

DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS BILL, 1992

JULY 25 (legislative day JULY 8), 1991.—Ordered to be printed

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

REPORT

[To accompany H.R. 2686]

The Committee on Appropriations, to which was referred the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes recommended:

AMOUNTS IN NEW BUDGET (OBLIGATIONAL) AUTHORITY, FISCAL
YEAR 1992

Amount of bill passed by House	\$12,717,527,000
Amount of decrease by Senate.....	—38,834,000
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Total of bill as reported to Senate.....	12,678,693,000
Estimates considered by House	11,595,927,000
Estimates considered by Senate	11,595,927,000
Over the budget estimate, 1992.....	1,082,766,000
Over appropriations, 1991	931,143,000

General administration.—The Committee recommends an appropriation of \$5,142,000 for general administration, a decrease of \$466,000 below the budget estimate and the same as the House allowance. The recommended decrease includes \$32,000 for total quality management, \$16,000 for the women and minorities initiative, \$32,000 for the Hispanic opportunities initiative, \$14,000 for audited financial statements, \$342,000 for the Federal financial system [FFS], and \$10,000 for the take pride in America initiative.

Bill language.—The Committee has added language to the bill authorizing the Department to utilize up to 20 percent of delinquent debt recoveries to pay for contracts to collect delinquent debt. Bill language has also been added to limit the administrative costs of the rural abandoned mine program to 15 percent. In addition, the Committee has included language in the bill that authorizes the Secretary to deny 50 percent of a State's AML grant when the Secretary determines that a State is failing to adequately enforce its approved State regulatory program.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Appropriations, 1991	\$1,320,044,000
Budget estimate, 1992	750,657,000
House allowance	1,283,630,000
Committee recommendation	801,089,000

The Committee recommends an appropriation of \$801,089,000 an increase of \$50,432,000 above the budget estimate, a decrease of \$482,541,000 below the House allowance, and \$518,955,000 below the fiscal year 1991 level.

The following table provides a comparison of the budget estimate with the Committee recommendations:

	Budget estimate	Committee recommendation	Change
<i>Education:</i>			
School operations			
Johnson-O'Malley educational assistance			
Continuing education			
Tribe/agency operations			
Forward funding			
Subtotal, education			
<i>Indian services:</i>			
Tribal government services	\$10,481,000	\$10,781,000	+\$300,000
Social services	103,085,000	125,085,000	+22,000,000
Law enforcement	7,074,000	7,074,000	
Self-determination services	71,449,000	63,449,000	-8,000,000
Employment development	2,234,000	2,684,000	+450,000
Tribe/agency operations	189,112,000	189,769,000	+657,000
Subtotal, Indian services	383,435,000	398,842,000	+15,407,000
Navajo-Hopi Settlement Program	1,139,000	1,139,000	
<i>Economic development and employment programs:</i>			
Business enterprise development	18,976,000	18,976,000	

	Budget estimate	Committee recommendation	Change
Tribe/agency operations.....	3,947,000	3,947,000	
Subtotal, economic development and employment programs.....	22,923,000	22,923,000	
Natural resources development:			
Natural resources, general.....	3,279,000	3,279,000	
Agriculture.....	4,100,000	4,750,000	+ 650,000
Irrigation.....	9,419,000	9,419,000	
Forestry.....	14,464,000	16,464,000	+ 2,000,000
Water resources.....	7,672,000	10,672,000	+ 3,000,000
Wildlife and parks.....	20,098,000	27,918,000	+ 7,820,000
Minerals and mining.....	4,566,000	4,566,000	
Tribe/agency operations.....	57,983,000	60,578,000	+ 2,595,000
Subtotal, natural resources development.....	121,581,000	137,646,000	+ 16,065,000
Trust responsibilities:			
Rights protection.....	17,269,000	23,679,000	+ 6,410,000
Real estate and financial trust services.....	28,137,000	28,137,000	
Tribe/agency operations.....	27,893,000	27,943,000	+ 50,000
Subtotal, trust responsibilities.....	73,299,000	79,759,000	+ 6,460,000
Facilities management.....	30,039,000	30,039,000	
Essential services.....		12,500,000	+ 12,500,000
General administration:			
Management and administration.....	58,300,000	58,300,000	
ADP services.....	18,844,000	18,844,000	
Program management.....	881,000	881,000	
Employee compensation payments.....	12,769,000	12,769,000	
Consolidated training program.....	1,566,000	1,566,000	
Tribe/agency operations.....	25,881,000	25,881,000	
Subtotal, general administration.....	118,241,000	118,241,000	
Total, operation of Indian programs.....	750,657,000	801,089,000	+ 50,432,000

Tribal services.—The Committee recommends an increase of \$15,407,000. This includes increases of \$300,000 for new tribes funding, \$22,000,000 for social services, \$450,000 for adult vocational training to restore the fiscal year 1991 funding level for the United Tribes Technical College, and \$657,000 for tribe/agency operations. These increases are offset partially by a decrease of \$8,000,000 for self-determination services.

The increase for new tribes funding includes \$150,000 for the Coquille Tribe and \$150,000 for an economic development plan for the Ponca Tribe. With respect to the United Keetoowah Band of Cherokees in Oklahoma, the Committee understands that the authorizing committees intend to address the 1946 act. Until the Congress has taken action toward clarifying this issue, the Committee expects the Bureau to hold the proposed funds in reserve. Bill language is included to authorize the Bureau to fulfill this direction.

The funding for social services includes \$12,000,000 to restore the general assistance program to the base level. The Committee has no objection to the Bureau pursuing workability plans in order to try and reduce the caseload size for the general assistance program. It is premature, however, to reduce the funding for this program until such proposed plans are established and individuals em-

ployed for a period of time. The Committee also recommends an increase of \$5,000,000 for costs associated with the establishment of a general assistance program in Alaska.

Finally, the Committee also recommends an increase of \$5,000,000 associated with the recent changes in the payment schedule for AFDC in the State of Arizona. Since general assistance provided by the Bureau is linked, according to BIA regulations, to the levels of State assistance, these funds are necessary in order to avoid a significant drain on the Bureau's ability to provide general assistance in other locations. Within the funds provided for general assistance, the Committee expects the Bureau to provide at least \$2,000,000 to \$3,000,000 for continuation of the EARN employment assistance program in fiscal year 1992. The Committee expects the Bureau to continue the momentum and successes to date of the programs operated by the Acoma, Cherokee, Flathead, and Mississippi Choctaw, as well as consider the applications of other tribes interested in participating in the EARN program.

With respect to the overall management of the general assistance program, the Department is to keep the Committee informed of any changes in funding requirements, or revised cost estimates for the conduct of the general assistance program.

The recommendation for self-determination services includes a decrease of \$9,000,000 for self-determination technical assistance grants, an increase of \$2,000,000 for contract support costs, and a decrease of \$1,000,000 for employee displacement costs. The Committee is unable to provide for the requested increase for self-determination technical assistance grants due to budget constraints at this time. The Committee has opted to focus its limited increase in funds to direct programs operated by the tribes.

The Committee is concerned about the historic underrecovery in indirect costs experienced by the Quileute Tribe and urges the Department to review all pertinent tribal and Government records, and if an indirect payment adjustment is confirmed to provide that assistance, and to report back to the Committee on the progress toward settling this with the tribe.

Under tribe/agency operations, the Committee has restored the ongoing operational increases provided in fiscal year 1991. The restorations are itemized in the tables below. The Committee is encouraged by the Bureau's efforts in the fiscal year 1992 budget proposal to add funding for tribally operated programs. With the exception of just a few tribes, funding in the tribe/agency base for all tribe or agency locations was at least level in the fiscal year 1992 proposal when compared to the fiscal year 1991 level. The Committee has provided restorations for the add-ons provided in fiscal year 1991 in order to ensure program continuity and stability. Additional funding for the programs on the Indian priority system is addressed under the new essential services line item.

Community fire:	
Fort Belknap.....	\$78,000
Passamaquoddy	120,000
Penobscot.....	175,000
Red Lake.....	47,000

Umatilla.....	26,000
Total.....	446,000
Tribal courts:	
Flathead.....	100,000
Fort Peck.....	50,000
Grand Traverse.....	30,000
Hopi.....	50,000
Keweenaw Bay.....	80,000
Metlakatla.....	58,000
Nez Perce.....	50,000
Northwest Intertribal Courts.....	100,000
Oglala Sioux.....	100,000
Omaha.....	50,000
Rocky Boys.....	63,000
Saginaw Chippewa.....	50,000
Sault Ste. Marie.....	50,000
Suquamish.....	82,000
Turtle Mountain.....	200,000
Total.....	1,113,000
Social services: Navajo.....	298,000
Law enforcement: Juvenile detention centers.....	-1,200,000

Economic development.—The Committee recommendation is \$22,923,000, the same as the budget estimate.

