

DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS BILL, 1990

JUNE 29, 1989.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 2788]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1990. The bill provides regular annual appropriations for the Department of the Interior (except the Bureau of Reclamation) and for other related agencies, including the Forest Service, the Department of Energy, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities.

CONTENTS

	Page	Report
Department of the Interior:	2	8
Bureau of Land Management.....	10	16
U.S. Fish and Wildlife Service.....	13	24
National Park Service.....	18	35
Geological Survey.....	20	37
Minerals Management Service.....	21	46
Bureau of Mines.....	22	48
Office of Surface Mining Reclamation and Enforcement.....	26	51
Bureau of Indian Affairs.....	26	51
Territorial and International Affairs.....	31	63

Departmental Offices.....	Page	Report
Related Agencies:	Bill	67
Forest Service, USDA.....	84	
Department of Energy:		
Clean Coal Technology.....	45	72
Fossil Energy Research and Development.....	56	91
Naval Petroleum and Oil Shale Reserves.....	58	92
Energy Conservation.....	59	99
Economic Regulation.....	60	101
Emergency Preparedness.....	61	105
Strategic Petroleum Reserve.....	61	106
Energy Information Administration.....	62	107
Indian Health Service, DHHS.....	71	114
Office of Navajo and Hopi Indian Relocation.....	71	115
Institute of American Indian and Alaska Native Culture and Arts Development.....	72	118
Smithsonian Institution.....	72	118
National Gallery of Art.....	74	122
Woodrow Wilson International Center for Scholars.....	76	124
National Foundation on the Arts and the Humanities.....	76	124
Commission of Fine Arts.....	79	130
Advisory Council on Historic Preservation.....	79	130
National Capital Planning Commission.....	79	131
Franklin Delano Roosevelt Memorial Commission.....	79	131
Pennsylvania Avenue Development Corporation.....	80	132
United States Holocaust Memorial Council.....	80	133
Title III—General Provisions.....	80	133

COMPARISON WITH BUDGET RESOLUTION

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how the authority compares with the reports submitted under section 302 of the Act for the most recently agreed to concurrent resolution on the budget for the fiscal year. This information follows:

	Sec. 302(b)		This Bill	
	Discretionary	Mandatory	Discretionary	Mandatory
Budget authority.....	\$10,900	\$326	\$10,898	\$819
Outlays.....	10,350	326	10,349	502
Direct loans.....	13		13	
Primary guarantees.....	41		41	

The bill provides no new spending authority as described in section 401(c)(2) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), as amended.

SUMMARY OF THE BILL

The Committee has conducted extensive hearings on the programs and projects provided for in the Interior and Related Agencies

cies Appropriation bill for 1990. The hearings are contained in 12 published volumes totaling approximately 13,000 pages.

During the course of the hearings testimony was taken on 32 days from more than 350 witnesses, not only from agencies which come under the jurisdiction of the Interior Subcommittee, but also from Members of Congress, State and local government officials, and private citizens.

The bill which is recommended for 1990 has been developed after careful consideration of all the facts and details available to the Committee.

BUDGET AUTHORITY RECOMMENDED IN BILL BY TITLE

Activity	Budget estimates fiscal year 1990	Committee Bill fiscal year 1990	Committee Bill compared with budget estimates
Title I, Department of the Interior: New Budget (obligational) authority.....	\$4,462,220,000	\$5,678,276,000	+\$1,216,056,000
Title II, related agencies: New Budget (obligational) authority.....	4,155,461,000	5,385,656,000	+1,230,195,000
Grand total, New Budget (obligational) authority.....	8,617,681,000	11,063,932,000	+2,446,251,000

TOTAL APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

In addition to the amounts in the accompanying bill, which are reflected in the table above, permanent legislation authorizes the continuation of certain government activities without consideration by the Congress during the annual appropriations process.

Details of these activities are listed in tables at the end of this report. In fiscal year 1989, these activities are estimated to total \$2,413,408,000. The estimate for fiscal year 1990 is \$2,696,408,000. The following table reflects the total budget (obligational) authority contained both in this bill and in permanent appropriations for fiscal years 1989 and 1990.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES TOTAL BUDGET AUTHORITY FOR FISCAL YEARS 1989-90

Item	Fiscal year 1989	Fiscal year 1990	Change
Interior and related agencies appropriations bill.....	\$10,228,751,000	\$11,063,932,000	+\$835,181,000
Permanent appropriations, Federal funds.....	1,557,333,000	1,812,231,000	+254,898,000
Permanent appropriations, trust funds.....	856,075,000	884,177,000	+28,102,000
Total, budget authority.....	12,642,159,000	13,760,340,000	+1,118,181,000

REVENUE GENERATED BY AGENCIES IN BILL

The following tabulation indicates total new obligational authority to date for fiscal years 1988 and 1989, and the amount recommended in the bill for fiscal year 1990. It compares receipts generated by activities in this bill on an actual basis for fiscal year 1988 and on an estimated basis for fiscal years 1989 and 1990.

Item	Fiscal year—		
	1988	1989	1990
New obligatory authority	\$9,342,680,000	\$10,228,751,000	\$11,063,932,000
Receipts:			
Department of the Interior	5,415,913,000	4,541,181,000	5,638,159,000
Forest Service	1,336,298,000	1,521,948,000	1,510,703,000
Netal petroleum reserves	642,000,000	564,000,000	510,000,000
Total	7,394,211,000	6,627,129,000	7,658,862,000

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1990, is defined by the Committee as follows:

As provided for by section 252(a)(1)(B)(i) of Public Law 99-177 and for the purposes of a Presidential Order issued pursuant to section 252 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, state and other administrative units and the like, for which funds are provided in fiscal year 1990.

The Committee emphasizes that any item for which a specific dollar amount is mentioned in an accompanying report, including all increases over the budget estimate approved by the Committee, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all non-defense accounts.

COMMITTEE INITIATIVES

Many of the Committee's initiatives relate to the protection of natural resources on public lands, to the development of new energy sources, and to implementing actions taken by authorizing committees. In support of such initiatives, the Committee has recommended increases above the budget estimates as shown in the following table:

Public resources:

Soil, water and air management (BLM and FS)	+\$19,078,000
Wildlife habitat management (BLM and FS)	+26,718,000
Recreation resources management (BLM and FS)	+30,636,000
Land and Water Conservation Fund: State grants	+16,700,000
Historic Preservation Fund	+80,600,000
Urban forestry assistance	+2,800,000
Forest trail maintenance	+7,678,000
Fire protection	+10,400,000
Forest research	+16,636,000
Forest pest management	+6,000,000
Forest management and utilization	+14,700,000

Coastal studies	+6,800,000
Water research	+13,978,000
Energy:	
Control technology and coal preparation	+27,840,000
Fuel cells	+19,500,000
Heat engines	+31,900,000
Magnetohydrodynamics	+11,100,000
Coal liquefaction and gasification	+42,900,000
Oil and gas recovery	+38,925,000
Industrial conservation	+18,444,000
Buildings conservation	+87,905,000
Transportation conservation	+20,367,000
Weatherization and schools and hospitals	+35,972,000
Strategic Petroleum Reserve Oil	+186,513,000
	+284,000,000

LAND AND WATER CONSERVATION FUND

Following is a comparison of the Land and Water Conservation Fund by agency. More specific information can be found in each agency's land acquisition account.

LAND AND WATER CONSERVATION FUND

(In thousands of dollars)

	Enacted fiscal year 1989	Estimate fiscal year 1990	Recommended	Changes from estimate
Assistance to States:				
Matching grants	\$16,700		\$16,700	+\$16,700
Administrative expenses	3,300	\$3,383	3,300	-83
Subtotal, assistance to States	20,000	3,383	20,000	+16,617
Federal programs:				
Bureau of Land Management	12,290	20,885	13,490	-7,395
Forest Service	64,205	64,831	61,988	-2,843
Fish and Wildlife Service	57,529	51,415	64,290	+12,875
National Park Service	52,689	66,076	61,016	-5,060
Subtotal, Federal programs	186,633	203,207	200,784	-2,423
Total, LAWCF	206,633	206,590	220,784	+14,194

With the decrease in funds available for land acquisition, more emphasis has been placed on land exchanges to continue adding valuable lands to help create new or fill out existing refuges, recreation areas and park areas. Although land exchanges can be useful, they also create some problems. Staff time necessary to complete exchanges is in most cases much more extensive than with fee acquisition because it frequently takes years to complete an exchange. The Committee is concerned that the Congress does not have enough information to know what agency plans are in this regard. Accordingly, the Committee directs that each land acquisition agency continue to provide in annual budget justifications, a detailed statement of expenditures proposed for exchanges and a listing of the exchanges under consideration. The Committee expects the approval process now in place to continue in fiscal year 1990.

INDIAN PROGRAMS

The Committee recommends appropriations of new budget authority aggregating \$2,776,951,000 for Indian programs in fiscal year 1990. This is an increase of \$534,180,000 above the budget request for fiscal year 1990, and an increase of \$528,785,000 above the amount appropriated for fiscal year 1989. Major increases over the budget, recommended by the Committee, include the following:

Education	+ \$15,353,000
Social services	+ 8,450,000
Self-determination services	+ 7,000,000
Tribal courts and law enforcement	+ 4,403,000
Agriculture	+ 1,716,000
Forestry	+ 3,650,000
Wildlife and parks	+ 5,065,000
Buildings and utilities construction	+ 1,125,000
Fish hatcheries	+ 1,600,000
Irrigation systems	+ 21,195,000
Housing	+ 3,400,000
Road construction	+ 1,884,000
Hospitals and clinics	+ 66,677,000
Contract health care	+ 14,000,000
Urban health projects	+ 2,600,000
Hospital/clinic construction and rehabilitation	+ 27,449,000
Sanitation facilities	+ 35,000,000

Spending for Indian services by the Federal Government in total is included in the following table:

FEDERAL FUNDING OF INDIAN PROGRAMS

(In thousands of dollars)

	FY 1988 actual	FY 1989 estimate	FY 1990 January budget estimate 1
Department of Agriculture	\$98,323	\$98,088	\$101,244
Department of Commerce	7,293	7,370	1,495
Department of Defense	7,000	0	0
Department of Education	438,003	451,107	442,076
Department of Energy	2,000	2,000	2,000
Department of HHS	1,103,922	1,174,349	1,172,353
Department of HUD	320,400	219,000	104,700
Department of the Interior	1,172,972	1,165,168	1,211,670
Department of Labor	72,782	71,908	71,908
Department of Transportation	80,000	80,000	80,000
Environmental Protection Agency	13,666	7,542	6,149
Small Business Administration	1,500	1,500	1,500
Total	3,317,861	3,298,032	3,195,095

1 May not reflect minor increases included in the February 9th Budget.

ENERGY INITIATIVES

There exists currently a sense of unease about the energy situation in the country. As oil imports increase, so does energy demand, thus raising the need for both increased production to stabilize imports and conservation measures to stabilize demand. Production and use of energy increasingly are viewed as leading to adverse environmental effects. Air pollution in urban areas, acid rain, and disastrous oil spills are all realities with measurable, rel-

atively quantitatively known effects. In addition, questions of global warming are being raised, and along with less certain and less measurable effects these questions also involve complex relationships between this nation and the remainder of the world. Often solutions to one set of problems lead to problems in other areas. Existing methods of reducing sulfur and nitrogen oxides from coal-burning facilities, for example, often decrease the efficiency of energy use. Materials to substitute for ozone-destroying CFCs also may very well result in less efficient use of energy in air conditioning equipment. Because of the inherent conflicts that arise in such situations, and the uncertain consequences either on security, the environment, or the economy, many solutions are proposed. As in energy "crises" that have occurred in the past the tendency of most proponents of suggested "solutions" is to believe that theirs is a unique solution, and others are without merit.

