

Calendar No. 183

106TH CONGRESS }
1st Session }

SENATE

{ REPORT
106-99

DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS BILL, 2000

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JUNE 28, 1999.—Ordered to be printed
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Mr. GORTON, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany S. 1292]

The Committee on Appropriations reports the bill (S. 1292) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amounts in new budget (obligational) authority, fiscal year 2000

Estimates considered by Senate	\$14,057,910,000
Below the budget estimate, 2000	1,208,227,000
Below appropriations, 1999 (including emergencies)	239,893,000

	Budget estimate	Committee recommendation	Change
Financial management	6,040,000	5,540,000	- 500,000
Executive direction	6,113,000	6,113,000	.....
Total	211,158,000	185,658,000	- 25,500,000

The Committee has included \$7,000,000 for the Appalachian clean streams initiative to address acid mine drainage problems.

Bill language.—As in prior years, the bill includes language related to the conduct of the abandoned mine land program. The Committee has included language that maintains the Federal emergency reclamation program and limits expenditures in any one State to 25 percent of the total appropriated for Federal and State-run emergency programs. Language also is included in the bill to permit States to use prior-year carryover funds from the emergency program without being subject to the 25-percent statutory limitation per State. The Committee also has recommended language in the bill which would fund minimum program State grants at \$1,500,000 per State as well as language which provides \$7,000,000 to be used for projects in the Appalachian clean streams initiative.

The Committee also has included language specific to the State of Maryland authorizing the State to set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, subject to specific provisions identified in the bill language.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Appropriations, 1999	\$1,585,260,000
Budget estimate, 2000	1,694,387,000
Committee recommendation	1,631,996,000

The Committee recommends \$1,631,996,000 for fiscal year 2000 for the operation of Indian programs, a \$46,736,000 increase over funding provided for fiscal year 1999. Due to budget constraints, the Committee regrets that it is unable to provide increases for all programs for which increases were requested. The Committee has provided all requested transfers, full funding for fixed costs, which totaled \$32,603,000, and significant increases over fiscal year 1999 funding for law enforcement, school operations, school construction, and other specific programs. The following table provides a comparison of the budget estimate with the Committee recommendations:

	Budget estimate	Committee recommendation	Change
TRIBAL BUDGET SYSTEM			
Tribal priority allocations:			
Tribal government	\$362,382,000	\$343,650,000	- \$18,732,000
Human services	154,262,000	150,214,000	- 4,048,000

	Budget estimate	Committee recommendation	Change
Education	51,106,000	51,106,000	.....
Public safety and justice	1,391,000	1,391,000	.....
Community development	39,884,000	39,884,000	.....
Resources management	54,852,000	54,852,000	.....
Other trust services	28,739,000	28,739,000	.....
General administration	23,273,000	23,273,000	.....
Small and needy tribes distribution .....			.....
Distributions for Albuquerque, Muskogee, and Phoenix Tribes .....			.....
Standard assessment methodology work group	250,000	.....	- 250,000
Subtotal, tribal priority allocations	716,139,000	693,109,000	- 23,030,000
Other recurring programs:			
Tribal government .....			.....
Human services	500,000	.....	- 500,000
Education:			
School operations:			
Forward funding	412,664,000	402,010,000	- 10,654,000
Other school operations	90,904,000	88,717,000	- 2,187,000
Subtotal, school operations	503,568,000	490,727,000	- 12,841,000
Continuing education	38,411,000	31,311,000	- 7,100,000
Subtotal, education	541,979,000	522,038,000	- 19,941,000
Community development .....			.....
Resources management	37,717,000	36,954,000	- 763,000
Subtotal, other recurring programs	580,196,000	558,992,000	- 21,204,000
Nonrecurring programs:			
Tribal government	250,000	250,000	.....
Resources management	32,414,000	31,167,000	- 1,247,000
Other trust services	38,526,000	32,424,000	- 6,102,000
Subtotal, nonrecurring programs	71,190,000	63,841,000	- 7,349,000
Total, tribal budget system	1,367,525,000	1,315,942,000	- 51,583,000
BIA OPERATIONS			
Central office operations:			
Tribal government	3,082,000	3,082,000	.....
Human services	1,295,000	1,295,000	.....
Community development	853,000	853,000	.....
Resources management	3,387,000	3,387,000	.....
Other trust services	2,114,000	2,114,000	.....
General administration:			
Education program management	2,349,000	2,349,000	.....
Other general administration	34,670,000	34,670,000	.....
Subtotal, general administration	37,019,000	37,019,000	.....

	Budget estimate	Committee recommendation	Change
Subtotal, central office operations	47,750,000	47,750,000	.....
Area office operations:			
Tribal government	1,431,000	1,431,000	.....
Human services	3,011,000	3,011,000	.....
Community development	833,000	833,000	.....
Resources management	3,242,000	3,242,000	.....
Other trust services	9,613,000	9,613,000	.....
General administration	24,313,000	24,313,000	.....
Subtotal, area office operation	42,443,000	42,443,000	.....
Special programs and pooled overhead:			
Education	15,670,000	14,770,000	- 900,000
Public safety and justice	141,165,000	131,165,000	- 10,000,000
Community development	3,545,000	3,637,000	+ 92,000
Resources management	1,320,000	1,320,000	.....
General administration	74,969,000	74,969,000	.....
Subtotal, special programs	236,669,000	225,861,000	- 10,808,000
Total, BIA operations	326,862,000	316,054,000	- 10,808,000
Total, operation of Indian programs	1,694,387,000	1,631,996,000	- 62,391,000

Tribal priority allocations.—The Committee recommends \$693,109,000 for tribal priority allocations [TPA], a decrease of \$5,899,000 below the fiscal year 1999 enacted level. The net decrease reflects the following: an increase of \$13,661,000 for fixed costs, the internal transfer out of the TPA account of \$19,190,000 to the law enforcement initiative in special programs, elimination of \$120,000 in funding for employee displacement as requested by the Administration, and elimination of \$250,000 in funding for the standard assessment work group, which completed its work on a tribal needs assessment.

