

Public Law 101-512  
101st Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1991, and for other purposes.

Nov. 5, 1990  
[H.R. 5769]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1991, and for other purposes, namely:*

Department of the Interior and Related Agencies Appropriations Act, 1991.

**TITLE I—DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

**MANAGEMENT OF LANDS AND RESOURCES**

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, \$500,112,000 of which the following amounts shall remain available until expended: not to exceed \$1,200,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(i)), and \$20,000,000 for the Automated Land and Mineral Record System Project: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors.

**FIREFIGHTING**

For necessary expenses for fire management, emergency rehabilitation, firefighting, fire suppression, and other related emergency actions by the Department of the Interior, \$168,765,000, to remain available until expended: *Provided*, That such funds also are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

**CONSTRUCTION AND ACCESS**

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$15,386,000 to remain available until expended.

## PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), \$105,000,000, of which not to exceed \$400,000 shall be available for administrative expenses.

## LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, \$15,649,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

## OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; \$84,476,000, to remain available until expended: *Provided*, That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

## RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,188,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

## SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and

203 of Public Law 93-153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of subsection 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that subsection, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to subsection 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

43 USC 1735  
note.

#### MISCELLANEOUS TRUST FUNDS

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

#### ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$25,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended for surveys of Federal lands and on a reimbursable basis for surveys of Federal lands and for protection of lands for the State of Alaska: *Provided further*, That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in

Oregon.  
California.

Alaska.  
Public lands.

43 USC 1752  
note.

excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further*, That notwithstanding section 5901(a) of title 5, United States Code, the uniform allowance for each uniformed employee of the Bureau of Land Management shall not exceed \$400 annually: *Provided further*, That unobligated balances in the "Recreation Development and Operation of Recreation Facilities" account are to be deposited into the receipt account established by 16 U.S.C. 4601-6a(i): *Provided further*, That notwithstanding the provisions of the Federal Grants and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Bureau is authorized hereafter to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals, to implement challenge cost-share programs.

Cooperative agreements.  
31 USC 6305 note.

#### UNITED STATES FISH AND WILDLIFE SERVICE

##### RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, \$476,272,000 of which \$6,671,000 to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and of which \$9,313,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which \$1,000,000 shall be for contaminant sample analysis, and shall remain available until expended: *Provided*, That beginning October 1, 1990, and thereafter, the United States Fish and Wildlife Service can perform work for the Great Lakes Fishery Commission, authorized by 16 U.S.C. 931-939c, Great Lakes Fisheries Act of 1956, on the sea lamprey program on a reimbursable basis: *Provided further*, That such reimbursements are to be treated as Intragovernmental funds as defined in the publication titled "A Glossary of Terms Used in the Federal Budget Process".

16 USC 935 note.

Washington.

##### CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; \$93,113,000 to remain available until expended, of which \$1,800,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g): *Provided*, That notwithstanding any other provi-

sion of law, procurements for the visitor center at the Patuxent Wildlife Research Center, the National Training Center, Crab Orchard National Wildlife Refuge dam, and the replacement laboratory for the National Fisheries Research Center—Seattle, Washington may be issued which include the full scope of the facility: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: *Provided further*, That the Patuxent Wildlife Research Center (PWRC) is authorized to enter into a cooperative agreement with the Washington Suburban Sanitary Commission (WSSC) for the purposes of allowing the WSSC to place a water tower on land of the PWRC in return for which the WSSC will provide a continuous supply of potable water to the PWRC National Wildlife Visitor Center. The placement of said water tower will be near the present southern boundary of the PWRC adjacent to Springfield Road and shall encompass no more than five (5) acres of land: *Provided further*, That title 16 U.S.C. section 3832(a)(6) is amended by adding at the end thereof the following: "*Provided however*, no refund of rental payments and cost sharing payments shall be required when the land is purchased by or for the United States Fish and Wildlife Service;".

Cooperative agreements.  
Utilities.  
District of Columbia.

#### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$101,150,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

#### NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$11,000,000.

#### REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), \$1,000,000, to remain available until expended.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, \$15,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 129 passenger motor vehicles, of which 117 are for replacement only (including 39 for police-type use); not to exceed \$400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency

expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft.

Amounts collected prior to 1983 for "Special Recreation Use Fees," United States Fish and Wildlife Service, pursuant to 16 U.S.C. 460l-6a (b), (c), and (f) shall be transferred to the General Fund of the Treasury.

Amounts collected prior to October 1, 1984 from taxes imposed by section 4161(a) of the Internal Revenue Code; import duties under subpart B of part 5 of schedule 7 of the Tariff Schedules of the United States (19 U.S.C. 1202), and on yachts and pleasure craft under subpart D schedule 6, shall be transferred to the Sport Fish Restoration account of the Aquatic Resources Trust Fund.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$492,000 for the Roosevelt Campobello International Park Commission, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, \$881,317,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed \$55,500,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided*, That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That of the funds provided herein, \$600,000 is available for the National Institute for the Conservation of Cultural Property: *Provided further*, That of the funds provided under this head in this Act and in subsequent annual appropriation Acts, \$85,000 shall be available to assist the town of Harpers Ferry, West Virginia, for police force use.

16 USC 20b note.

West Virginia.

## NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, \$18,398,000.

## HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), \$34,665,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1992: *Provided*, That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further*, That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation.

## CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), \$271,871,000, to remain available until expended and including \$2,000,000 to assist local communities to protect Mammoth Cave National Park from groundwater pollution notwithstanding the fourth proviso under this head in Public Law 99-190: *Provided*, That for payment of obligations incurred for continued construction of the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, \$28,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended: *Provided further*, That for payments of obligations incurred for improvements to the George Washington Memorial Parkway, \$9,700,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended: *Provided further*, That for payments of obligations incurred for improvements to the Baltimore Washington Parkway, \$15,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended: *Provided further*, That not to exceed \$7,500,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That of the funds provided under this heading, \$4,500,000 shall be available for a grant for the restoration of the Keith Albee Theatre in Huntington, West Virginia, as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e)), such grant funds to be made available on an as needed basis.

## URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title 10 of Public Law 95-625) \$20,000,000, to remain available until expended.

## LAND AND WATER CONSERVATION FUND

## (RESCISSON)

16 USC 460L-10a note. The contract authority provided for fiscal year 1991 by 16 U.S.C. 460L-10a is rescinded.

## LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460L-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$137,513,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, of which \$33,400,000 is for the State Assistance program including \$3,400,000 to administer the State Assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States \$23,000 shall be available in 1991 for administrative expenses of the State grant program: *Provided further*, That of the amount provided above, \$320,000 is for acquisition of the Saxton House, 331 South Market Street, Canton, Ohio, as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e)): *Provided further*, That, of the amount provided herein \$4,200,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Florida and Broward County so that the State may purchase the "Everglades Buffer Strip" located in Broward County, Florida and stretching approximately 13 miles between State Road 84 and the Dade County line: *Provided further*, That, management of the Buffer Strip shall be the responsibility of the State of Florida and the grant agreement shall provide that the Buffer Strip shall, after eradication of the exotic species of melaleuca plant, be preserved in its natural state.

For the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 as amended (16 U.S.C. 460L-8(f)(3)), the Cap Erb Wildlife Preserve of approximately 6 acres that on the effective date of this section is proposed by the City of Boone, Iowa, to be substituted for land formerly in Blair Park that was converted to non-recreation use, shall be deemed by the Secretary of the Interior to be of equivalent usefulness and location as the land which was so converted: *Provided*, That if the proposed substitute land is not equal in fair market value, the difference shall be made up in land elsewhere by the State of Iowa.

## JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, \$21,150,000, of which \$13,500,000 shall remain available until expended.

## ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, \$250,000.

## ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 1 new rotary-wing aircraft for replacement only and 468 passenger motor vehicles, of which 324 shall be for replacement only, including not to exceed 355 for police-type use, 12 buses, and 7 ambulances; to provide, notwithstanding any other provision of law, at a cost not exceeding \$100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed \$1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further*, That notwithstanding any other provision of law, the National Park Service may recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That hereafter the Cedar Pass Visitor Center at Badlands National Park, South Dakota, shall be known as the Ben Reifel Visitor Center: *Provided further*, That Federal funds available to the National Park Service may be used for improvements to the National Park Service rail excursion line between Milepost 132.7 and 100.5 located in Northeastern, Pennsylvania: *Provided further*, That with respect to lands and waters under the jurisdiction of the Secretary of the Interior within the City of Rocks National Reserve established by title II of Public Law 100-696, the Secretary shall hereafter permit hunting in accordance with the otherwise applicable laws of the United States and the State of Idaho, except that he may designate zones where and periods when no hunting may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment: *Provided further*, That except in emergencies, any regulation prescribing such restrictions shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting activities: *Provided further*, That with respect to lands and waters under

Reports.

Federal buildings and facilities.  
16 USC 441 note.

16 USC 460yy-1 note.

Regulations.  
Effective date.

16 USC 431 note.

the jurisdiction of the Secretary within the Hagerman Fossil Beds National Monument, established by title III of Public Law 100-696, the Secretary shall hereafter permit hunting and fishing as well as maintenance of structures necessary to undertake such activities, including but not limited to duck and goose blinds on those lands within an area fifty feet in elevation above the high water level of the Snake River in accordance with otherwise applicable laws of the United States and the State of Idaho.

The Act, establishing Assateague Island National Seashore, as amended (16 U.S.C. 459), is amended by striking out "ten acres" and inserting in lieu thereof "sixteen acres".

16 USC 459f-1.

#### GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; \$573,704,000, of which \$66,109,000 shall be available only for co-operation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That beginning October 1, 1990, and thereafter, funds received from any State, territory, possession, country, international organization, or political subdivision thereof, for topographic, geologic, or water resources mapping or investigations involving cooperation with such an entity shall be considered as intragovernmental funds as defined in the publication titled "A Glossary of Terms Used in the Federal Budget Process".

43 USC 50.

43 USC 50-1.

#### WORKING CAPITAL FUND

43 USC 50a.

There is hereby established in the Treasury of the United States a working capital fund to assist in the management of certain support activities of the Geological Survey (hereafter referred to as the "Survey"), Department of the Interior. The fund shall be available hereafter without fiscal year limitation for expenses necessary for furnishing materials, supplies, equipment, work, and services in support of Survey programs, and, as authorized by law, to agencies of the Federal Government and others. Such expenses may include computer operations and telecommunications services; requirements definition, systems analysis, and design services; acquisition or development of software; systems support services such as implementation assistance, training, and maintenance; acquisition and replacement of computer, telecommunications, and related automatic data processing equipment; and, such other activities as may be approved by the Secretary of the Interior.

There are authorized to be transferred to the fund, at fair and reasonable values at the time of transfer, inventories, equipment,

receivables, and other assets, less liabilities, related to the functions to be financed by the fund as determined by the Secretary of the Interior: *Provided*, That the fund shall be credited with appropriations and other funds of the Survey, and other agencies of the Department of the Interior, other Federal agencies, and other sources, for providing materials, supplies, equipment, work, and services as authorized by law and such payments may be made in advance or upon performance: *Provided further*, That charges to users will be at rates approximately equal to the costs of furnishing the materials, supplies, equipment, facilities, and services, including such items as depreciation of equipment and accrued annual leave: *Provided further*, That all existing balances as of the date of enactment of this Act from amortization fees resulting from the Survey providing telecommunications services and deposited in a special fund established on the books of the Treasury and available for payment of replacement or expansion of telecommunications services as authorized by Public Law 99-190, are hereby transferred to and merged with the working capital fund, to be used for the same purposes as originally authorized: *Provided further*, That funds that are not necessary to carry out the activities to be financed by the fund, as determined by the Secretary, shall be covered into miscellaneous receipts of the Treasury.

#### ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 26 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95-224.

#### MINERALS MANAGEMENT SERVICE

##### LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; \$197,028,000, of which not less than \$65,552,000 shall be available for royalty management activities: *Provided*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for

reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding 5 U.S.C. 5901(a), as amended, hereafter the uniform allowance for each uniformed employee of the Minerals Management Service shall not exceed \$400 annually: *Provided further*, That notwithstanding any other provision of law, \$8,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due: *Provided further*, That notwithstanding 31 U.S.C. 3302, any moneys hereafter received as a result of the forfeiture of a bond or other security or payment of civil penalty by an Outer Continental Shelf permittee, lessee, or right-of-way holder which does not fulfill the requirements of its permit, lease, or right-of-way or does not comply with the regulations of the Secretary shall be credited to this account to cover the cost to the United States of any improvement, protection, or rehabilitation work rendered necessary by the action or inaction that led to the forfeiture or imposition of the civil penalty, to remain available until expended: *Provided further*, That any portion of the moneys so credited shall be returned to the permittee, lessee, or right-of-way holder to the extent that the money is in excess of the amount expended in performing the work necessitated by the action or inaction which led to their receipt or, if the bond or security was forfeited for failure to pay the civil penalty, in excess of the civil penalty imposed: *Provided further*, That notwithstanding any other provision of law, \$68,200,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury.

BUREAU OF MINES

MINES AND MINERALS

(INCLUDING TRANSFER)

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, \$182,182,000, of which \$102,182,000 shall remain available until expended: *Provided*, That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation.

Funds in the amount of \$6,000,000 appropriated pursuant to 102 Stat. 2270-12, Public Law 100-463, and transferred from the Department of Defense to the Bureau of Mines pursuant to 103 Stat. 1124, Public Law 101-165, are to be transferred to the Secretary of Defense to carry out the Soledad Canyon Demonstration Project in Los Angeles County, California. These funds shall remain available until September 30, 1993.

## ADMINISTRATIVE PROVISIONS

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

Gifts to  
Government.

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

## REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not to exceed 15 passenger motor vehicles, of which 11 shall be for replacement only; and uniform allowances of not to exceed \$400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; \$109,927,000, and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, equal to receipts to the General Fund of the Treasury from performance bond forfeitures in fiscal year 1991: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1991 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That the Secretary of the Interior shall abide by and adhere to the terms of the Settlement Agreement in NWR v. Miller, C.A. No. 86-99 (E.D. Ky), and not take any actions inconsistent with the provisions of footnote 3 of the Agreement with respect to any State or Federal program: *Provided further*, That the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training. *Provided further*, That notwithstanding the requirements of section 705 of Public Law 95-87 (30 U.S.C. 1295) appropriations herein shall be available to fund the full costs to the States to implement the Applicant Violator System in compliance with the January 24, 1990 Settlement Agreement between Save Our Cumberland Mountains, Inc. et al. and Manuel Lujan, Jr., Secretary United States Department of the Interior, et al.

30 USC 1211  
note.

## ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 22 passenger motor vehicles, of which 16 shall be for replacement only, \$200,006,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the

recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: *Provided further*, That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders, or uncontested past due Abandoned Mine Land fees: *Provided further*, That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund grant, available to a State pursuant to title IV of Public Law 95-87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement: *Provided further*, That expenditure of moneys as authorized in section 402(g)(4) of Public Law 95-87 shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95-87: *Provided further*, That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office: *Provided further*, That, notwithstanding any other provision of law, funds appropriated pursuant to Public Law 98-181 and derived from receipts of the Abandoned Mine Reclamation Fund shall be made available to and expended by the Commonwealth of Pennsylvania to provide for the acquisition of the ten properties along Route 61 near the Borough of Centralia, previously identified by the Commonwealth of Pennsylvania to the Office of Surface Mining Reclamation and Enforcement as needing acquisition but ineligible for funding pursuant to Public Law 98-181, and for the relocation of families and individuals residing in such properties who are threatened by the progressive movement of the mine fire currently burning in and around the Borough of Centralia: *Provided further*, That all acquisitions made by the Commonwealth of Pennsylvania under the authority provided herein shall be at fair market value without regard to the mine fire-related damages and such homeowners shall be treated in a manner that avoids any disparity with the treatment authorized and implemented pursuant to Public Law 98-181: *Provided further*, That land acquisition and relocation authorized herein shall not require any matching funding from the Commonwealth of Pennsylvania under section 407(e) of

Pennsylvania.

the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$1,326,997,000, including \$210,000,000 for school operations costs of Bureau-funded schools which shall become available for obligation on July 1, 1991, and shall remain available for obligation until June 30, 1992, and of which amount, funds obligated pursuant to the authority of Public Law 93-638, as amended, shall remain available for expenditure by the contractor until June 30, 1993; and of which not to exceed \$72,024,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1992, and of which \$2,180,000 for litigation support shall remain available until expended, \$3,000,000 for self-governance tribal compacts shall be made available on completion and submission of such compacts to the Congress, and shall remain available until expended, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1992: *Provided*, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs unless the tribe(s) and the Bureau of Indian Affairs enter into a cooperative agreement for consolidated services; and for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), \$1,327,000, to remain available until expended: *Provided further*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That \$200,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete rec-

conciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds: *Provided further*, That \$300,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further*, That \$220,000 of the amounts provided for administrative services shall be available for payment to eliminate the tax liability of Leonard and Rita Felder of Barrow, Alaska and that \$221,000 of these funds shall be paid into the Treasury of the United States in extinguishment of the tax liability of Leonard and Rita Felder and \$19,000 of these funds shall be available for payment for the aggregate attorney and accountant fees: *Provided further*, That such amount shall not be included in gross income for purposes of Federal income taxation: *Provided further*, That \$300,000 of the amounts provided for aid to tribal government shall be available until expended for operation of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, authorized in Public Law 101-379: *Provided further*, That not more than \$3,235,000 shall be made available for the Federal Financial System in fiscal year 1991: *Provided further*, That none of the funds provided in this Act may be used to prepare a reprogramming proposal to reorganize the Bureau of Indian Affairs until a task force consisting of tribal, Bureau and departmental representatives reviews any proposal to reorganize the Bureau and reports to the Committees on Appropriations regarding consultation and a review of the proposal: *Provided further*, That none of the funds provided in this Act may be used to undertake a reorganization pursuant to 64 Stat. 1262 or any other provision of law.

#### CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; maintenance of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, \$168,536,000, to remain available until expended: *Provided*, That \$1,000,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That none of the funds available to the Bureau of Indian Affairs in this or any other Act shall be used to transfer, through agreement, memorandum of understanding, demonstration project or other method, the Safety of Dams program of the Bureau of Indian Affairs to the Bureau of Reclamation: *Provided further*, That nothing herein shall prevent the Bureau of Indian Affairs or tribes from using, on a case-by-case basis, the technical expertise of

Leonard Felder.  
Rita Felder.

the Bureau of Reclamation: *Provided further*, That none of the funds provided for the Safety of Dams program are available for transfer pursuant to sections 101 and 102 of this Act.

#### MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98-500, 99-264, 100-383, 100-512, 100-580, and 100-585, including funds for necessary administrative expenses, \$56,431,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated pursuant to Public Law 100-383 shall not be subject to the provisions of 43 U.S.C. 1606(i): *Provided further*, That income earned on funds appropriated by Public Law 101-121, October 23, 1989, 103 Stat. 701, 715 for the purposes of section 6(b) of the Puyallup Tribe of Indians Settlement Act of 1989, Public Law 101-41, June 21, 1989, 103 Stat. 83, may be utilized by the Permanent Trust Fund Board of Trustees to secure necessary and appropriate financial, auditing, accounting, insurance and other administrative services to fulfill the Board of Trustees' fiduciary and administrative responsibilities: *Provided further*, That no more than 5 per centum of the income in any year may be utilized for such purposes: *Provided further*, That 16 U.S.C. 1166(e) is amended by adding the following new subsection: "(3) There is authorized to be appropriated to the Secretary of the Interior \$3,500,000 for distribution to the Trust for the purpose of preserving and maintaining municipal, community, and tribal functions while an economy not dependent on sealing is established.": *Provided further*, That \$35,000,000 shall be made available on October 1, 1991, subject to enactment of H.R. 5367 as passed the House of Representatives on October 10, 1990 and as passed the Senate on October 16, 1990.

25 USC 1773d  
note.

#### NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93-531, as amended (25 U.S.C. 640d-30), including necessary administrative expenses, \$3,000,000, to remain available until expended.

#### REVOLVING FUND FOR LOANS

During fiscal year 1991, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed resources and authority available.

#### INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), \$11,787,000, to remain available until expended, of which not to exceed \$500,000 shall remain available for payment of losses on surety bonds guaranteed pursuant to the authority of said Act: *Provided*, That during fiscal year 1991, total commitments to guarantee loans pursuant to said Act may be made only to the extent that the total loan

principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits, and purchase of not to exceed 162 passenger carrying motor vehicles, of which not to exceed 115 shall be for replacement only.

#### TERRITORIAL AND INTERNATIONAL AFFAIRS

##### ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, \$106,219,000, of which (1) \$102,912,000 shall be available until expended for technical assistance; maintenance assistance; drug interdiction and abuse prevention; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$3,307,000 shall be available for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99-396: *Provided further*, That \$1,025,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of

48 USC 1401f,  
1423l, 1665.

48 USC 1469b.

local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That funds provided herein for disaster hazard mitigation projects are not available for obligation until authorizing legislation is enacted.

#### TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495); grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; \$48,707,000 to remain available until expended, including \$8,000,000 to reduce the accumulated deficit of the former Trust Territory Government and \$4,200,000 for settlement purposes related to reef and beach damage on Kosrae Island resulting from airport construction: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1991, shall be credited as an offset against fiscal year 1991 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1991: *Provided further*, That not less than \$300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

48 USC 1683.

48 USC 1682.

#### COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, \$24,800,000, to remain available until expended, as authorized by Public Law 99-239: *Provided*, That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101-219.

Effective date.

## DEPARTMENTAL OFFICES

## OFFICE OF THE SECRETARY

## SALARIES AND EXPENSES

Dick A. Blenden. For necessary expenses of the Office of the Secretary of the Interior, \$58,736,000, of which not to exceed \$10,000 may be for official reception and representation expenses and also of which not less than \$55,000 shall be available to pay the claim of Dick A. Blenden of Carlsbad, New Mexico, made under Public Law 96-549, 94 Stat. 3219, and settled in United States v. Blenden, Civil Action Numbered 85-1587 JB (D.N.M.).

## OFFICE OF THE SOLICITOR

## SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$26,883,000.

## OFFICE OF INSPECTOR GENERAL

## SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$22,156,000.

## CONSTRUCTION MANAGEMENT

## SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, \$2,097,000.

## NATIONAL INDIAN GAMING COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, \$1,254,000.

## ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 11 aircraft, 7 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made avail-

able to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon Cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or

allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

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

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

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

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities for Outer Continental Shelf Lease Sale 137 in the Eastern Gulf of Mexico.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities within an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree West longitude line south along that longitude line to its intersection with the line which passes between blocks 423 and 467 on Outer Continental Shelf protraction diagram NK 19-10; then southwesterly along a line 50 miles seaward of the States of Rhode Island, Connecticut, New York, New Jersey, Delaware, and Maryland, to its intersection with the 38 degree North latitude line; then westerly along the 38 degree North latitude line until its approximate intersection with the seaward limit of the State of Maryland territorial sea; then northeasterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degree West longitude line.

