by the Senate which would have established a separate education construction account. The managers have included funding for education construction within the construction account.

MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 95: Restores House language stricken by the Senate with an amendment providing that \$5,000,000 shall be made available under Public Law 101-602 on September 30, 1992, instead of \$12,000,000 as proposed by the House. The language provides that certain amounts of three authorized Indian settlements will be made available on September 30, 1992. As discussed under amendment number 222, funds appropriated under this head will not be subject to any across-the-board reduction affecting this Act.

MISCELLANEOUS PERMANENT APPROPRIATIONS

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 which provides that beginning on October 1, 1991 and thereafter, amounts collected in connection with the Alaska Resupply Program shall be deposited in a special fund in the Treasury and shall remain available until expended, and that unobligated amounts previously collected shall be transferred to this account.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Amendment No. 97: Appropriates \$93,477,000 for administration of territories instead of \$103,177,000 as proposed by the House and

\$74,150,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of \$200,000 for American Samoa operations, \$2,000,000 for American Samoa power improvements, \$8,000,000 for Virgin Islands hurricane recovery for schools, and \$1,000,000 for Compact impact on Guam and the Northern Mariana Islands; and increases of \$500,000 for the Northern Mariana Islands airport control tower, and \$1,000,000 under technical assistance for studies on Rongelap Atoll. Any additional funds needed to complete the Northern Mariana Islands airport control tower should come from local sources.

The balance of \$1,000,000 remaining for Compact impact assistance on Guam and the Northern Marianas Islands should be moved to the technical assistance line item and specifically earmarked for this purpose. The funds should be provided to these governments based on information provided as to how the funds will be used to offset the increased impacts on education and social services as a result of increased immigration from the Freely Associated States. The provision of these funds is not intended to preclude additional technical assistance related to Compact impact, where appropriate. The Department is to report by April 1, 1992 on options to institutionalize future Compact impact assistance.

Within the \$500,000 provided for the brown tree snake program, \$100,000 is to be provided for training of beagles on Hawaii. The balance of the funding is for additional research and control activities, as included in the brown tree snake program plan.

The managers expect the American Samoa government to submit a plan for improving its financial management and accountability, which will be considered along with future requests for increased operations funding.

The managers have included \$1,000,000 for additional studies on Rongelap Atoll, to be provided through the technical assistance line item. These studies are to be carried out in accordance with the plan recently agreed to by the Republic of the Marshall Islands, the Rongelap Atoll local government, the Department of Energy and the Department of the Interior. Additional funding needs for the studies will be reviewed in the future.

Amendment No. 98: Provides \$89,447,000 for technical assistance, maintenance assistance and grants instead of \$99,194,000 as proposed by the House and \$69,847,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of the same items discussed under Amendment No. 97.

Amendment No. 99: Restores language proposed by the House and stricken by the Senate making funds available for brown tree snake control and research.

Amendment No. 100: Provides \$4,030,000 for the Office of Territorial and International Affairs rather than \$3,983,000 as proposed by the House and \$4,303,000 as proposed by the Senate. The increase over the amount proposed by the House is \$47,000 to restore funds for pay costs and administrative efficiencies.

The reprogramming proposal to establish a Pacific Operations center, dated August 23, 1991, is not agreed to.

request the Department to report on the appropriate implementing mechanism.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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 which designates all funds used by the Secretary for emergency purposes under this general authority as "emergency requirements" pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The House had no such provision.

Amendment No. 112: Restores House language stricken by the Senate which limits the Secretary of the Interior's use of emergency authorities with regard to emergency rehabilitation and wildfire suppression activities.

Amendment No. 113: 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 designates all funds used by the Secretary for emergency purposes under this general authority as "emergency requirements" pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The House had no such provision.

Amendment No. 114: Deletes House proposed language prohibiting use of funds in the Act to rename Mount McKinley.

Amendment Nos. 115-120: Change section numbers as proposed by the Senate.

Amendment No. 121: Restores House language stricken by the Senate which pertains to the management of Matagorda Island, Texas, amended to change the section numbers.

Amendment Nos. 122-123: Change House and Senate proposed section numbers.