As of the writing of this Report, the Bureau has not provided the Committee with the report, due on April 1, including the Bureau's recommendations and alternatives to fund TPA in future years. The Committee had hoped to consider the Bureau's recommendations for the fiscal year 2000 budget. In the absence of this report, the Committee has included bill language in the general provisions of title I authorizing the Secretary of the Interior to redistribute TPA funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds on the basis of identified, unmet needs. In fiscal year 2000, no tribe's reduction in TPA funds shall be more than 10 percent.

While the Committee is disappointed that it has not received a final report on TPA from the Bureau, the Committee is pleased with the discussion that is occurring in Indian country about unmet needs, the inequitable distribution of TPA among tribes, and fiscal self-sufficiency. The Committee has included again bill language in the administrative provisions for the Bureau clarifying that the voluntary return of appropriations by any tribe will nei-

ther change the relationship between the United States and that tribe nor affect that tribe's ability to access future appropriations.

Other recurring programs.—The Committee recommends \$558,992,000 for other recurring programs, an increase of \$15,817,000 above the fiscal year 1999 enacted level. The amount provided includes a program increase of \$4,000,000 for Indian school equalization program [ISEP] formula funds, which provide basic and supplemental instruction and residential moneys similar to the way public schools receive state and local revenue. The amount provided also includes a program increase of \$1,000,000 for the student transportation program, which provides safe and reliable transportation services for students in the 185 Bureau-funded schools, many of which are located in remote areas. The amount provided also includes a \$2,000,000 increase for administrative cost grants, which cover those costs that tribes incur in operating elementary or secondary schools programs. The Committee provides a \$500,000 increase for tribal resource management, of which \$100,000 is for addition on a one-time basis to funds already provided to the Bering Sea Fishermen's Association. To implement the recently announced amendments to the Pacific Salmon Treaty with Canada, the Committee has provided an increase of \$1,000,000 for 1 year for fisheries enhancement for hatcheries operated by Alaska Natives in Metlakatla and Kake, Alaska. The amount provided also includes a \$1,136,000 decrease to reflect the discontinuation of supplemental funds provided for fiscal year 1999.

The Committee asks that serious consideration be given to a request from Kawerak, Inc. to increase its compact funding level from Bureau funds to cover the actual costs of its reindeer herding activities as authorized under the Reindeer Herding Act of 1937.

The Committee encourages the Bureau to assist the Oglala Sioux Tribe in developing a plan to mitigate the wildlife habitat that has been lost due to Federal projects that have been carried out on the Pine Ridge Reservation if possible considering existing priorities.

Nonrecurring programs.—The Committee recommends \$63,841,000 for nonrecurring programs, a decrease of \$309,000 from the fiscal year 1999 enacted level. Within the amount provided, program decreases of \$100,000 for the St. Augustine Center, \$100,000 for the Alaska Legal Services program, and \$3,573,000 for a probate program transferred to the Office of the Special Trustee are included, as the Administration requested. The Committee has provided a \$3,000,000 increase for environmental management to help the Bureau comply with a Departmental mandate to conduct baseline assessments of all Bureau facilities by the end of fiscal year 2002.

Central office operations.—The Committee recommends \$47,750,000 for central office operations, an increase of \$2,011,000 above the fiscal year 1999 enacted level. The Committee has included a \$400,000 increase to establish the Office of Alcohol and Substance Abuse Prevention. The statistics on the effects of alcohol and drug abuse on Indian communities are disturbing, and the Committee encourages the Bureau to work with the Office to address the problem in future budget estimates.

Area office operations.—The Committee recommends \$42,443,000 for area office operations, a decrease of \$497,000 from the fiscal

year 1999 enacted level. The amount provided includes a program decrease of \$1,495,000 for land record improvements, funding for which is now included in the budget of the Office of the Special Trustee, as requested by the Administration.

Special programs and pooled overhead.—The Committee recommends \$225,861,000 for special programs and pooled overhead, an increase of \$35,613,000 above the fiscal year 1999 enacted level.

The amount provided includes a program increase of \$10,000,000 for law enforcement. The Committee is aware of the crisis in public safety and justice programs in Indian communities and fully supports increased funding for these programs. Although it has not provided specific funding to address the problem, the Committee is concerned that the lack of animal control on reservations has created serious public safety concerns related to dog bites and the transmission of rabies and other diseases. The Committee urges the Bureau to work, using funds provided for law enforcement, with the Indian Health Service and tribes to support an animal control initiative.

The Committee has agreed to two program decreases requested by the Administration, \$108,000 for the United Sioux Tribe Development Corp., and \$524,000 for the national ironworkers training program.

The amount provided also includes a program increase of \$250,000 for the Crownpoint Institute of Technology, located in New Mexico. The Committee understands that Crownpoint is one of only two tribal institutions eligible to receive funding as a tribally controlled adult vocational training institution. The other eligible institution, United Tribes Technical College, located in North Dakota, has received appropriated funds from the Bureau for several years, but Crownpoint has been excluded from funding. The Committee expects future budget estimates from the Bureau to provide equitable treatment to these two institutions.

Within the amount provided for the Indian Arts and Crafts Board, \$290,000 is for enforcement and compliance mandated by the Indian Arts and Crafts Act of 1990.

Contract support costs.—The Committee retains language in the title I general provisions of the bill clarifying that funding provided for contract support costs may be spent only for such costs associated with agencies of the Department of the Interior.

The Committee retains language in the title III general provisions of the bill continuing the moratorium on new or expanded self-determination contracts, grants, or self-governance compacts with the Bureau of Indian Affairs and the Indian Health Service for one more year. The Committee regrets that more progress hasn't been made on a resolution of the problems of shortfall and litigation and is prepared to work with the Administration, the tribes, and the authorizing committees of the House and the Senate to fashion a responsible resolution.

The Committee also retains language in the title III general provisions of the bill clarifying that the amounts provided for contract support are the total amounts available for contract support.