SEC. 114. None of the funds made available by this Act may be used for the implementation or financing of agreements or arrangements with entities for the management of all lands, waters, and interests therein on Matagorda Island, Texas, which were purchased by the Department of the Interior with federally appropriated amounts from the Land and Water Conservation Fund.

SEC. 115. The provision of section 114 shall not apply if the transfer of management or control is ratified by law. 16 USC 18f-1.

SEC. 116. In fiscal year 1991 and thereafter, the Secretary may exercise the authorities granted in the Act of July 1, 1955 (16 U.S.C. 18f) in administration of the Department of the Interior Museum, and may dispose of objects no longer needed for the Museum or held in duplicate among museum properties and apply the proceeds to the purchase of museum objects, museum collections, and other personal properties at reasonable prices.

SEC. 117. Notwithstanding any other provision of law, any appropriations or funds available to the Department of the Interior in this Act may be used to provide nonmonetary awards of nominal value to private individuals and organizations that make contributions to Department of the Interior programs.

SEC. 118. Appropriations under this title may be made available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work for units of the Department of the Interior.

SEC. 119. None of the funds available to the Bureau of Indian Affairs in this or any other Act shall be used to evict, or demolish the homes or structures of those members of the Yakima Indian Tribe presently residing at Federal in lieu fishing sites located at Cooks Landing and Underwood in the State of Washington within the area ceded to the United States of America under the Treaty with the Yakima, 1855, 12 Stat. 698 (1859), until a final decision is issued by the court of jurisdiction in the case now pending.

Indians.  
Washington.  
Housing.

SEC. 120. STATUTE OF LIMITATIONS.—Holders of mining claims subject to the injunction issued in Northern Alaska Environmental Center v. Hodel, Civil Case J-85-009, U.S. District Court, (District of Alaska) may file an action for inverse condemnation against the United States at least until December 31, 1999.

Miners.  
Claims.

SEC. 121. APPRAISAL PROCEDURE.—(a) Holders of unpatented mining claims subject to the injunction issued in Northern Alaska Environmental Center v. Hodel, Civil Case J-85-009, U.S. District Court, (District of Alaska) may apply to the Department of the Interior for a validity determination. The validity determination shall be conducted jointly by the National Park Service and the Bureau of Land Management within two years of application, subject to the availability of appropriated funds. Upon completion of the validity determination, copies of the final written report, reviewed and approved by the Bureau of Land Management, shall be provided to the claimant.

Miners.  
Claims.

(b) Upon receipt by the National Park Service of (1) a finding of validity pursuant to subsection (a), or evidence of a valid patent, and (2) an offer of sale of said mining claims, the National Park Service shall commence the appraisal process pursuant to subsection (c).

Reports.

(c) Upon fulfillment of the requirements of subsection (b), a panel of three persons shall be selected pursuant to the procedures of the American Arbitration Association. The panel shall consist of an attorney familiar with mining law, a registered professional mining engineer/geologist familiar with mineral appraisal and methods of production for the type of claim in question, and in the case of patented mining claims an appraiser qualified to perform surface estate appraisals. The appraisal shall be completed within one year of the date the panel is selected. Nothing in this subsection shall require the conduct of a new appraisal for lands or claims for which a valid current government appraisal already exists.

(d) Within six months of completion of the appraisal process for a mining claim under subsection (c), the National Park Service shall, subject to the availability of appropriated funds, or as soon thereafter as funds become available, make an offer to the claimant to purchase said claim for the appraised value. The claimant shall have six months to accept or reject the offer.

SEC. 122. BOUNDARY MODIFICATION.—(a) BOUNDARIES OF CRANBERRY WILDERNESS.—Section 1 of the Act of January 13, 1983 (96 Stat. 2588, 16 U.S.C. 1132), is amended by deleting “on a map entitled ‘Cranberry Wilderness—Proposed’, dated May 1982” and inserting in lieu thereof “on a map entitled ‘Cranberry Wilderness—Revised’, dated February 1990”.

(b) PROTECTIVE STIPULATIONS.—The construction, maintenance, and use of any structure or facility on those National Forest lands excluded from the Cranberry Wilderness by the boundary adjustment made by this Act shall be restricted to protection and enhancement of the fishery and other natural values of the Cranberry River, the Cranberry Wilderness and its surrounding environment, and all such structures and facilities on such lands shall be constructed of materials that blend, and are compatible with, the immediate and surrounding landscape.

16 USC 1132  
note.

## TITLE II—RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

#### FOREST RESEARCH

For necessary expenses of forest research as authorized by law, \$168,512,000, to remain available until September 30, 1992.

#### STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, \$183,377,000, to remain available until expended, as authorized by law: *Provided*, That a grant of \$4,500,000 shall be available to Mercer County, West Virginia for the construction and equipping of a hardwood training center and a flexible manufacturing center.

West Virginia.

#### NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads “Forest Research”, “State and Private Forestry”, “National Forest System”, “Construction”, “Forest Service Firefighting”, and “Land Acquisition”, \$1,302,687,000 to remain available for obligation until September 30, 1992, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l-6a(i)): *Provided*, That unexpended balances in the National Forest System account at the end of fiscal year 1990, shall be merged with and made a part of

the fiscal year 1991 National Forest System appropriation, and shall remain available for obligation until September 30, 1992: *Provided further*, That timber volume authorized or scheduled for sale during fiscal year 1990, but which remains unsold at the end of fiscal year 1990, shall be offered for sale during fiscal year 1991 in addition to the fiscal year 1991 timber sale volume to the extent possible: *Provided further*, That no more than \$5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

#### FOREST SERVICE FIREFIGHTING

For necessary expenses for firefighting on or adjacent to National Forest System lands or Department of the Interior lands, and for forest fire management and presuppression; and emergency operations on National Forest System lands, \$299,507,000, to remain available until expended: *Provided*, That such funds are also to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

#### CONSTRUCTION

For necessary expense of the Forest Service, not otherwise provided for, for construction, \$278,593,000, to remain available until expended, of which \$83,245,000 is for construction and acquisition of buildings and other facilities; and \$195,348,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1991 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed \$110,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.

#### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$89,163,000, to be derived from the Land and Water Conservation Fund, to remain available until expended of which \$300,000 is for acquisition of land and interests therein at and near the Old Chief Joseph Gravesite, Wallowa County, Oregon, as depicted on a map entitled "Old Chief Joseph Gravesite Acquisition—1990" on file with the Forest Service, pursuant to the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428(a)): *Provided*, That of the funds previously appropriated under this head for land acquisition, the Forest Service shall match on a dollar-for-dollar basis, but not to exceed \$769,000, any amount that the Bonneville Power Administration makes available to implement the Northwest Resource Information Center, Inc.'s water resource and fish enhancement proposal of April 20, 1990, as amended June 8, 1990, and September 6, 1990, and as certified by the Area Ranger of the Sawtooth National Recreation Area on October 1, 1990: *Provided further*, That the funds shall not be expended by the Forest Service to implement the proposal unless it is stipulated that the Federal government will receive from the owner of Busterback

Ranch the full interest and control of the water rights necessary to meet fully the anadromous fish requirements of the proposal.

#### ACQUISITION OF LANDS FOR NATIONAL FORESTS

State listing.

#### SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,103,000, to be derived from forest receipts.

#### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

#### RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

#### GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

#### ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 202 passenger motor vehicles of which 27 will be used primarily for law enforcement purposes and of which 170 shall be for replacement only, of which acquisition of 144 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 97 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the Forest Service, not in excess of \$400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses

pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Forest Service Firefighting appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction.

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

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

All funds received for timber salvage sales may be credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above: *Provided*, That notwithstanding any other provision of law, moneys received from the timber salvage sales program in fiscal year 1991 shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended: *Provided further*, That these payments shall not be made before October 1, 1991: *Provided further*, That these actions are taken pursuant to section 202(b)(1) of Public Law 100-119 (2 U.S.C. 909).

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714.

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

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law or existing policy, the peak that is the second peak to the south of Mount Whitney, and is the highest point on Pinnacle Ridge where it reaches the Sierra Crest, located approximately  $\frac{1}{4}$  mile to the south of the summit of Mount Whitney and approximately  $\frac{1}{2}$  mile to the north of the summit of Mount Muir, near Lone Pine, in the State of California, shall be known and designated as "Crooks Peak". Any reference in any law, regulation, document, record, map, or other paper of the United States to the peak is deemed to be a reference to "Crooks Peak".

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

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Forest Service is authorized to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals to continue the Challenge Cost-Share Program.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting or other forms of even-age management in hardwood stands in the Shawnee National Forest, Illinois.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

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

Cooperative agreements.

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

No funds made available under this Act may be used for the issuance of any permit or other authorization providing access to, or permitting the construction of, any motel-restaurant or similar overnight accommodations on lands located within the exterior boundaries of the Allegheny National Forest in the State of Pennsylvania, and no funds made available under this Act may be used to enter into any contract or lease for the construction of any such facilities.

The Secretary of Agriculture may sell to the Louisiana Pacific Corporation, without complying with the advertisement and competitive bidding requirements of section 14 of the National Forest Management Act of 1976 (Public Law 94-599, 16 U.S.C. 472a) and of the regulations issued by the Secretary, replacement trees, portions of trees, or forest products located on National Forest System lands that are equal in total value to the trees, portions of trees, or forest products deleted by agreement of the Secretary and the Louisiana Pacific Corporation from the contract (numbered 001657) for the sale of timber in the Bowen Gulch area of the Arapaho National Forest, State of Colorado: *Provided*, That in selling such replacement trees, portions of trees, or forest products, the Secretary shall comply with all other laws and regulations applying to timber sales on National Forest System lands.

Louisiana.  
Forests and  
forest products.

Of the funds available to the Forest Service, \$1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding section 705(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539d(a)), \$42,887,000 shall be available from the Tongass Timber Supply Fund for timber supply, protection and management, research, resource protection, and construction on the Tongass National Forest in fiscal year 1991: *Provided*, That all of the funds available from the Tongass Timber Supply Fund in fiscal year 1991 pursuant to section 705(a) of Public Law 96-487 shall be deemed obligated as of October 1, 1990 and shall remain available until expended: *Provided*, That this funding limitation shall not include those funds available to the Forest Service as National Forest System, Construction, Trust Funds, Permanent Funds (other than the Tongass Timber Supply Fund), or Purchaser Road Construction.

Notwithstanding any other provision of law, funds allocated by the Forest Service to a specific national forest in fiscal year 1992 for National Forest System trail construction; trail maintenance; wildlife and fish habitat management; soil, water and air management; cultural resource management; wilderness management; and reforestation and stand improvement shall be increased by 5 per centum on October 1, 1991 if the specific national forest attains the timber sale offer volume and timber pipeline preparation volume target established for fiscal year 1991: *Provided*, That these funds shall be made available in fiscal year 1992 from fiscal year 1991 timber receipts returned to the Federal Treasury and shall be available until expended: *Provided further*, That these funds are in

Disaster assistance.

addition to any other funds appropriated for these activities and can be merged into regular appropriated accounts.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

The Chief of the Forest Service is authorized to establish an advisory committee on the Ouachita National Forest to advise the Forest Supervisor on the new Forest Plan including principles of "New Perspectives" for forest management, and other land management activities. The committee shall be comprised of individuals who in the Chief's judgment, represent a diversity of views: *Provided*, That every effort shall be made to ensure that environmental and business concerns are equally represented on the committee. The committee may be formed without being subject to the Federal Advisory Committee Act (86 Stat. 770). Committee members shall serve without compensation but may be reimbursed for travel expenses at the prevailing Government rate.