The Committee does not propose a global solution. As has been the case for many years we also believe that steady progress toward goals is more effective than crash programs, no matter how lofty the aims. Along with progress, caution is also recommended. Partly as an aftermath of the oil spill in Prince William Sound in Alaska, and partly in response to environmental concerns about other impacts of oil exploration and production, several provisions have been included in the bill which would allow a pause in leasing activities in frontier Outer Continental Shelf (OCS) areas. Environmental studies are underway and various task forces are investigating and weighing impacts and alternatives in these areas. It seems clear, however, that leasing in such areas will go forward, if at all, using an abundance of caution. The current consensus, at least in the Congress, is that environmental concerns override the increased production potential from such leasing.

In other areas the Committee believes that it is necessary to both produce and conserve. Research aimed at enhancing production of oil and gas has been increased and coal research aimed at using coal more cleanly and efficiently is emphasized, as well as research attempting to develop coal-based substitutes for petroleum. For such fossil energy research and development the Committee recommends \$422,660,000, an increase of \$259,086,000 over the budget. In conservation, large increases over the budget are recommended for research in increasing efficiency in the buildings, industrial, and transportation sectors, as well as for continuing State conservation grants. The Committee recommendation is \$411,967,000, an increase of \$315,839,000 over the budget. One related area which the Committee agrees is supported adequately by the Administration is the Congressionally-initiated Clean Coal Technology program aimed at providing processes to use coal more cleanly in circumstances where the technology can be used to retrofit or repower existing facilities. The Committee recommends the entire request for two new procurements in fiscal years 1991 and 1992 totaling \$1,200,000,000.

As in the past, the Committee has provided funding in fossil energy to continue ongoing research to increase the resource base, use fossil resources more cleanly and efficiently, and substitute other fossil resources for imported oil. Since fossil fuels constitute 90% of our energy resource use this seems a reasonable approach.

expects JSM to receive Committee approval before instituting changes to the oversight program. Bill language has been included under Title I, general provisions, to require that the Bureau of Mines rather than OSM be relocated to Avondale, Maryland.

ABANDONED MINE RECLAMATION FUND

Appropriation enacted, 1989	\$193,160,000
Budget estimate, 1990	160,387,000
Recommended, 1990	192,772,000
Comparison:	
Appropriation, 1989	-388,000
Budget estimate, 1990	+42,385,000

The Committee recommends \$192,722,000 for the Abandoned Mine Reclamation Fund, an increase of \$42,385,000 over the fiscal year 1990 budget request of \$150,387,000. The amount recommended by the Committee for fiscal year 1990 compared to the budget estimate by activity is shown in the following table:

	FY 1989 Enacted	(in thousands of dollars) Budget Estimate	Change from Committee Bill	Change from Estimate
State reclamation program grants	191,480	170,000	150,000	+20,000
Federal Reclamation Programs				
Fee collection	5,581	5,720	5,720	+139
Reclamation program operations	19,005	17,384	19,044	+1,660
Rural lands reclamation program	12,000	12,000	12,000	+12,000
Subtotal, Federal Reclamation Programs	36,586	35,104	36,764	+11,660
Small operator assistance	—	1,000	2,000	+1,000
General Administration				
Executive direction	899	979	979	+80
Administrative support	1,882	2,311	2,711	+829
General services	2,285	2,285	2,424	+139
Subtotal, General Administration	4,014	5,785	5,908	+774
Total, Abandoned Mine Reclamation Fund	193,150	190,387	192,772	+2,385

The Committee has included \$150,000,000 for State Reclamation Program Grants, which includes \$146,520 for the allocation of grants to the States and \$3,480,000 for repaying four States for funds reprogrammed in fiscal year 1989 to fund emergency projects. The minimum program States are to receive \$1,500,000 which amounts to one percent of the total recommended level for Abandoned Mine Land (AML) reclamation grants. The Committee understands that eight State will be eligible for the minimum funding level. In May, the Committee approved an emergency reprogramming request which transferred \$3,480,000 in prior year AML fund recoveries to emergency projects in Kentucky, Ohio, West Virginia and Pennsylvania. These recoveries normally would have been returned to the States to fund high priority reclamation projects. To ensure an equitable resolution of this funding situation, the OSM is to fully repay those States before allocating AML funds for fiscal year 1990 AML State grants. It is unfortunate that the Department did not request a fiscal year 1989 supplemental appropriation to pay for the emergency projects and that fiscal year 1990 funds must be used to reimburse the States. The OSM is to keep the Committee apprised of the status of funds available for

emergency projects in fiscal year 1990 so that the Committee is not presented with a similar, unanticipated request.

The Committee is encouraged by the continued progress the States have made in reducing their high unobligated balances from prior year State reclamation grants and will continue to monitor obligation records. The OSM is to continue to keep updated obligation records for each State and to report quarterly to the Committee on the progress made by the States in obligating prior year unobligated balances as well as on the issuance of grants to the States.

The OSM is to report to the Committee, no later than two weeks prior to the fiscal year 1991 budget hearing before the Committee, on alternative options for, and impacts of, revising the AML allocation formula to include consideration of the grant obligation rates of the States.

The Committee is concerned with the delay in completing the review and revision of the AML inventory. The Committee expects to review the results of this effort prior to the submission of the fiscal year 1991 budget request. In the absence of a fully updated and reviewed inventory, the allocation of the Secretary's discretionary share of the AML fund in fiscal year 1990 is to be based solely on historic coal production prior to 1977.

In Federal Reclamation Programs the Committee recommends an increase of \$12,660,000 over the requested fiscal year 1990 level, including an increase of \$500,000 for high priority reclamation projects in non-primacy States and on tribal lands, \$160,000 for fully funding salaries and benefits for 12 FTEs in the Office of the Solicitor who provide AML legal support to the OSM, and \$12,000,000 to fund the Rural Abandoned Mine Program (RAMP) at the fiscal year 1989 level. Once again the Administration proposed no funding for the RAMP program despite the clear Congressional desire to provide funds for this activity.

For Small Operator Assistance Payments (SOAP) the Committee recommends an increase of \$500,000 over the Administration's request, based on SOAP distributions over the past few years.

The Committee has reduced General Administration by \$775,000 which includes reductions of \$600,000 for the Coal Data Management Information System and \$175,000 for the Federal Financial System. Reductions for these activities were also recommended in the Regulation and Technology account.

Bill language has been included to specify that the OSM is to maintain 23 FTEs for the anthracite reclamation program at the Wilkes-Barre, Pennsylvania field office.

**BUREAU OF INDIAN AFFAIRS
OPERATION OF INDIAN PROGRAMS**

Appropriation enacted, 1989	\$967,767,000
Budget estimate, 1990	917,491,000
Recommended, 1990	1,065,574,000
Comparison:	
Appropriation, 1989	+97,807,000
Budget estimate, 1990	+148,083,000

The amounts recommended by the Committee for fiscal year 1990 compared with the budget estimates by activity are as follows:

	FY 1989 Budget Estimate	(in thousands of dollars) FY 1990 Estimate	Change from Committee Bill	Change from Estimate
Education				
Johnson O'Malley educational assistance.....	186,843	182,834	200,454	17,900
Continuing education.....	23,310	20,672	23,872	4,100
Tribes/Agency operations.....	32,846	32,142	32,142	4,383
Subtotal, Education.....	243,000	235,648	256,468	13,355
Indian Services				
Tribal government services.....	6,786	7,524	7,726	200
Law enforcement.....	62,138	62,188	62,188	4,400
Self-determination services.....	5,016	6,321	4,880	241
Employment development.....	5,888	5,888	5,888	7,000
Tribes/Agency operations.....	124,812	137,861	138,776	11,767
Subtotal, Indian Services.....	195,640	220,601	209,187	27,696
Navajo-Hopi settlement program	1,066	1,002	1,002	
Economic Development and Employment Programs				
Business enterprise development.....	10,801	10,398	10,398	
Tribes/Agency operations.....	3,123	3,643	3,647	428
Subtotal, Economic Development & Employment.....	14,288	13,840	14,388	428
Natural Resources Development				
Natural resources.....	2,287	2,281	2,281	142
Recreation.....	12,378	12,283	12,283	1,718
Wildlife.....	10,097	10,107	10,107	1,100
Minerals and mining.....	29,791	28,372	28,372	8,068
Migration and power.....	7,701	8,211	8,286	1,176
Tribes/Agency operations.....	60,307	47,927	56,248	4,718
Subtotal, Natural Resources Development.....	123,161	109,840	126,022	19,182
Trust Reestablishment				
Rights protection.....	18,041	2,580	17,442	49,683
Real estate and financial trust services.....	18,262	20,213	18,213	1,000
Tribes/Agency operations.....	33,466	25,830	33,653	
Subtotal, Trust Reestablishment.....	69,769	51,722	69,688	49,683
Facilities Management	61,433	66,979	66,792	314
General Administration				
Management and administration.....	39,181	42,108	42,008	100
Public services.....	17,630	18,083	18,103	280
Employee compensation programs.....	6,018	6,431	6,431	250
Consolidated training program.....	14,862	16,481	16,481	
Tribes/Agency operations.....	19,843	20,837	21,037	200
Subtotal, General Administration.....	97,482	107,748	107,148	400
Tribal contract conversion			27,000	27,000
Total, Operation of Indian Programs	987,267	917,481	1,085,874	144,083

Education.—The Committee recommends an increase of \$15,353,000 for education. For school operations, there are the following increases: \$3,400,000 for the Bureau's reestimate of the amount of funds needed for teachers' and counselors' salaries, as required by Public Law 100-297; \$3,200,000 to adjust the Indian School Equalization Program formula for the gifted and talented program, also required by Public Law 100-297; \$800,000 for school transportation, which has declined from \$1.38 per mile in fiscal year 1986 to an estimated \$1.19 in fiscal year 1989; and \$500,000 to restore the proposed reduction for substance abuse school counselors. The Bureau should continue to try to hire certified substance abuse counselors whenever possible, or use these funds to provide additional substance abuse training to existing counselors or new hires.

The Committee is concerned about the lack of progress in meeting education standards in Bureau-funded schools, and expects a complete report on this subject to be submitted by October 1, 1989.

For the Johnson-O'Malley program, there is an increase of \$3,100,000. This consists of a restoration of \$2,600,000, plus an additional \$500,000 for the increase of 2.2 percent in the number of students served in fiscal year 1989 compared to 1988. An increase of \$4,353,000 is recommended for continuing education. Included is an increase of \$744,000 for Haskell Indian Junior College, which will restore the funding to the 1989 level, and add funds for the natural resources program, equipment, and facilities management. Also included is \$175,000 to be used for an experimental summer program, to determine if there is sufficient interest for a full summer program in future years. The increase for the Southwestern Indian Polytechnic Institute is \$619,000, to restore the funding to the 1989 level, and provide additional funds for natural resources, equipment, and an experimental summer program.

For special higher education, there is an increase of \$660,000, which includes \$160,000 to restore the summer law program at the University of New Mexico. An increase of \$1,930,000 is recommended for the tribally-controlled community colleges, which will restore funding to the 1989 level (\$680,000) and add \$250,000 to the endowment fund, \$750,000 for Title I colleges and \$250,000 for the Navajo Community College. There is also an increase of \$400,000 for a national teleteaching interactive educational delivery system demonstration between Mansfield University and the tribally-controlled community colleges.

Indian services.—An increase of \$27,656,000 is recommended for Indian services. Under tribal government services, there is an increase of \$200,000, consisting of decreases of \$250,000 for the proposed Institute of Tribal Government and \$50,000 to the central office due to unfilled positions; and an increase of \$500,000 for new tribes funding. Within the total for new tribes, \$600,000 should be made available for the Coquille Tribe.