Other.—The Committee continues to be concerned about reprogramming and transfer actions that would frustrate the Committee's support for trust system improvements. Therefore, real es-

tate services and real estate appraisal funds within Tribal Priority Allocations are not to be reprogrammed without Committee approval. Further, probate backlog reduction funds within Non-Recurring Programs and land records improvement funds within Area Office Operations are not available for transfer into the base budget of any tribe.

The Committee urges the Bureau to assist in the implementation of the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

The Committee is extremely troubled about Bureau schools using “saved” school operations funding for school construction. The Committee allowed this language in the fiscal year 1998 act for the Cibecue Community School and has included a provision in this bill for three other Bureau-funded schools, provided that any additional costs for the replacement or repair project must be met using non-Federal funds. Other BIA-funded schools may be granted this flexibility in fiscal year 2000, provided that the Secretary approves it. The Secretary should consider whether the use of funds for construction or repair will diminish the education program of these schools. The concern is that schools will hoard scarce operations funds that should be used in providing academic services to Indian children and fail to achieve the necessary educational standards, which in turn will result in harm to Indian children and the loss of future funding from the Department of Education. If schools don’t achieve academic standards set by the Department of Education in five years, they risk losing all Department of Education funding and moving further behind academically. Also, when “savings” come from maintenance budgets, this Committee is asked to pay for repairs on existing facilities that would not be required if proper maintenance had taken place while a school “saves” for a new building. Consequently, this Committee will not consider future language of this form unless the school provides its request with sufficient advanced notice so that the Bureau can provide the Committee with an evaluation of where the school ranks in terms of academic proficiency and whether the school has neglected maintenance.

CONSTRUCTION

Appropriations, 1999	\$123,421,000
Budget estimate, 2000	174,258,000
Committee recommendation	146,884,000

The Committee recommends \$146,884,000 for construction, \$23,463,000 above the level of funding provided in fiscal year 1999. The amount provided includes program increases over fiscal year 1999 of \$22,374,000 for school replacement (a total of \$39,859,000 provided) and \$1,000,000 for dam safety projects. The amount provided also includes a program decrease of \$500,000 for employee housing, as proposed in the budget estimate. The following table provides a comparison of the budget estimate with the Committee recommendation:

	Budget estimate	Committee recommendation	Change
Education	\$108,377,000	\$82,377,000	-\$26,000,000
Public safety and justice	5,564,000	5,564,000	.....
Resources management	51,823,000	50,810,000	- 1,013,000
General administration	2,175,000	2,175,000	.....
Construction management	6,319,000	5,958,000	- 361,000
Total, construction	174,258,000	146,884,000	- 27,374,000

The amount provided includes \$39,859,000 for construction on the next three replacement schools on the Bureau's priority list, Seba Dalkai, AZ, Shiprock, NM, and Fond Du Lac Ojibway, MN. The Committee is providing full funding of \$20,543,000 for Seba Dalkai and phased funding of \$11,778,000 for Shiprock and \$6,363,000 for Fond Du Lac Ojibway. These schools are relatively expensive and it would require \$61,359,000 to fund fully the replacement of these schools in one year. The Committee regrets that it is unable to provide full funding for all three schools. The Committee has decided to provide full funding for one school and to begin construction on two schools because of an awkward situation created by the Administration. The Committee is extremely disappointed that the Bureau's budget estimate for fully funding the replacement of two schools was achieved by skipping a school in the priority list. This action on the part of the Administration led to unrealistic expectations in one of the two tribes whose school was proposed for replacement and understandable disappointment in the tribe that was skipped. The tribes have been asked to live with the priority list. The Committee expects the Bureau to request funds for schools in order of priority on the list unless a school is not ready for the next phase of funding or until there is agreement that the priority list can be abandoned in certain circumstances. In addition to these amounts, the Committee is providing \$1,090,000 for advanced planning and design on some of the schools that are going to be added to the priority list.

The Committee notes that it provides \$40,000,000 for school improvement, level funding with fiscal year 1999 and \$4,000,000 above the budget estimate. Frankly, the Committee is startled that the Bureau would request a decrease in funding for school repair. The backlog in maintenance has grown from \$695,000,000 in fiscal year 1998 to more than \$743,000,000 today. Consistent with the commitment to repair and replace schools in order of priority as determined by the Bureau, the Committee has not specified repair projects. The Committee encourages the Bureau to consider the needs of the Turtle Mountain Band of Ojibwa, the Santa Clara Day School, and the Standing Rock Sioux secondary school to the extent consistent with the priorities.

The Committee has been approached by a growing number of tribes, including the Mississippi Choctaw, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Hopi, which are willing to share the cost of construction of their school, find non-Bureau funding to match or supplement Bureau funding, or pay future operations costs in exchange for full funding of the cost of construction earlier than they might hope to receive it under the

existing priority list. The Committee commends tribes that are pulling together scarce resources toward replacement and repair of their elementary and secondary schools.

The Committee understands the Bureau of Indian Affairs is in the process of collecting applications for a new school replacement list. As previously directed by Congress, the Bureau should recognize tribes willing to match Federal appropriations with their own funds to remove their BIA schools and tribally controlled schools from the BIA school replacement list.

The Committee anticipates the release of a new replacement list during the fiscal year 2001 appropriations process. In conjunction with establishing a new priority list, the Committee recommends that the Bureau of Indian Affairs establish a demonstration project as part of the President's fiscal year 2001 budget request to allow tribes with schools on the replacement list to apply for Federal funding with the guarantee of a cost share from the tribe.

The Bureau should consider the following factors in establishing the demonstration project: the applicants' priority level on the new replacement list; necessary participation requirements beyond cost sharing; and the possibility of allowing tribes with projects on the facilities improvement and repair list to apply for similar matching funds.