Section 3 of Public Law 87-869 (16 U.S.C. 554d, 76 Stat. 1157) is hereby amended by striking the number "\$35,000" and inserting in lieu thereof "\$100,000".

The Forest Service is directed to begin the preparation of all environmental documents necessary to implement the management goals, policies, standards, and guidelines contained in the recently completed land and resource management plans on the national forests in Region 6, Oregon and Washington.

## DEPARTMENT OF ENERGY

### CLEAN COAL TECHNOLOGY

The first paragraph under this head in Public Law 101-121 is amended by striking "\$600,000,000 shall be made available on October 1, 1990, and shall remain available until expended, and \$600,000,000 shall be made available on October 1, 1991, and shall remain available until expended" and inserting "\$600,000,000 shall be made available as follows: \$35,000,000 on September 1, 1991, \$315,000,000 on October 1, 1991, and \$250,000,000 on October 1, 1992, all such sums to remain available until expended for use in conjunction with a separate general request for proposals, and \$600,000,000 shall be made available as follows: \$150,000,000 on October 1, 1991, \$225,000,000 on October 1, 1992, and \$225,000,000 on October 1, 1993, all such sums to remain available until expended for use in conjunction with a separate general request for proposals": *Provided*, That these actions are taken pursuant to section 202(b)(1) of Public Law 100-119 (2 U.S.C. 909): *Provided further*, That a fourth general request for proposals shall be issued not later than February 1, 1991, and a fifth general request for proposals shall be issued not later than March 1, 1992: *Provided further*, That project proposals resulting from such solicitations shall be selected not later than eight months after the date of the general request for proposals: *Provided further*, That for clean coal solicitations required herein, provisions included for the repayment of government contributions to individual projects shall be identical to those included in the Program Opportunity Notice (PON) for Clean Coal Technology III (CCT-III)

Demonstration Projects (solicitation number DE-PS01-89 FE 61825), issued by the Department of Energy on May 1, 1989: *Provided further*, That funds provided under this head in this or any other appropriations Act shall be expended only in accordance with the provisions governing the use of such funds contained under this head in this or any other appropriations Act.

With regard to funds made available under this head in this and previous appropriations Acts, unobligated balances excess to the needs of the procurement for which they originally were made available may be applied to other procurements for use on projects for which cooperative agreements are in place, within the limitations and proportions of Government financing increases currently allowed by law: *Provided*, That the Department of Energy, for a period of up to five (5) years after completion of the operations phase of a cooperative agreement may provide appropriate protections, including exemptions from subchapter II of chapter 5 of title 5, United States Code, against the dissemination of information that results from demonstration activities conducted under the Clean Coal Technology Program and that would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from and first produced by a non-Federal party participating in a Clean Coal Technology project: *Provided further*, That, in addition to the full-time permanent Federal employees specified in section 303 of Public Law 97-257, as amended, no less than 90 full-time Federal employees shall be assigned to the Assistant Secretary for Fossil Energy for carrying out the programs under this head using funds available under this head in this and any other appropriations Act and of which 35 shall be for PETC and 30 shall be for METC: *Provided further*, That reports on projects selected by the Secretary of Energy pursuant to authority granted under this heading which are received by the Speaker of the House of Representatives and the President of the Senate less than 30 legislative days prior to the end of the second session of the 101st Congress shall be deemed to have met the criteria in the third proviso of the fourth paragraph under the heading "Administrative provisions, Department of Energy" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190, upon expiration of 30 calendar days from receipt of the report by the Speaker of the House of Representatives and the President of the Senate or at the end of the session, whichever occurs later.

Confidential  
business  
information.

Reports.

#### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, \$461,167,000, to remain available until expended, of which \$267,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909) and of which \$2,969,000 is for the fuels program: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

Of the funds herein provided, \$40,250,000 is for implementation of the June, 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided*, That 35 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1991, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further*, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

Of the funds provided herein, \$2,500,000 shall be for a grant for the National Research Center for Coal and Energy, and \$2,000,000 shall be for a grant to be matched on an equal basis from other sources for the University of North Dakota Energy and Environmental Research Center.

Of the funds provided herein, \$8,000,000 is to initiate a ten-year industry/government cooperative agreement to design, construct, and operate a proof-of-concept oil shale facility employing modified in-situ retorting and surface processing of mined shale and waste at Federal Prototype Oil Shale Lease Tract Cb near Meeker, Colorado: *Provided*, That the Federal contribution to the cooperative agreement shall not exceed \$80,000,000 in 1989 dollars escalated yearly by the annual GNP deflator, or 40 per centum of the total equity in the project, whichever is less: *Provided further*, That at no time during the project shall the Federal contribution exceed 40 per centum of total equity in the project: *Provided further*, That in fiscal years 1992 and thereafter, the annual Federal contribution shall not exceed the annual portion of the remaining allowable Federal contribution distributed evenly over the remaining years of the project: *Provided further*, That construction of such facility shall not commence prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a report on such project including the results of the detailed design, cost estimate, and environmental compliance activities, and such additional facts and circumstances as necessary to support project construction and operation.

Cooperative agreements.

Reports.

#### ALTERNATIVE FUELS PRODUCTION

##### (INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Northwest Bank of North Dakota, in such sums as are earned as of October 1, 1990, shall be deposited in this account and immediately transferred to the General Fund of the Treasury.

Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, \$224,310,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, revenues received from the sale of natural gas after the date of enactment of this Act from wells drilled or communized in fiscal year 1990 and thereafter as part of gas protection activity at the Naval Oil Shale Reserves shall be deposited in this account, to remain available until expended, for use in further gas protection activity: *Provided further*, That sums in excess of \$638,000,000 received during fiscal year 1991 from use and operation of the Naval Petroleum Reserves Numbered 1, 2, and 3 shall be deposited in the "SPR Petroleum Account", to remain available until expended, for the acquisition and transportation of petroleum and for other necessary purposes.

10 USC 7422  
note.

#### ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, \$497,784,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1991 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That \$247,893,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs in the same proportion for each program as in fiscal year 1990: *Provided further*, That \$1,000,000 of the amount provided under this heading shall be for establishment of a National Metal Casting Research Institute at the University of Northern Iowa and \$1,000,000 of the amount under this heading shall be for establishment of a National Metal Casting Research Institute at the University of Alabama, such institutes to be established consistent with the provisions of Public Law 101-425: *Provided further*, That \$2,250,000 of the amount provided under this heading shall be available for a grant to the National Center for Alternate Transportation Fuels: *Provided further*, That \$8,000,000 of the amount provided under this heading shall be available for a project to develop an integrated manufacturing information system for the steel industry, and the government share of the costs of such project shall not exceed 50 per centum using the same criteria for acceptance of contributions as for steel and aluminum research below: *Provided further*, That \$17,500,000 of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190), and implementation of steel and aluminum research authorized by Public Law 100-680: *Provided*

*further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not accepted as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds.

#### ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, \$16,816,000.

#### EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, \$7,117,000.

#### STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), \$201,633,000, to remain available until expended: *Provided*, That appropriations herein made shall not be available for leasing of facilities for the storage of crude oil for the Strategic Petroleum Reserve unless the quantity of oil stored in or deliverable to Government-owned storage facilities by virtue of contractual obligations is equal to 750,000,000 barrels.

#### SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), \$196,188,000 shall be made available until expended beginning October 1, 1991: *Provided further*, That notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided further*, That no funds made available by this or any other Act may be used for the leasing of crude oil from a foreign government, a foreign State-owned oil company, or an agent of either, except pursuant to the procedures of Section 174, Part C, title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.), as contained in Section 6 of Public Law 101-383: *Provided further*, That outlays in fiscal year 1991 resulting from the use of funds in this account other than funds deposited pursuant to 42 U.S.C. 6247 as a result of the sale of petroleum products in any drawdown and distribution of the Strategic Petroleum Reserve under 42 U.S.C. 6241 shall not exceed \$378,000,000: *Provided further*, That this action is taken pursuant to section 202(b)(1) of Public Law 100-119 (2 U.S.C. 909).

#### ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$69,303,000, of which

\$1,000,000 for computer operations shall remain available until September 30, 1992 and \$1,700,000 for end use energy consumption surveys shall remain available until expended.

#### ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

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

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

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary of Energy is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary of Energy pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

Gifts to  
Government.

Reports.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

Annual appropriations made in this Act and previous Interior and Related Agencies Appropriations Acts shall be available for obligations in connection with contracts issued by the Department of Energy for supplies and services for periods not in excess of twelve months beginning at any time during the fiscal year.

Notwithstanding any other provision of law, the Secretary of Energy may enter into a contract, agreement, or arrangement, including, but not limited to, a Management and Operating Contract as defined in the Federal Acquisition Regulations (17.601), with a profit-making or non-profit entity to conduct activities at the Department of Energy's research facilities at Bartlesville, Oklahoma: *Provided*, That any contract, agreement, or arrangement shall contain provisions encouraging use of the Department of

Energy's Bartlesville facilities by interested third party sponsors: *Provided further*, That any contract, agreement, or arrangement entered into by the Secretary pursuant to this authority shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement, or arrangement shall become effective.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

#### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVI and sections 208 and 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; \$1,418,600,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa-2 for services furnished by the Indian Health Service: *Provided*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act): *Provided further*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until expended: *Provided further*, That \$17,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund and contract medical care: *Provided further*, That of the funds provided, \$5,000,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed \$25,000 per year of obligated service in return for full-time clinical service: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further*, That of the funds provided, \$2,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal

contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1992: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act and Public Law 100-713 shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That notwithstanding the existing Indian Health Service facilities priority system, \$1,500,000 shall remain available until expended for the purpose of funding a demonstration program to equip, supply, operate, and maintain up to three health centers to be selected by the Secretary of Health and Human Services, acting through the Service, for the provision of Indian Health Service funded health services: *Provided further*, That the centers shall be selected on a competitive basis from those tribal applicants who agree to provide an appropriate facility for use as a health center for a minimum of 20 years, under a no cost lease, in exchange for financial resources to equip, supply, operate and maintain such health centers.

Reports.

#### INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, \$167,279,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That no later than 30 days after the end of each quarter of the fiscal year, the Indian Health Service is to report to the Committees on Appropriations of the United States House of Representatives and the United States Senate on any proposed adjustments to existing leases involving additional space or proposed additional leases for permanent structures to be used in the delivery of Indian health care services: *Provided further*, That non-Indian patients may be extended health

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care at all tribally administered or Indian Health Service facilities, if such care can be extended without impairing the ability of the facility to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which, together with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53), shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act or in the case of tribally administered facilities, shall be retained by the tribal organization without fiscal year limitation: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That with the exception of Indian Health Service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

#### DEPARTMENT OF EDUCATION

##### OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

###### INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, \$75,762,000, of which \$56,556,000 shall be for subpart 1 and \$16,304,000 shall be for subparts 2 and 3: *Provided*, That \$1,578,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1992.