Natural resources development.—The Committee recommends an increase of \$16,065,000 over the budget request. The Committee recommends an increase of \$650,000 for agriculture, for crop development as part of the Gila River farms project; and \$2,000,000 for forestry, which includes \$500,000 for forest development, of which \$300,000 is for the forestry assessment authorized in Public Law 101-630, \$500,000 for continuation of the woodland management program, and an increase of \$1,000,000 for costs associated with spotted owl management. The Committee has not included language, as proposed by the Bureau and accepted by the House, which would extend the availability of funds from timber receipts. The Committee is concerned that extending the availability may result in Bureau use of what should be tribal funds, and for which such funds are to be invested directly by the Bureau.

For water resources, the Committee recommends an increase of \$3,000,000 to restore the management and development program to the fiscal year 1991 level. Within the total funds provided, \$750,000 is to be made available for continued efforts to resolve freshwater resource planning in Washington State, with \$250,000 to be provided for the Muckleshoot Tribe to continue its involvement with the cities of Tacoma and Seattle regarding the Cedar and Green Rivers. The Committee has provided these funds with the understanding that none of these resources are to be used for litigation-related purposes. The funding level recommended by the Committee will continue the Minnesota Chippewa Water Research Laboratory and will provide the fiscal year 1991 level of \$300,000 for the Micosukee water management program.

Within wildlife and parks, the Committee recommends the following increases for the rights protection implementation programs: \$1,000,000 for the timber-fish-wildlife initiative; \$100,000 for the fish health lab of the Northwest Indian Fisheries Commission; \$356,000 for the Columbia River Intertribal Fish Commission;

\$210,000 for the Klamath Conservation Program; \$450,000 for the 1854 authority; \$1,150,000 for the Great Lakes Indian Fish and Wildlife Commission; \$150,000 for the Chippewa-Ottawa Treaty Fishery Management Authority; \$200,000 for the United States-Canada Pacific Salmon Treaty; \$300,000 for the Upper Columbia United Tribes; and \$200,000 for Lake Roosevelt management, to be divided equally between the Colville and Spokane Tribes.

In preparation for the fiscal year 1993 appropriations hearings, the Committee expects the Bureau, in conjunction with the affected tribes and tribal organizations, to undertake an analysis of the funds provided within rights protection. While many of the programs funded are ongoing and involve monitoring, analysis, and participation in resource management issues, the Committee is concerned that an accurate presentation of the base funds for these purposes be established. The Committee is concerned about future funding increases given overall budgetary constraints and how alternative resource issues will be addressed within the context of existing funding for these programs.

The Committee also expects the Bureau to work cooperatively with the tribes in identifying funding opportunities from other Federal agencies when resource issues surface which involve other agencies. In the case of the salmon in the Columbia River basin, for example, the Committee expects the Bureau to assist the tribes in their efforts to work with agencies such as the Bureau of Land Management, Forest Service, Bonneville Power Administration, and National Marine Fisheries Service. The trust responsibility of the Secretary involves the entire U.S. Government, not just those agencies under the jurisdiction of the Secretary of the Interior.

Other wildlife and parks increases include \$325,000 for unresolved hunting and fishing rights, \$200,000 for hatchery maintenance, including bill language, and \$3,179,000 for tribal management and development programs. The increase for tribal management and development programs consists of the following restorations and new funding initiatives:

Bad River fish and game.....	\$75,000
Chugach fisheries.....	350,000
Columbia River tribes planning.....	200,000
Duck Valley Shoshone Paiute.....	100,000
Fond du Lac fish and wildlife.....	50,000
Fort Peck fish and wildlife.....	110,000
Hualapai wildlife management.....	200,000
Keweenaw Bay fisheries management.....	50,000
Lac du Flambeau fish and wildlife.....	175,000
Menominee fish and wildlife.....	150,000
Metlakatla halibut.....	34,000
Native American Fish and Wildlife Society.....	100,000
Navajo natural heritage/natural resources.....	280,000
Oglala Sioux natural resources.....	100,000
Passamaquoddy conservation.....	100,000
Penobscot wildlife conservation.....	100,000
St. Croix Chippewa conservation/aquaculture.....	250,000
Umatilla fisheries.....	200,000
White Earth Chippewa natural resources.....	55,000
White Mountain Apache wetlands and fisheries.....	50,000
Wisconsin fishery resource planning.....	250,000
Yakima fish and wildlife.....	200,000
Total.....	3,179,000

As part of its efforts in conjunction with the reorganization task force, the Committee expects the Bureau to consider alternative methods of presenting the natural resources portion of the budget. In responding to Committee requests for capability statements, the Bureau indicated that many tribes receive funding from various program elements within the wildlife and parks function, as well as from the tribe/agency wildlife and parks line item. The Committee is concerned about duplication amongst these elements, as well as the administrative and accounting complexities associated with so many similar programs.

Within the funding provided for the minerals and mining program, the Bureau is to work with the Osage Tribe to administer the vast mineral estate and provide sufficient resources and staff to manage properly the trust resource.

For tribe/agency operations, the Committee recommends an increase of \$2,595,000. Additional funding for the programs on the indian priority system is addressed under the new essential services line item. The restorations of fiscal year 1991 tribe/agency natural resource add-ons are itemized below.

Agriculture:

Cheyenne River Sioux.....	\$200,000
Nez Perce	100,000
Zuni	75,000
Total	375,000

Forestry:

Coeur d'Alene.....	91,000
Nez Perce	200,000
San Carlos Apache	100,000
Total	391,000

Water:

Colorado River tribes	200,000
Colville.....	150,000
Fort Berthold.....	150,000
Nez Perce	100,000
Standing Rock Sioux.....	600,000
Umatilla	100,000
Total	1,300,000

Wildlife and parks:

Flathead.....	100,000
Fort Berthold.....	150,000
Karuk.....	50,000
Miccosukee.....	100,000
Navajo.....	200,000
Oglala Sioux.....	100,000
Shoshone-Bannock.....	30,000
Standing Rock Sioux.....	99,000
Yurok.....	100,000
Total	529,000

Trust responsibilities.—The Committee recommends an increase of \$6,460,000. Within rights protection, the Committee recommends an increase of \$2,000,000 for litigation support, with \$1,500,000 provided for expert studies associated with the Little Colorado River litigation, and \$500,000 for tribal oversight of negotiation and litigation, to be divided with \$210,000 each for the Navajo and Hopi

Tribes, \$60,000 for the San Juan Southern Paiute Tribe, and \$20,000 for the Zuni Tribe, because it owns lands within the Little Colorado River watershed. Within the funds provided for litigation support, \$150,000 is available for the Arkansas Riverbed Authority.

Also within rights protection, the Committee recommends an increase of \$3,350,000 for water rights negotiation and settlement, which includes \$3,000,000 for high-priority water rights cases and \$350,000 for costs associated with the Pyramid Lake settlement. Within the total funding for water rights negotiation and settlement, at least \$300,000 is available for the Lower Elwha Tribe for its participation in FERC deliberations over the removal of existing dams. The Committee also expects the Department to give high priority to the consideration of water rights issues in Oregon, particularly with respect to the Klamath basin and the Warm Springs negotiations.

The Committee recommendation also includes an increase of \$600,000 for attorneys fees and \$460,000 for unresolved rights issues, which includes \$200,000, to be divided equally between the Navajo and Hopi Tribes for tribal review and participation in the Black Mesa study, \$60,000 for the Alaska Sea Otter Commission, and \$200,000 for planning studies for the Crow Creek Sioux Tribe. The funding for attorneys fees includes \$320,000 to be divided equally between the Hopi and Navajo Tribes for the 1882 litigation and \$570,000 is to be divided equally among the Hopi, Navajo, and San Juan Southern Paiute Tribes for the 1934 litigation.

Within real estate services, as proposed in the budget, \$375,000 is provided for continuation of cadastral surveys of the Arkansas Riverbed.

Under tribe/agency operations, the Committee has included an increase of \$50,000 to restore the fiscal year 1991 funding for the Flathead realty office.