The Committee has included language in the bill regarding settlements between the United States and the Puyallup tribe concerning overpayment of school-related expenses to Chief Leschi school. The Committee intends that the settlement collections, which will occur over several years, be used to support school construction nationwide.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Appropriations, 1999	\$28,882,000
Budget estimate, 2000	28,401,000
Committee recommendation	27,131,000

The Committee recommends \$27,131,000 for Indian land and water claims settlements and miscellaneous payments to Indians, a decrease of \$1,270,000 below the budget request and a decrease of \$1,751,000 below the fiscal year 1999 enacted level. Funding is provided as follows:

	<i>Committee recommendation</i>
Pyramid Lake water rights settlement	\$30,000
Truckee River operating agreement	230,000
Ute Indian rights settlement	25,000,000
White Earth settlement	625,000
Hoopa-Yurok settlement	246,000
Aleutian-Pribilof settlement	1,000,000
Total	27,131,000

An amount of \$230,000 has been added to the Indian Land and Water Claims Settlements account for contracts to help provide documentation to support petitions to the Federal courts needed for implementation of the Truckee River Operating Agreement and to share in the costs on behalf of the Pyramid Lake Tribe of preparing the Federal Watermaster's office for its implementation.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Appropriations, 1999	\$5,001,000
Budget estimate, 2000	5,008,000
Committee recommendation	5,004,000

The Committee recommends an appropriation of \$5,004,000, a decrease of \$4,000 below the budget request and \$3,000 over the funding level for fiscal year 1999 for fixed costs.

INDIAN LAND CONSOLIDATION PILOT PROJECT

Appropriations, 1999	\$5,000,000
Budget estimate, 2000	
Committee recommendation	

The Indian land consolidation project account is moved to the Office of the Special Trustee for American Indians.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

Appropriations, 1999	\$66,175,000
Budget estimate, 2000	68,075,000
Committee recommendation	67,325,000

The Committee recommends an appropriation of \$67,325,000, which is \$1,150,000 above the fiscal year 1999 enacted level. The amounts recommended by the Committee compared to the budget estimate are shown in the following table:

	Budget estimate	Committee recommendation	Change
Territorial assistance:			
Office of Insular Affairs	\$4,249,000	\$4,249,000	
Technical assistance	5,661,000	5,661,000	
Maintenance assistance fund	2,300,000	2,300,000	
Brown tree snake	2,600,000	2,350,000	-\$250,000
Insular management controls	1,491,000	1,491,000	
Coral reef initiative	1,000,000	500,000	-500,000
Subtotal, territorial assistance	17,301,000	16,551,000	
American Samoa: Operations grants	23,054,000	23,054,000	
Northern Mariana Islands: Covenant grants	27,720,000	27,720,000	
Total, assistance to territories	68,075,000	67,325,000	-750,000

Territorial assistance.—The Committee recommends \$16,551,000 for territorial assistance, which is \$1,150,000 above the fiscal year 1999 enacted level. The Committee has provided increases above the enacted level of \$145,000 for fixed costs, \$500,000 for the coral reef initiative, and \$250,000 for control of the brown tree snake. The amounts provided for the coral reef initiative should be limited to implementation of coral reef action plans in the territories and freely associated states. An increase of \$255,000 has been provided for the office of insular affairs, of which \$101,000 is for one full-

the fiscal year 1999 enacted level. The "Economic regulation" account funds the Office of Hearings and Appeals, which is responsible for all departmental adjudicatory processes except those under the jurisdiction of the Federal Energy Regulatory Commission.

STRATEGIC PETROLEUM RESERVE

Appropriations, 1999	\$160,120,000
Budget estimate, 2000	159,000,000
Committee recommendation	159,000,000

The Committee recommends \$159,000,000 for operation of the strategic petroleum reserve, the same as the budget estimate and a decrease of \$1,120,000 below the fiscal year 1999 enacted level.

SPR PETROLEUM ACCOUNT

Appropriations, 1999	
Budget estimate, 2000	\$5,000,000
Committee recommendation	

The Committee recommends no appropriation for the strategic petroleum reserve petroleum account, a decrease of \$5,000,000 below the budget request. The Committee has instead included language in the bill allowing the Secretary to transfer to the SPR petroleum account such amounts as may be necessary to carry out drawdown and sale operations in the event of an emergency drawdown. Amounts transferred to the account pursuant to this authority would be repaid as promptly as possible from sale revenues. This transfer authority, combined with existing balances in the petroleum account, should be sufficient to maintain an adequate level of drawdown readiness.

ENERGY INFORMATION ADMINISTRATION

Appropriations, 1999	\$70,500,000
Budget estimate, 2000	72,644,000
Committee recommendation	70,500,000

The Committee recommends \$70,500,000 for the Energy Information Administration, a reduction of \$2,144,000 below the budget estimate and the same as the fiscal year 1999 enacted level. The amount provided is to maintain core EIA programs.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Appropriations, 1999	\$1,950,322,000
Budget estimate, 2000	2,094,922,000
Committee recommendation	2,135,561,000

The Committee recommends \$2,135,561,000 for Indian health services, an increase of \$40,639,000 above the budget request and an increase of \$185,239,000 over the fiscal year 1999 enacted level.

The amounts recommended by the Committee as compared to the budget estimate are shown in the following table:

	Budget estimate	Committee recommendation	Change
Clinical services:			
IHS and tribal health delivery:			
Hospital and health clinics programs	\$1,002,852,000	\$991,990,000	—\$10,862,000
Dental health program	84,360,000	79,860,000	—4,500,000
Mental health program	48,446,000	42,446,000	—6,000,000
Alcohol and substance abuse program	96,326,000	95,326,000	—1,000,000
Contract care	410,442,000	396,442,000	—14,000,000
Subtotal, clinical services	1,642,426,000	1,606,064,000	—36,362,000
Preventive health:			
Public health nursing	40,363,000	34,393,000	—5,970,000
Health education	9,541,000	9,541,000	.....
Community health representatives program	40,960,000	46,981,000	+6,021,000
Immunization (Alaska)	1,388,000	1,388,000	.....
Subtotal, preventive health	92,252,000	92,303,000	+51,000
Urban health projects	29,382,000	26,445,000	—2,937,000
Indian health professions	29,700,000	29,700,000	.....
Tribal management	2,390,000	2,390,000	.....
Direct operations	50,600,000	50,600,000	.....
Self-governance	9,391,000	9,391,000	.....
Contract support costs	238,781,000	203,781,000	—35,000,000
Facilities and environmental health support .....	.....	114,887,000	+114,887,000
Medicare/Medicaid reimbursements: Hospital and clinic accreditation (est. collecting)	(375,386,000)	(375,386,000)	.....
Total, Indian Health Services	2,094,922,000	2,135,561,000	+40,639,000