## OTHER RELATED AGENCIES

## OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

## SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$33,749,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

## INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

## PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99-498, as amended (20 U.S.C. 56, part A), \$5,476,000, of which not to exceed \$300,000 for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund: *Provided*, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further*, That the Institute shall act as its own certifying officer.

## SMITHSONIAN INSTITUTION

## SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; \$274,321,000, of which not to exceed \$18,332,000 for the instrumenta-

tion program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That \$15,000,000 of the amount appropriated under this head shall be made available to the Trustees of the John F. Kennedy Center for the Performing Arts for repayment of an accumulated operating deficit.

#### MUSEUM AND RELATED RESEARCH

##### (SPECIAL FOREIGN CURRENCY PROGRAM)

Funds previously appropriated in this account for the American Institute of Indian Studies Forward Funded Reserve may be invested in India by the United States Embassy in India in interest bearing accounts with the interest to be used along with other funds in the account to support the ongoing programs of the American Institute of Indian Studies.

#### CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, \$6,671,000, to remain available until expended.

#### REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$31,356,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

#### CONSTRUCTION

For necessary expenses for construction, \$15,489,000, to remain available until expended, including \$1,500,000 for the East Court building of the National Museum of Natural History, subject to authorization: *Provided*, That notwithstanding any other provision of law, the Institution is authorized to transfer to the State of Arizona, the counties of Santa Cruz and/or Pima, a sum not to exceed \$150,000 for the purpose of assisting in the construction or maintenance of an access to the Whipple Observatory.

## NATIONAL GALLERY OF ART

## SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 18, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$46,276,000, of which not to exceed \$4,370,000 for the special exhibition program shall remain available until expended.

## REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$3,505,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

## WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

## SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$5,074,000.

## PAYMENT TO ENDOWMENT CHALLENGE FUND

Funds appropriated pursuant to Public Law 100-446, 102 Stat. 1820, for payment to the Endowment Challenge Fund for the Woodrow Wilson International Center for Scholars and not transferred to the Center as of September 30, 1990, shall remain available until September 30, 1992: *Provided*, That such sums shall be transferred only to the extent matched on a three-to-one basis by private funds.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

## NATIONAL ENDOWMENT FOR THE ARTS

## GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, \$147,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

## MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$28,000,000, to remain available until September 30, 1992, to the National Endowment for the Arts, of which \$15,000,000 shall be available for purposes of section 5(l): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

## NATIONAL ENDOWMENT FOR THE HUMANITIES

## GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended \$143,750,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which \$7,900,000 for the Office of Preservation shall remain available until September 30, 1992.

## MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$27,150,000, to remain available until September 30, 1992, of which \$15,150,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

## INSTITUTE OF MUSEUM SERVICES

## GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, \$26,000,000, including not to exceed \$250,000 as authorized by 20 U.S.C. 965(b): *Provided*, That the National Museum Services Board shall not meet more than three times during fiscal year 1991.

## ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

## COMMISSION OF FINE ARTS

## SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$637,000.

## NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, \$6,250,000.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

## SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, \$2,238,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

## NATIONAL CAPITAL PLANNING COMMISSION

## SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$3,448,000.

## FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), \$28,000 to remain available until September 30, 1992.

## PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

## SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, \$2,365,000, for operating and administrative expenses of the Corporation.

## PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, \$4,805,000, to remain available until expended.

## LAND ACQUISITION AND DEVELOPMENT FUND

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States \$5,000,000, pursuant to the terms and conditions in paragraph 10, section 6, of Public Law 92-576, as amended.

## UNITED STATES HOLOCAUST MEMORIAL COUNCIL

## HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, as amended, \$7,554,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

## TITLE III—GENERAL PROVISIONS

Government procurement.

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. None of the funds provided in this Act to the Department of the Interior may be obligated or expended to implement a transfer of property located within the city of Minneapolis from the Department of Housing and Urban Development to any Indian Tribe.

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

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

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

SEC. 306. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 307. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 308. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 309. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 310. Notwithstanding any other provision of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 311. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 312. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

SEC. 313. Such sums as may be necessary for fiscal year 1991 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 314. With respect to claims resulting from the performance of functions during fiscal year 1991 and thereafter, or claims asserted after September 30, 1990, but resulting from the performance of functions prior to fiscal year 1991, under a contract, grant agreement, or cooperative agreement authorized by the Indian Self-Determination and Education Assistance Act of 1975, as amended (88 Stat. 2203; 25 U.S.C. 450 et seq.) or by title V, part B, Tribally Controlled School Grants of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988, as amended (102 Stat. 385; 25 U.S.C. 2501 et seq.), an Indian tribe, tribal organization or Indian contractor is deemed hereafter to be part of

Government contracts  
Inter-governmental relations.

Claims.  
Indians.  
25 USC 450f.

the Bureau of Indian Affairs in the Department of the Interior or the Indian Health Service in the Department of Health and Human Services while carrying out any such contract or agreement and its employees are deemed employees of the Bureau or Service while acting within the scope of their employment in carrying out the contract or agreement: *Provided*, That after September 30, 1990, any civil action or proceeding involving such claims brought hereafter against any tribe, tribal organization, Indian contractor or tribal employee covered by this provision shall be deemed to be an action against the United States and will be defended by the Attorney General and be afforded the full protection and coverage of the Federal Tort Claims Act: *Provided further*, That beginning with the fiscal year ending September 30, 1991, and thereafter, the appropriate Secretary shall request through annual appropriations funds sufficient to reimburse the Treasury for any claims paid in the prior fiscal year pursuant to the foregoing provisions: *Provided further*, That nothing in this section shall in any way affect the provisions of section 102(d) of the Indian Self-Determination and Education Assistance Act of 1975, as amended (88 Stat. 2203; 25 U.S.C. 450 et seq.).

Oregon.  
California.

SEC. 315. Notwithstanding any other provision of law, the payment to be made by the United States Government pursuant to the provision of subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 876) to the Oregon and California land-grant counties in the State of Oregon from fiscal year 1991 receipts derived from the Oregon and California grant lands shall not be less than 90 per centum of the average annual payment made to those counties of their share of the Oregon and California land-grant receipts collected during the three-year baseline period of fiscal years 1988 through 1990: *Provided*, That in no event shall this payment exceed the total amount of receipts collected from the Oregon and California grant lands during fiscal year 1991.

Wildlife.

SEC. 316. Notwithstanding any other provision of law, payments to States pursuant to 16 U.S.C. 500 for National Forests affected by decisions relating to the Northern Spotted Owl from fiscal year 1991 receipts shall not be less than 90 per centum of the average annual payments to States, based on receipts collected on those National Forests during the three-year baseline period of fiscal years 1988 through 1990: *Provided*, That in no event shall these payments exceed the total amount of receipts collected from the affected National Forests during fiscal year 1991.

SEC. 317. (a) The sum of \$500,000 is hereby appropriated under this Act for the Forest Service to prepare the Supplement to the Final Environmental Impact Statement (SEIS) for the proposed Early Winters Alpine Sports Site in the Methow Valley, Washington State. This sum may be used by the Forest Service to employ additional employees or consultants in the preparation of the SEIS.

Arts,  
Humanities, and  
Museums  
Amendments of  
1990.  
20 USC 951 note.

#### SEC. 318. SHORT TITLE.

This section may be cited as the "Arts, Humanities, and Museums Amendments of 1990".

**TITLE I—AMENDMENTS TO THE NATIONAL FOUNDATION  
ON THE ARTS AND HUMANITIES ACT OF 1965****SEC. 101. DECLARATION OF FINDINGS AND PURPOSES.**

Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended to read as follows:

**“DECLARATION OF FINDINGS AND PURPOSES**

“SEC. 2. The Congress finds and declares the following:

“(1) The arts and the humanities belong to all the people of the United States.

“(2) The encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter for private and local initiative, are also appropriate matters of concern to the Federal Government.

“(3) An advanced civilization must not limit its efforts to science and technology alone, but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

“(4) Democracy demands wisdom and vision in its citizens. It must therefore foster and support a form of education, and access to the arts and the humanities, designed to make people of all backgrounds and wherever located masters of their technology and not its unthinking servants.

“(5) It is necessary and appropriate for the Federal Government to complement, assist, and add to programs for the advancement of the humanities and the arts by local, State, regional, and private agencies and their organizations. In doing so, the Government must be sensitive to the nature of public sponsorship. Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money. Such funding should contribute to public support and confidence in the use of taxpayer funds. Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines.

“(6) The arts and the humanities reflect the high place accorded by the American people to the nation's rich cultural heritage and to the fostering of mutual respect for the diverse beliefs and values of all persons and groups.

“(7) The practice of art and the study of the humanities require constant dedication and devotion. While no government can call a great artist or scholar into existence, it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry but also the material conditions facilitating the release of this creative talent.

“(8) The world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high qualities as a leader in the realm of ideas and of the spirit.

“(9) Americans should receive in school, background and preparation in the arts and humanities to enable them to recognize and appreciate the aesthetic dimensions of our lives,

the diversity of excellence that comprises our cultural heritage, and artistic and scholarly expression.

“(10) It is vital to a democracy to honor and preserve its multicultural artistic heritage as well as support new ideas, and therefore it is essential to provide financial assistance to its artists and the organizations that support their work.

“(11) To fulfill its educational mission, achieve an orderly continuation of free society, and provide models of excellence to the American people, the Federal Government must transmit the achievement and values of civilization from the past via the present to the future, and make widely available the greatest achievements of art.

“(12) In order to implement these findings and purposes, it is desirable to establish a National Foundation on the Arts and the Humanities.”.

#### SEC. 102. DEFINITIONS.

(a) **LOCAL ARTS AGENCY.**—Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952) is amended—

(1) in subsection (b) by inserting “all those traditional arts practiced by the diverse peoples of this country.” after “forms.”, and

(2) by adding at the end the following:

“(h) The term ‘local arts agency’ means a community organization, or an agency of local government, that primarily provides financial support, services, or other programs for a variety of artists and arts organizations, for the benefit of the community as a whole.

“(i) The term ‘developing arts organization’ means a local arts organization of high artistic promise which—

“(1) serves as an important source of local arts programming in a community; and

“(2) has the potential to develop artistically and institutionally to broaden public access to the arts in rural and innercity areas and other areas that are underserved artistically.”.

(b) **TECHNICAL AMENDMENTS.**—Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952) is amended—

(1) in subsection (b) by inserting “film, video,” after “radio.”,

(2) in subsection (c) by inserting “film, video,” after “radio.”, and

(3) in subsection (d)—

(A) in the first sentence by inserting “the widest” after “enhance”, and

(B) in paragraph (2) by striking “sections 5(1)” and inserting “sections 5(p), 7(c)(10).”.

(c) **DETERMINED To BE OBSCENE; FINAL JUDGMENT.**—Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952), as amended by subsection (a), is amended by adding at the end the following:

“(j) The term ‘determined to be obscene’ means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

“(k) The term ‘final judgment’ means a judgment that is either—

“(1) not reviewed by any other court that has authority to review such judgment; or

“(2) is not reviewable by any other court.

“(l) The term ‘obscene’ means with respect to a project, production, workshop, or program that—

“(1) the average person, applying contemporary community standards, would find that such project, production, workshop, or program, when taken as a whole, appeals to the prurient interest;

“(2) such project, production, workshop, or program depicts or describes sexual conduct in a patently offensive way; and

“(3) such project, production, workshop, or program, when taken as a whole, lacks serious literary, artistic, political, or scientific value.”.