An increase of \$8,450,000 is recommended for social services. This includes \$2,350,000 to restore welfare grant assistance to the 1989 level, and \$4,900,000 to restore Indian Child Welfare Act grants also to the 1989 level. There is also an increase of \$1,200,000 for the estimated increased costs required to provide general assistance in the States of Washington and Oregon. Should these amounts not prove to be sufficient to meet the requirements in these States, the Bureau should notify the Committee promptly of the additional funding needed. The Committee has included no funds to pay retroactive general assistance to persons who can show that they would have been eligible in Washington State between December, 1987 and March, 1989. The Committee understands these funds will be paid from funds appropriated prior to fiscal year 1990.

The Committee has deleted a provision in the bill which has been included for several years, prohibiting the payment of general assistance in the State of Alaska. There is disagreement as to whether Alaska Natives are eligible for such assistance under the Bureau's regulations, and the Committee believes this issue should be decided on the merits, rather than on the basis of the bill lan-

guage. The committee should be informed of any changes in the Bureau's position as to the provision of general assistance in Alaska, as well as the need for funding for this purpose.

Under law enforcement, there is a decrease of \$241,000. The Committee supports the hiring of additional investigators, but believes this can be accomplished within available funds, since only 5 positions were filled last year with a budget of \$510,000.

For self-determination services, there is an increase of \$7,000,000, which restores contract support to the 1989 level, and adds \$3,000,000 more for the increased levels of contracting that will result from recommendations in this bill. Under employment development, there is \$460,000 to restore the United Tribes Technical College funding to the 1989 level.

Under tribal services-tribe/agency operations, there is an increase of \$11,787,000. The Committee would like to ensure that the Bureau understands the Committee's position with regard to tribe/agency add-ons: unless otherwise stated, all such increases are to be added to the tribe's base and included in future budget requests, beginning with the fiscal year 1991 budget, unless the tribe chooses to move the funding to other programs. Under tribal courts and law enforcement, the following increases are recommended:

Tribal courts:	
Cheyenne River Sioux.....	\$500,000
Lower Elwha.....	23,000
Sault Ste. Marie.....	50,000
Penobscot.....	60,000
Northwest Intertribal court system.....	350,000
Quileute.....	25,000
Pascua Yaqui.....	100,000
Lummi.....	50,000
Quinalt.....	50,000
Standing Rock Sioux.....	100,000
Total.....	1,308,000
Law enforcement:	
Quinalt.....	175,000
Standing Rock Sioux.....	200,000
Sault Ste. Marie.....	150,000
Cheyenne River Sioux.....	400,000
Lummi.....	200,000
Rosebud Sioux.....	250,000
Pojoaque Pueblo.....	95,000
Omaha.....	150,000
Lower Elwha.....	100,000
Tohono O'Odham.....	250,000
Suquamish.....	200,000
Penobscot.....	100,000
Colorado River Tribes.....	175,000
Ramah Navajo.....	150,000
Uintah and Ouray.....	100,000
Micosuquee.....	200,000
St. Regis Mohawk.....	200,000
Total.....	3,095,000

The increase for St. Regis Mohawk will allow the tribe to develop a law and order code and related systems, and if this is completed before the end of the year, to initiate a law enforcement program. Additional funding for the program will be provided in future years. These development funds may also be used to develop the

tribal court system, including a legal code and rules for adjudication of disputes. The Bureau should also continue to work with the Seneca Nation to complete development of a law and order code for the tribe.

Also included is an increase of \$60,000 to restore Pascua Yaqui fire protection to the 1989 level. There are increases of \$3,000,000 to restore self-determination grants to the 1989 level, \$124,000 to restore funding for the Chitimacha tribe, and \$1,200,000 to restore funding for the self-governance project. These funds will allow second year planning money, if applied for, for tribes selected to participate in the projects in fiscal year 1989, additional planning money for new applicants, and funds to assist in negotiations for those tribes who are ready to implement the demonstration program authorized in Public Law 100-472. The Committee expects the Bureau to cooperate fully with the tribes participating in the self-governance demonstration program, in providing required program and budget information and negotiating agreements. The Committee will expect to receive a progress report on this program prior to the 1991 hearings. There is also an increase of \$3,000,000 to continue the initiative to address child abuse. Of these funds, \$100,000 should be made available to the Hopi Tribe to continue the Hopi Special Child Abuse Project.

Economic development.—An increase of \$425,000 is recommended, to restore funding for the grant to the Michigan tribes to the 1989 level, with additional funds to be provided by the State of Michigan. This is the final year of funding for this program.

Natural resources development.—An increase of \$19,182,000 is recommended for natural resources development. Included is a decrease of \$143,000 to natural resources, general, which was to be used to fund four existing positions previously included under another program. The funds for these positions should be transferred to this program along with the positions.

Under agriculture, there is an increase of \$1,716,000, which includes \$250,000 for the Intertribal Agricultural Council, \$1,411,000 for the next phase of crop establishment for Gila River Farms, and \$55,000 for the final year of the Nez Perce soil fertility program.

There is an increase of \$3,650,000 for forestry, which includes \$3,150,000 to restore the forest development program to the 1989 level, and \$500,000 to initiate a woodlands management program. A change in management emphasis in 1987 shifted 8.4 million acres of woodlands to the forestry program's existing base of 6.1 million acres, and the additional funds will be used for mapping, inventory, planning, product sales, and protection from trespass on woodlands in the Navajo, Phoenix, Albuquerque, and Aberdeen areas. Within the \$388,000 provided for forest products marketing, assistance, \$50,000 should be used to update the Intertribal Timber Council's study on forest products marketing and business development.

For water resources, the Committee recommends \$10,107,000, the same as the budget estimate. However, the Committee intends for \$9,238,000 of these funds to be used for the water management program, since funds for water rights negotiation and litigation will be restored under the Indian rights protection program. The Committee is aware of the requests of the Fort Belknap, Nez Perce, Stand-

ing Rock, Rosebud Sioux, and Yakima tribes for water management funds, and expects that these requests will be reviewed and funded to the extent possible within the funds provided.

The Committee has included no funds for firefighting within this account, since all such funds in the bill are included under the firefighting account included under the Bureau of Land Management.

An increase of \$5,066,000 is recommended for wildlife and parks. Included are the following increases to restore activities to the 1989 level: \$250,000 for Michigan (Great Lakes) fisheries management; \$2,000,000 for the timber/fish/wildlife initiative; and \$210,000 for the Klamath Tribe's program on the threatened sucker species. There are also increases of \$639,000 for the U.S./Canada Pacific Salmon Treaty; and \$300,000 to support tribal participation in Columbia River Gorge planning, including funds for tribal participation in planning related to the recently enacted Oregon Wild and Scenic Rivers legislation. Also included is an increase of \$300,000 for Upper Columbia United Tribes; these funds should be used only in direct support of tribal needs. There is also an increase of \$200,000, and bill language, to continue the fish hatchery maintenance program, which is \$50,000 less than provided in fiscal year 1989 now that the most serious needs have been met. An increase of \$1,508,000 is included for the Great Lakes Indian Fish and Wildlife Commission, which will restore the funding to the 1989 level (\$1,270,000) and provide an increase of \$238,000 to implement the recently executed Memorandum of Agreement with the State of Minnesota regarding off-reservation hunting and fishing in the 1854 Treaty ceded area of Minnesota, and the recently developed Tri-Band Authority Game Code governing this activity by tribal members. The funds will also be used for enforcement, court proceedings, and monitoring of tribal harvest.

A decrease of \$1,444,000 is recommended, which reflects transfer of four hatcheries and three fisheries assistance offices back to the Fish and Wildlife Service. There are also increases for the following: \$200,000 for unresolved hunting and fishing rights in the State of Washington, including shellfish, wildlife and habitat protection; \$200,000 for Quileute fisheries management, to assume fisheries operations formerly conducted by the State of Washington; \$160,000 for the Quinault Tribe, for fisheries habitat restoration, Queets River; \$150,000 for Lummi Tribe fisheries enforcement; \$100,000 for Suquamish fisheries management; \$100,000 for Stillaguamish fisheries management; \$93,000 for the Makah Tribe to survey reservation waters for the Viral Hemorrhagic Septicemia virus and other fisheries activities; and \$100,000 for the Native American Fish and Wildlife Society to implement its Tribal Technical Involvement Plan. Additional funds for this purpose should be sought from member tribes of the Society, or from other sources.

The Committee recommends an increase of \$175,000 for minerals, which consists of an increase of \$250,000 for the Council of Energy Resource Tribes, and a decrease of \$75,000 related to three existing positions which the Bureau proposes to fill. The Bureau should use available funds identified with these positions to fill them.

An increase of \$8,718,000 is recommended for tribe/agency operations. Included is \$4,863,000 for forestry, including \$2,500,000 to

restore the timber sales program to the 1989 level. Other increases include \$100,000 for the Passamaquoddy Tribe, \$455,000 for forest management on new trust lands of the Grand Ronde Community, \$408,000 to manage newly acquired tribal forest lands of the Quinalt, Jicarilla Apache and Grand Ronde tribes, \$500,000 for Menominee forest management, \$400,000 for San Carlos Apache forest management, and \$500,000 for White Mountain Apache forest management. For water resources, an increase of \$1,100,000 is included, consisting of \$150,000 for the Umatilla tribe, \$250,000 for the Flathead tribe, \$200,000 for the Miccosukee tribe, and \$500,000 for the Seminole tribe.

Under wildlife and parks, the following increases are recommended:

Taos Pueblo-wilderness program.....	\$111,000
Cheyenne River Sioux-game, fish and parks.....	200,000
Sault Ste. Marie-salmon enhancement.....	150,000
Leech Lake-hatchery.....	100,000
Montana tribes.....	100,000
Yakima-wildlife and fisheries management.....	800,000
Ogala Sioux-fish and wildlife program.....	84,000
Covele-fish and wildlife program.....	100,000
Umatilla-fisheries program.....	50,000
St. Regis Mohawk-develop fish and wildlife program.....	200,000
Red Lake Band-walleye research and management.....	60,000
Nisqually-big game biologist.....	300,000
Tulalip-fisheries.....	200,000
Navajo-natural heritage program.....	100,000
White Earth-fish and wildlife.....	100,000
Karuk-establish fisheries department.....	200,000
Nez Perce-fish and wildlife.....	200,000
Total.....	2,755,000

Trust responsibilities.—The Committee recommends an increase of \$8,853,000 for trust responsibilities. There is an increase of \$9,853,000 for Indian rights protection, which includes an increase of \$500,000 for environmental quality, to provide for additional remedial investigations of hazardous waste sites. An increase of \$1,000,000 is recommended for litigation support, which restores the reduction from the 1989 level (\$300,000), and adds \$300,000 for expenses of the Shoshone-Bannock tribe in the *U.S. v Oregon* lawsuit, \$150,000 for the Arkansas River Bed Authority, and \$250,000 to allow the Lower Elwha tribe to intervene in dam relicensing procedures. The Committee has also included bill language which will provide for litigation support funds to remain available until expended, since the timing of the need for such funds cannot always be determined accurately in advance. An increase of \$1,500,000 is recommended for attorneys' fees, which will restore the program to the 1989 level (\$500,000), and provide an increase of \$1,000,000. Within the funds provided should be adequate funds for litigation related to the Navajo-Hopi dispute, including the funds authorized for the San Juan Southern Paiute tribe. There is an increase of \$6,853,000 to restore water rights negotiation and litigation funds to the 1989 level, and to continue this activity with separate funding as opposed to combining it with water development and management funds as proposed by the Bureau. Included within this amount is \$1,300,000 to fund Little Colorado River claim preparation costs, and \$100,000 for contract studies by the Navajo and

Hopi tribe. There is also \$300,000 included for the Western Shoshone Nation for expenses related to the general stream adjudication with Idaho and Nevada.

A decrease of \$1,000,000 is recommended to financial trust services. The Committee has included bill language similar to that included in prior years, requiring reconciliation of tribal or individual accounts prior to transfer to the new trust fund contract. This decrease reflects the delay in implementing activities under the contract while this reconciliation effort continues. Additional issues related to the contract are under review by another Committee of the Congress, and may result in additional directives at a later date.