Hospitals and health clinics.—The Committee recommends \$991,990,000 for hospitals and health clinics. This amount is \$42,850,000 above the current fiscal year enacted level and \$10,862,000 below the President's budget request. This amount includes \$26,031,000 for pay cost increases, \$3,214,000 for projected rental increases and \$6,815,000 for staff for new facilities. Program increases in the amount of \$6,790,000 include \$5,500,000 for the Indian Health Care Improvement Fund, an additional \$1,000,000 above the current level of \$4,000,000 for the Alaska Telemedicine project, and \$290,000 to assist the Shoalwater Tribe with infant mortality issues.

Dental health.—The Committee recommends \$79,860,000 for dental services. This amount is \$8,460,000 above the current fiscal year enacted level and \$4,500,000 below the budget request. Included in this total is \$5,320,000 for pay cost increases, \$640,000 for staff for new facilities, and a program increase of \$2,500,000 to provide additional dental services.

Mental health.—The Committee recommends \$42,466,000 for mental health services. An amount of \$1,141,000 above the current fiscal year enacted level and \$6,000,000 below the budget request is provided to cover projected pay cost increases.

Alcohol and substance abuse.—The Committee recommends \$95,326,000 for alcohol and substance abuse treatment. This amount of \$646,000 above the current fiscal year enacted level and \$1,000,000 below the budget request is provided to cover projected pay cost increases. The Committee expects IHS to continue to work with and provide funding support in the amount of \$143,870 to the University of Washington's fetal alcohol syndrome research program. In addition to conducting research on prenatal alcohol exposure, the program provides training and clinical resources to tribal health care providers, native families, and Native American students throughout the country.

Contract health services.—The Committee recommends \$396,442,000 for contract health services. This amount is \$10,641,000 above the current fiscal year enacted level and \$14,000,000 below the budget request.

Public health nursing.—The Committee recommends \$34,393,000 for public health nursing. This amount is \$4,030,000 above the current fiscal year enacted level and \$5,970,000 below the budget estimate. Increases include \$1,043,000 for pay cost increases, \$487,000 for staff for new facilities and \$2,500,000 for additional nurses.

Health education.—The Committee recommends \$9,541,000 for health education. This amount includes \$111,000 above the current year enacted level for pay cost increases and is the same as the budget request.

Community health representatives.—The Committee recommends \$46,981,000 for community health representatives. This amount is \$1,021,000 above the current fiscal year enacted level and \$6,021,000 above the budget request. The Committee has restored the \$5,000,000 proposed reduction to this program and included an additional amount for pay cost increases.

Alaska immunization.—The Committee recommends \$1,388,000 for the Alaska immunization program. This amount is the same as the budget request and includes \$21,000 above the current year enacted level for pay cost increases.

Urban health.—The Committee recommends \$26,445,000 for urban health activities. An amount of \$63,000 above the current fiscal year enacted level and \$2,937,000 below the budget request is provided to meet pay cost increases.

Indian health professions.—The Committee recommends \$29,700,000 for Indian health professions. This amount is \$77,000 above the current fiscal year enacted level and is the same as the budget estimate. Within available funds, the Committee expects IHS to continue its support for the University of Montana InPsych program at a level of \$200,000.

Tribal management.—The Committee recommends \$2,390,000 for tribal management. This amount is the same as the current fiscal year enacted level and the budget request.

Direct operations.—The Committee recommends \$50,600,000 for direct operations. This amount is \$1,291,000 above the current fiscal year enacted level and meets the budget request.

Self-governance.—The Committee recommends \$9,391,000 for self-governance activities. This amount is the same as the current fiscal year enacted level and meets the budget request.

Contract support costs.—The Committee recommends \$203,781,000 for contract support costs. This amount is the same as the current fiscal year enacted level and \$35,000,000 below the budget request. The Committee has included language in the bill that continues the moratorium on new and expanded contracts and compacts because a resolution to the issues that had resulted in its imposition last year has yet to be reached.

Facilities and environmental health support.—The Committee has transferred this activity from Indian health facilities to Indian health services. The Committee recommends \$114,887,000 for facilities and environmental health support. This amount is \$7,205,000 above the current fiscal year enacted level and \$4,795,000 below the budget request as included in Indian health facilities. The additional funds will provide \$3,732,000 to meet fixed cost increases, \$673,000 for staff for new facilities, and \$2,800,000 to increase injury prevention efforts. Funds provided for the facilities program are to be distributed in accordance with a methodology that addresses the fluctuating annual workload and maintains parity among IHS Areas and the tribes as the workload shifts.

INDIAN HEALTH FACILITIES

Appropriations, 1999	\$291,965,000
Budget estimate, 2000	317,465,000
Committee recommendation	189,252,000

The Committee has provided \$189,252,000 for Indian health facilities, a decrease of \$128,213,000 below the budget request and a decrease of \$102,713,000 below the fiscal year 1999 enacted level. The amounts recommended by the Committee as compared to the budget estimate are shown in the following table:

	Budget estimate	Committee recommendation	Change
Maintenance and improvement	\$48,125,000	\$42,625,000	– \$5,500,000
Sanitation facilities	92,884,000	91,384,000	– 1,500,000
Construction of facilities	42,531,000	41,000,000	– 1,531,000
Facilities and environmental health support	119,682,000	.....	– 119,682,000
Equipment	14,243,000	14,243,000	.....
Total, Indian health facilities	317,465,000	189,252,000	– 128,213,000

Maintenance and improvement.—The Committee recommends \$42,625,000 for maintenance and improvement. This amount is \$2,000,000 above the current fiscal year enacted level and \$5,500,000 below the budget request. Additional funds are provided to assist the Service in reducing the backlog of essential maintenance, alteration and repair for health care facilities and related real property.