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 as follows:

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

SEC. 117. Section 105 of Public Law 100-675 is hereby amended by adding the following new subsection:

"(c) AUTHORITY TO DISBURSE INTEREST INCOME FROM THE SAN LUIS REY TRIBAL DEVELOPMENT FUND.—Until the final settlement agreement is completed, the Secretary is authorized and directed, pursuant to such terms and conditions deemed appropriate by the Secretary, to disburse to the San Luis Rey Indian Water Authority, hereinafter referred to as the 'Authority', funds from the interest income which has accrued to the San Luis Rey Tribal Development Fund, hereinafter referred to as the 'Fund'. The funds shall be used only to assist the Authority in its professional development to administer the San Luis Rey Indian Water Settlement, and in the Authority's participation and facilitation of the final water rights settlement agreement of the five mission bands, subject to the terms of the Memorandum of Understanding Between the Band and the Department dated August 17, 1991."

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 amends Public Law 100-675 to provide authority for disbursing interest income from the San Luis Rey tribal development fund established by that law and changes the section number proposed by the Senate. The funds will be used only to assist the San Luis Rey Indian Water Authority in administering the settlement, and no funds will be distributed to bands or members of bands not directly associated with the Authority.

Amendment No. 125: Deletes Senate proposed bill language requesting a report on restoration of certain Native American murals in the Department of the Interior building. The managers agree that within 60 days of enactment of this Act, a report from the Secretary of the Interior in consultation with the Administrator of General Services on actions to restore and protect the murals mentioned in the Senate amendment is still required.

Amendment No. 126: 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 first section number named in said amendment insert: 118

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 extends the time available for the Secretary of the Interior to approve the extension of the Blackstone Commission and changes the section number proposed by the Senate.

Amendment No. 127: 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. 119. None of the funds appropriated in the Energy and Water Development Appropriations Act, 1992 (Public Law 102-104) shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, vol. 56, No. 114, on Thursday, June 13, 1991.

SEC. 120. (a) The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992 (H.R. 2608), is amended as follows:

(1) The third paragraph in title I (under the headings "Justice Assistance" and "Office of Justice Programs" within amounts for the Department of Justice) is amended by striking out the period at the end and inserting in lieu thereof: "Provided, That of the \$76,000,000 appropriated herein, \$4,000,000 shall be derived from deobligated funds previously awarded under part B and subparts I and II of part C of title II of said Act."

(2) The paragraph in title I under the heading "Salaries and Expenses" under the heading "Federal Communications Commission" is amended by striking out "For total obligations" and inserting in lieu thereof "For necessary expenses".

(3) The paragraph in title IV under the heading "Payment to the Legal Services Corporation" under the heading "Legal Services Corporation" is amended by inserting "coordinated through the national Legal Services Corporation," in the proviso after "such Institutes".

(b) The amendments made by subsection (a) shall take effect as if included in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, on the date of the enactment of such Act.

And on page 91, line 7 of the House engrossed bill, H.R. 2686, strike "22" and insert "15".

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 prohibits funds in the Energy and Water Appropriations Act from being used to implement an Army Corps of Engineers proposed rule on ability to pay and changes the section number proposed by the Senate.

The amendment also adds new language, not included in either the House or Senate bills, which makes technical corrections to H.R. 2608, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, as approved by the House and Senate, as follows:

First, a provision agreed to by the conferees to H.R. 2608 was included in the conference agreement but inadvertently left out of the final bill. Exclusion of this provision results in the bill being scored \$833,000 in outlays above the amounts assumed in the conference agreement. Inclusion of this provision in this amendment will bring H.R. 2608 back within its 602(b) allocations.

Second, corrects language in H.R. 2608, under the Federal Communications Commission (FCC), which inadvertently provides an overall obligation limitation on the FCC. This change should have been made when the conferees on H.R. 2608 decided not to accept the Administration's FCC fee proposal.

Third, clarifies the intent of the conferees on H.R. 2608 concerning the awarding of a grant for a National Resource and Training Center under the Legal Services Corporation (LSC). The language clarifies that preference should be given to a university which has hosted National Trial Advocacy Institutes coordinated through the national Legal Services Corporation office.

Finally, the amendment changes the allowable percentage of increase for Forest Service and Bureau of Land Management communication site fees to not more than 15 percent in fiscal year 1992 instead of 22 percent in the House engrossed bill.

The managers have agreed to change the maximum per centum amount by which communication site fees may be increased in final year 1992, which is contained in Sec. 314, from 22 percent included in the House bill, to 15 percent.