SEC. 103. NATIONAL ENDOWMENT FOR THE ARTS.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) projects and productions which have substantial national or international artistic and cultural significance, giving emphasis to American creativity and cultural diversity and to the maintenance and encouragement of professional excellence;”,

(2) in paragraph (2) by inserting “or tradition” after “authenticity”,

(3) in paragraph (5) by inserting “education,” after “knowledge,”,

(4) in paragraph (7) by striking “and”,

(5) by redesignating paragraph (8) as paragraph (10),

(6) by inserting after paragraph (7) the following:

“(8) projects that enhance managerial and organizational skills and capabilities;

“(9) projects, productions, and workshops of the kinds described in paragraphs (1) through (8) through film, radio, video, and similar media, for the purpose of broadening public access to the arts; and”, and

(7) in the matter following paragraph (10), as so redesignated, by striking “clause (8)” and inserting “paragraph (10)”.

(b) ARTISTIC EXCELLENCE AND OBSCENE MATTER.—Section 5(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(d)) is amended to read as follows:

“(d) No payment shall be made under this section except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations issued and procedures established by the Chairperson. In establishing such regulations and procedures, the Chairperson shall ensure that—

“(1) artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public; and

“(2) applications are consistent with the purposes of this section. Such regulations and procedures shall clearly indicate that obscenity is without artistic merit, is not protected speech, and shall not be funded. Projects, productions, workshops, and programs that are determined to be obscene are prohibited from receiving financial assistance under this Act from the National Endowment for the Arts.

Regulations.

The disapproval or approval of an application by the Chairperson shall not be construed to mean, and shall not be considered as evidence that, the project, production, workshop, or program for which the applicant requested financial assistance is or is not obscene.”.

(c) TECHNICAL AMENDMENT.—Section 5(f) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(f)) is amended by striking “1954” and inserting “1986”.

(d) STATE APPLICATIONS FOR ASSISTANCE.—Section 5(g)(2)(E) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(2)(E)) is amended by striking clauses (i) and (ii), and inserting the following:

“(i) a description of the level of participation during the most recent preceding year for which information is available by artists, artists’ organizations, and arts organizations in projects and productions for which financial assistance is provided under this subsection;

“(ii) for the most recent preceding year for which information is available, a description of the extent projects and productions receiving financial assistance from the State arts agency are available to all people and communities in the State; and”.

(e) PURPOSES OF PROGRAM PROVIDING ASSISTANCE TO AGENCIES AND ORGANIZATIONS.—Section 5(l)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(l)(1)) is amended—

(1) in subparagraph (E) by striking “and” at the end,

(2) in subparagraph (F) by striking the period at the end and inserting “; and”, and

(3) by inserting after subparagraph (F) the following:

“(G) stimulating artistic activity and awareness which are in keeping with the varied cultural traditions of this Nation.”.

(f) SYSTEM OF NATIONAL INFORMATION AND DATA COLLECTION.—Section 5(m) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(m)) is amended—

(1) in the first sentence—

(A) by inserting “ongoing” after “shall, in”,

(B) by striking “develop” and inserting “continue to develop and implement”, and

(C) by inserting “and public dissemination” after “collection”,

(2) by striking the fourth sentence, and

(3) in the last sentence by striking “1988, and biennially” and inserting “1992, and quadrennially”.

(g) CONTENTS OF APPLICATIONS; INSTALLMENT PAYMENTS.—Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954) is amended—

(1) by redesignating subsections (i) through (m) as subsections (i) through (p), respectively, and

(2) by inserting after subsection (h) the following:

“(i) It shall be a condition of the receipt of financial assistance provided under this section by the Chairperson or the State agency that the applicant for such assistance include in its application—

“(1) a detailed description of the proposed project, production, workshop, or program for which the applicant requests such assistance;

“(2) a timetable for the completion of such proposed project, production, workshop, or program;

“(3) an assurance that the applicant will submit—

“(A) interim reports describing the applicant’s—

“(i) progress in carrying out such project, production, workshop, or program; and

“(ii) compliance with this Act and the conditions of receipt of such assistance;

“(B) if such proposed project, production, workshop, or program will be carried out during a period exceeding 1 year, an annual report describing the applicant’s—

“(i) progress in carrying out such project, production, workshop, or program; and

“(ii) compliance with this Act and the conditions of receipt of such assistance; and

“(C) not later than 90 days after—

“(i) the end of the period for which the applicant receives such assistance; or

“(ii) the completion of such project, production, workshop, or program;

whichever occurs earlier, a final report to the Chairperson or the State agency (as the case may be) describing the applicant’s compliance with this Act and the conditions of receipt of such assistance; and

“(4) an assurance that the project, production, workshop, or program for which assistance is requested will meet the standards of artistic excellence and artistic merit required by this Act.

“(j) The Chairperson shall issue regulations to provide for the distribution of financial assistance to recipients in installments except in those cases where the Chairperson determines that installments are not practicable. In implementing any such installments, the Chairperson shall ensure that—

“(1) not more than two-thirds of such assistance may be provided at the time such application is approved; and

“(2) the remainder of such assistance may not be provided until the Chairperson finds that the recipient of such assistance is complying substantially with this section and with the conditions under which such assistance is provided to such recipient.

“(k) The Inspector General of the Endowment shall conduct appropriate reviews to ensure that recipients of financial assistance under this section comply with the regulations under this Act that apply with respect to such assistance, including regulations relating to accounting and financial matters.”

“(h) **LIMITATION ON RECEIPT OF FINANCIAL ASSISTANCE.**—Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954), as amended by subsection (g), is amended—

“(1) by redesignating subsections (l) through (p) as subsections (m) through (q), respectively, and

“(2) by inserting after subsection (k) the following:

“(l)(1) If, after reasonable notice and opportunity for a hearing on the record, the Chairperson determines that a recipient of financial assistance provided under this section by the Chairperson or any non-Federal entity, used such financial assistance for a project, production, workshop, or program that is determined to be obscene, then the Chairperson shall require that until such recipient repays such assistance (in such amount, and under such terms and condi-

Regulations.

tions, as the Chairperson determines to be appropriate) to the Endowment; no subsequent financial assistance be provided under this section to such recipient.

“(2) Financial assistance repaid under this section to the Endowment shall be deposited in the Treasury of the United States and credited as miscellaneous receipts.

“(3)(A) This subsection shall not apply with respect to financial assistance provided before the effective date of this subsection.

“(B) This subsection shall not apply with respect to a project, production, workshop, or program after the expiration of the 7-year period beginning on the latest date on which financial assistance is provided under this section for such project, production, workshop, or program.”.

(i) **TECHNICAL AMENDMENTS.**—(1) Section 5(m) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(i)), as so redesignated by subsections (g) and (h), is amended by striking “subsection (j)” and inserting “subsection (n)”.

(2) Section 11(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A) by striking “section 5(l)(1)” each place it appears and inserting “section 5(p)(1)”, and

(ii) in subparagraph (C) by striking “section 5(l)(1)” and inserting “section 5(p)(1)”, and

(B) in paragraph (4) by striking “section 5(l)(1)” and inserting “section 5(p)(1)”.

#### SEC. 104. INNOVATIVE PROGRAMS TO EXPAND PUBLIC ACCESS TO THE ARTS IN RURAL AND INNERCITY AREAS.

Section 5(p) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(l)), as so redesignated and amended by section 103, is amended—

(1) in paragraph (3) by striking “section 5(c)” and inserting “subsection (c)”,

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(3) by inserting after paragraph (1) the following:

“(2)(A) The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, is authorized in accordance with this subsection, to establish and carry out a program of contracts with, or grants to, States for the purposes of—

“(i) raising the artistic capabilities of developing arts organizations by providing for—

“(I) artistic and programmatic development to enhance artistic capabilities, including staff development; and

“(II) technical assistance to improve managerial and organizational skills, financial systems management, and long-range fiscal planning; and

“(ii) stimulating artistic activity and awareness and broadening public access to the arts in rural and innercity areas and other areas that are underserved artistically.

“(B) For purposes of providing financial assistance under this paragraph, the Chairperson shall give priority to the activities described in subparagraph (A)(i).

“(C) The Chairperson may not provide financial assistance under this paragraph to a particular applicant in more than 3 fiscal years for the purpose specified in subparagraph (A)(i).”.

Government contracts.  
Grant programs.  
Inter-governmental relations.

## SEC. 105. STRENGTHENING ARTS THROUGH ARTS EDUCATION.

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951-960) is amended by inserting after section 5 the following:

“ACCESS TO THE ARTS THROUGH SUPPORT OF EDUCATION

“SEC. 5A. (a) The purposes of this section are—

20 USC 954a.

“(1) to increase accessibility to the arts through providing education to all Americans, including diverse cultures, urban and rural populations by encouraging and developing quality education in the arts at all levels, in conjunction with programs of nonformal education for all age groups, with formal systems of elementary, secondary, and postsecondary education;

“(2) to develop and stimulate research to teach quality education in the arts; and

“(3) to encourage and facilitate the work of artists, arts institutions, and Federal, State, regional, and local agencies in the area of education in the arts.

“(b) The Chairperson of the National Endowment for the Arts, is authorized to establish and carry out a program of contracts with, or grants to, any State or other public agency, individual, artist, any nonprofit society, performing and nonperforming arts and educational institution or organization, association, or museum in the United States, in order to foster and encourage exceptional talent, public knowledge, understanding, and appreciation of the arts, and to support the education, training, and development of this Nation's artists, through such activities as projects that will—

Government contracts.  
Grant programs.  
Inter-governmental relations.

“(1) promote and improve the availability of arts instruction for American youth and life-long learning in the arts;

“(2) enhance the quality of arts instruction in programs of teacher education;

“(3) develop arts faculty resources and talents;

“(4) support and encourage the development of improved curriculum materials in the arts;

“(5) improve evaluation and assessment of education in the arts programs and instruction;

“(6) foster cooperative programs with the Department of Education and encourage partnerships between arts and education agencies at State and local levels, arts organizations, business colleges and universities;

“(7) support apprenticeships, internships, and other career oriented work-study experiences for artists and arts teachers, and encourage residencies of artists at all educational levels;

“(8) support the use of technology and improved facilities and resources in education in the arts programs at all levels; and

“(9) foster the development of demonstration projects, demonstration productions, demonstration workshops, and demonstration programs in arts education and collect, and make available to the public, information on their implementation and effectiveness.

“(c) In order to provide advice and counsel concerning arts education, the Chairperson shall appoint an advisory council on arts education.”.

## SEC. 106. NATIONAL COUNCIL FOR THE ARTS.

(a) **MEMBERSHIP OF COUNCIL.**—Section 6(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b)) is amended by adding at the end the following: “Members of the Council shall be appointed so as to represent equitably all geographical areas in the United States.”.

(b) **MEETINGS AND RECORDS.**—Section 6(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(d)) is amended—

(1) by inserting “(1)” after “(d)”, and

(2) by adding at the end the following:

“All policy meetings of the Council shall be open to the public.

“(2) The Council shall—

“(A) create written records summarizing—

“(i) all meetings and discussions of the Council; and

“(ii) the recommendations made by the Council to the Chairperson; and

“(B) make such records available to the public in a manner that protects the privacy of individual applicants, panel members, and Council members.”.