In recognition of the safety hazards posed by earthquake and other seismic activities to many aged Indian Health Care Facilities, the Committee directs the Indian Health Service, upon completion of the survey on estimated costs associated with compliance to seismic construction standards as required by the Earthquake Hazard Reduction Program Act, to provide a priority list to the Congress

to address seismic remediation for Fiscal Year 2001 and associated funding requirements. The Committee further directs the Indian Health Service to consider the vulnerability of existing facilities to earthquake and other seismic hazards, as well as all seismic-related safety and health concerns in compiling its annual health facilities priority list for the construction of new facilities.

Sanitation facilities.—The Committee recommends \$91,384,000 for sanitation facilities. This amount is \$2,056,000 above the current fiscal year enacted level and \$1,500,000 below the budget request. Additional funds include \$556,000 to meet pay cost increases and \$1,500,000 to clean up and replace open dumps, and provide needed water, sewer and solid waste facilities in all Areas.

Construction of facilities.—The Committee recommends \$41,000,000 for health care facilities construction. This amount is \$87,000 below the current fiscal year enacted level and \$1,531,000 below the budget request. Included in construction funds are \$25,000,000 for the Fort Defiance, AZ hospital; \$10,000,000 for the Parker, AZ Health Center; \$2,000,000 to complete design for the Red Mesa Health Center; \$3,000,000 for Hopi Health Center staff quarters; and \$1,000,000 for additional modular dental units.

Facilities and environmental health support.—The Committee has shifted the facilities and environmental support activity to the “Indian health services” account.

Equipment.—The Committee recommends \$14,243,000 for equipment. This amount is \$1,000,000 above the current year enacted level and meets the budget request. Additional funds will be used to purchase medical equipment and supplies from the Department of Defense at a substantial savings, as well as to purchase ambulances to provide needed medical services.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Appropriations, 1999	\$13,000,000
Budget estimate, 2000	14,000,000
Committee recommendation	8,000,000

The Committee recommends an appropriation of \$8,000,000, which is \$5,000,000 below the fiscal year 1999 enacted level of funding and \$6,000,000 below the budget estimate. The Committee notes that the Office expects to have an unobligated balance carry-over of \$12,000,000 at the beginning of fiscal year 2000 and directs the Office to begin to reduce that balance.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENTS TO THE INSTITUTE

Appropriations, 1999	\$4,250,000
Budget estimate, 2000	4,250,000
Committee recommendation	4,250,000

The Committee recommends an appropriation of \$4,250,000, the same as the budget estimate and the fiscal year 1999 enacted level.

TITLE III—GENERAL PROVISIONS

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

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

SEC. 302. Provides a restriction on noncompetitive bidding in the Shawnee National Forest, IL.

SEC. 303. Provides that appropriations available in the bill shall not be used to produce literature or otherwise promote public support of a legislative proposal on which legislative action is not complete.

SEC. 304. Provides that appropriations made available in this bill will not remain available beyond the current fiscal year unless otherwise provided.

SEC. 305. Provides that appropriations made available in this bill cannot be used to provide a cook, chauffeur, or other personal servants.

SEC. 306. Provides for restrictions on departmental assessments unless approved by the Committees on Appropriations.

SEC. 307. Continues Buy American provisions and requirements included in previous years.

SEC. 308. Limits the actions of the Forest Service and the Bureau of Land Management with regard to the sale of giant sequoia trees to a manner consistent with such sales as were conducted in fiscal year 1999.

SEC. 309. Prohibits the National Park Service from implementing a concession contract which permits or requires the removal of the underground lunchroom at Carlsbad Caverns National Park.

SEC. 310. Restricts the use of any funds in the bill for the AmeriCorps program unless the reprogramming guidelines are followed and the program is funded in the VA–HUD appropriations act.

SEC. 311. Prohibits the use of funds appropriated in the bill to demolish the bridge between Jersey City, NJ, and Ellis Island or to prevent the pedestrian use of such bridge when it is made known that such use is consistent with generally accepted safety standards.

SEC. 312. Retains mining patent moratorium carried in previous years.

SEC. 313. Provides that funds appropriated to the Bureau of Indian Affairs and the Indian Health Service for contract support costs for fiscal years 1994 through 1999 are the total amounts available except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

SEC. 314. Includes language allowing competition for watershed restoration projects through the “Jobs in the Woods” component of the President’s forest plan for the Pacific Northwest or for the “Jobs in the Woods” program for Alaska to be limited to individuals and entities in historically timber-dependent areas covered by the plan.

SEC. 315. Includes language requiring prior approval by the Appropriations Committees before commencing planning, design, or construction of any project funded with recreational fee demonstration moneys when the estimated total project cost is greater than \$500,000.

SEC. 316. Prohibits use of funds provided in this appropriation for nominations for the designation of biosphere reserves pending enactment of legislation specifically authorizing such a program.

SEC. 317. Prohibits the use of funds for posting clothing optional signs at Cape Canaveral NS, FL.

SEC. 318. Includes language defining the grantmaking capabilities and responsibilities of the National Endowment of the Arts. Grants to individuals may be made only for literature fellowships, national heritage fellowships, or American jazz masters fellowships. The Chairperson of the Endowment will establish procedures to ensure that grants made, except those to a State or local arts agency, will not be used to make a further grant to any other organization or individual to conduct activity independent of the direct grant recipient. Grants for seasonal support may not be awarded unless the application is specific to the contents of the season.

SEC. 319. Includes language allowing the National Endowment for the Arts and the National Endowment for the Humanities to raise funds and receive gifts, to deposit such in an interest-bearing account for the appropriate Endowment, and to use such to further the functions of the respective Endowments in accordance with the specified intent of the donors.