The managers are concerned that previous agency efforts to establish an acceptable methodology for communication site reappraisals have been unsuccessful. The managers therefore direct the Forest Service and the Bureau of Land Management to jointly establish a broad-based advisory group comprised of representatives from the broadcast industry (users of both private and public communication sites) and the two agencies to review recommendations

on acceptable criteria for determining fair market values and next best alternative use. The advisory group shall review the methodology used in the study previously mandated and reach concurrence on such methodology. The advisory group shall also assess the validity of the results of such studies, taking into account all reasonable options for the establishment of fair market values and next best alternative use. Finally, the advisory group shall take into account appropriate fee waivers or reductions for public service by communication site users who provide for the public convenience, interest, and necessity as required for licensing under the Communications Act of 1934.

The advisory group shall report its findings to the Senate and House Committees on Appropriations no later than May 1, 1992.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE—FOREST SERVICE

FOREST RESEARCH

Amendment No. 128: Appropriates \$182,812,000 for forest research instead of \$183,572,000 as proposed by the House and \$176,850,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of \$380,000 for forest protection research and \$1,375,000 for forest environment research; and increases of \$357,000 for resource analysis research, \$283,000 for forest management research and \$355,000 for forest products and harvesting research.

In forest protection research, there are increases of \$350,000 for Lincoln, NE, which is to be used for the highest priority research activities, which could include initiation of the Center for Semiarid Agroforestry; \$100,000 for Moscow, ID; and \$50,000 for Juneau, AK; and decreases of \$200,000 for Corvallis, OR (new perspectives), \$80,000 for Athens, GA (tree health), \$140,000 for Macon, GA, \$100,000 for Berkeley, CA, \$160,000 for Honolulu, \$100,000 for Hamden, CT, and \$100,000 for the Blue Mountain Institute, OR.

The managers agree that the \$1,000,000 provided for bark beetle research is not earmarked but is to be directed where the impacts are the most severe throughout the West.

For resource analysis research, the increase of \$357,000 consists of decreases of \$100,000 for Riverside, CA, \$100,000 for Syracuse (recreation research), \$50,000 for Fort Collins, and \$100,000 for Davis, CA; and increases of \$50,000 for St. Paul, including an increase of \$200,000 for inventory and a decrease of \$150,000 for the Lake States regional analysis, \$157,000 for Albuquerque and \$200,000 for Anchorage. There is also an increase of \$300,000 for Fort Collins for a southwestern forestry study, which had been included by the Senate under forest management research.

Under forest management research, there are decreases of \$40,000 for Burlington, \$300,000 for Pacific Yew research at Corvallis/Olympia, leaving \$300,000, \$75,000 for Grand Rapids, MN, \$200,000 for Gainesville, FL, and \$450,000 for new perspectives research; and increases of \$400,000 for Monticello, AR, \$50,000 for Morgantown, \$273,000 for Moscow, \$350,000 for New Orleans, \$75,000 for Parsons, WV, and \$200,000 for Research Triangle Park,

hibits the use of any available funds during fiscal year 1992. The amendment also repeals the mandatory approval process contained in the fiscal year 1991 Department of the Interior and Related Agencies Appropriations Act (Public Law 101-512), and is effective for fiscal year 1992 only.

Amendment No. 192: Deletes language proposed by the Senate which would have permitted the Secretary of Energy to contract for foreign-owned crude oil for the Strategic Petroleum Reserve without regard to current procedures for Congressional review of contracts. Congressional review of such contracts is included in Amendment No. 191.

Amendment No. 193: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment that sets an outlay cap of \$137,000,000 for oil acquisition instead of \$139,000,000 as proposed by the House and \$141,000,000 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.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 194: Appropriates \$77,233,000 for the Energy Information Administration instead of \$77,908,000 as proposed by the House and \$77,073,000 as proposed by the Senate. The decrease below the amount recommended by the House consists of \$100,000 for the cost-shared State heating oil and propane data program, \$75,000 for the State energy price and expenditure report, and \$500,000 for end use surveys. The managers agree that the State energy price and expenditure report should be accommodated within available funds.

The managers expect the Department to continue the seven positions at the Dallas, Texas Field Office which support the oil and gas reserves reports, oil and gas cost studies, and foreign energy supply assessments for which both the House and Senate restored funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 195: 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: \$1,449,871,000, of which \$5,000,000 shall be available on September 30, 1992 and shall remain available until expended for the Morris K. Udall Scholarship Foundation subject to the passage of authorizing legislation.

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 \$1,449,871,000 for Indian health services instead of \$1,432,712,000 as proposed by the House and

\$1,487,091,000 as proposed by the Senate, and makes \$5,000,000 available until expended for the Morris K. Udall Scholarship Foundation subject to authorization.