Facilities management.—An increase of \$214,000 is recommended for facilities management. Included are decreases of \$86,000 due to a reestimate of funds required for new facilities operations and maintenance (O&M) costs, and \$500,000 to reduce the request for O&M initiatives/training. There is also a transfer of an additional \$500,000 from the O&M initiatives/training request, so that the balance of the increase remaining for this purpose will be \$1,500,000. The \$500,000 transferred will be added to existing facilities O&M, along with an \$800,000 increase, to provide for an inflation adjustment of \$1,300,000 as the new O&M formula is implemented. The Department should inform the Committee as the formula is implemented if any shortfall or excess of funds is found.

General administration.—A decrease of \$600,000 is recommended for general administration. Included is a decrease of \$100,000 for Departmental billings, which still leaves an increase of 20 percent over 1989, instead of 34 percent as proposed. The basis for any such large increases should be justified by the Department in future budget justifications. There is also a decrease of \$950,000 to automatic data processing, which consists of \$750,000 related to field systems equipment replacement, and a reduction of \$200,000 based on the large number of unfilled positions. Since the field systems funding is not being used for additional field service centers as originally proposed, the need for an increase over the 1989 level is not clear.

An increase of \$200,000 is provided under tribe/agency operations to establish a field station for the Makah tribe at Neah Bay, WA. The Committee expects continued operation of the Klamath field office in fiscal year 1990 at current staffing levels. There is also an increase under program management of \$250,000 to continue the Close Up Foundation program at the 1989 level. The Committee has retained the bill language related to this funding.

Additional items.—The Committee has included \$77,000,000 in budget authority only, which is the estimate of funds needed by the Bureau to carry out the requirements of section 204 of Public Law 100-472, the Indian Self-Determination and Education Assistance Act Amendments of 1988. Under this section, the Secretary is required to use the calendar year as the basis for contracts and agreements with Indian tribes, which will require additional budget authority in fiscal year 1990 to cover the extra quarter year for all such contracts. Bill language has also been included to provide these funds for this purpose.

Under Administrative provisions, the Committee has included language proposed by the Administration which would have changed the date in P.L. 100-472 when the Secretaries of Health and Human Services and Interior shall be responsible for obtaining or providing liability insurance or equivalent coverage for Indian tribes or organizations carrying out contracts or agreements pursuant to the Act. The proposed language would have changed the date of this requirement from 1990 to 1991. However, this requirement has been in place since October, 1988, and the Committee believes the agencies involved should complete their review of this requirement and take the necessary action, including submission of proposed language or budget amendments, in order to meet the requirements of the law beginning in 1990.

The Committee is aware of concerns of the Penobscot Nation and the Passamaquoddy tribes of Maine regarding the lack of a meaningful base for funding since they attained Federal recognition in 1977, particularly since there has never been a BIA agency in Maine. Therefore, the Committee requests the Bureau to use \$5,000 of management and administration funds, along with an additional \$5,000 to be provided by the Maine tribes, to contract with an independent accounting firm familiar with Indian tribes and BIA programs, to prepare a financial and programmatic needs assessment of Bureau funds going to the Maine tribes. This will include an assessment of the sufficiency of base funding for the tribes, and the extent to which the tribes are subsidizing BIA programs, as well as unmet infrastructure needs. The report should be completed within six months, and submitted to the Committee directly by the firm involved.

The Committee is concerned with the large number of vacant positions, some for long periods of time, within the Bureau. The Bureau is requested to submit a summary of all such vacant positions, by program and location, the length of time vacant and related funding, with the fiscal year 1991 budget justification.

CONSTRUCTION

Appropriation enacted, 1989	\$79,283,000
Budget estimate, 1990	100,975,000
Recommended, 1990	134,379,000
Comparison:	
Appropriation, 1989	+55,096,000
Budget estimate, 1990	+38,404,000

The Committee recommends an appropriation of \$134,379,000, an increase of \$33,404,000 over the budget estimate. The recommended amounts, compared to the budget estimates, are shown in the following table:

	FY 1989 Enacted	(In thousands of dollars) Estimate	Change from Committee Estimate
Buildings and utilities.....	53,850	59,285	+5,435
Construction.....	1,600	1,600	0
Travelling.....	20,810	7,214	-13,596
Employee housing.....	25,825	28,463	+2,638
Road maintenance.....	---	30,000	+30,000
Contract support.....	---	9,815	+9,815
Total, Construction.....	79,285	100,078	+20,793

The Committee is concerned that the Department is taking steps to transfer control of the Bureau construction program back to the Bureau from the Office of Construction Management, prior to consultation with and agreement by the Appropriations Committees, as previously agreed with the Department. The Committee reiterates that no such changes should take place until a proposal has been submitted to the Committee and the Committee has agreed to the proposed changes. Until then, there should be no change in the arrangement as it has been in place for the last several years, whereby the Office of Construction Management retains all management control and direction of the construction program, while working with BIA to move toward an eventual transfer of the program to BIA control. The Department should also continue to submit the quarterly reports to the Appropriations Committees, promptly after the end of each quarter, on the progress made in addressing each of the Committee's directives.

Buildings and utilities.—An increase of \$1,125,000 is recommended, including \$625,000 for expansion of the Eagle Butte, SD detention center to include a detoxification facility. There is also \$500,000 for studies and A&E designs for the detention facilities which have been ranked highest on the new priority ranking list. This should provide adequate funds to initiate planning for at least the first five facilities on the list, including the Colville detention facility in Washington, and to award one A&E design contract for the highest ranked facility. The Committee expects that funding requests for construction of these facilities will be included in the budget request in future years, beginning in fiscal year 1991.

The Committee has reconsidered its directive that all new construction and major FI&R projects be designed for preengineered construction. The Committee agrees that value engineering or design analysis, aimed at achieving essential functions at the lowest life-cycle cost consistent with required performance, reliability, quality and safety, shall be used for all construction projects and major FI&R projects in the future.

Within the available funds for FI&R projects, the Committee recommends that an additional \$500,000 be made available for an addition to the Hannahville, MI Indian school. The Bureau should also work with the Sac and Fox tribe of Iowa if an application is submitted for FI&R or new construction for their school, to determine if such a request can be included in the Bureau's rankings using existing criteria.

Fish hatcheries.—The Committee recommends an increase of \$1,600,000, which includes \$1,000,000 to continue the hatchery

repair and rehabilitation program. Bill language is also included related to these funds. There is an increase of \$600,000 for the construction of a hatchery on the Pyramid Lake Indian reservation, for two endangered species: the Lahontan cutthroat and the cui-ui lakesucker.

Irrigation systems.—An increase of \$21,195,000 is recommended for irrigation systems. Included are \$2,455,000 for preconstruction engineering associated with rehabilitation and betterment of the Colorado River Indian Irrigation project; \$10,000,000 to complete block 7 of the Navajo Indian Irrigation project, NM; \$5,889,000 for rehabilitation and betterment of the on-reservation system of the San Carlos irrigation project, AZ; \$800,000 to continue the rehabilitation of the Brighton Seminole water distribution system and to initiate a similar program for the Big Cypress system, FL; \$1,500,000 to continue the rehabilitation and betterment of the Fort Belknap-Milk River irrigation project, MT; and \$551,000 for on-farm irrigation facilities, Ute Mountain Ute tribe, CO. Bill language has been included related to the Navajo Indian Irrigation project.

The Committee is concerned about the direction of the dam safety program, and requests a report on the plans for restructuring the program in order to identify more quickly and more accurately the highest priority needs for funding. The report should be submitted to the Committee by October 1, 1989.

Housing.—The Committee recommends an increase of \$3,400,000, which will restore the housing program to the 1989 level, including new construction as well as repairs.

Road maintenance and construction.—An increase of \$1,884,000 is recommended for road maintenance and construction. Bill language is also included, which will allow up to 6 percent of contract authority from the Federal Highway Trust Fund to be used to cover the road program management costs of the Bureau. This is an increase over the level of 5 percent provided in prior years, but less than the 7 percent requested by the Bureau.

The increases include \$500,000 to maintain road sealing at the 1989 level; \$384,000 for the Nambe Pueblo for repair of the Nambe Falls road, NM; and \$1,000,000 to complete the Pushmataha road in Oklahoma.

Land acquisition.—The Committee recommends an appropriation of \$4,200,000 for land acquisition. Included are \$2,200,000 to purchase Lummi burial sites in the San Juan Islands, WA and \$2,000,000 for acquisition of the Red Lake Ranch for the Pueblo of Acoma, NM.

MISCELLANEOUS PAYMENTS TO INDIANS

Appropriation enacted, 1989.....	\$18,962,000
Budget estimate, 1990.....	29,255,000
Recommended, 1990.....	191,864,000
Comparison:	
Appropriation, 1989.....	+177,912,000
Budget estimate, 1990.....	+162,609,000

The Committee recommends an appropriation of \$191,864,000, an increase of \$162,609,000, for miscellaneous payments to Indians.

The recommended amounts, compared to the budget estimates, are shown in the following table:

(In thousands of dollars)

	FY 1989 enacted	Budget estimates	Committee bill	Change from estimates
White Earth Land Settlement Act.....	509	513	513	
Old age assistance.....	2,143	742	742	
Payment to Ichang O'Odham Nation.....	11,300	12,700	12,700	
Aleutian—Pribilof Restitution.....		300	15,300	+15,000
Water rights settlements.....		15,000	75,359	+60,359
Hoopa-Yurok settlement fund.....		10,000	10,000	+10,000
Puyallup settlement.....			77,250	+77,250
Total, Miscellaneous Payments to Indians.....	13,952	29,255	191,864	+162,609

The Committee has included funds required under several Acts of Congress passed in the last year as settlement of various claims or disputes by Indian tribes or Native Alaskans. These include the Colorado Ute Indian Water Rights Settlement, Public Law 100-585, for which an increase of \$14,500,000 is included, to provide the amount of \$19,500,000 required in the law to be paid in the first year after enactment of the Act; the Salt River Pima-Maricopa Indian Community Water Rights Settlement Act, Public Law 100-512, for which an increase of \$18,735,000 is included, for a total of \$28,735,000, or about one-half the total required in the Act; the San Luis Rey Indian Water Rights Settlement Act, Public Law 100-675, for which an increase of \$27,124,000 is included, to provide the total required by the Act of \$32,124,000, including interest from the date of enactment; the Hoopa-Yurok Settlement Act, Public Law 100-580, for which \$10,000,000 is included, for deposit into the Settlement Fund established by the Act; the Aleutian and Pribilof Islands Restitution Act, Public Law 100-383, for which \$15,000,000 is provided under section 207 of the Act, for compensation to the Aleut people in lieu of the conveyance of Attu Island which is now part of the National Wilderness Preservation System; and the Puyallup Tribe of Indians Settlement Act, for which \$77,250,000 is included.

REVOLVING FUND FOR LOANS

Appropriation enacted, 1989.....	
Budget estimate, 1990.....	
Recommended, 1990.....	(\$18,000,000)
Comparison:	
Appropriation, 1989.....	
Budget estimate, 1990.....	(-18,000,000)

The Committee has not included the requested limitation of \$13,000,000 on loans to be provided from the revolving fund for loans. Instead, the Committee has included bill language which will allow loans to be made up to the level of resources and authority available in fiscal year 1989.

INDIAN LOAN GUARANTY AND INSURANCE FUND

Appropriation enacted, 1989.....	
Recommended, 1990.....	\$3,370,000

Budget estimate, 1990.....	\$265,000
Recommended, 1990.....	4,767,000
Comparison:	
Appropriation, 1989.....	+1,397,000
Budget estimate, 1990.....	+1,502,000

The Committee recommends an appropriation of \$4,767,000, an increase of \$1,502,000, for the Indian loan guaranty and insurance fund. The Committee has not agreed to the administrative limitation proposed in the budget of \$45,000,000, but has continued the language as in prior years to provide that loan principal shall not exceed resources and authority available.