SEC. 320. Prohibits the use of appropriations for any activities associated with the revision of national forest land management plans until such time that the Administration publishes new final rules in the Federal Register.

SEC. 321. Prohibits the use of appropriations to fund any activities associated with the issuance of the 5-year program under the Forest and Rangeland Renewable Resources Planning Act. Strategic planning activities carried out for that act should now be completed as part of the agency’s compliance with the Government Performance and Results Act, Public Law 103–62.

SEC. 322. Provides language for awarding financial assistance to underserved populations under the National Foundation on the Arts and the Humanities Act of 1965. With funds appropriated to carry out section 5 of the act, the chairman will establish a category of national significance grants. With the exception of this grant category, the chairman will not make grants exceeding 15 percent, in the aggregate, of such funds to any single State.

SEC. 323. Prohibits the use of funds to make improvements to Pennsylvania Avenue in front of the White House without Committee approval.

SEC. 324. Continues the moratorium on new or expanded Indian self-determination and self-governance contracts and compacts with the Bureau of Indian Affairs and the Indian Health Service.

SEC. 325. Provides additional authority to use the roads and trails funds for priority forest health related management. The Committee recognizes that there is a serious backlog in important road, trail and bridge work throughout the national forest system just as there is a serious backlog in needed management related to forest health.

SEC. 326. Modifies a provision included in the fiscal year 1999 act regarding the Institute of Hardwood Technology Transfer and Applied Research to make the related authorities permanent.

SEC. 327. Addresses timber sales involving Alaska western red cedar. This provision is substantially the same as section 350 of the fiscal year 1999 Interior appropriations act, which deals with export of certain western red cedar timber from Alaska. Mills which process western red cedar in the Pacific Northwest have an insufficient supply of western red cedar, and the national forest in southeast Alaska sometimes has a surplus. This provision continues a program by which Alaska's surplus western red cedar is made available preferentially to U.S. domestic mills outside Alaska, prior to export abroad. The Committee believes the provision worked well last year and should be continued.

SEC. 328. Prohibits the Department of the Interior or the Department of Agriculture from introducing grizzly bears in fiscal year 2000 and beyond to Montana or Idaho without the express written consent of the Governors of those two States.

SEC. 329. The Committee notes that a recent Eleventh Circuit decision, *Sierra Club v. Martin* (11th Cir. Feb 18, 1999), would require the Forest Service to conduct forest-wide wildlife population surveys on all proposed, endangered, threatened, sensitive, and management indicator species in order to prepare or revise national forest plans, and in every area of each national forest that would be disturbed by a timber sale or any other management activity in order to authorize that activity. This ruling is not only contrary to the Forest Service's interpretation of the National Forest Management Act and its own regulations, but is also contradicted by decisions in the Fourth, Eighth and Ninth Circuits. Equally troublesome is the dispute in which Region 6 of the Forest Service and the Bureau of Land Management are embroiled over whether, before any ground disturbing activity may occur, surveys must be conducted for 80 different species, none of which is listed under the Endangered Species Act.

Neither the state of knowledge about, nor the methodologies for counting populations of, all affected species are sufficiently well developed to allow for population surveys adequate to fulfill the Eleventh Circuit's holding. More importantly, funds sufficient for the Forest Service and BLM to accomplish the monumental task will never be available for appropriation.

Section 329 addresses this issue. This section provides a standard identical to the standard set forth in section 4(b)(1) and (2) of the Endangered Species Act for both listing endangered and threatened species and designating their critical habitat. This language recognizes that federal agencies responsible for wildlife protection

must not make their decisions on anything less than the best information that is available. At the same time, the language ensures that the Forest Service and BLM retain sole discretion to determine whether to conduct costly and time-consuming surveys before each land management decision they are expected or required to make under the National Forest Management Act and Federal Land Policy and Management Act, respectively, and to determine the type of, and collection procedures for, any such information they choose to collect. The duration of this provision is limited to fiscal year 2000.

SEC. 330. The Interior Columbia Basin Ecosystem Project was begun in 1994, with the promise that it would be accomplished in 18 months with an approximate cost of \$5,000,000. The Project is now in its 5th year and has expended \$41,000,000 to date. A final EIS is not expected until 2000; the Administration has requested \$10,000,000 for continued work on the Project.

Despite congressional requests, the Secretary of Agriculture and the Secretary of the Interior have not disclosed fully how they intend to apply the findings and policies ultimately provided by the Project to the management of the national forests and public lands in the affected region. Mindful that any strategy for implementation of the Project will require additional funding beyond that already provided, two years ago in section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1998, Congress required the Secretaries to prepare a report for the Appropriations Committees that gives: (1) a "detailed description of any and all land and resource management planning and policy or project decisions to be made, by type and by the level of official responsible, and the procedures for such decisions to be undertaken, by the Forest Service, Bureau of Land Management, and Fish and Wildlife Service" in implementing the Project; (2) "a detailed estimate of the time and cost" to accomplish the implementation process; (3) the "estimated production of goods and services" during the implementation process; and (4) a detailed description of how the implementation would occur if the present level of appropriations is not increased and reprogramming does not occur in future fiscal years.

The Secretaries were directed to present this report only after publication of the Final Environmental Impact Statement, and before the rendering of final decisions, on the Project. Because of the prolongation of the Project, the Secretaries have not found it necessary to prepare this report over the ensuing period since enactment of the 1998 Act. However, the concerns over cost that gave rise to this statutory mandate have been heightened. Accordingly, this section directs the Secretaries to prepare the report prior to publication of the Project's final EIS. This will permit, and this section requires the Project to hold a 120 day public comment period on the report and include responses to the public comments in the final EIS.

SEC. 331. This section clarifies and makes consistent the exemption to the Service Contract Act (Public Law 89-286, 79 Stat. 1034) for concession contracts associated with land management agencies. This proposed amendment is consistent with Congressional intent expressed shortly after passage of the Service Contract Act

(SCA) that the SCA should not apply to concession contracts where service to Government employees is only incidental to the major purpose of the concession, which is to provide services to the general public.