The net increase to the amount proposed by the House includes increases for population growth of \$9,900,000 in hospitals and clinics, \$214,000 in dental health, \$240,000 in mental health, \$911,000 in alcohol and substance abuse, \$6,760,000 in contract health services, \$180,000 in public health nursing and \$880,000 in community health representatives; for unmet needs of \$1,000,000 in dental health, \$2,000,000 in alcohol and substance abuse and \$5,535,000 in Indian health manpower, of which \$5,000,000 is for the Morris K. Udall Scholarship Foundation; and for child abuse prevention \$500,000 in mental health; and decreases in hospitals and clinics of \$5,938,000 for inflation and \$4,237,000 to be transferred to the facilities appropriation; \$200,000 in urban health to be divided equally between health promotion/disease prevention and immunization services; and \$586,000 in direct operations to be transferred to the facilities appropriation.

The managers agree that:

1. Individual projects not specifically referenced in the IHS budget are to be continued at the same funding level as in fiscal year 1991 plus inflation unless directed otherwise herein or in the reports accompanying the fiscal year 1992 appropriation;

2. Alcoholism programs at urban Indian clinics, originally funded through National Institute on Alcoholism and Alcohol Abuse grants or through funds available pursuant to Public Law 100-690 should be continued at the same level as in fiscal year 1991 plus inflation; and the IHS, in future budget submissions, should identify these urban programs as a separate sub-activity within the alcohol and substance abuse program;

3. Within the funds provided for the alcoholism account, \$200,000 is for counselors in BIA detention facilities, \$125,000 is for the University of Washington fetal alcohol syndrome project (an increase of \$25,000 above the fiscal year 1991 level) and \$100,000 is for an evaluation of the Winnebago drug dependency unit;

4. The IHS is to report to the Committees no later than December 1, 1991 on the proposed structure and format of the fiscal year 1993 budget request, including a description of the components of the social service program and how this program could be consolidated within the mental health account;

5. There is no earmark for a specific increase in the social services program; however, the social services program, which the managers understood is funded at \$5,000,000 in the base, should receive a fair share of the funds provided for inflation and population growth and the IHS should include in future budget requests an estimate of the amount and level of need funded for this program for the prior, current, and budget years;

6. At least \$1,800,000 is available in the mental health program for payments to State hospitals in North and South Dakota for indigent Indians involuntarily committed for treatment;

7. The Navajo child sexual abuse prevention and treatment program is to be continued at \$300,000;

8. The Navajo/Gallup alcoholism project is to be continued at a funding level of \$1,226,000 which includes at least \$200,000 for continuing cooperative efforts at the Rehobeth McKinley facility;

9. With respect to the Navajo alcoholism project, the managers agreed to increased funding for this very needed program in fiscal year 1991 with the understanding that it would be a cooperative effort with the Tribe, local governments and private health care providers; the program is being continued in fiscal year 1992 with the same expectation and the IHS should keep the Committees fully apprised of how these funds are being used.

10. There is no specific earmark for increased funds for patient travel in Alaska; however, the managers understand that the Alaska region will receive approximately \$1 million of the \$10 million total increase for unmet need in contract health services and will receive its fair share of the funds provided for inflationary costs and population growth in the hospitals and clinics and contract health services activities;

11. There is no specific earmark for an assessment of village built clinics in Alaska; however, the managers expect the IHS to work with the Alaska Native organizations on a plan to address the deficiencies identified in annual reviews by the IHS environmental health staff;

12. \$535,000 of the increase above the amount provided by the House for the manpower program is to aid in recruitment and retention of personnel at IHS locations, such as those in South Dakota, which are experiencing severe problems in maintaining adequate staffing; and the managers expect that these funds will be awarded on a competitive basis for the most meritorious proposals for addressing these problems and that the proposals that are funded do not duplicate existing IHS programs in the manpower, health education or community health representatives areas;

13. The IHS should review on an area-by-area basis the historical and prospective situation with respect to physician and other health professional recruitment and retention as compared with the current distribution of manpower funds for the program and present the results of this review at the fiscal year 1993 budget hearings;

14. The IHS should initiate planning activities with tribal governments with approved self-governance compacts for development of a Self-Governance Demonstration Project as authorized by Public Law 100-472;

15. Within the funds available to the IHS, \$500,000 should be set aside to reimburse participating self-governance tribal governments for planning expenses; and

16. The IHS, in close coordination with participating self-governance tribes, should report to the Committees, no later than two weeks before its first fiscal year 1993 budget hearing, on the status of self-governance planning including budget requirements, the development of transfer models including ex-

perimental operations, and proposed monitoring and evaluation methodologies.