The recommended increase is necessary because proposed credit reform legislation has not been enacted, and there is a need for an increased amount for interest subsidies in order to maintain the program at the current level.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Appropriation enacted, 1989.....		
Budget estimate, 1990.....		\$92,767,000
Recommended, 1990.....		76,704,000
Comparison:		
Appropriation, 1989.....		-15,978,000
Budget estimate, 1990.....		+6,063,000

The amounts recommended by the Committee for fiscal year 1990, compared to the budget estimates by activity, are shown in the following table:

	FY 1989 enacted	Budget estimates	Change from Committee Estimate
Guam			
Construction grants.....	4,900	2,000	2,900
Special program grants.....			2,000
Subtotal, Guam.....	4,900	2,000	2,900
American Samoa			
Operations grants.....	20,778	20,850	72
Special program grants.....	2,900	2,900	
Subtotal, American Samoa.....	23,678	23,750	72
Northern Mariana			
Covenant grants.....	40,100	39,850	250
Construction grants.....	10,000		10,000
Special program grant.....			118
Subtotal, Northern Mariana.....	50,100	39,850	10,250
Virgin Islands			
Construction grants.....	1,800	2,000	2,000
Construction grant.....	4,100		4,100
Subtotal, Virgin Islands.....	5,900	2,000	3,900
Territorial Administration			
Office of Territorial Affairs.....	2,078	2,848	2,848
Technical assistance.....	1,400	1,400	
Peer Authority loan assistance.....	1,400	2,000	2,000
Maintenance assistance fund.....			2,400
Subtotal, Territorial Administration.....	4,878	6,248	1,370
Total, Administration of Territories.....	92,787	70,704	22,083

Guam.—The Committee recommends \$2,500,000, the same as the budget estimate, for Guam. However, within this total, there are two changes. The Committee has deleted the \$2,000,000 included in the budget for the brown tree snake project, and has included initial funding for this project under the Office of Territorial and

Com. Appropriation, 1989 +639,000
 Budget estimate, 1990

The Committee recommends \$25,325,000, the budget request, for the Office of the Solicitor. It is the expectation of the Committee that the Solicitor will provide legal services on a reimbursable basis to the National Fish and Wildlife Foundation.

Every effort should be made to improve the quality of representation provided Indian clients. The Department has special responsibilities in regards to Indians and Indian interests must be fairly represented.

OFFICE OF INSPECTOR GENERAL

Appropriation enacted, 1989 \$18,749,000
 Budget estimate, 1990 20,595,000
 Recommended, 1990 20,737,000
 Comparison:
 Appropriation, 1989 +1,988,000
 Budget estimate, 1990 +142,000

The Committee recommends an appropriation of \$20,737,000 for the Inspector General, an increase of \$142,000 over the request. This increase is provided so that the indirect cost negotiations function may continue in the Office of the Inspector General.

CONSTRUCTION MANAGEMENT

Appropriation enacted, 1989 \$1,800,000
 Budget estimate, 1990 2,300,000
 Recommended, 1990 1,800,000
 Comparison:
 Appropriation, 1989 -500,000
 Budget estimate, 1990

The Committee recommends an appropriation of \$1,800,000 for the Office of Construction Management. This continues the office at the fiscal year 1989 level and is a reduction of \$500,000 from the request.

The proposed reduction is related to a housing study. The National Park Service has already underway a housing program for which \$10,000,000 is available in fiscal year 1989 and an additional \$10,000,000 is provided in fiscal year 1990. Also, within the Bureau of Indian Affairs there is \$500,000 for a survey of BIA housing needs.

NATIONAL INDIAN GAMING COMMISSION

Appropriation enacted, 1989
 Budget estimate, 1990 \$2,000,000
 Recommended, 1990
 Comparison:
 Appropriation, 1989
 Budget estimate, 1990 -2,000,000

A decrease of \$2,000,000 is recommended for the National Indian Gaming Commission. The Commission was established as an independent agency within the Department of the Interior by the Indian Gaming Regulatory Act (Public Law 100-497), to regulate and monitor Class II gaming such as bingo conducted on Indian

lands. Initial funding of \$2,000,000 to establish the Commission was requested in fiscal year 1990.

Two lawsuits have been filed this year challenging the validity, on constitutional and other grounds, of the Act. Pending the resolution of the issues raised in these cases, the Committee has deleted the proposed funding for fiscal year 1990.

Bill language has been included under Title I—General Provisions to extend the one-year grace period in Public Law 100-497, section 4(7)(D). Under this provision, tribes operating certain kinds of gaming operations had a one-year grace period from the date of enactment of the Act (October, 1988) to continue such operations while negotiating with the States on a Tribal-State compact. Due to delays in passing legislation in the State of Minnesota authorizing such negotiations, it is necessary to extend the grace period to allow operations to continue while negotiations go forward in the next year.

OIL SPILL EMERGENCY FUND

The Committee has included language to expand the purpose and use of the Fund established by the supplemental appropriations bill for fiscal year 1989. With these changes, the Department of the Interior has the flexibility to use these funds for the recent oil spills off the coast of Rhode Island, in the Delaware River and in Galveston Bay, Texas and any other spill that may occur during the time when this provision is in effect. As necessary, the Secretary should use funds in this account for response activities, damage assessments or contingency planning associated with the oil spill areas mentioned above. The total amount made available pursuant to this revision shall not exceed the amount appropriated to this Fund by the supplemental appropriations act for fiscal year 1989. This ceiling does not affect the use of reimbursed funds pursuant to this revision once the appropriated funds have been expended.

The Secretary is directed to report to the Committee no later than 30 days from enactment of this Act on the needs of the various Interior Department agencies responding to the oil spills off the coast of Rhode Island, in the Delaware River and in Galveston Bay. This report shall include a description of all response activities, the funds expended on those activities and the outstanding needs of the various agencies necessary to respond to the long term effects of those spills.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The Committee recommends several changes to the General Provisions proposed by the Department. The Committee continues the requirement that money transferred for certain emergency situations under the authority of Sections 101 and 102 be replenished by a supplemental appropriation which must be requested as promptly as possible. The authority is expanded to cover oil spills.

Because of past questionable details of personnel, the Committee recommends continuation of a provision requiring employee details to conform to OPM regulations.

Provisions relating to Outer Continental Shelf leasing are discussed under the Minerals Management Service.

The committee has included bill language prohibiting the Secretary of Interior from requiring regular reports on departmental contacts with Members of Congress and congressional staff. The language was prompted by a new policy directive at the Department requiring weekly reports on non-routine contacts with Members of Congress and their senior staff both from headquarters and field personnel. Such a policy could inhibit a free flow of communication between Departmental offices and Members of Congress and congressional staff. The Committee believes this to be a burdensome paperwork requirement which is not useful or necessary to keep the Secretary informed of congressional concerns.

TITLE II—RELATED AGENCIES
DEPARTMENT OF AGRICULTURE

FOREST SERVICE

The Forest Service manages 191 million acres of public lands across the country, and administers a wide variety of programs, including timber production, recreation, grazing, wildfire protection, and soil and water conservation. Recreational use of national forest land amounted to approximately 242.3 million visitor days in 1988, equal to each American spending 12 hours on the National Forest System. In fact, the National Forest provided over 40 percent of all recreation visitor days on Federal lands in 1988. An estimated 11.2 billion board feet of timber is scheduled for sale in 1990. In addition to the timber sales program, more than 14,000 farmers and ranchers pay for permits to graze cattle, horses, sheep and goats on the 105 million acres of grassland, open forests, and other forage-producing areas of the National Forest System. The Forest Service also manages more than 191 million acres of habitat for about 3,000 species of wildlife and fish. Half of the big game and cold-water fish habitat in the nation is located on National Forest System lands and waters. In addition, in the 16 western States, where the water supply is sometimes critically short, about 55 percent of the total annual yield of water is from National Forest System lands. Despite this diversity of resources and requirements for multiple use management of the National Forest System, the fiscal year 1990 budget request of the Administration continues a trend of requesting increased funds for only certain commodity-oriented programs, notably the timber sales program, while proposing reductions in almost all other activities for which the Forest Service is responsible, including research and State and private forestry. The Committee has not agreed with these proposals, and within the constrained budget available to it, has reallocated funds to provide the more balanced program required under law for management of the lands under the responsibility of the Forest Service.

FOREST RESEARCH

Appropriation enacted, 1989	\$137,867,000
Budget estimate, 1990	133,799,000
Recommended, 1990	149,435,000
Comparison:	
Appropriation, 1989	+ 11,568,000
Budget estimate, 1990	+ 15,636,000

The Committee recommends \$149,435,000 for forest research, an increase of \$15,636,000 over the budget estimate. The amounts recommended compared to the budget estimates by activity are shown in the following table:

	FY 1989 Enacted	(In thousands of dollars) Budget Estimate	Committee Bill	Change from Estimate
Forest protection research	25,191	22,204	25,482	3,278
Resource analysis	28,817	28,534	28,970	436
Timber management research	31,102	29,754	30,450	696
Forest environment research	20,497	18,971	20,400	1,429
Forest products and harvesting research	500	500	21,107	20,607
Research challenge cost share program				
Total, Forest Research	137,867	133,799	149,435	15,636

In addition to providing funds to restore the base research program to the 1989 level, the Committee has included funds to address two areas of critical concern: global climate change and tropical forestry. The amounts for these initiatives are discussed under each program. In addition, the Committee has provided a total increase of \$2,010,000 for acceleration and expansion of the spotted owl research program, and \$1,000,000 to initiate the old growth management project. Together with \$200,000 provided under the National Forest System account, this experimental research and demonstration project will involve implementing landscape ecosystem management in three geographic locations (western Washington, western Oregon and northwestern California). The goal of the project will be to perpetuate old growth characteristics for wildlife while sustaining timber yield.

Forest protection research.—An increase of \$3,478,000 is recommended for forest protection research, as follows:

Insect and disease research:	
Pineville, LA—southern pine beetle	\$113,000
Berkeley, CA—pesticide development	106,000
Durham, NH—air pollution	51,000
Delaware, OH—air pollution and gypsy moth	95,000
Hamden, CT—tree stresses and gypsy moth	198,000
Morgantown, WV—gypsy moth	344,000
Moscow, ID—root rot	106,000
Athens, GA—fusiform rust	106,000
Stoneville, MS—oak wilt	106,000
Gulfport, MS—fusiform rust	106,000
Corvallis, OR—gypsy moth	159,000
Madison, WI—wood decay	106,000
Ft. Collins, CO—mountain pine beetle	125,000
Broomall, PA—pear thrips	148,000
Subtotal	1,869,000

Fire research:

East Lansing, MI—fire ecology	106,000
Missoula, MT—fire suppression	407,000
Subtotal	513,000

Global climate change:

Delaware, OH—effects of organic compounds	146,000
Seattle, WA—effects of global warming	106,000
Durham, NH—canopy/atmosphere interactions	424,000

The Energy Information Administration is a quasi-independent agency within the Department of Energy established to provide timely, objective, and accurate energy related information to the Congress, executive branch, State governments, industry, and the public.

The amount recommended by the Committee for fiscal year 1990 compared with the budget estimate by activity is shown in the following table:

	FY 1989 Enacted	(in thousands of dollars) Committee Estimate	Change from Committee Estimate
National Energy Information System.....	83,798	85,281	85,281
Policy and Management.....	10,058	9,481	9,481
Total, Energy Information Administration.....	93,856	94,762	94,762

The Committee recommends an appropriation of \$65,232,000, the budget estimate, for the Energy Information Administration (EIA). The Committee has also recommended bill language providing that \$2,000,000 used for end use energy consumption surveys remain available until expended in order to facilitate contracting for these multi-year surveys.