Essential services.—The Committee concurs with the House proposal to establish a new line item for funding to address tribally determined priorities. The Committee recommends an increase of \$12,500,000 for these functions for fiscal year 1992. Except for the restoration of funds provided in fiscal year 1991, the Committee has not earmarked tribe/agency funds for fiscal year 1992. The Committee has provided the proposed funding with the understanding that the Bureau of Indian Affairs will consult with tribes about the allocation of the additional resources. Once the tribes have established the priority programs where the recommended funds are to be allocated, these funds will, in effect, be transferred from the essential services line item to the traditional tribe/agency lines in each of the major activities of the BIA budget structure—education, tribal services, economic development, natural resources, trust, and general administration. Within the total provided, \$1,000,000 is recommended as an increase for the base of the Michigan tribes. Of the balance, so that tribes may realize meaningful resource gains from funding recommended, the Committee expects the remaining \$11,500,000 to be allocated to tribes which did not receive any recurring add-ons in the tribe/agency element during fiscal year 1991, since such add-ons are restored in the Committee's recommendations.

In its fiscal year 1992 budget submission, the Bureau provided information regarding the tribe/agency funds and their distribution in each area. This information assisted the Committee considerably in its deliberations regarding the fiscal year 1992 budget. The Bureau should continue to provide such displays in future budget justifications, as well as continue efforts to provide distributions by tribe within multitribe agencies.

General administration.—The Committee recommends \$118,241,000, the same as the budget request. The Committee has retained funds proposed in the budget for training associated with conversion to the Federal financial system.

The Committee understands that the Bureau and the Nez Perce Tribe continue to work with the General Services Administration regarding office space for the northern Idaho agency which is presently located in Lapwai, ID. The Committee is concerned that alternative space arrangements may be considered that would involve the relocation of this agency office away from the tribal members the agency serves. It is the Committee's understanding that the Bureau has not proposed that the northern Idaho agency be relocated from Lapwai.

In its distribution of funding to agency offices for the delivery of services to tribal members, the Committee expects the Bureau to work to ensure that consideration is given to the needs of all tribal members living on the reservation, including those who might be located away from the primary population centers on the reservation, such as those Navajos who live in Utah.

Miscellaneous.—The Committee has included bill language establishing a receipt account for the funds collected pursuant to the Alaska Resupply Program. This will allow the funds to go directly into a separate account and remain available until expended, rather than the current practice which requires that the funds be merged with the regular operating account whereby the funds lapse at the end of the fiscal year.

The Committee has deleted bill language continued by the House from fiscal year 1991 regarding reorganizations of the Bureau. The Committee does not intend to overtly restrict all reorganizations within BIA, but remains concerned that the recommendations of the task force be considered and incorporated into any major reorganizations contemplated by the Bureau. The Committee has provided bill language continuing the reorganization task force and ascertaining their role in the review of any reorganization proposal put forth by the Department.

The Committee has amended the bill to reflect the Committee's proposal to fund education programs out of a separate appropriation account.

INDIAN EDUCATION PROGRAMS

Appropriations, 1991	
Budget estimate, 1992	\$418,616,000
House allowance	
Committee recommendation	431,741,000

The Committee recommends an appropriation of \$431,741,000, an increase of \$13,125,000 above the budget estimate and an increase

of \$431,741,000 above the House allowance since the House did not agree to a separate appropriation account for education.

The following table provides a comparison of the budget estimate with the Committee recommendations:

	Budget estimate	Committee recommendation	Change
School operations.....	\$326,984,000	\$329,084,000	+\$2,100,000
Johnson-O'Malley.....	19,526,000	23,826,000	+4,300,000
Continuing education.....	32,657,000	39,282,000	+6,625,000
Tribe/agency operations.....	33,739,000	34,739,000	+1,000,000
Education program management.....	5,710,000	4,810,000	-900,000
Total, Indian education programs.....	418,616,000	431,741,000	+13,125,000

The Committee recommends a separate appropriation for Indian education programs, as proposed by the administration. The Committee will await the recommendations of the reorganization task force before considering any managerial restructuring of the Indian education program. The funds are provided in a separate appropriation account in order to highlight the funding provided for Indian education. The Committee is particularly concerned that the budget structure complement any proposal for education program oversight, including the division of responsibilities with respect to education facilities.

The Committee expects the Bureau to conduct a needs assessment on the steps and resources necessary to bring the Riverside Indian School up to the State of Oklahoma juvenile boarding school requirements and to submit this report to the Committees by February 15, 1992.

School operations.—The Committee recommends an increase of \$2,100,000, which includes \$2,000,000 for the ISEP formula to meet increased student enrollment and \$100,000 for the Navajo child sexual abuse project for increased teacher screening and training.

Johnson-O'Malley.—The Committee recommends an increase of \$4,300,000, for a total of \$23,826,000, to restore approximately the fiscal year 1991 program level.

Continuing education.—The Committee recommends an increase of \$6,625,000, which consists of increases of \$977,000 for Haskell Indian Junior College; \$500,000 for the Southwestern Indian Polytechnic Institute; \$160,000 for the summer law program of the University of New Mexico; \$488,000 for the scholarship program of the American Indian Graduate Center; \$3,000,000 for the title I tribally controlled community colleges; \$1,000,000 for the Navajo Community College; and \$500,000 for the tribal college endowment fund.

Tribe/agency operations.—The Committee recommends an increase of \$1,000,000, which will restore the fiscal year 1991 tribe/agency add-ons for scholarships for Navajo, \$500,000; Standing Rock Sioux, \$200,000; and Turtle Mountain, \$300,000.

Education program management.—The Committee recommends a net decrease of \$900,000, which consists of decreases of \$1,000,000 for new positions and \$200,000 for volunteers, and a partially offsetting increase of \$300,000 for the Close-Up Program. Bill language is included for the Close-Up funding.

CONSTRUCTION

(INCLUDING RESCISSION)

Appropriations, 1991	\$167,653,000
Budget estimate, 1992	79,879,000
House allowance	212,856,000
Committee recommendation	104,010,000

The Committee recommends an appropriation of \$104,010,000, an increase of \$24,131,000 above the budget estimate, a decrease of \$108,846,000 below the House allowance, and a decrease of \$63,643,000 below the fiscal year 1991 level.

The following table provides a comparison of the budget estimate with the Committee recommendations:

	Budget estimate	Committee recommendation	Change
Buildings and utilities	\$5,671,000	\$7,971,000	+\$2,300,000
Fish hatcheries	500,000	1,500,000	+1,000,000
Irrigation systems	7,954,000	34,857,000	+26,903,000
Housing	21,256,000	21,256,000	
Land acquisition		1,933,000	+1,933,000
Road maintenance and construction	43,820,000	38,815,000	-5,005,000
Contract support		-3,000,000	-3,000,000
Self-governance compacts	678,000	678,000	
Total	79,879,000	104,010,000	+24,131,000

Buildings and utilities.—The Committee recommends an increase of \$2,300,000. This recommendation includes \$750,000 as the final Federal contribution toward the construction of a replacement facility for the Northern Cheyenne Tribe and \$1,550,000 for planning and design for law enforcement facilities. The Committee is concerned over revised estimates associated with the Northern Cheyenne facility and emphasizes that no additional Federal funds will be provided for this purpose. Within the total funding for advance planning and design, the Bureau is to work with the Chickasaw Nation to complete planning for a cultural resources center in Oklahoma.

The Committee directs the Bureau to transfer Old Tuba City Boarding School Building No. 78 to the Navajo Tribe on behalf of the Tuba City Cultural Projects, Inc. Building No. 78 is the old school laundry which is asbestos-free and available for transfer. The tribe will accept the building on behalf of Tuba City Cultural Projects, Inc. who will then assume responsibility for the historic preservation efforts.

Irrigation systems.—The Committee recommends an increase of \$26,903,000 above the budget request, which includes \$7,500,000 for the Navajo Indian irrigation project, for a total of \$11,300,000; \$1,642,000 for Gila River Farms, Sacaton South; \$586,000 for phase II of the Crow Creek Sioux project; \$2,760,000 for the San Carlos irrigation project; \$600,000 for the West Shiprock/Hogback project; \$2,000,000 for the Wind River irrigation project, with bill language clarifying that funds appropriated are to be nonreimbursable; \$500,000 for the Seminole/Big Cypress irrigation project; and \$11,315,000 for the safety of dams program.