Amendment No. 196: 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 \$301,311,000 to remain available until September 30, 1993, for contract medical care instead of \$294,551,000 as proposed by the House and \$296,311,000 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.

Amendment No. 197: 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 inserts the words "not less than" before the amount available for a loan repayment program.

INDIAN HEALTH FACILITIES

Amendment No. 198: Appropriates \$277,852,000 for Indian health facilities instead of \$295,211,000 as proposed by the House and \$202,068,000 as proposed by the Senate.

The net decrease to the amount proposed by the House includes increases of \$350,000 to complete construction of the Sallisaw, OK health center, \$4,237,000 transferred from the hospitals and clinics activity and \$586,000 transferred from the direct operations activity for facilities support; and decreases of \$2,645,000 for the Crow, MT hospital, \$10,000,000 for repair, improvement and maintenance, \$2,111,000 for the Aberdeen area regional youth treatment center, \$3,776,000 for the Portland area regional youth treatment center, and \$4,000,000 for sanitation facilities to be divided equally between the newly constructed/renovated homes and the existing homes subactivities.

The managers agree that:

1. The IHS may reprogram up to a total of \$600,000 from the Rosebud hospital project and the Belcourt hospital project to the Rosebud staff quarters project if needed for the completion of the 66 units now under construction;
2. The IHS should reprogram \$1,130,000 from surplus funds available upon completion of the Belcourt hospital project to the Wagner outpatient project to complete construction of that health center;
3. The IHS may reprogram up to \$1,000,000 from the Belcourt hospital project for construction expenses for the Aberdeen area regional youth treatment center project;
4. The IHS may reprogram up to \$500,000 from within available funds, if needed, for further design or site work for the Portland area regional youth treatment center;
5. For future hospital and clinic design, the IHS should project 10 years in its estimates of needed space for facilities on its construction priority list rather than the current 8 years;
6. The IHS, in consultation with the Tribes, needs to rework its methodology for hospital and clinic design to incorporate new concepts, such as low acuity beds in health centers, so as

to provide cost-effective alternatives to a full service hospital or a facility strictly limited to outpatient services;

7. No funds are earmarked for the Winnebago project but the IHS is expected to continue to work with the tribe within available funds to reach agreement on the scope of the project and should report to the Committees during the fiscal year 1993 budget hearings on the status of the Winnebago project in particular and, in general, on recommendations for revising the facility design methodology;

8. There are no earmarks for specific water and sewer projects within the sanitation account; all funds to address the backlog of sanitation needs for existing homes should be spent in accordance with the sanitation priority system; and

9. The IHS should explore directly providing engineering services rather than funding the Public Health Service for construction engineering support and report in the fiscal year 1993 budget on the requirements for this program assuming IHS were to assume this function.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Amendment No. 199: 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 requiring a quarterly report on additional leased space requirements. The House had report language regarding quarterly reporting requirements on this subject.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Amendment No. 200: Appropriates \$77,547,000 for Indian Education as proposed by the House instead of \$77,400,000 as proposed by the Senate. There is no specific earmark for a Hopi model education project using Subpart 2 funding. The managers understand that curriculum improvement is a high priority of the Hopi Tribe and expect the Office to work with the Hopi and all Tribes on improving their grant applications.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Amendment No. 201: 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 \$26,172,000 for the Office of Navajo and Hopi Indian Relocation instead of \$31,634,000 as proposed by the House and \$30,572,000 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 decreases to the amount proposed by the House include \$5,000,000 in housing funds due to the large unobligated balances remaining at the end of fiscal year 1991, \$212,000 for road development on the New Lands and \$250,000 in discretionary funds. Within the funds provided for housing the managers expect the Office to work with the Tribes and IHS on resolving the situation with respect to sanitation needs in the Cliff Springs area. The managers understand that approximately \$325,000 is needed to remove a wall and tank from a sacred spring site as requested by the Hopis, to provide a haul fixture addition to an existing windmill to access a water system which is about a mile away from the sacred spring and which uses a different water source, and to provide bathroom and plumbing renovations for 73 existing homes.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE

CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

Amendment No. 202: Appropriates \$6,612,000 for the Institute of American Indian Arts instead of \$8,187,000 as proposed by the House and \$6,087,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of \$75,000 to operations of the Institute and \$1,500,000 the change to a calendar year basis.