(c) **AUTHORITY OF COUNCIL.**—Section 6(f) of the National Foundation of the Arts and the Humanities Act of 1965 (20 U.S.C. 955(f)) is amended—

(1) in the first sentence—

(A) by striking “(1)” and “(2)”,

(B) by striking “thereon”, and

(C) by inserting before the period the following:

“with respect to the approval of each application and the amount of financial assistance (if any) to provide to each applicant”,

(2) in the second sentence by striking “, unless” and all that follows through “time”,

(3) in the last sentence—

(A) by striking “a delegation” and inserting “an expressed and direct delegation”, and

(B) by striking “; *Provided, That*” and inserting “, and that such action shall be used with discretion and shall not become a normal practice of providing assistance under such subsections, except that”,

(4) by inserting after the second sentence the following: “The Chairperson shall have final authority to approve each application, except that the Chairperson may only provide to an applicant the amount of financial assistance recommended by the Council and may not approve an application with respect to which the Council makes a negative recommendation.”, and

(5) by inserting after the first sentence the following:

“The Council shall make recommendations to the Chairperson concerning—

“(1) whether to approve particular applications for financial assistance under subsections (c) and (p) of section 5 that are determined by panels under section 10(c) to have artistic excellence and artistic merit; and

“(2) the amount of financial assistance the Chairperson should provide with respect to each such application the Council recommends for approval.”.

## SEC. 107. NATIONAL ENDOWMENT FOR THE HUMANITIES.

(a) TECHNICAL AMENDMENT.—Section 7(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(a)) is amended by striking “a” and inserting “the”.

(b) AUTHORITY OF CHAIRPERSON.—Section 7(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(c)) is amended—

(1) in the matter preceding paragraph (1) by inserting “enter into arrangements, including contracts, grants, loans, and other forms of assistance, to” after “is authorized to”,

(2) in paragraph (2) by striking “(including contracts, grants, loans, and other forms of assistance)”,

(3) in paragraph (3)—

(A) by striking “award” and all that follows through “Fellowships”, and inserting “initiate and support training and workshops in the humanities by making arrangements with institutions or individuals (fellowships”, and

(B) by striking “time;” and inserting “time);”,

(4) in paragraph (7) by striking “through grants or other arrangements”,

(5) in paragraph (8) by striking “and”,

(6) in paragraph (9) by striking the period and inserting “; and”, and

(7) by inserting after paragraph (9) the following:

“(10) foster programs and projects that provide access to, and preserve materials important to research, education, and public understanding of, the humanities.”

(c) COORDINATION OF PROGRAMS.—Section 7(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(d)) is amended by striking “correlate” and inserting “coordinate”.

(d) ADMINISTRATION BY STATE AGENCIES.—

(1) DESIGNATION.—Section 7(f)(2)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(2)(A)) is amended by striking “of the enactment of the Arts, Humanities, and Museums Amendments of 1985,” and inserting “the State agency is established”.

(2) APPLICATION FOR FINANCIAL ASSISTANCE.—Section 7(f)(2)(A)(viii) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(2)(A)(viii)) is amended—

(A) in subclause (I) by striking “previous two years” and inserting “most recent preceding year for which information is available”, and

(B) in subclause (II) by inserting “for the most recent preceding year for which information is available,” after “(II)”,

(3) CONTENTS OF STATE PLAN.—Section 7(f)(3)(J) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(3)(J)) is amended—

(A) in clause (i) by striking “previous two years” and inserting “most recent preceding year for which information is available”, and

(B) in clause (ii) by inserting “for the most recent preceding year for which information is available,” after “(ii)”,

(e) CONDITION OF RECEIPT OF GRANTS.—The last sentence of section 7(g) of the National Foundation on the Arts and the Humanities Act

of 1965 (20 U.S.C. 956(g)) is amended by striking "not later" and all that follows through "1985".

(f) TECHNICAL AMENDMENT.—The last sentence of section 7(h)(2)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(h)(2)(B)) is amended by striking "Endowment on" and inserting "Endowment for".

(g) SYSTEM OF NATIONAL INFORMATION AND DATA COLLECTION.—Section 7(k) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(k)) is amended—

(1) in the first sentence—

- (A) by inserting "ongoing" after "shall, in",
- (B) by striking "develop" and inserting "continue to develop and implement", and
- (C) by inserting "and public dissemination" after "collection",

(2) by striking the third sentence, and

(3) in the last sentence by striking "1988, and biennially" and inserting "1992, and quadrennially".

(h) RECEIPT OF FINANCIAL ASSISTANCE AND AWARDS.—Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956) is amended by striking subsection (l) and inserting the following:

"(l) Any group shall be eligible for financial assistance under this section only if—

"(1) no part of its net earnings inures to the benefit of any private stockholder or stockholders, or individual or individuals; and

"(2) donations to such group are allowable as a charitable contribution under the standards of section 170(c) of the Internal Revenue Code of 1986.

"(m) The Chairperson, with the advice of the National Council on the Humanities, is authorized to make the following annual awards:

"(1) The Jefferson Lecture in the Humanities Award to one individual for distinguished intellectual achievement in the humanities. The annual award shall not exceed \$10,000.

"(2) The Charles Frankel Prize to honor individuals who have made outstanding contributions to the public understanding of the humanities. Not more than 5 individuals may receive such prize each year. Each prize shall not exceed \$5,000."

#### SEC. 108. FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.

(a) DIALOGUE AMONG FEDERAL AGENCIES.—Section 9(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(c)) is amended—

(1) in paragraph (5) by striking "and" at the end,

(2) in paragraph (6) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(7) encourage an ongoing dialogue in support of the arts and the humanities among Federal agencies."

(b) TECHNICAL AMENDMENT.—Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended by striking subsection (d).

#### SEC. 109. REVIEW PANELS; TECHNICAL AMENDMENTS.

Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended—

(1) in subsection (a)—  
(A) in paragraph (4) by striking “from time to time, as appropriate,” and  
(B) in paragraph (6) by striking “the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529)” and inserting “section 3324 of title 31, United States Code”,  
(2) in subsection (d)(3) by striking “the last sentence of subsection (a)” and inserting “subsection (c)(3)(A)”,  
(3) by striking subsections (e) and (f),  
(4) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively,  
(5) in the second sentence—  
(A) by striking “In any case” and inserting the following:  
“(b)(1) In any case”,  
(B) by striking “(A)”, and  
(C) by striking “(B)”,  
(6) in the third sentence by striking “In any case” and inserting the following:  
“(2) In any case”,  
(7) in the fourth sentence by striking “For the purposes” and inserting the following:  
“(3) For the purposes”,  
(8) in the fifth sentence by striking “For the purpose” and inserting the following:  
“(4) For the purpose”, and  
(9) by striking the sixth sentence and all that follows through “pending.”, and inserting the following:  
“(c) The Chairperson of the National Endowment for the Arts shall utilize advisory panels to review applications, and to make recommendations to the National Council on the Arts in all cases except cases in which the Chairperson exercises authority delegated under section 6(f). When reviewing applications, such panels shall recommend applications for projects, productions, and workshops solely on the basis of artistic excellence and artistic merit. The Chairperson shall issue regulations and establish procedures—  
“(1) to ensure that all panels are composed, to the extent practicable, of individuals reflecting a wide geographic, ethnic, and minority representation as well as individuals reflecting diverse artistic and cultural points of view;  
“(2) to ensure that all panels include representation of lay individuals who are knowledgeable about the arts but who are not engaged in the arts as a profession and are not members of either artists' organizations or arts organizations;  
“(3) to ensure that, when feasible, the procedures used by panels to carry out their responsibilities are standardized;  
“(4) to require panels—  
“(A) to create written records summarizing—  
“(i) all meetings and discussions of such panel; and  
“(ii) the recommendations made by such panel to the Council; and  
“(B) to make such records available to the public in a manner that protects the privacy of individual applicants and panel members;  
“(5) to require, when necessary and feasible, the use of site visitations to view the work of the applicant and deliver a written report on the work being reviewed, in order to assist panelists in making their recommendations; and

Regulations.

Records.

Reports.

“(6) to require that the membership of each panel change substantially from year to year and to provide that each individual is ineligible to serve on a panel for more than 3 consecutive years.

In making appointments to panels, the Chairperson shall ensure that an individual who has a pending application for financial assistance under this Act, or who is an employee or agent of an organization with a pending application, does not serve as a member of any panel before which such application is pending. The prohibition described in the preceding sentence shall commence with respect to such individual beginning on the date such application is submitted and shall continue for so long as such application is pending.”.

**SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATIONS FOR THE NATIONAL ENDOWMENT FOR THE ARTS.**—Section 11(a)(1)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(A)) is amended—

- (1) by inserting “(i)” after “SEC. 11(a)(1)(A)”,
- (2) in the first sentence by striking “\$121,678,000” and all that follows through “1990”, and inserting: “\$125,800,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993”,
- (3) by striking the last sentence, and
- (4) by adding at the end the following:

“(ii) For fiscal years—

- “(I) 1991 and 1992 not less than 25 percent of the amount appropriated for the respective fiscal year; and

- “(II) 1993 not less than 27.5 percent of the amount appropriated for such fiscal year;

shall be for carrying out section 5(g).

“(iii) For fiscal years—

- “(I) 1991 and 1992 not less than 5 percent of the amount appropriated for the respective fiscal year; and

- “(II) 1993 not less than 7.5 percent of the amount appropriated for such fiscal year;

shall be for carrying out programs under section 5(p)(2) (relating to programs to expand public access to the arts in rural and innercity areas). Not less than 50 percent of the funds required by this clause to be used for carrying out such programs shall be used for carrying out such programs in rural areas.”.

(b) **GENERAL AUTHORIZATIONS FOR THE NATIONAL ENDOWMENT FOR THE HUMANITIES.**—The first sentence of section 11(a)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(B)) is amended by striking “\$95,207,000” and all that follows through “1990”, and inserting “\$119,900,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993”.

(c) **TECHNICAL AMENDMENT.**—Section 11(a)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)) is amended by striking subparagraph (C).

(d) **INCENTIVE AUTHORIZATIONS FOR THE ENDOWMENTS.**—(1) Section 11(a)(2)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(2)(A)) is amended—

- (A) by striking “1990” the first place it appears and inserting “1993”,

Rural areas.  
Urban areas.

(B) in clause (ii) by striking "paragraph (8)" and inserting "paragraph (10)", and

(C) by striking "\$8,820,000" and all that follows through "1990", and inserting "\$13,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993".

(2) Section 11(a)(2)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(2)(B)) is amended—

(A) by striking "1990" the first place it appears and inserting "1993",

(B) by striking "(9)" and inserting "(10)", and

(C) by striking "\$10,780,000" and all that follows through "1990", and inserting "\$12,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993".

(3) Section 11(a)(3)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(A)) is amended—

(A) by striking "1990" the first place it appears and inserting "1993", and

(B) by striking "\$20,580,000" and all that follows through "1990", and inserting "\$15,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993".

(4) Section 11(a)(3)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(B)) is amended—

(A) by striking "1990" the first place it appears and inserting "1993", and

(B) by striking "\$19,600,000" and all that follows through "1990", and inserting "\$15,150,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993".

(e) AUTHORITY TO TRANSFER FUNDS.—Section 11(a)(3) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)) is amended—

(1) by striking subparagraph (C), and

(2) by redesignating subparagraph (D) as subparagraph (C).

(f) ADMINISTRATION: OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.—Section 11(c)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)(1)) is amended—

(A) by striking "\$15,982,000" and all that follows through "1990", and inserting "\$21,200,000" for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993", and

(B) by striking "\$35,000" each place it appears and inserting "\$50,000".

(2) Section 11(c)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)(2)) is amended—

(A) by striking "\$14,291,000" and all that follows through "1990", and inserting "\$17,950,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993", and

(B) by striking "\$35,000" each place it appears and inserting "\$50,000".