In its regulations implementing the SCA, the U.S. Department of Labor (DOL) has since 1968 exempted certain kinds of concession contracts for furnishing service to the general public:

Specifically, concession contracts (such as those entered into by the National Park Service) principally for the furnishing of food, lodging, automobile fuel, souvenirs, newspaper stands, and recreational equipment to the general public, as distinguished from the United States government or its personnel, are exempt. 29 C.F.R. § 4.133(b).

The exemption in 29 C.F.R. § 4.133(b) covers a large portion of the National Park Service's recreation concessions. For many years, the exemption served well, as the National Park Service was the only Federal land management agency actively administering concession contracts. As other agencies, such as the Forest Service, established concession programs and public demand for other types of concession services increased, the exemption no longer effected congressional intent to exempt concession contracts for furnishing recreational services to the general public on Federal lands.

Section 331 will fully reflect Congressional intent by exempting concession contracts with Federal land management agencies, the principal purpose of which is to provide recreational services to the public. Under this amendment, contractors will not be required to pay prevailing wage scales or benefits; instead, contractors will be governed by the Fair Labor Standards Act for wages. This amendment also clarifies that wage scales, associated with construction activities, continue to be governed by the Davis-Bacon Act.

Previously, campground concessions generated approximately \$2,000,000 in revenue. Nearly 100 percent is placed back into facility maintenance under the authorities of the Granger-Thye Act. With a 1998 decision by the DOL requiring campground concessionaires to pay prevailing wage scales under the SCA, the agency is anticipating a dramatic reduction in revenue. This initiative is expected to bring revenues back to their previous levels.

SEC. 332. Authorizes a five year pilot program for the Forest Service in order to collect the fair market value for high value specialty forest products such as mushrooms and fungi.

SEC. 333. Extends for one year direct payment authority to the Forest Service in order to complete construction of a new forestry research facility at Auburn University.

SEC. 334. As part of the fiscal year 1999 budget, Congress authorized the Forest Service to develop a demonstration project involving no more than 28 stewardship and end result contracts. The contracts entered into as a consequence of this measure have received significant local support from Forest Service personnel and interested groups. This section authorizes an additional 9 stewardship contracts in Region One where the program has been particularly successful.

SEC. 335. Provides that residents living within the boundaries of the White Mountain National Forest are exempt from certain user fees.

SEC. 336. Provides that the November, 1997, opinion of the Solicitor of the Department of the Interior concerning millsites under the general mining law shall not apply in an fiscal year.

SEC. 337. The Committee is concerned that the controversy surrounding the reappraisal of recreation residence permits has continued for the past two years without a resolution. While language is included in this bill to provide for modest increases for this fiscal year, the Committee intends not to include similar language in future bills.

SEC. 338. The Committee is concerned by the lack of progress in land acquisition within the Columbia River Gorge National Scenic Area (CRGNSA). Key parcels remain in private ownerships despite efforts by the owners to facilitate federal acquisition. The Committee expects the Forest Service immediately will execute purchase option agreements with the owners of CRGNSA land interests who have prepared and submitted appraisals to facilitate federal acquisition in response to Forest Service interest in acquisition.

SEC. 339. Provides that the Forest Service may not inappropriately use the Recreation Fee Demonstration program to supplant existing recreation concessions on the national forests.

SEC. 340. Prohibits issuance of prospecting permits and the segregation and withdrawal of lands for mineral activities on the Mark Twain National Forest. The section also requires a study of the effects and impacts that may result from the cessation of lead mining in the Mark Twain National Forest.

SEC. 341. Prohibits the use of funds to study, develop, or implement procedures or policies to establish energy efficiency, energy use or energy acquisition rules or guidelines other than those based upon the provisions of the Energy Conservation Policy Act (ECPA) of 1975.

SEC. 342. Prohibits funds in this or any other act from being used to issue or to otherwise implement a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes, including a rulemaking derived from proposed rules published in 63 Federal Register 6113 (1998), 62 Federal Register 36030, and 62 Federal Register 3742 (1997) until June 30, 2001, or until there is a negotiated agreement on the rule. The Committee is aware that DOI appears to have made little progress in refining the regulation so that it is workable. The Committee intends that this moratorium prohibits direct implementation of the valuation regulation as well as any indirect method of implementation such as Secretarial decisions, orders, lease form changes, audits, inter alia, which purport to value production downstream from the lease where it is brought to the surface. Additionally, the Committee is gravely concerned by the revelation that a DOI employee and a former DOE employee both of whom have worked to develop valuation concepts upon which the proposed oil valuation regulation rests, have received substantial cash payments (\$350,000 each) from private parties with an interest in the promulgation of the oil valuation regulation and in litigation regarding oil valuation. The

Committee expects that DOI take no further preparatory steps, including the expenditure of any funds, which promote or lead to the issuance of a notice of final rulemaking regarding the proposed oil valuation regulation until such time as the Criminal Division of the Justice Department (DOJ) has concluded its investigation of the cash payments and the Committee has been fully and satisfactorily briefed thereon by DOI and DOJ.

BUDGETARY IMPACT OF BILL

PREPARED IN CONSULTATION WITH THE CONGRESSIONAL BUDGET OFFICE PURSUANT TO SEC. 308(a), PUBLIC LAW 93-344, AS AMENDED

[In millions of dollars]

	Budget authority		Outlays	
	Committee allocation	Amount of bill	Committee allocation	Amount of bill
Comparison of amounts in the bill with Committee allocations to its subcommittees of amounts in the First Concurrent Resolution for 2000: Subcommittee on Interior and Related Agencies:				
General purpose discretionary	13,923	13,922	14,298	¹ 14,250
Violent crime reduction fund				
Mandatory	59	59	83	83
Projection of outlays associated with the recommendation:				
2000				² 9,148
2001				3,779
2002				797
2003				301
2004 and future year				48
Financial assistance to State and local governments for 2000	NA	1,011	NA	537

¹ Includes outlays from prior-year budget authority.

² Excludes outlays from prior-year budget authority.

NA: Not applicable.