Amendment No. 203: Provides \$350,000 for Federal matching contributions to the endowment fund as proposed by the House instead of \$300,000 as proposed by the Senate.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 204: Appropriates \$283,961,000 for salaries and expenses instead of \$286,269,000 as proposed by the House and \$281,074,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of \$778,000 for research, \$1,380,000 for museums, and \$150,000 in facilities.

The net decrease for research includes decreases from the House level of \$100,000 for five new positions and related costs for the submillimeter array in the Astrophysical Observatory, \$178,000 for two new positions and related costs in global change research at the Tropical Research Institute, and an increase of \$50,000 for the crew (1.25 FTEs) of the new research vessel also at the Tropical Research Institute.

At the Environmental Research Center, decreases include \$50,000 for two new positions and related costs in global change research and \$300,000 for land acquisition. With regard to any future land acquisitions proposed by the Smithsonian, the managers agree that such proposals should be reviewed by the authorizing committees, including whether the use of non-Federal funds would be more appropriate.

Additional decreases in research from the House level include \$125,000 in libraries related to the inflation costs for the purchase of journals and \$75,000 in the international environmental science

program for two positions and related costs in global change research and one position and support costs related to the establishment of the Mpala Research Station in north central Kenya.

The decrease in museums consists of \$250,000 in the National Museum of Natural History for the establishment of a clearinghouse on biological diversity, and \$25,000 related to the study of human ecological history. The managers have agreed to provide \$315,000, on a one-time only basis, for a laboratory for the Amazon biological diversity project. In the National Museum of American History, there is a decrease of \$250,000 for the Jazz Masterworks program, leaving an increase of \$250,000 over 1991. With regard to the funding provided for the museum studies program in the National Museum of American History for the Duke Ellington School of Arts, the managers expect that this will be one-time only funding.

For the National Museum of the American Indian, a decrease of \$225,000 is included for two new positions, media, and promotional costs in the National Campaign office. Additional decreases in museums include \$30,000 for the National Portrait Gallery, \$470,000 which is not needed in FY 1992 for exhibit reinstallation at the Freer Gallery, \$30,000 for an archivist at the Archives of American Art, and \$100,000 for the Cooper-Hewitt Museum.

In facilities, there is a decrease of \$150,000 for protection services.

The managers expect the Smithsonian will not embark upon any costly new initiatives or any significant redirection of its staff or resources without providing the necessary justification required as a part of its annual budget submission.

If requested, the managers encourage the Smithsonian to provide technical assistance regarding collections management for an Indian culture center in Oklahoma. The managers expect, however, that the Smithsonian's role with the center will be limited to an advisory capacity only.

Amendment No. 205: Provides that \$25,839,000 shall remain available until expended instead of \$26,679,000 as proposed by the House and \$25,229,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of \$615,000 for exhibit reinstallation and \$225,000 for the National Museum of the American Indian.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 206: Appropriates \$24,710,000 for repair and restoration of buildings instead of the \$27,710,000 as proposed by the House and \$24,700,000 as proposed by the Senate. The decrease from the amount proposed by the House is \$3,000,000 for additional backlog projects. While the managers regret that limitations on the overall budget require a reduction from the budget estimate in this account, they are confident that the funding provided will allow the Smithsonian to complete the most urgently needed projects in fiscal year 1992.

TITLE III—GENERAL PROVISIONS

Amendment No. 220: Deletes House language which required the Secretary, in consultation with the U.S. Trade Representative, to determine whether a foreign country had violated a reciprocal trade agreement and prohibited the expenditure of Department of the Interior funds for the acquisition of products from such countries. The managers, however, agree that the Secretary, to the extent possible, should seek to purchase American made goods and services.

Amendment No. 221: Deletes House proposed language which provided for increased grazing fees on public lands, and provided certain grazing reforms.