(g) ARTS EDUCATION.—Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960) is amended by adding at the end the following:

"(f)(1) Subject to subparagraph (2), in any fiscal year in which the aggregate amount appropriated to the National Endowment for the Arts exceeds \$175,000,000, 50 percent of such excess shall be available to carry out section 5A.

"(2) In each fiscal year, the amount made available to carry out section 5A shall not exceed \$40,000,000, in the aggregate.

“(3) Funds made available to carry out section 5A shall remain available until expended.”.

20 USC 954 note.

**SEC. 111. GAO STUDY REGARDING FEDERAL, STATE, AND LOCAL FUNDING OF THE ARTS.**

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study—

(1) to evaluate the roles and responsibilities of the National Endowment for the Arts, the States (including State agencies), and local arts agencies, in providing financial assistance under section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954),

(2) the relative effectiveness of the Endowment, the States (including State agencies), and local arts agencies in maximizing the amount of financial assistance they make available under such section, and

(3) the existing capacity of the States to receive increased allocations under section 5 of such Act and the ability of the States to manage such increased allocations effectively.

(b) **REPORT REQUIRED.**—Not later than October 1, 1992, the Comptroller General shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report summarizing the results of the study conducted under subsection (a).

**SEC. 112. GAO STUDY, FINDINGS, AND RECOMMENDATIONS REGARDING STAFFING AND CONTRACTORS OF THE NEA.**

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study of—

(1) the program staffing policies and practices of,

(2) the use of consultants by, and

(3) the use of independent contractors as administrative staff of,

the National Endowment for the Arts.

(b) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing—

(1) the results of the study conducted under subsection (a), and

(2) findings and recommendations with respect to the matters specified in paragraphs (1), (2), and (3) of such subsection.

**TITLE II—AMENDMENTS TO THE MUSEUM SERVICES ACT**

**SEC. 201. NATIONAL MUSEUM SERVICES BOARD.**

(a) **MEMBERSHIP.**—Section 204(a)(1)(A) of the Museum Services Act (20 U.S.C. 963(a)(1)(A)) is amended by inserting “conservation,” after “curatorial.”.

(b) **MEETINGS.**—Section 204(d)(1) of the Museum Services Act (20 U.S.C. 963(d)(1)) is amended by striking “four” and inserting “three”.

**SEC. 202. DIRECTOR.**

(a) **COMPENSATION.**—(1) Section 205(a)(1) of the Museum Services Act (20 U.S.C. 964(a)(1)) is amended by striking “be compensated at the rate provided for level V of the Executive Schedule (section 5316 of title 5), and shall”.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

“Director of the Institute of Museum Services.”

(b) TECHNICAL AMENDMENT.—Section 205(a)(2) of the Museum Services Act (20 U.S.C. 964) is amended by striking “Chairperson’s” and inserting “Director’s”.

#### SEC. 203. ACTIVITIES.

(a) CONSERVATION.—Section 206 (a)(5) of the Museum Services Act (20 U.S.C. 965(a)(5)) is amended by striking “artifacts and art objects” and inserting “their collections”.

(b) AUTHORITY OF DIRECTOR.—Section 206 (b) of the Museum Services Act (20 U.S.C. 965(b)) is amended—

(1) in paragraph (1)—

(A) by striking “with professional museum organizations”,

(B) by striking “to such organizations”, and

(C) by striking “enable such organizations to”,

(2) in paragraph (2)—

(A) by striking subparagraph (A), and

(B) in subparagraph (B)—

(i) by striking “(B)”,

(ii) by striking “the”, and

(iii) by striking “of any professional museum organization”,

(3) in paragraph (3) by striking “to professional museum organizations”, and,

(4) by striking paragraph (4).

#### SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

(A) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Section 209(a) of the Museum Services Act (20 U.S.C. 967(a)) is amended by striking “\$21,600,000” and all that follows through “1990”, and inserting “\$24,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993”.

(b) INCENTIVE AUTHORIZATION OF APPROPRIATIONS.—Section 209(d) of the Museum Services Act (20 U.S.C. 967(d)) is amended—

(1) by striking “during the period” and all that follows through “1990”,

(2) by inserting “for each fiscal year ending before October 1, 1993,” after “appropriated”, and

(3) by striking “such period” and inserting “such fiscal year”.

#### SEC. 205. ASSESSMENT OF CERTAIN MUSEUMS.

The Museum Services Act (20 U.S.C. 961-968) is amended by adding at the end the following:

##### “ASSESSMENT OF CERTAIN MUSEUMS

“SEC. 211. The Director, subject to the policy direction of the Board and in consultation with appropriate representatives of the museum and cultural communities shall undertake an assessment of the needs of small, emerging, minority, and rural museums. The assessment, to be completed and presented to Congress within two years of enactment, shall include but not necessarily be limited to, the following subjects:

20 USC 969.

“(1) The need for resources to identify, collect, document, research, preserve and interpret tangible and nontangible

collections and to communicate with and involve their own communities and the general public.

“(2) The personnel staffing and training needs for small, emerging, minority, and rural museums, including needs for professional positions and for the community persons employed or utilized by museums who are expert in the history, culture, customs, and other human resources of the communities.

“(3) The building and construction needs, including impediments to accessing Federal and non-Federal funds for this purpose.

“(4) The maintenance, operation and repair needs, including impediments to accessing Federal and non-Federal funds for these purposes.

“(5) The status of the museums' current collections and the museums' interest in accessing, through gift, purchase, repatriation or borrowing, objects now held privately or in public collections.

(b) As used in this subsection—

“(1) the term 'small, emerging, minority, and rural museums' includes tribal museums and museums of other ethnic and cultural groups; and

“(2) the term 'Indian tribe' has the meaning given in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(b)).”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 209 of the Museum Services Act (20 U.S.C. 967) is amended by adding at the end the following:

“(e)(1) Subject to paragraph (2), there are authorized to be appropriated \$1,000,000 for each of two fiscal years to carry out section 211.

“(2) Paragraph (1) shall not be effective for any fiscal year for which the amount appropriated under subsection (a) is less than \$24,000,000.”.

### TITLE III—AMENDMENTS TO THE ARTS AND ARTIFACTS INDEMNITY ACT

#### SEC. 301. INDEMNITY AGREEMENTS.

(a) **LIMITATION APPLICABLE TO AGGREGATE LOSS.**—Section 5(b) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(b)) is amended by striking "\$1,200,000,000" and inserting "\$3,000,000,000".

(b) **LIMITATION APPLICABLE TO SINGLE EXHIBIT.**—(1) Section 5(c) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(c)) is amended by striking "\$125,000,000" and inserting "\$300,000,000".

(2) Section 5(d) of the Act (20 U.S.C. 974(d)) is amended—

(A) in paragraph (2) by striking "or" at the end,

(B) by amending paragraph (3) to read as follows:

“(3) not less than \$10,000,000 but less than \$125,000,000, then coverage under this Act shall extend to loss or damage in excess of the first \$50,000 of loss or damage to items covered;”, and (C) by adding at the end the following:

“(4) not less than \$125,000,000 but less than \$200,000, then coverage under this Act shall extend to loss or damage in excess of the first \$100,000 of loss or damage to items covered; or

“(5) \$200,000,000 or more, then coverage under the Act shall extend only to loss or damage in excess of the first \$200,000, of loss or damage to items covered.”.

#### TITLE IV—MISCELLANEOUS

##### SEC. 401. SENSE OF CONGRESS.

It is the sense of the Congress that a recipient (including a nation, individual, group, or organization) of any form of subsidy, aid, or other Federal assistance under the Acts amended by this Act should, in expending that assistance, purchase American-made equipment and products.

Buy American.  
20 USC 951 note.

##### SEC. 402. NOTICE.

Any entity that provides a form of subsidy, aid, or other Federal assistance under the Acts amended by this Act shall provide to each recipient of such form of subsidy, aid, or other Federal assistance a notice describing the sense of the Congress stated under section 401.

20 USC 951 note.

##### SEC. 403. EFFECTIVE DATES.

(a) **GENERAL EFFECTIVE DATE.**—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on October 1, 1990.

(b) **SPECIAL EFFECTIVE DATE.**—The amendments made by sections 110, 204, and 301 shall take effect on the date of the enactment of this Act or October 1, 1990, whichever is earlier.

SEC. 319. None of the funds made available by this or any other Act with respect to any fiscal year may be used by the Department of the Interior or the Forest Service, Department of Agriculture to make any reimbursements to any other Federal department for litigation costs associated with the Prince William Sound oilspill.

SEC. 320. Section 1352(e)(2)(c) of subchapter III of chapter 13 of title 31, United States Code, as contained in section 319 of Public Law 101-121 is hereby amended by adding after “\$150,000,” the following: “or the single family maximum mortgage limit for affected programs, whichever is greater.”.

SEC. 321. None of the funds provided in this Act may be expended by the Forest Service or the Bureau of Land Management to implement a new fee schedule or increase the fees charged for communication site use of lands administered by the Forest Service or Bureau of Land Management above the levels in effect on January 1, 1989.

SEC. 322. None of the funds appropriated by this Act may be used to ensure that hardwood saw timber harvested from Federal lands east of the 100th meridian is marked in such a manner as to make it readily identifiable at all times before its manufacture.

SEC. 323. Those public lands, more particularly described as the B½ NW ¼ section 9, T13N, R70E, M.D.M. are hereby withdrawn and reserved as an administrative site under the jurisdiction of the National Park Service for the purposes of Great Basin National Park. The General Services Administration is hereby authorized to transfer to the National Park Service any excess lands and improvements under its jurisdiction within the aforesaid lands on a nonreimbursable basis.

SEC. 324. None of the funds available to the Advisory Council on Historic Preservation may be used to process comments on undertakings of Federal agencies, as specified in sections 106 and 110 of

20 USC 951 note.

the National Historic Preservation Act of 1966, as amended, on grants or contracts to institutions or facilities whose main activity is the conduct of scientific research and such agencies shall be relieved from the requirement of seeking comments on such undertakings unless requested in writing by the grantee.

SEC. 325. Each amount of budget authority for the fiscal year ending September 30, 1991, provided in this Act, for payments not required by law is hereby reduced by 0.524 per centum: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

#### TRANSFER REPORT

SEC. 326. (a) The Secretary of the Interior is directed to report to Congress by March 1, 1991 the following:

- (1) Identification of lands and properties that were transferred to Alaska Native Corporations under the Alaska Native Claims Settlement Act as amended, which at the time of transfer were represented or disclosed by the Federal Government as being free from contaminants, and which subsequent to transfer, were discovered to be contaminated; and
- (2) Identification of lands and properties that the Federal Government knowingly transferred to Alaska Native Corporations with contaminants.

(b) For the purposes of this section "contaminants" are defined as hazardous substances as described in the Comprehensive Environmental Response, Compensation, and Liability Act, and asbestos as described in the Asbestos Hazard Emergency Response Act.

(c) Nothing in this section requires the Secretary to conduct an in-the-field survey to determine the presence or absence of contaminants on transferred lands or properties.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1991".

Approved November 5, 1990.

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#### LEGISLATIVE HISTORY—H.R. 5769:

HOUSE REPORTS: No. 101-789 (Comm. on Appropriations) and No. 101-971 (Comm. of Conference).

SENATE REPORTS: No. 101-534 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 136 (1990):

Oct. 12, 15, considered and passed House.

Oct. 22-24, considered and passed Senate, amended.

Oct. 27, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990):

Nov. 5, Presidential statement.