Fish hatcheries.—The Committee recommends an increase of \$1,000,000, which includes an increase of \$500,000 for the hatchery rehabilitation program and \$500,000 for the completion of the Tamgass Creek Hatchery.

Land acquisition.—The Committee recommends an increase of \$1,933,000, which includes \$1,875,000 for the Skokomish Tribe to acquire lands within the Skokomish River delta and \$58,000 for the acquisition of range improvements at the San Carlos mineral strip.

Road maintenance and construction.—The Committee recommends a decrease of \$5,005,000 from the budget request. The Committee proposes a decrease of \$6,000,000 to the road sealing program, since the Senate-passed highway bill expands the authorization of the Federal Highway Program to include road sealing for eligible Indian roads. This decrease is offset partially by an increase of \$500,000 for the Tohono O'odham road maintenance program, which the Committee expects to remain in the base, and an increase of \$495,000 for the construction of a bridge to improve access to the tribal lands of the Houlton Band of Maliseets.

Other.—The Committee has rescinded \$3,000,000 in contract support funds appropriated in fiscal year 1991 since these funds are not estimated to be necessary in fiscal year 1992.

EDUCATION CONSTRUCTION

Appropriations, 1991	
Budget estimate, 1992	\$50,998,000
House allowance	
Committee recommendation	92,798,000

The Committee recommends an appropriation of \$92,798,000, an increase of \$41,800,000 above the budget estimate, \$92,798,000 above the House allowance and the fiscal year 1991 level.

The following table provides a comparison of the budget estimate with the Committee recommendations:

	Budget estimate	Committee recommendation	Change
Construction program management.....	\$3,509,000	\$3,509,000	
New school construction	9,000,000	36,800,000	+ \$27,800,000
Advance planning and design.....	1,500,000	5,500,000	+ 4,000,000
Facilities improvement and repair	34,989,000	44,989,000	+ 10,000,000
Employee housing.....	2,000,000	2,000,000	
Total, education construction.....	50,998,000	92,798,000	+ 41,800,000

The Committee concurs in the administration's proposal to establish a separate appropriation account for funds associated with education facilities construction. As with the "Indian Education programs" appropriation account, the Committee does not interpret the establishment of this separate account as a signal that a separate Bureau of Indian Education is necessary. The Committee will await the findings of the reorganization task force before proceeding with any restructuring of the education program.

New school construction.—The Committee recommends an increase of \$27,800,000. Of this amount, \$23,000,000 will be allocated to begin construction, upon completion of the necessary planning

and design, for the following schools: Eastern Cheyenne River, Rock Point Community School, Tucker Elementary School, and Many Farms School. These construction funds are in addition to the \$9,000,000 in the budget request, which included \$7,000,000 for the Pinon Community School Dorm and \$2,000,000 for completion of the Pine Ridge High School. The Committee has not provided specific amounts for each of these schools pending completion of the planning and design activities so that a more accurate cost estimate may be considered by the Committee. The Committee expects the Department to report no later than March 1, 1992, on the status of the design efforts and associated cost estimates. The Committee will address funding for the balance of the construction for these schools in fiscal year 1993, in addition to considering the next eligible schools on the priority list.

In addition to the new schools funding, the Committee recommendation includes \$1,800,000 for the seventh and eighth grade expansion of the Dunseith Elementary School, and \$3,000,000 for a residential hall at Haskell Indian Junior College.

Advance planning and design.—The Committee recommends an increase of \$4,000,000, which will enable the Department to proceed with the consideration of additional schools so that progress can be made against the fiscal year 1992 priority list and so that new school construction funds may be considered in fiscal year 1993. The Committee does not concur in the House proposal to freeze the fiscal year 1992 new school construction priority list. The Committee is concerned about the implications of freezing the list without schools having known of the possible freezing of the list when the fiscal year 1992 priority list applications were solicited. The Committee remains concerned about the confusion regarding whether a school must or must not resubmit its application each and every year. In its reconsideration of the entire new school priority list process, the Department should consider how to address this problem in future years. As indicated last year, the Committee is concerned about the certainty a school has for funding once on the list, but at the same time, the Committee is aware of the budget constraints in the coming years, and the ability of the Committee to fund all schools on the list within its 602(b) budget allocation in any given year.

The Committee understands that the Department is in the process of reviewing the applications received as part of the fiscal year 1993 new school construction proposal solicitation. Before proceeding with a ranking of the applications received and until such time as the Department comes forward with a revised priority setting process, the Committee directs the following:

One, before establishing a fiscal year 1993 priority list, the Department ensure that all schools who applied in fiscal years 1991-92 be reconsidered for fiscal year 1993.

Two, the planning and design funds provided in the fiscal year 1992 appropriation bill be used to complete planning and design for the schools mentioned above and for the five schools ranked highest on the to-be-determined fiscal year 1993 priority list. These funds are to be made available beginning in fiscal year 1992, so that construction funds may be considered in fiscal year 1993.

Three, the list for fiscal year 1993 should include five schools proposed for construction (the same five to receive advance planning and design funds in fiscal year 1992), and five schools proposed to receive advanced planning and design in fiscal year 1993. The mix of five schools ready for construction and five schools in the planning and design phase be continued until a new process is established after public comment from the tribes.

Four, the Department make every effort to instill greater objectivity into the criteria and methods used in the evaluation of new school construction applications. The Committee is concerned about fluctuations that occur from preliminary to final rankings, and also about changes in ranking from year to year, particularly if the recommendations of the task force include continuation of an annual ranking process.

The Committee expects that the emergency replacement needs of the Second Mesa School will be given high priority when the school's application is reviewed. If ranked sufficiently high on the new list to be prepared, the planning and design costs of the school will be funded out of the amount provided by the bill so that the school would be ready for construction funding in fiscal year 1993.

Facilities improvement and repair [FI&R].—The Committee recommends an increase of \$10,000,000 to begin addressing many of the deficiencies identified in recent inspector general reports. Within the total funding provided for facilities improvement and repair, \$1,000,000 is available for the gymnasium at the Lac Courte Oreilles School.

In addition, within FI&R, the Committee recommends \$2,000,000 to begin replacement of the Pyramid Lake School. The Committee is concerned about the current situation at the school which requires that students cross a major highway while changing classes. The Committee expects the Bureau to address the balance of funds needed to complete this project in the fiscal year 1993 budget request.

The Committee is aware of revised cost estimates being developed by the Bureau and the Mississippi Choctaw regarding the costs necessary to complete reconstruction of the Choctaw Central High School. The Committee expects the Bureau to provide a full report of the use of funds appropriated in fiscal year 1988 to rebuild the school which burned, and the basis for what additional costs are needed to complete the scope of the project as originally agreed to by the tribe and the Bureau. The Committee will expect the Bureau to give consideration to this project under FI&R should reprogramming funds become available.

The Committee understands that the Bureau is working with the Puyallup Tribe regarding the future of the Chief Leschi School. The Committee expects the Bureau to consider information regarding seismic data and the stability and safety of the school as it considers alternatives to continue meeting the tribe's educational requirements.

The Committee understands that the Four Winds School, located on the Fort Totten Reservation, is being forced to turn away potential students because of a lack of classroom space. BIA should work with the tribe in order to ensure that this school is considered for

funding so that students interested in attending the school may do so.

MISCELLANEOUS PAYMENTS TO INDIANS

Appropriations, 1991	\$56,135,000
Budget estimate, 1992	87,617,000
House allowance	87,617,000
Committee recommendation	87,617,000

The Committee recommends an appropriation of \$87,617,000, the same as the budget request and the House allowance.

These funds are provided in fulfillment of the Federal Government's commitment in various negotiated settlements over disputed issues. The Committee does not concur in the House proposal to defer the payment of some of these funds until the end of the fiscal year. These settlements were negotiated and signed into law and the Committee is concerned about the precedent that would be established by deferring payment, particularly if such deferrals were to jeopardize the final dismissal of the affected cases.

The Committee recognizes that funds authorized by the Seneca Nation Settlement Act of 1990 and included in the President's fiscal year 1992 budget request correct inequities found in the prior leases. The act of 1990 also establishes an essential framework for leases between the Seneca Nation and the citizens of Salamanca and the congressional villages, including a dispute resolution process. To assure that all parties have faith in this arbitration process, final decisions of the arbitration panel are open to review by the U.S. District Court for the Western District of New York. Access to the Federal district court for the purpose of review is essential to the stated objectives of the act of 1990. Therefore, the Congress wishes to clarify that it is the understanding and intent of Congress that a party which has participated in an arbitration proceeding is authorized to file suit in district court, and the district court is authorized to confirm, enforce, or modify the arbitrators' decision, under the terms of the lease agreement and the act of 1990. Conforming fully with this understanding and intent of Congress, the Seneca Nation has agreed to be bound by this dispute resolution process, the final decisions of the arbitration panel, or the Federal courts in any appeal.