The managers direct the Secretaries of Agriculture and the Interior to contract for an updating and review of the information contained in their joint 1986 report to Congress, "Grazing Fee Review and Evaluation." Such information shall include—but is not limited to—: information in Chapter 1 pertaining to (1) the significance of public lands grazing relative to the Western livestock industry and the red meat industry nationwide and (2) revenues and costs of rangeland management and permittee expenditures on improvements and maintenance; information in Chapter 2 pertaining to the appraised market value of public rangelands grazing as determined in the 1983–1984 "Appraisal Report Estimating Fair Market Rental Value of Grazing on Public Lands" prepared for the Forest Service and the Bureau of Land Management (special emphasis should be given to updating Westwide and pricing area market values and determining the utility of the information for use in developing appraised market values for local and USDA livestock marketing areas); indices, charts, and information in Chapter 3; Chapter 4 information on alternatives to the PRIA formula; Figures 5.1 through 5.10 in Chapter 5; and Figure 6.6 in Chapter 6. Appendix Figure B.9 of the 1986 Report (page 85) should be updated through indexing to derive a new base value. Appendix Figures B.5, B.6, B.7, and B.10 through B.15 shall also be updated. The Secretaries of Agriculture and the Interior shall involve the appropriate agencies, including the Forest Service, the Bureau of Land Management, the Economic Research Service, and the National Agricultural Statistics Service, and may contract through the National Academy of Sciences or use other means for the update and review of the above mentioned information. A report on the updating shall be provided to the Appropriations Committees of the House and Senate, the House Interior and Insular Affairs Committee and the Senate Committee on Energy and Natural Resources no later than April 30, 1992.

Amendment No. 222: 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. With the exception of budget authority for "Miscellaneous payments to Indians", Bureau of Indian Affairs, Department of the Interior; "Salaries and expenses", National Indian Gaming Commission, Department of the Interior; "Payment to the Institute",

Institute of American Indian and Alaska Native Culture and Arts Development; "Salaries and expenses", Woodrow Wilson International Center for Scholars; "Salaries and expenses" and "National capital arts and cultural affairs", Commission on Fine Arts; "Salaries and expenses", Advisory Council on Historic Preservation; "Salaries and expenses", National Capital Planning Commission; "Salaries and expenses", Franklin Delano Roosevelt Memorial Commission; and "Salaries and expenses" and "Public development", Pennsylvania Avenue Development Corporation, each amount of budget authority for the fiscal year ending September 30, 1992, provided in this Act, for payments not required by law is hereby reduced by 1.411 per centum: Provided, That such reductions shall be applied ratably to each account, program, activity, and project provided for in 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.

The amendment provides for a 1.411 per cent reduction to all accounts in the Act with the exception of payments required by law, payments to certain Indian groups, and certain small independent agencies. The reduction is made to reduce amounts in the Act to a total that is within the budget allocation.

Amendment No. 223: Deletes language proposed by the Senate which directed the Forest Service to continue the preparation of environmental documents to implement land management plans in Region 6. Statutory language is not required for these activities to continue.

The managers urge the Recovery Team for the Northern Spotted Owl to prepare the recovery plan in a manner that recognizes the need to minimize the employment loss due to owl-related timber harvesting restrictions while providing for the recovery of the owl, and in all respects, adhering to requirements of the Endangered Species Act.

The managers strongly urge the U.S. Fish and Wildlife Service to promulgate, as promptly as possible, regulations to interpret the requirements of section 9 of the Endangered Species Act for the Northern Spotted Owl on nonfederal lands.

Amendment No. 224: 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:

SEC. 319. LAND TRANSFER AND CONVEYANCE, PEASE AIR FORCE BASE, NEW HAMPSHIRE

(a) TRANSFER BY THE AIR FORCE.—Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer to the Department of the Interior a parcel of real property located west of McIntyre Road at the site of former Pease Air Force Base, New Hampshire: Provided, That the Secretary of the Air Force shall retain responsibility for any hazardous substances which may be found on the property so transferred.

(b) ESTABLISHMENT OF NATIONAL WILDLIFE REFUGE.—Except as provided in subsection (c), the Secretary of the Interior shall designate the parcel of land transferred under subsection (a) as an area

in the National Wildlife Refuge System under the authority of section 4 of the Act of October 15, 1966 (16 U.S.C. 688dd).

(c) CONVEYANCE TO STATE OF NEW HAMPSHIRE.—

(1) CONVEYANCE.—Subject to paragraphs (2) through (5), the Secretary of the Interior shall convey to the State of New Hampshire, without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of not more than 100 acres that is a part of the real property transferred to the Secretary under subsection (a) and that the Secretary determines to be suitable for use as a cemetery.

(2) CONDITION OF CONVEYANCE.—The conveyance under paragraph (1) shall be subject to the condition that the State of New Hampshire use the property conveyed under that paragraph only for the purpose of establishing and operating a state cemetery for veterans.