ADMINISTRATIVE PROVISIONS

The Committee has included bill language, as requested by the Administration, to make permanent the provision included in the fiscal year 1989 appropriations Act which allows the use of receipts from the Department of Energy Alcohol Fuels Loan Guarantee program and unobligated balances in the alternative fuels production account for costs associated with the Alcohol Fuels Loan Guarantee program.

Also included, as requested by the Administration, is a provision allowing obligations for contracts for durations not exceeding twelve months to be made at any time during the fiscal year. This provision allows needed administrative flexibility for annual appropriations accounts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Appropriation enacted, 1989.....	\$1,020,106,000
Budget estimate, 1990.....	1,083,899,000
Recommended, 1990.....	1,189,880,000
Comparison:	
Appropriation, 1989.....	+169,224,000
Budget estimate, 1990.....	+105,981,000

The amounts recommended by the Committee for fiscal year 1990, compared with the budget estimates, are shown in the following table:

	FY 1989 Enacted	(in thousands of dollars) Committee Estimate	Change from Committee Estimate
Hospital and health clinic programs.....	91,142	92,518	+99,877
Dental health program.....	13,142	13,518	+204
Dental health program.....	13,142	13,518	+204
Maintenance and repair.....	31,189	32,933	+1,744
Contract care.....	225,155	227,177	+2,022
Contract care.....	225,155	227,177	+2,022
Public health nursing.....	14,484	14,878	+394
Public health nursing.....	14,484	14,878	+394
Public health representative program.....	4,851	4,853	+2
Public health representative program.....	4,851	4,853	+2
Community health representative program.....	29,272	31,428	+2,156
Community health representative program.....	29,272	31,428	+2,156
Urban health projects.....	9,862	10,184	+322
Urban health projects.....	9,862	10,184	+322
Tribe management.....	7,888	8,181	+293
Tribe management.....	7,888	8,181	+293
Tribe operations.....	2,894	2,894	0
Tribe operations.....	2,894	2,894	0
Facilities.....	42,471	42,177	-294
Facilities.....	42,471	42,177	-294
Medical supplies and pharmaceuticals.....	(66,000)	(73,000)	-7,000
Total, Indian Health Services.....	1,020,106	1,083,899	+63,793

The Committee recommends an appropriation of \$1,189,880,000, an increase of \$105,981,000 over the budget estimate. The recommended level will essentially maintain Indian Health Service programs at the 1989 level, plus provide funding for a number of requirements contained in the Indian Health Care Amendments of 1988 and the Indian Self-Determination and Education Assistance Act Amendments of 1988.

The Committee has not agreed to proposed bill language which would have provided two separate accounts, one for tribal health administration and one for Federal health administration. The Committee believes this would create a cumbersome funding mechanism which is not necessary in order to support and encourage more tribal contracting of IHS programs, as the Committee always has. The Committee continues to believe that the best way to encourage more tribal contracting is to provide adequate funding, including funds for contract indirect costs, and has therefore provided increased funds aimed at accomplishing this purpose.

Bill language has been included under Administrative provisions which will prohibit the expenditure of funds to implement the proposed IHS eligibility regulations until a budget request accurately reflecting the changes in costs likely to occur as a result of the regulations has been submitted to the Congress, and enacted into law. A report submitted by the Department on the estimated impact of the new regulations estimated that implementation would increase contract care costs by \$26,000,000, while the small reduction in direct care workload is not expected to have any budgetary impact on the direct program.

Hospitals and health clinics.—The Committee recommends an increase of \$66,677,000 for hospital and health clinic programs. Included is \$1,748,000 for staffing for new facilities at Sacaton, AZ, Fort Thompson, SD, Wolf Point, MT, and Toppenish, WA, and \$600,000 for funding for two newly-recognized tribes. An increase of \$470,000 is provided to equip and staff the new Siletz clinic. Also included is an increase of \$2,000,000 for the loan repayment program, as authorized in section 108 of the Health Care Improvement Amendments Act (Public Law 100-713). Other increases related to the Amendments Act are \$5,000,000 for health promotion/disease prevention activities (section 203), to include community grants,

teen prevention, reduction outreach, community injury control and cancer prevention, \$1,500,000 for 5 additional model diabetes centers and related costs (section 204), and \$10,000,000 for initial funding of the Indian health care improvement fund (section 201).

Additional increases include \$3,150,000 for operating costs for the regional substance abuse youth treatment centers; \$2,500,000 to offset partially the absorption of within grade increases; \$7,369,000 to cover the costs of special pay for physicians and nurses, due to increased pay rates or bonuses approved by the Office of Personnel Management and the Department of Defense; and \$10,000,000 to restore funds for medical supplies, equipment and contractual health care due to higher medical inflation costs. A decrease of \$650,000 is included, which reflects application of a 25 percent lapse rate to 72 new positions included in the budget request for computer support. Finally, there is an increase of \$23,000,000, which is required to fully fund tribal contractor indirect costs in fiscal year 1990. The budget had proposed meeting these costs by using insurance reimbursements. However, fiscal year 1990 will be the first year such reimbursements will be collected, under authorization provided in Public Law 100-713, and it is unlikely the amount estimated will be available. It is also the Committee's understanding that the use of these funds to offset the required contract indirect costs is not authorized.

The Committee understands that the Lac Courte Oreilles tribe in Wisconsin is funded below both the average level for the Bemidji area and for IHS nationwide, and expects IHS will address this matter to the extent possible within available funding.

The Committee urges IHS to work with the Hoopa tribe in California, if a proposal is submitted by the tribe, and to provide research and evaluation funds if justified, to assist in developing a plan for a community health care facility.

Dental health.—An increase of \$208,000 is recommended, for staffing at Sacaton, Fort Thompson, and Toppenish.

Mental health.—The Committee recommends an increase of \$7,131,000 for mental health, of which \$131,000 is for staffing at Sacaton, Wolf Point, and Toppenish. The balance of \$7,000,000 is to provide initial funding for a mental health initiative focusing on improving mental health services to American Indian/Alaska Native children and families. The incidence of child abuse, family violence, substance abuse, and suicide among American Indians/Alaska Natives is epidemic, with youth particularly at risk. Less than one-half of the need for services can be met by the current numbers of mental health professional staff; few are trained to deliver specialized services for children. The recommended funds will provide for hiring additional child and family mental health specialists (approximately 190 FTE's), to staff and operate day programs for the chronically mentally ill, provide technical assistance to Indian communities, and provide culturally relevant mental health training. Of the funds provided, \$100,000 is for the Hopi Special Child Abuse Project.

Alcoholism.—The Committee recommends \$32,935,000, the budget estimate, for the alcoholism program. Of these funds, \$100,000 is earmarked to continue the FAS research project at the University of Washington. Within available funds, the Committee

expects the Navajo alcoholism treatment demonstration project in Gallup, NM to continue at the \$200,000 level.

Maintenance and repair.—The Committee recommends \$12,177,000, the budget estimate, for maintenance and repair, and restores this program to its original position in the budget, rather than funding it as part of a proposed facilities program within the health services appropriation. The facilities program will continue to be funded in a separate appropriation.

Contract care.—An increase of \$14,000,000 is recommended for the contract care program. The increase includes \$12,000,000 for the shortfall in contract care services, and \$2,000,000 to fund the catastrophic health emergency fund up to the authorized level of \$12,000,000 (section 202 of Public Law 100-713). Included within the total funds provided is \$5,000,000 to address the backlog of deferred services.

The Committee expects the IHS to work with Sage Memorial Hospital in Arizona and the Mid-Dakota Hospital in South Dakota to provide for ongoing contract care services in their areas.

Preventive health.—The Committee recommends an increase of \$915,000, which includes \$415,000 for staffing at Sacaton, Fort Thompson, Wolf Point, and Toppenish. There is also \$500,000 to establish community health representative programs for the Grande Ronde and Klamath tribes in Oregon.

Urban health.—An increase of \$2,500,000 is recommended, which will provide initial funding for the alcohol and substance abuse prevention and treatment programs for urban Indians authorized by Public Law 100-690, the Omnibus Drug Act of 1988. Included within this amount is \$300,000 for the Thunderbird Center in Seattle.

The Committee notes that a total of \$992,000 has been budgeted for AIDS programs in the Indian Health Service in fiscal year 1990, under another appropriation. The Committee expects all of these funds will be transferred to IHS, with at least \$350,000 going to the urban programs.

Health manpower.—The Committee recommends an increase of \$1,500,000, which will allow for additional scholarships to be awarded, in order to address the continuing problems with staff shortages in the Indian Health Service.

Tribal management.—The Committee recommends \$2,594,000 for tribal management, the budget estimate. Within the total, the IHS is expected to continue the Tohono O'odham demonstration program at the 1989 level of \$275,000.

Facilities.—A decrease of \$22,177,000 is recommended, which results from transferring \$12,177,000 back to the maintenance and repair line item, and \$10,000,000 for repair and improvement projects to the facilities appropriation.

Tribal contract conversion.—The Committee recommends an increase of \$23,000,000, along with bill language, to carry out the requirements of section 204(d)(1) of Public Law 100-472, the Indian Self-Determination and Education Assistance Act Amendments of 1988. This section requires the Secretary, no later than 1990, to begin using the calendar year as the basis for tribal contracts and agreements, unless the Secretary and tribe agree on a different period. This is the amount of budget authority which IHS estimates

will be used to accomplish this requirement in fiscal year 1990. No outlays are associated with the conversion.

INDIAN HEALTH FACILITIES

Appropriation enacted, 1989	\$61,668,000
Budget estimate, 1990	75,420,000
Comparison:	
Appropriation, 1989	+ 13,752,000
Budget estimate, 1990	+ 75,420,000

The amounts recommended by the Committee for fiscal year 1990 compared to the budget estimates by activity are shown in the following table:

	FY 1989 Enacted	(in thousands of dollars) Budget Estimate	Change from Committee Bill	Change from Estimate
Hospitals replacement.....	2,700	2,400	300	300
Repair and improvement.....	15,000	15,000	0	0
Subtotal, hospitals.....	17,700	17,400	300	300
Outpatient care facilities.....	11,049	14,049	3,000	3,000
Sanitation facilities.....	41,000	38,000	3,000	3,000
Personnel quarters.....	19,500	19,500	0	0
Unobligated balances.....	700	700	0	0
Total, Indian Health Facilities.....	61,649	75,420	+13,771	+13,771

Bill language has been included to clarify that IHS is authorized to use construction funds for site acquisition in connection with approved construction projects. However, the Committee intends that the reprogramming guidelines apply in all such cases, and that any proposals to use construction funds for site acquisition, when such use has not specifically been approved in bill or report language in advance, be submitted to the Appropriations Committees for advance approval.

The Committee understands that the Office of Construction Management in the Department of the Interior has had discussions with the Indian Health Service, regarding the need to work together to address the provision of alcohol detoxification services in BIA detention facilities. The Committee expects IHS to cooperate to the fullest extent possible with OCM and BIA in planning for and implementing such programs in the future.

The Confederated Tribes of the Warm Springs Reservation are reviewing the possibility of securing non-Federal funds for the construction of a clinic on the reservation. The Committee requests IHS to work with the tribes to study this proposal, and report back to the Committee by March 1, 1990 on the feasibility and estimated costs of such an approach.

The Committee urges IHS to move expeditiously to complete planning and design of the Inland Tribal Consortium's youth alcohol and substance abuse treatment facility. The IHS should use available funds for this purpose, as well as to acquire a site, and should inform the Committee of the amount required for construction and whether additional funds will be needed for this purpose, as soon as possible. If the design is completed and funds are available, construction activities may begin during fiscal year 1990.