NAVAJO REHABILITATION TRUST FUND

Appropriations, 1991	\$2,984,000
Budget estimate, 1992	
House allowance	4,000,000
Committee recommendation	4,000,000

The Committee recommends a total of \$4,000,000, an increase of \$4,000,000 over the budget request and the same as the House allowance. The Committee expects the Bureau to work with the tribe to ensure a more prompt release of funds appropriated into the trust fund so that the anticipated programs and/or projects may proceed.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

Appropriations, 1991	
Budget estimate, 1992	\$3,094,000
House allowance	4,059,000
Committee recommendation	4,059,000

The Committee recommends an appropriation of \$4,059,000 an increase of \$965,000 above the budget request for the "Indian Direct Loan Program" account. The increase in funding is recommended for additional loan subsidies, in order to allow approximately \$5,000,000 in additional loans to be made in fiscal year 1992.

In considering proposals for funding under this new account, established in the Credit Reform Act of 1990, the Committee expects the Bureau to give consideration to the proposal of the Passamaquoddy Tribe to test and demonstrate economic and environmental-beneficial municipal solid waste incinerator ash utilization strategies.

As proposed by the House, bill language is included authorizing expert assistance to tribes for claims pending before the Court of Claims. In addition, to simplify the administration of the various loan and guaranty amounts, the Committee includes bill language allowing the merger of administrative funds into the "Operation of Indian programs" account.

INDIANS GUARANTEED LOAN PROGRAM ACCOUNT

Appropriations, 1991	
Budget estimate, 1992	\$8,022,000
House allowance	9,532,000
Committee recommendation	9,532,000

The Committee recommends an appropriation of \$9,532,000 an increase of \$1,510,000 above the budget request for the "Indian Guaranteed Loan Program" account.

The increased funding is recommended for additional loan subsidies so that the Bureau may provide an additional \$10,000,000 in guaranteed loans.

As with the direct loan program amount, bill language is included to simplify the administration of the various loan accounts with the "Operation of Indian programs" account.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

Appropriations, 1991	
Budget estimate, 1992	\$1,000,000
House allowance	1,000,000
Committee recommendation	1,000,000

The Committee recommends an appropriation of \$1,000,000, the same as the budget request for the technical assistance of Indian enterprises. As with these two new loan program accounts, this account is established pursuant to the Credit Reform Act of 1990.

TERRITORIAL AFFAIRS

The Congress of the United States has placed in the Secretary of the Interior certain authority and responsibility concerning the ter-

SPR PETROLEUM ACCOUNT

Appropriations, 1991	\$231,143,000
Budget estimate, 1992	(196,188,000)
House allowance	203,000,000
Committee recommendation	243,000,000
Fiscal year 1992 (by advance)	(196,188,000)

The Committee recommendation of \$243,000,000 is \$243,000,000 above the budget estimate and \$40,000,000 above the House allowance.

The Committee has included bill language which funds a portion of the SPR construction requirement for facilities expansion and enhancement from the receipts of the fiscal year 1991 test sale as noted above. Also, language capping outlays for SPR petroleum acquisition at \$144,000,000 has been included in the bill to ensure that the overall Interior appropriations bill remains within its outlay limitation. This limitation applies only to direct appropriations and to excess receipts from the naval petroleum reserve and not to the \$298,000,000 which remains available in the form of net receipts for oil sold during the Desert Storm drawdown this past winter.

The Committee has included language in the bill which permits the Secretary of Energy to enter into oil leasing agreements under the provisions of S. 1220.

ENERGY INFORMATION ADMINISTRATION

Appropriations, 1991	\$68,940,000
Budget estimate, 1992	76,454,000
House allowance	77,908,000
Committee recommendation	77,073,000

The Committee recommends an appropriation of \$77,073,000, an increase of \$619,000 above the budget estimate and \$835,000 below the House allowance. The increase includes \$128,000 to restore funding for oil and gas cost studies and foreign energy supply assessment work, \$315,000 for the annual oil and gas reserves report, and \$176,000 for the uranium industry viability report.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

Appropriations, 1991	\$1,411,167,000
Budget estimate, 1992	1,411,167,000
House allowance	1,432,712,000
Committee recommendation	1,489,091,000

The Committee recommends an appropriation of \$1,489,091,000, an increase of \$77,924,000 over the budget estimate, \$56,379,000 above the House level, and \$77,924,000 above the fiscal year 1991 appropriation. The Committee remains concerned about the provision of basic health care services for Indians. Backlogs in a number of IHS program areas have resulted in attention to only the most critical of health emergencies. Recommended allowances are contained in the following table:

	Budget estimate	Committee recommendation	Change
Hospital and health clinic programs.....	\$800,973,000	\$862,180,000	+ \$61,207,000
Dental health.....	43,153,000	48,872,000	+ 5,719,000
Mental health.....	25,462,000	27,353,000	+ 1,891,000
Alcoholism.....	69,747,000	85,724,000	+ 15,977,000
Maintenance and repair.....	15,926,000		- 15,926,000
Contract care.....	280,220,000	308,311,000	+ 28,091,000
Environmental health.....	30,738,000		- 30,738,000
Public health nursing.....	18,651,000	18,585,000	- 66,000
Health education.....	6,397,000	6,385,000	- 12,000
Community health representatives.....	39,527,000	39,527,000	
Immunization.....	1,282,000	1,282,000	
Urban health projects.....	14,246,000	16,614,000	+ 2,368,000
Indian health manpower.....	12,151,000	13,915,000	+ 1,764,000
Tribal management.....	5,102,000	5,102,000	
Direct operations.....	47,592,000	55,241,000	+ 7,649,000
Total, Indian health services.....	1,411,167,000	1,489,091,000	+ 77,924,000

Hospitals and clinics.—The Committee recommends an increase of \$61,207,000 over the budget estimate. The Committee has added funds to address basic health care delivery costs for which the administration failed to budget. The Committee rejects the administration's assumption that \$129,000,000 can be collected from third-party insurers in fiscal year 1992, when in fiscal year 1991 less than \$10,000,000 is likely to be collected. Such a ludicrous assumption on the part of the administration is tantamount to an abrogation of the trust relationship between the U.S. Government and native Americans. The funds collected from these parties are to be used to address unmet needs, and not to meet inflationary costs associated with the base program. The authorization to collect these funds was not intended to offset appropriations for basic health care.

The Committee also remains concerned about the administration's continued proposals to restructure the IHS budget without first consulting the Appropriations Committees. The budget justifications are prepared for the use of the Committees in reviewing the administration's budget proposals. Unfortunately, the administration has used the IHS budget justification as an opportunity to confound and confuse the reader in order to portray a health care program for native Americans that is not supported by the appropriations request. Therefore, the Committee has agreed to bill language proposed by the House which prohibits changes to the budget structure without advance approval of the House or Senate Appropriations Committees. In addition, the Committee expects IHS to report to the Committee by December 1, 1991, on the structure and format of its proposed presentation of the fiscal year 1993 budget.

The Committee recommendation includes an increase of \$50,000,000 for costs associated with pay increases and inflation; \$9,900,000 for population growth; \$1,307,000 for increased costs associated with staffing at new health facilities at Rosebud (\$176,000), Puyallup (\$814,000), and Sallisaw (\$317,000); \$1,000,000 for loan repayment and physician recruitment; \$2,000,000 for costs associated with patient travel in Alaska; and \$7,000,000 for the Indian health

care improvement fund. These increases are offset partially by a decrease and transfer out of \$10,000,000 in costs associated with the maintenance and support for the facilities portion of the IHS program. This way, the facilities appropriation account will more accurately reflect its associated costs.

Within the funding provided as an increase for inflation and pay increases, the Committee expects the IHS to allocate \$5,000,000 of these funds for the social services program within the hospitals and clinics activity. This will provide a total of at least \$10,000,000 for social work programs at IHS hospitals and clinics, and will help raise this program above the current level of need funded, which is 23 percent.