(3) REVERSION.—If the Secretary determines at any time that the State of New Hampshire is not complying with the condition specified in paragraph (2), all right, title, and interest in and to the property conveyed pursuant to paragraph (1), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms or conditions in connection with the conveyance under this subsection that the Secretary determines appropriate to protect the interests of the United States.

(d) The purposes for which this national wildlife refuge is established are—

(1) to encourage the natural diversity of plant, fish and wildlife species within the refuges, and to provide for their conservation and management;

(2) to protect species listed as endangered or threatened, or identified as candidates for listing pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) to preserve and enhance the water quality of aquatic habitat within the refuge; and

(4) to fulfill the international treaty obligations of the United States relating to fish and wildlife.

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 transfer certain portions of Pease AFB, NH to the U.S. Fish and Wildlife Service. Purposes of the refuge have been added to the Senate amendment as well as a provision which requires the Secretary of the Air Force to retain responsibility for any hazardous substances which may be found on the property.

Amendment No. 225: Deletes a general provision proposed by the Senate allowing the Secretary of Energy to negotiate modifications to an existing oil shale contract currently administered by the Secretary of the Treasury.

Amendment No. 226: 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. 320. Amend section 12(d)(2) of Public Law 94-204 (The Act of January 2, 1976) as follows:

(a) In the second sentence of the first proviso, following the words "public purposes" insert a period. Following the period add the following: "An area encompassing approximately sixty-two acres and depicted on the map entitled 'Native Heritage Park Proposal' and on file with the Secretary shall be managed".

(b) At the end of this section, add a new proviso: "Provided further, That to the extent necessary, any and all conveyance documents executed concerning the conveyance of the lands referred to in this proviso shall be deemed amended accordingly to conform to this proviso".

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 releases 4,325 acres in the Campbell Tract in Anchorage, AK from the restrictions of a bicentennial park master development plan, and retains approximately 62 acres subject to the restrictions of the plan as proposed by the Senate. The Senate amendment also allowed the Bureau of Land Management (BLM) to dispose of unneeded land from another 1,000 acre parcel. The House had no like provisions.

The managers agree that:

1. the Native Heritage Park proposed for the 62 acres in the amendment may not be placed on the 4,325 acres of the tract released from the restrictions of the plan; and
2. the 4,325 acres released from the plan are still to be managed under provisions of law regarding non-Federal land management for recreation and public purposes and BLM is not to approve changes in use which alter significantly the nature of the current land uses of the area.

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 1992, is defined by the managers as follows:

As provided for by section 256(1)(2) of Public Law 99-177, as amended, and for the purposes of a Presidential Order issued pursuant to section 254 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 forest, fish hatcheries, wildlife refuges, research

units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1992.

The managers emphasize 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 Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follow:

| | |
|--|------------------|
| New budget (obligational) authority, fiscal year 1991 | \$11,747,550,000 |
| Budget estimates of new (obligational) authority, fiscal year 1992..... | 11,595,927,000 |
| House bill, fiscal year 1992 | 12,717,527,000 |
| Senate bill, fiscal year 1992 | 12,644,603,000 |
| Conference agreement, fiscal year 1992 | 12,623,563,000 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1991 | + 876,013,000 |
| Budget estimates of new (obligational) authority, fiscal year 1992 | +1,027,636,000 |
| House bill, fiscal year 1992..... | -93,964,000 |
| Senate bill, fiscal year 1992..... | -21,040,000 |

SIDNEY R. YATES,
 JOHN P. MURTHA,
 NORMAN D. DICKS,
 LES AU COIN,
 TOM BEVILL,
 CHESTER G. ATKINS,
 JAMIE L. WHITTEN
 (except amendment No. 212),
 RALPH REGULA
 (except amendments Nos.
 167, 212, and 221),
 JOSEPH M. MCDADE
 (except amendment No. 167),
 BILL LOWERY
 (except amendment No. 212),
 JOE SKEEN,

Managers on the Part of the House.

ROBERT C. BYRD,
 J. BENNETT JOHNSTON,
 PATRICK J. LEAHY,
 DENNIS DECONCINI,
 QUENTIN N. BURDICK,
 DALE BUMPERS,
 ERNEST F. HOLLINGS,
 HARRY REID,
 DON NICKLES
 (except amendment No. 212),
 TED STEVENS,
 JAKE GARN,

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THAD COCHRAN,
WARREN B. RUDMAN,
PETE V. DOMENICI
(except amendment No. 95),
SLADE GORTON,
MARK O. HATFIELD,
Managers on the Part of the Senate.

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