Hospitals.—A total of \$13,400,000 is recommended for design and construction of new and replacement hospitals, and for repair and improvement projects, as follows:

New and replacement:	
Kotzebue, AK—complete design and start sitework.....	\$3,150,000
Crow, MT—complete design.....	250,000
Subtotal.....	3,400,000

Repair and improvement:	
Cass Lake, MN.....	845,000
Whiteriver, AZ.....	510,000
Kearns Canyon, AZ.....	1,360,000
Colville, WA.....	940,000
Crow, MT.....	310,000
Rapid City, SD.....	630,000
Standing Rock, SD.....	600,000
Navajo Area.....	1,215,000
Mount Edgecumbe, Kotzebue, Barrow, AK.....	685,000
Lame Deer, MT.....	240,000
Albuquerque, NM.....	290,000
Lawton, OK.....	310,000
Tuba City, AZ.....	1,165,000
Emergencies and small projects.....	500,000
Design fund.....	500,000
Subtotal.....	10,000,000

Over half of the repair and improvement funds are for asbestos removal projects.

Outpatient care facilities.—The Committee recommends \$14,049,000 for the design and construction of outpatient care facilities as follows:

Sallisaw, OK—design and construction.....	\$4,165,000
Puyallup, WA—construction.....	8,168,000
Taco, NM—planning and design.....	216,000
Second Mesa, AZ—planning and design.....	650,000
Pinon, AZ—planning and design.....	850,000
Subtotal.....	14,049,000

Sanitation facilities.—The Committee recommends an appropriation of \$35,000,000 for sanitation facilities. This level of funding will provide services to approximately 3,000 homes to be constructed or repaired by the Bureau of Indian Affairs, tribes or other groups (\$27,000,000); and will provide \$8,000,000 for the backlog of existing homes requiring services, which is estimated to be \$65,000,000 in fiscal year 1990.

Within the funds provided, the Committee intends \$1,644,000 to be provided to complete the Seneca, NY water project, and \$1,471,000 for Tohono O'odham. The Committee is also aware of many other urgent needs for assistance with water and sewer problems, and expects the IHS to work with the Quileute, Zuni, Ojigala Sioux and Passamaquoddy Tribes to begin at least to address their needs in fiscal year 1990.

Personnel quarters.—The Committee recommends an appropriation of \$13,671,000 for personnel quarters, as follows:

Kotzebue, AK—site purchase and design.....	\$1,728,000
Pine Ridge, SD—site development.....	2,000,000
Barrow, AK—Phase I construction.....	9,910,000

Belcourt, N	933,000
Subtotal	13,671,000

Unobligated balances.—The Committee understands that there is a total unobligated balance of approximately \$4,100,000 remaining on the Rosebud, SD hospital construction project. Of this amount, approximately \$530,000 is estimated to be needed to complete the project, and another \$1,000,000 may be requested for reprogramming to other projects. From the balance, the Committee proposes that \$1,300,000 be used to complete a surgical suite at the hospital, so that this capability will be available if the decision to have the Rosebud hospital serve as a community hospital facility is made. An additional \$303,000 should be used for the asbestos abatement project at Wagner, SD. The Committee recommends that an additional \$700,000 of these balances be used to offset some of the proposed facilities costs listed above.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Appropriation enacted, 1989	\$71,553,000
Budget estimate, 1990	74,168,000
Recommended, 1990	74,149,000
Comparison:	
Appropriation, 1989	+2,596,000
Budget estimate, 1990	-19,000

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

The Committee is pleased to see the Administration request a budget which provides funding to ameliorate some of the educational disadvantages faced by Indians. The Committee is recommending \$74,149,000 for fiscal year 1990, a net decrease of \$19,000 under the Administration's request of \$74,168,000. The amount included is shown in the following table:

	FY 1989 (in thousands of dollars)		Change from FY 1989
	Enacted	Estimated	
Subject 1 - Grants to LEAs & Indian-controlled schools	62,747	64,551	+1,804
Subject 2 - Social programs for Indian students	12,721	12,721	-
Subject 3 - Social programs for Indian adults	4,000	4,138	+138
Administration	2,498	2,748	+250
Total, Indian Education	71,966	74,149	+2,183

Subpart 1 (Part A).—The Committee recommends \$55,041,000 for Subpart 1 grants, an increase of \$500,000 over the Administration's

request. Of this amount, \$51,541,000 is for grants to Local Educational Agencies (LEAs) and \$3,500,000 is for Indian-controlled schools. The Committee recommendation will provide for continuing to slowly narrow the gap between per pupil expenditures at LEAs and Indian-controlled schools. In fiscal year 1990, at the recommended level, the per pupil expenditures are expected to be \$147 at LEAs and \$648 at Indian-controlled schools. The Committee encourages the Office to explore the identification of equalizing educational benefits under the two Subpart 1 programs in addition to narrowing the large gap with respect to per pupil expenditures.

Subpart 2 (Part B).—The Committee recommends \$12,225,000 for Subpart 2 grants, a reduction of \$500,000 under the Administration's request. Public Law 100-297 authorized the development of a gifted and talented program under the Subpart 2 program. In fiscal year 1989, \$500,000 was appropriated to initiate a pilot gifted and talented program. The Department of Education was to assess the costs associated with this program as compared to programs benefiting more students and report to the Committee. Absent this report and because the Department will not obligate the funds to begin this project until the end of fiscal year 1989, the Committee recommendation does not include funding for this program in fiscal year 1990.

Subpart 3 (Part C).—The Committee recommends the requested funding level of \$4,136,000 for Subpart 3 adult education. The Department testified before the Committee that 44 percent of the Indian adults aged 25 and older had not graduated from high school and that 8 percent of this age group had less than a fifth-grade education. There is a pressing need for funding in this area and the resources provided by the Committee are a small step in that direction.

Administration.—The Committee recommends \$2,747,000 for program administration, a reduction of \$19,000 under the fiscal year 1990 budget request. Of this amount, \$2,487,000 is for salaries and expenses and \$310,000 is for the National Advisory Council on Indian Education (NACIE). The Council consists of 15 members appointed by the President. As specified in Public Law 100-297, the Council is to advise the Secretary of Education with respect to education programs related to Indian children and adults. The Committee has provided funding for 5 NACIE meetings which is the same frequency of meetings held in fiscal year 1989. The Committee supports the Department's efforts to measure program effectiveness and expects to discuss this issue during the fiscal year 1991 budget hearing.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Appropriation enacted, 1989	\$27,373,000
Budget estimate, 1990	31,218,000
Recommended, 1990	36,518,000
Comparison:	
Appropriation, 1989	+9,445,000
Budget estimate, 1990	+5,600,000

The division between the Hopi and Navajo tribes is centuries-old. The Hopi were the original occupants of the land with their origin tracking back to the Anasazi race whose presence is recorded back to 1150 A.D. Later in the 16th century the Navajo tribe began settling in this area. The continuous occupation of this land by the Navajo led to the isolation of the Hopi reservation as an island within the area occupied by the Navajo.

In 1882, President Arthur issued an Executive Order which granted the Hopi a 2.5 million acre reservation to be occupied by the Hopi and such other Indians as the Secretary of the Interior saw fit to resettle there. Intertribal problems arose between the larger Navajo tribe and the smaller Hopi tribe revolving around the question of the ownership of the land as well as cultural differences between the two tribes. Efforts to resolve these conflicts were not successful and led Congress to pass legislation in 1958 which authorized a lawsuit to determine ownership of the land. When attempts at mediation of the dispute as specified in an Act passed in 1974 failed, the district court in Arizona partitioned the Joint Use Area equally between the Navajo and Hopi tribes under a decree that has required the relocation of members of both tribes. Most of those to be relocated are Navajo living on the Hopi Partitioned Land.

In 1986, 365,000 acres, known as the New Lands, were identified in Arizona for Navajo families moving from the partitioned lands. An additional 35,000 acre ranch, the Paragon Resources Ranch, was also acquired in New Mexico.

At this time, approximately 1,024 households remain to be relocated, of which 182 are full-time residents on the Hopi Partitioned Land. Ninety-eight Navajo households have settled on the New Lands, and 32 additional Navajo households are having homes constructed on the New Lands. Progress to accomplish the 1974 mandate, despite development of the New Lands, has been slow. Completion is not anticipated, at the current level of activity, until 1993.

In fiscal year 1988, the Congress amended the Relocation Act through Public Law 100-666. This legislation abolished the 3 member Relocation Commission and created an Office of Navajo and Hopi Indian Relocation under the direction of a single Commissioner.

The Committee recommends an appropriation of \$36,818,000, an increase of \$5,600,000 over the fiscal year 1990 request of \$31,218,000. The recommended increase is to fund continued road development on the New Lands. The Committee expects the Office to budget for New Lands road development in the future so that reprogramming of housing funds is not required to support this project. The Committee expects the Office, within available funds, to conduct a study of the cost of, and need for, establishing a fire substation and rescue squad on the New Lands.

While relocation is moving forward, the Committee remains concerned about the welfare of those awaiting relocation, be they voluntary relocatees who have left the Hopi Partitioned Land, or those remaining on the land who are unable to repair their homes while they await relocation. At the Committee's request, the Commission conducted a survey of those families who had voluntarily

left the Hopi Partitioned Land. The Committee stresses the need for the Office to use the information collected from the survey to address the needs of those who are living in adverse conditions while awaiting relocation. Now that the Office has established contact with these households, it is important to keep current on their welfare and assist them in any way possible.

In fiscal years 1988 and 1989 the Committee provided \$500,000 for the repair of homes constructed prior to 1980 which, because of Commission negligence, were not decent, safe and sanitary dwellings. The Committee was also concerned about the employment of relocatees and directed the Office, in cooperation with the Navajo Tribe and the Bureau of Indian Affairs to conduct training courses on home repair—plumbing, electricity, carpentry—and then have relocatees assist contractors with the housing repair program to enable them to undertake future home repairs. The Committee is to be kept apprised of the status of this program. With respect to the repair to homes for those awaiting relocation who are residing on the Hopi Partitioned Land, the Hopi are encouraged to work with the Navajo tribe to allow repairs on these homes until these individuals are relocated. In the event problems arise, the Navajo should continue to consult with the BIA about assisting in any repairs that protect the rights of these individuals until they are relocated.

There is no forced eviction in this relocation program. Only those who have voluntarily applied to the Office and are certified eligible for relocation are presently being moved. The Committee recommends continuing language it has carried in prior years stating that there will be no evictions of families physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided. Only those who are willing to relocate will receive a new relocation home and the benefits accompanying voluntary relocation.

The United States Geological Survey undertook a study of the Puerco River to determine water quality on the new lands. In fiscal year 1988, Congress reprogrammed additional Commission funding to assist in a continuation of this effort. The current study of the Puerco and Little Colorado Rivers is a five year effort. The recommendation includes continued funding for this effort as requested by the Administration. The Committee expects to be kept informed on the status of this project, including the funding sources and the status of obligations.

The Committee is most concerned about the housing situation in Tuba City. The Office proposes to develop 280 lots in the Tuba City subdivision; however, to date only 25 lots will be provided for relocatees. The Committee does not accept the Office's speculation that 140 lots will be made available to relocatees. Therefore, the Committee directs that no funds be obligated for development of the Tuba City subdivision in fiscal year 1990 prior to a written agreement between the Office, the Tuba City Chapter of the Navajo Tribe and, as appropriate, the Navajo Housing Authority as to the distribution of lots between the Chapter and the Office's clients. The Committee is to be notified as soon as said agreement is reached and advised of the distribution of lots and of the cost-sharing arrangements with the Tribe.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

Appropriation enacted, 1989	\$3,094,000
Budget estimate, 1990	3,000,000
Recommended, 1990	4,650,000
Comparison:	
Appropriation, 1989	+1,556,000
Budget estimate, 1990	+1,650,000

The Committee recommends an appropriation of \$4,650,000 for the Institute of American Indian and Alaska Native Culture and Arts Development, an increase of \$1,650,000 over the budget estimate. However, this amount is a decrease of \$473,000 from the request of the Board of Trustees of the Institute, which under the legislation establishing the Institute as an independent, non-profit corporation, is to be submitted directly to the Congress, and is not to be adjusted by the Administration. The Committee expects that this requirement will be followed by the Administration in the future.