The Committee is concerned about the coordination of programs between social services in hospitals and clinics and the mental health program, and understands that IHS is reviewing these two programs for possible consolidation. IHS should complete expeditiously its review and report to the Committee, in conjunction with the fiscal year 1993 budget submission, on its recommendations. If a consolidation is recommended, IHS should propose a reprogramming to move funds from one activity to another.

Of the funds provided for loan repayment, the Committee expects the IHS to continue to extend the participation in this program to dentists serving in IHS or tribal programs. The Committee is informed that 10 dentists were funded under the loan repayment program in fiscal year 1991, and hopes that IHS can expand the participation of these health professionals in this program in fiscal year 1992.

The Committee is aware of a proposal by the Narragansett Tribe to use funds allocated to the tribe's fiscal year 1991 self-determination contract for the installation of three modular buildings on tribal lands in Charlestown, RI, to house the tribe's health program. The Committee expects IHS to work with the tribe to better serve the tribal community.

As in fiscal year 1991, the Committee has recommended funds to address the costs associated with the growth in the Indian population served by IHS. The Committee expects the funds added in fiscal year 1991 to remain in the base and be distributed, as with the additional 1992 funds, in the same manner as directed in fiscal year 1991. Within the increased operational funds that will be allocated, including funding for population growth, the Committee has no objection to the use of funds by the Omaha Tribe for the operation of the Carl T. Curtis Health Center.

As part of the fiscal year 1992 budget proposal, IHS is directed to report on the advantages and/or disadvantages of operating the Oklahoma City clinic as a service unit, as compared to an urban program. Also, if any change in the current arrangement at the clinic is proposed, the Committee should be informed.

Maintenance and repair.—The Committee has recommended funding the maintenance and repair program under the "Indian health facilities" appropriation account since these costs are directly linked to the condition of Indian health care facilities. In making this transfer, the facilities appropriation account will more accurately reflect direct expenditure for the facilities program. The Committee has transferred the budget request of \$15,926,000, and

within facilities, provided an increase of \$200,000 for an assessment, to be conducted jointly by IHS and an independent party, on the condition of the village-built clinics in Alaska and the estimated costs for repair.

Dental health.—The Committee recommends an increase of \$5,719,000, which includes \$2,219,000 for increased costs due to pay and inflation; \$214,000 for population growth; and \$286,000, to be divided equally for increased staffing costs at new clinics at Puyallup, WA, and Sallisaw, OK; and an increase of \$3,000,000 for unmet needs in the dental health areas. The Committee does not object to the use of some of the additional funds provided for the purchase and deployment of mobile dental units.

Mental health.—The Committee recommends an increase of \$1,891,000, which includes \$1,321,000 for increased costs associated with pay and inflation; \$240,000 for population growth; \$173,000 for staffing at the Puyallup clinic; \$57,000 for staffing at the Sallisaw clinic; and \$100,000 for the Bay Mills Indian Community child sexual abuse treatment and prevention program. Within the budget request, the Committee understands that at least \$1,800,000 is available for payments to State hospitals in North and South Dakota for indigent Indians involuntarily committed for treatment.

Within the budget request, the Committee understands that funding remains available to conduct the Hopi child sexual abuse project at the same level as was provided in fiscal year 1991. In addition, the budget includes \$300,000 to continue the Navajo Tribe's child sexual abuse prevention and treatment program.

The Committee understands that IHS is reviewing the feasibility of merging the social services funding provided under the hospitals and clinics activity with the mental health program. The Committee expects IHS to keep the Committee informed of its efforts to achieve greater efficiencies in this area.

Alcohol and substance abuse.—The Committee recommends an increase of \$15,977,000, which includes \$4,166,000 for inflationary cost increases, \$911,000 for population growth, and \$10,900,000 to address unmet needs.

Within the total funding provided for the alcohol program, at least \$1,226,000 is available to continue the Gallup alcoholism project, and \$200,000 is available to continue the Navajo alcoholism demonstration project.

The Committee is aware of the efforts of the Standing Rock Sioux Tribe to develop a demonstration program to expand the alcohol treatment program on the Fort Yates Reservation and expects the IHS to continue working with the tribe to provide assistance in this regard.

Contract care.—The Committee recommends an increase of \$28,091,000, which includes \$16,331,000 for inflation, \$6,760,000 for population growth, and \$5,000,000 for unmet needs. The Committee expects future IHS budget justifications to include further detail about the contract health care program, particularly with respect to denials and shortfalls. In addition, the Committee will expect the IHS to provide information regarding the use of contract health care funds for dental services, and the extent to which requests for these services are or are not being addressed within the funding provided. The Committee will expect a report on the status

of contract care services in Oklahoma in fiscal year 1991 no later than December 1, 1991.

The Committee is aware of negotiations between the IHS and Mercy Hospital with respect to contract care and the delivery of health services to Indians in the vicinity of Devils Lake, ND. The Committee expects IHS to continue working with Mercy Hospital to reach an agreement that is consistent with IHS payment policy.

The contract health services regulations and reimbursement system are designed to reimburse for low volume tertiary care services provided by non-IHS providers to eligible Indians referred by IHS. Use of this system to reimburse high volume primary providers located on reservations like Sage Memorial Hospital creates onerous administrative burdens and costs. To reduce administrative burden and costs, and improve timely reimbursement for Sage, the Committee directs IHS to develop and use a volume purchase payment system which does not require a single purchase order for each patient encounter so long as Sage has a State approved reimbursement rate.

Environmental health.—The Committee has proposed transferring all funds for this account, which is in support of the environmental health and sanitation facilities program, to the "Indian health facilities" appropriation account. The net number transferred reflects the budget request, adjusted downward by \$1,763,000 since the Committee does not agree with the proposed reallocation, and a partially offsetting increase of \$1,651,000 for pay and inflation.

Public health nursing.—The Committee recommendation includes a net decrease of \$66,000, which consists of increases of \$989,000 for pay and inflation; \$180,000 for population growth; \$118,000 for staffing costs at the Puyallup clinic; \$51,000 for staffing costs at the Sallisaw clinic; and an offsetting decrease of \$1,404,000 since the Committee does not concur in the administration's proposed realignment within IHS. The Committee expects future presentations of the IHS budget to be truthful in the characterization of changes from one fiscal year to the next. In fiscal year 1992, the IHS budget was characterized as straightlined from the fiscal year 1991 enacted level, with all changes occurring from collected funds. Yet, the budget proposal actually transferred funds from three different activities into six other activities.

Health education.—The Committee recommends a net decrease of \$12,000, which consists of an increase of \$318,000 for pay and inflation, \$17,000 for staffing at the Sallisaw clinic, and a decrease of \$347,000 associated with the proposed budget realignment.

Community health representatives.—The Committee recommends \$39,527,000, the same as the budget estimate but which consists of an increase of \$2,153,000 for inflation; an increase of \$880,000 for population growth; and a decrease of \$3,033,000 for the proposed budget realignment.

Hepatitis B and Haemophilus influenzae immunization program.—The Committee recommends \$1,282,000, the same as the budget estimate. Within the total request, the Committee recommends an increase of \$70,000 for inflation costs, and an offsetting decrease of \$70,000 associated with the proposed realignment of funds within IHS budget activities.

Urban health projects.—The Committee recommends an increase of \$2,368,000, which includes \$1,441,000 to restore funding to the urban program that IHS had proposed to transfer to other activities, and an increase of \$927,000 for inflationary cost increases.

Manpower.—The Committee recommends an increase of \$1,764,000, which consists of an increase of \$535,000 for inflation, and an increase of \$1,229,000 to restore the funds which IHS had proposed to transfer to other programs.

Tribal management.—The Committee recommends \$5,102,000, the same as the budget request, and an increase of \$867,000 over the fiscal year 1991 enacted level.

Direct operations.—The Committee recommends an increase of \$7,649,000, which includes increases of \$2,835,000 for pay and inflation, and \$4,814,000 to restore the proposed realignment of funds to other activities.

INDIAN HEALTH FACILITIES

Appropriations, 1991	\$166,402,000
Budget estimate, 1992	12,444,000
House allowance	295,211,000
Committee recommendation	202,068,000

The Committee recommends an appropriation of \$202,068,000, an increase of \$189,624,000 above the budget estimate, \$93,143,000 below the House allowance, and \$35,666,000 above the fiscal year 1991 appropriation. The following table summarizes the Committee's recommendations:

	Budget estimate	Committee recommendation	Change
New and replacement hospitals.....		\$52,762,000	+ \$52,762,000
Repair, improvement, and maintenance.....	\$12,444,000	28,570,000	+ 16,126,000
Outpatient care facilities.....		12,974,000	+ 12,974,000
Personnel quarters.....		7,136,000	+ 7,136,000
Sanitation facilities.....		60,000,000	+ 60,000,000
Facilities and environmental health support.....		40,626,000	+ 40,626,000
Regional treatment centers.....			
Total.....	12,444,000	202,068,000	+ 189,624,000

As in past years, the administration requested no new funds for the construction of hospitals, health clinics, personnel quarters, and sanitation facilities to serve native Americans and Alaska Natives. The request for Indian health facilities included minimal funds to address the significant backlog of known repairs necessary at existing IHS facilities. This maintenance backlog is estimated currently to be in excess of \$200,000,000.

New and replacement hospitals.—The Committee recommends an increase of \$52,762,000, which includes \$27,000,000 as the first increment for construction of the new Alaska Native Medical Center in Anchorage, AK, to replace the existing facility, which is located on an earthquake fault; and \$24,632,000 to begin construction of the replacement hospital at Shiprock, NM. In addition, the Committee recommendation includes \$1,130,000 in costs necessary for the completion of the Wagner, SD, hospital.

The Committee's recommendation with respect to the Crow, MT, hospital is made without prejudice. Budget constraints have limited the Committee's ability to proceed as far down the facility priority list as it would like.

With respect to the ongoing deliberations over a replacement facility for the Winnebago Tribe of Nebraska, the Committee expects IHS and the tribe to continue working together to reach consensus on the configuration of the new facility. The Committee will be unable to consider funding for planning and design of the new facility until such time as a program justification document, using the IHS methodology for facility construction as has been used for other facilities, is completed and agreed to by all parties. IHS is to keep the Committee informed of the ongoing status of these efforts, and should include a progress report in the fiscal year 1993 budget submission.

In order to expedite as much as possible resolution of the issues surrounding the Winnebago Hospital, the Indian Health Service shall report to the Committee within 15 days of the filing of this report on the recommendations of the Director of the Indian Health Service in response to the recent alternatives identified in the July 5, 1991, consultant's report. In addition, so that the necessary program planning may proceed expeditiously, the Committee expects that at least \$200,000 within available funds be allocated to the Winnebago project, so that further progress might be made toward the Winnebago facility being ready for consideration for planning and design funding in fiscal year 1993.

The Committee is aware of proposals to transfer the old Sacaton hospital to the Gila River Indian Community, for their use in conducting tribal programs. Before transferring the facility, IHS is to address the need for asbestos removal.

The Committee expects the IHS to continue its efforts to work with the Rosebud Sioux Tribe to address the construction of the hospital staff quarters, and keep the Committee informed of the status of this project.

Repair, improvement, and maintenance.—The Committee recommends \$28,570,000, an increase of \$16,126,000 above the budget request. This recommendation reflects the transfer in of \$15,926,000 from the maintenance and repair program to reflect more fully the costs associated with the IHS facilities program. In addition, the Committee recommendation includes an increase of \$200,000 for an assessment, to be conducted jointly by IHS and an independent party, on the condition of the village-built clinics in Alaska and the estimated costs for repair.

Outpatient care facilities.—The Committee recommends an increase of \$12,974,000, which includes \$5,441,000 for the Taos, NM, health clinic, \$7,183,000 for the Stillwell, OK, clinic, and \$350,000 as the balance to complete the Sallisaw, OK, clinic before it becomes operational.

Personnel quarters.—The Committee recommends an increase of \$7,136,000, including \$4,108,000 to complete the Barrow, AK, quarters, and \$3,028,000 for the Belcourt, ND, quarters.

Sanitation facilities.—The Committee recommends a total of \$60,000,000, which includes \$30,000,000 for newly constructed or renovated homes, and \$30,000,000 for continued efforts to address

the backlog of Indian homes needing basic sanitation and water and sewer facilities.

Facilities and environmental health support.—The Committee recommends \$40,626,000 to establish this new line item. The recommended level includes a transfer in of \$10,000,000 from the hospitals and clinics activity of the “Indian health services” appropriation account, a net transfer in of \$28,975,000 from the environmental health program funded previously in the services appropriation account, and an increase of \$1,651,000 to fund the pay and inflation costs associated with the environmental health program. The Committee has not transferred in the full amount requested in the budget for environmental health, since the request included a proposed budget realignment, with which the Committee has not concurred.

Regional youth treatment centers.—The Committee is unable at this time to recommend additional funds for construction of the regional youth treatment center in the Portland area. The Committee understands that it is unclear whether construction funds could be obligated during fiscal year 1992 due to delays in site selection and awarding the design contract.

The Committee has included bill language, as recommended by the House, which will allow IHS to accept ownership of buildings from the Standing Rock Sioux Tribe for the youth treatment center that will serve the Aberdeen area.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Appropriations, 1991	\$75,365,000
Budget estimate, 1992	77,400,000
House allowance	77,547,000
Committee recommendation	77,400,000

The Committee recommends an appropriation of \$77,400,000 the same as the budget request and a decrease of \$147,000 below the House allowance. The fiscal year 1992 recommendation represents an increase of \$2,035,000 over the fiscal year 1991 enacted level.

The following table represents the distribution of funds for the Department of Education's portion of Indian education funding:

Subpart 1, grants to LEA's and Indian-controlled schools	\$57,692,000
Subpart 2, special programs for students	12,192,000
Subpart 3, special programs for adults	4,404,000
Program administration	3,112,000
Total	77,400,000

Within the funds recommended for subpart 2, \$150,000 is provided for a cooperative agreement between the Department and the Hopi Tribe to implement the planning stage of the Hopi model education project under the planning, pilot, and demonstration program.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Appropriations, 1991	\$33,572,000
Budget estimate, 1992	33,572,000
House allowance	31,634,000
Committee recommendation	30,572,000

The Committee recommends an appropriation of \$30,572,000, a decrease of \$3,000,000 from the budget estimate, and a decrease of \$1,062,000 below the House allowance. The Committee recommendation includes an increase of \$2,000,000 for continued road development in the new lands, which is offset partially by a decrease of \$5,000,000 in funds requested for housing. This reduction is possible since considerable carryover funds will remain at the end of fiscal year 1991 and the proposed reduction will not affect the current progress of the program.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENTS TO THE INSTITUTE

Appropriations, 1991	\$5,447,000
Budget estimate, 1992	6,087,000
House allowance	8,187,000
Committee recommendation	6,087,000

The Committee recommends an appropriation of \$6,087,000 the same as the budget estimate and a decrease of \$2,100,000 when compared to the House allowance.

The Committee recommendation represents a decrease of \$4,769,000 from the total request prepared by the Board of Trustees of the Institute, and is an increase of \$640,000, or approximately 12 percent, over the fiscal year 1991 enacted level. The Committee remains concerned about the adjustments to the Board of Trustees' budget proposal despite specific authorizing language providing for the direct submission of the request to the Congress. At the same time, the Committee is concerned about the growth projected in the Board's budget proposal—nearly 100 percent over the fiscal year 1991 level. Given the overall budget constraints facing the Committee in the coming years, the Committee would hope that the Board would factor these considerations into its future deliberations.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Appropriations, 1991	\$272,883,000
Budget estimate, 1992	292,450,000
House allowance	286,269,000
Committee recommendation	281,074,000

The Committee recommends an appropriation of \$281,074,000, a decrease of \$11,376,000 below the budget estimate and \$5,195,000 below the House allowance. The following table provides a comparison of the budget estimates with the Committee recommendation:

	Budget estimate	Committee recommendation	Change
Research			
Museums.....	\$58,298,000	\$55,933,000	-\$2,365,000
Public service.....	121,838,000	117,305,000	-4,533,000
International activities.....	5,127,000	5,127,000	
Administration.....	1,044,000	1,044,000	
Office of Design and Construction.....	29,835,000	27,635,000	-2,200,000
Office of Protection Services.....	3,263,000	3,263,000	
Office of Plant Services.....	28,103,000	28,103,000	
John F. Kennedy Center.....	44,942,000	42,664,000	-2,278,000
Pay restoration.....			
Total.....	292,450,000	281,074,000	-11,376,000

The Committee reiterates its concern regarding the ability of the Smithsonian to establish management priorities for the Institution. The Smithsonian's original fiscal year 1991 budget submission to OMB proposed a 48-percent increase overall, including a 25-percent increase in its operating account and a 450-percent increase in its construction account. The Committee is equally concerned about the Smithsonian's 10-year projection for the Institution which calls for over \$700,000,000 in new construction by the year 2000. When new construction at the National Zoo, the proposed Administrative Services Center, and the other new starts recently announced by the Smithsonian, which include a National African-American Museum and a National Biodiversity Center, are added, the grand total being planned by the Smithsonian over the next 9 years exceeds \$1,000,000,000.