For operations of the Institute, the Committee has provided \$4,300,000, a decrease of \$23,000 from the request of the Board. It is assumed that the Institute may not be able to spend all of the funds requested for facilities purposes in fiscal year 1990, by the time plans are completed. It also appears the amount needed to replace dormitory furniture may have been overstated.

The Committee has included \$350,000 for the Federal contribution to the endowment fund, a decrease of \$150,000 from the request of the Board, but an increase of \$100,000 over fiscal year 1989. The Committee has also included bill language providing that the endowment funds will remain available for two years, to allow extra time to obtain matching funds.

SMITHSONIAN INSTITUTION

The Smithsonian Institution is unique in the Federal establishment. Established by the Congress in 1846 to carry out the trust included in James Smithson's will, it has been engaged for 143 years in the "increase and diffusion of knowledge among men" in accordance with the donor's instructions. For some years, it utilized only the funds made available by the trust. Then, before the turn of the century, it began to receive Federal appropriations to conduct some of its activities. With the expenditure of both private and Federal funds over the years, it has grown into one of the world's great scientific, cultural, and intellectual organizations. It operates magnificent museums, outstanding art galleries, and important research centers. Its collections are among the best in the world. Its traveling exhibits bring beauty and information throughout the country.

It attracted approximately 31,718,000 visitors in 1988 to its museums, galleries and zoological park. Additional millions also view Smithsonian traveling exhibitions, which appear across the United States and abroad, and the annual Folklife Festival. As custodian of the National Collections, the Smithsonian is responsible for more than 100 million art objects, natural history specimens, and

artifacts. These collections are displayed for the education of visitors and are available for research by the staff of the Institution and by hundreds of visiting students, scientists, and historians each year. Other significant study efforts draw their data and results directly from terrestrial, marine, and astrophysical observations at various Smithsonian installations.

The Smithsonian complex presently consists of 13 exhibition buildings in Washington, D.C. and New York City in the fields of science, history, technology, and art; a zoological park, and an animal conservation and research center at Front Royal, Virginia; the Anacostia Museum, which performs research and exhibit activities in the District of Columbia in cooperation with the community; a preservation, storage, and air and spacecraft display facility in Suitland, Maryland; two natural preserves, in Panama and on the Chesapeake Bay; an oceanographic research facility in Fort Pierce, Florida; astrophysical stations in Cambridge, Massachusetts and Mt. Hopkins, Arizona, and elsewhere; and supporting administrative, laboratory, and storage areas.

SALARIES AND EXPENSES

Appropriation enacted, 1989	\$211,240,000
Budget estimate, 1990	227,737,000
Recommended, 1990	231,981,000
Comparison:	
Appropriation, 1989	+20,741,000
Budget estimate, 1990	+4,244,000

The amount recommended by the Committee for fiscal year 1990, compared with the budget estimate by activity, is shown in the following table:

	FY 1989 Enacted	(in thousands of dollars) Budget Estimate	Committee Bill	Change from Estimate
Research	40,087	42,353	44,000	+1,647
Public Service Activities	61,532	64,721	62,452	-2,269
Administration	3,537	3,726	3,844	+108
Special Programs	7,257	7,429	7,578	+149
Administration	2,357	2,439	2,527	+88
Office of Design and Construction	19,008	21,187	20,757	-430
Office of Publications Services	2,004	2,035	2,078	+43
Office of Plant Services	21,048	23,441	23,834	+386
	27,448	41,822	37,824	-4,000
Total, Salaries and Expenses	211,240	227,737	231,981	+4,244

The Committee commends the Smithsonian for the progress it has begun to make in increasing the number of women in high level positions in the Institution, and expects these efforts to continue. However, the record with regard to minorities has not been as successful, and the Committee urges the Smithsonian to do whatever is possible to increase its efforts in this area, and expects to receive a report of additional progress in the next year. The Smithsonian should continue to submit a report to the Committee every six months on the progress made.

Research.—The Committee recommends an increase of \$1,617,000 for research, which includes a decrease of \$31,000 for the Smithsonian Astrophysical Observatory as a result of applying a 25 percent lapse rate to three new positions. There is an increase of \$230,000 for the Tropical Research Institute, including \$30,000 for the Quincentenary program and \$200,000 for staffing and equipping the new

Language is included under National Park Service, Operation of the National Park System, to allow road maintenance service to trucking permittees on a reimbursable basis. This provision has been included in the annual appropriations Act since 1954.

Language is included under National Park Service, Operation of the National Park System, to preclude entering into future concessionaire contracts that do not include a termination for cause clause. Language is also included providing for a Youth Conservation Corps program. No fewer than 90 FTE's are provided for Cuyahoga Valley NRA, OH.

Language is included under National Park Service, John F. Kennedy Center for the Performing Arts, to allow the selection of contractors for certain purposes on the basis of contractor qualifications as well as price.

Language is included under National Park Service, Administrative provisions, to allow for the transportation of children in nearby communities to and from any unit of the National Park System; for options for the purchase of land at not to exceed \$1; for procurement and delivery of medical services in park units; for use of helicopters and motorized equipment to remove feral horses and burros at Death Valley National Monument; and for emergency law enforcement situations.

Language is included in the Administrative provisions, National Park Service, to prevent funds appropriated to the National Park Service from being used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner.

Language is included under National Park Service, Administrative provisions, allowing the recovery of costs associated with special use permits and the crediting of reimbursements to the current appropriation; and preventing the implementation of an agreement for the redevelopment of the southern end of Ellis Island until 30 legislative days have elapsed from the time the Congress is notified of the plans.

Language is included under Geological Survey, Administrative provisions, for the reimbursement of the GSA for security guard services; for contracting for topographic maps and geophysical or other surveys; and for the use of contracts, grants, and cooperative agreements.

Language is included under Minerals Management Service, Leasing and royalty management, limiting the Federal contribution for data gathering for the Alaskan boundary determination; authorizing the payment of late interest; providing for reasonable expenses related to volunteer beach and marine clean-up activities; providing for refunds for overpayments on Indian allottee leases; and subcontracting the costs of collection from mineral receipts prior to distribution.

Language is included under Bureau of Mines, Mines and minerals, prohibiting closure or consolidation of any research center or the sale of any helium facilities currently in operation.

Language is included under Bureau of Mines, Administrative provisions, to allow the sale of metal or mineral products manufactured in pilot plant projects and for the acceptance of contributions from other sources and for cooperative projects.

Language is included under Office of Surface Mining Reclamation and Enforcement, Regulation and technology, to allow use of performance bond forfeitures by the regulatory authority to conduct reclamation activities; provide up to \$400 for uniform allowances for each uniformed employee; and allowing utilization of monies collected pursuant to assessment of civil penalties to reclaim lands affected by coal mining after August 3, 1977.

Language is included under Office of Surface Mining Reclamation and Enforcement, Regulation and technology, providing that the Secretary of the Interior shall abide by the terms of the Kentucky Settlement Agreement, and permitting payment to State and tribal personnel of travel and per diem expenses for training.

Language is included under Office of Surface Mining Reclamation and Enforcement, Abandoned mine reclamation fund, to limit the administrative expenses associated with RAMP type agreements entered into by the States to 15 percent. Language is also included which prohibits the Office of Surface Mining Reclamation and Enforcement from awarding reclamation grants to States which do not have an adequate penalty assessment and violator information system or which are not adequately enforcing section 521(b) of Public Law 95-87.

Language is included under Office of Surface Mining Reclamation and Enforcement, Abandoned mine reclamation fund, which maintains 23 full time equivalents for the Anthracite Reclamation Program at the Wilkes-Barre field office.

Language is included under the Bureau of Indian Affairs, Operation of Indian programs, for advance payments to Indian schools and business enterprises. Language is also included to prohibit BIA funds from being used to match programs funded under the Vocational Educational Act of 1963, as amended.

Language is included under Bureau of Indian Affairs, Operation of Indian programs, providing for the use of funds for maintenance of tribally-owned hatcheries, prohibiting the transfer of tribal or individual trust funds until certain conditions have been met, providing a grant to the CloseUp foundation, providing for the transfer of excess Federal Employee Retirement System (FERS) funds to other accounts to cover FERS costs, and providing that litigation support funds will remain available until expended.

Language is included under Bureau of Indian Affairs, Construction, providing that 6 percent of Federal Highway Trust Fund contract authority may be used for management costs, providing that grant repayments under the Housing Improvement Program shall be available for that program, providing for the use of funds for rehabilitation of tribally-owned fish hatcheries, and providing for the transfer of Navajo Irrigation project funds to the Bureau of Reclamation.

Language is included under Territorial and international affairs, Administration of Territories, authorizing Territorial governments to make purchases through the General Services Administration, requiring audits of the financial transactions of the Territorial governments by the General Accounting Office, providing grant funding under the terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the North-

excess of the 1989 estimate to be made available to the Forest Service, up to a ceiling of \$35,000,000.

Language is included under the Forest Service, Administrative provisions allowing the reimbursement of employees for employment-related expenses, prohibiting issuance of a special use authorization in California until two required studies have been submitted to the Congress and reviewed, providing for nonmonetary awards, providing for cooperative agreements under the challenge cost-share program, providing \$1,500 for representation expenses, and providing that all funds available for the Tongass NF shall come from the Tongass Timber Supply Fund.

Language is included under the Department of Energy, Clean coal technology, allowing unneeded funds from one procurement to be applied to a subsequent procurement prior to its issuance prohibiting contingent selection of projects, and adjusting reporting requirements from legislative to calendar days at the end of a Congressional session.

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

Language is included in the Department of Energy, Naval Petroleum and Oil Shale Reserves, providing that revenues from the sale of products produced at Naval Petroleum Reserves Numbered 1 and 3 in excess of \$510,000,000, the budget estimate, shall be deposited in the "SPR petroleum account" for acquisition and transportation of oil.

Language is included under the Department of Energy, Energy conservation, which provides an allocation of grants to State and local programs, and which provides for a cost-shared steel and aluminum research program.

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

Language is included under Administrative provisions, Department of Energy, limiting programs of price supports or loan guarantees to what is provided in appropriations acts; providing for the transfer of funds to other agencies of the Government; providing for retention of revenues by the Secretary of Energy on certain projects; requiring certain contracts be submitted to Congress prior to implementation; allowing acceptance of contributions and carrying out cooperative projects; providing for emergency transfer of funds to the Emergency preparedness appropriation; providing that the sale of assets, receipt of other funds and unobligated balances from the alternative fuels production account may be used to pay the guaranteed portion of alcohol fuels loans; and allowing obligations in connection with contracts for supplies and services for a period of not to exceed 12 months at anytime during the fiscal year in annual appropriation accounts.

Language is included under Indian Health Service, Indian health services, for payments for telephone service in private residences in the field and purchase of reprints; providing for expenditure of funds received pursuant to 42 U.S.C. 300cc-2; providing for expend-

iture of funds transferred to IHS from the Department of Housing and Urban Development; providing for a loan repayment program; for purchase and erection of portable buildings; providing that contracts and grants may be performed in two fiscal years and for a Self-Determination Fund; and providing for use of collections under Title IV of the Indian Health Care Improvement Act, with limitations on types of projects.

Language is included under Indian Health Service, Indian health facilities, for the purchase of trailers and providing that construction funds may be used for site acquisition.

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

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

Language is included under Indian Health Service, Administrative provisions, allowing payment of expenses for meeting attendance, prohibiting imposition of personnel ceilings, specifying that certain funds shall not be subject to certain travel limitations, and prohibiting the expenditure of funds to implement new eligibility regulations.

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

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

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

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

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

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

Language is included under National Gallery of Art, Repair, restoration and renovation of buildings, to perform work by contract