Meanwhile, back at The Mall, there is a steady accretion of unmet needs. With a backlog of critical infrastructure requirements and resource deficiencies of \$66,000,000, a repair and renovation backlog of \$216,000,000, and a staff vacancy rate which exceeds 5 percent, it is clear that the Smithsonian has yet to achieve the proper balance between the need to reinvest in its existing resource base and its desire to add new buildings and new program responsibilities.

As the limitations on the Federal budget become more stringent, it will be increasingly important for the Smithsonian, and all Federal agencies, to achieve this balance. The Committee simply cannot afford, and will not allow, the Smithsonian to steadily expand its base which, as it becomes broader and thinner, ultimately threatens the Institution's ability to perform its fundamental responsibility as custodian of the national collections. It is, after all, the national collections which are the primary means by which the Smithsonian seeks to provide for the increase and diffusion of knowledge.

As a result, the Committee cautions the Smithsonian not to embark on costly new initiatives and new program responsibilities. In disagreement with the House, the Committee does not believe that the Smithsonian Institution should be responsible for developing an integrated curriculum model for this Nation's high schools. Coordinating a Governmentwide effort to develop curriculum models is properly the responsibility of the Department of Education and/or the National Endowment for the Humanities. The

	New BA Enacted F.Y. 91	New BA Estimates F.Y. 92	New BA House F.Y. 92	New BA Senate F.Y. 92	from FY 91 Enct.	F.Y. 92 Senate compared to F.Y. 92 Est. House Bill
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
INDIAN HEALTH SERVICE						
Indian Health Services						
Clinical services						
IHS and tribal health delivery	800,973	800,973	825,886	862,180	+61,207	+36,294
Hospital and health clinic programs.....	43,153	43,153	45,658	48,872	+5,719	+3,214
Mental health program.....	25,462	25,462	27,113	27,353	+1,891	+240
Alcohol and substance abuse program.....	69,747	69,747	75,913	85,724	+15,977	+9,811
Maintenance and repair.....	15,926	15,926	---	---	-15,926	---
Contract care.....	280,220	280,220	306,551	308,311	+28,091	+1,760
Subtotal, Clinical services.....	1,235,481	1,235,481	1,281,121	1,332,440	+96,959	+51,319
Preventive health						
Environmental health (sanitation).....	28,975	30,738	---	---	-28,975	---
Public health nursing.....	17,247	18,651	18,405	18,585	+1,338	+180
Health education.....	6,050	6,397	6,385	6,385	+335	---
Community health representatives program.....	36,494	39,527	38,647	39,527	+3,033	+880
Immunization.....	1,212	1,282	1,282	1,282	+70	---
Subtotal, Preventive health.....	89,978	96,595	64,719	65,779	-24,199	+1,060
Urban health projects						
Indian health manpower.....	15,687	14,246	17,614	16,614	+927	+2,368
Tribal management.....	4,235	5,102	5,102	5,102	+867	---
Direct operations.....	52,406	47,592	50,241	55,241	+2,835	+5,000
Medicare/Medicaid Reimbursements						
Hospital and clinic accreditation (Est. collecting).	(84,000)	(100,000)	(100,000)	(100,000)	(+16,000)	---
Total, Indian Health Services.....	1,411,167	1,411,167	1,432,712	1,489,091	+77,924	+56,379

	New BA Enacted F.Y. 91	New BA Estimates F.Y. 92	New BA House F.Y. 92	New BA Senate F.Y. 92	From FY 91 Enct.	F.Y. 92 Senate compared to F.Y. 92 Est. House Bill
Indian Health Facilities						
Repair, improvement and maintenance.....	9,948	12,444	49,001	28,570	+18,622	+16,126
New and replacement hospitals.....	42,238	---	68,937	52,762	+10,524	+52,762
Outpatient care facilities.....	28,312	---	12,624	12,974	-15,338	+12,974
Personnel quarters.....	12,433	---	7,136	7,136	-5,297	+7,136
Regional treatment centers (youth).....	1,612	---	5,887	---	-1,612	---
Sanitation facilities.....	71,859	---	80,000	60,000	-11,859	+60,000
Facilities and environmental health support.....	---	---	71,626	40,626	+40,626	+40,626
Total, Indian Health Facilities.....	166,402	12,444	295,211	202,068	+35,666	+189,624
Total, Indian Health Service.....	1,577,569	1,423,611	1,727,923	1,691,159	+113,590	+267,548
(Borrowing Authority)						

DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
Indian Education

Subpart 1 - Grants to LEAs & Indian-controlled schools	56,260	57,692	57,692	57,692	+1,432	---
Subpart 2 - Special programs for Indian students.....	11,992	12,192	12,192	12,192	+200	---
Subpart 3 - Special programs for Indian adults.....	4,227	4,404	4,404	4,404	+177	---
Administration.....	2,866	3,112	3,259	3,112	+226	---
Total, Indian Education.....	75,365	77,400	77,547	77,400	+2,035	-147

	New BA Enacted F.Y. 91	New BA Estimates F.Y. 92	New BA House F.Y. 92	New BA Senate F.Y. 92	F.Y. 92 Senate from compared to F.Y. 91 Enct. F.Y. 92 Est. House Bill
OTHER RELATED AGENCIES					
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION					
Salaries and Expenses					
Operation of the Office.....	33,572	33,572	31,634	30,572	-3,000 -1,062
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT					
Payment to the Institute.....	5,447	6,087	8,187	6,087	+640 -2,100
SMITHSONIAN INSTITUTION					
Salaries and Expenses					
Research					
Assistant Secretary for Research.....	1,654	1,756	1,756	1,756	+102 -400
Astrophysical Observatory.....	11,993	13,299	13,299	12,899	+906 -750
Tropical Research Institute.....	6,366	7,053	6,983	6,805	+439 -248
Environmental Research Center.....	2,057	2,759	2,270	2,270	+213 -709
National Zoological Park.....	15,704	16,825	16,875	16,825	+1,121 -50
Smithsonian Institution Archives.....	643	721	721	721	+78 -250
Smithsonian Institution Libraries.....	5,733	6,099	6,099	5,849	+116 -250
International environmental science program.....	828	1,097	1,022	889	+61 -208
Major scientific instrumentation.....	4,882	8,119	7,919	7,919	+3,037 -200
Subtotal, Research.....	49,860	58,298	57,433	55,933	+6,073 -2,365
Museums					
Assistant Secretary for Museums.....	1,491	1,940	2,160	1,940	+449 -220
National Museum of Natural History.....	29,701	33,844	34,184	33,509	+3,808 -675
National Air and Space Museum.....	10,739	11,650	11,620	11,650	+911 +30
National Museum of American History.....	16,588	17,790	18,805	17,790	+1,202 -1,015
National Museum of the American Indian.....	10,168	13,962	10,324	9,764	-404 -560
National Museum of American Art.....	6,836	7,212	7,272	7,212	+376 -60
National Portrait Gallery.....	4,421	4,748	4,778	4,748	+327 -30
Hirshhorn Museum and Sculpture Garden.....	3,694	3,941	3,941	3,941	+247 -470
Arthur M. Sackler Gallery/Freer Gallery of Art.....	5,224	5,605	6,075	5,605	+381 -30
Archives of American Art.....	1,177	1,254	1,284	1,254	+77 -200
Cooper-Hewitt Museum.....	1,718	1,993	2,193	1,993	+275 -
National Museum of African Art.....	3,719	3,891	3,891	3,891	+172 -
Anacostia Museum.....	1,159	1,217	1,217	1,217	+58 -
Conservation Analytical Laboratory.....	2,658	2,780	2,780	2,780	+122 -
Office of Exhibits Central.....	2,012	2,126	2,126	2,126	+114 -
Traveling Exhibition Service.....	2,270	2,482	2,482	2,482	+212 -
Museum Support Center.....	4,306	5,403	5,603	5,403	+1,097 -200
Subtotal, Museums.....	107,881	121,838	120,735	117,305	+9,424 -4,533