

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND  
RELATED AGENCIES, FOR THE FISCAL YEAR ENDING SEPTEMBER 30,  
1994, AND FOR OTHER PURPOSES

OCTOBER 15, 1993.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 2520]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2520) "making appropriations for the Department of the Interior and Related Agencies, for the fiscal year ending September 30, 1994, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 8, 20, 21, 25, 29, 37, 40, 45, 48, 56, 60, 61, 63, 79, 83, 86, 92, 103, 104, 112, 119, 122.

That the House recede from its disagreement to the amendments of the Senate numbered 28, 31, 34, 36, 57, 58, 59, 64, 68, 70, 80, 91, 93, 96, 105, 106, 107, 108, 109, 110, 113, 114, 115, 116, and agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 4, 10, 12, 18, 23, 24, 27, 38, 39, 41, 42, 43, 49, 50, 51, 54, 62, 67, 69, 71, 72, 73, 74, 75, 76, 77, 81, 82, 84, 90, 95, 100, 101, 102, 111, 118, 120, 121, 123, 124, 125.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$12,122,000; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$484,313,000; and the Senate agree to the same.

tive and abandoned mine sites. This year the managers have become aware of two major watershed problems caused by acid mine drainage; one involving the Casselman River in Pennsylvania and the other affecting the Pitt Creek watershed in Oklahoma. The managers expect the Bureau of Mines to provide technical assistance in each of these areas to help characterize the extent of the problem and identify alternative solutions. For Casselman River, the Bureau should work with the Casselman River Task Force which was established to address the acid mine drainage in that area. For Pitt Creek, the Bureau should work with all interested parties, including the University of Oklahoma which has done some research into the problem. The managers urge the Department to support the development of a systematic approach to acid mine drainage characterization and technology development research within the Bureau. Such an approach will be far superior to the current piecemeal approaches being explored on a site by site basis. The managers expect the Bureau's fiscal year 1995 budget to include a strategic long-range plan for acid mine drainage research, with sufficient funds to execute year one of that plan in fiscal year 1995.

The managers expect the Department to examine the coordination among the Bureau of Mines, the Minerals Management Service, and the U.S. Geological Survey on their marine minerals programs. In its March 1, 1994 report to the Committees on the advisability of transferring the marine minerals technology center to MMS, the Department should report on its plan to improve coordination and to ensure there is no duplication among the various marine minerals programs.

Amendment No. 33: Earmarks \$105,163,000 to remain available until expended for research programs instead of \$105,063,000 as proposed by the House and \$107,311,000 as proposed by the Senate.

#### OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

##### ABANDONED MINE RECLAMATION FUND

There are two changes within the House-recommended amount for the abandoned mine reclamation fund. In the Federal reclamation program high priority projects in non-program States and on Federal and Indian lands are decreased by \$250,000, and the rural abandoned mine program is increased by \$250,000.

Amendment No. 34: Deletes House language stricken by the Senate requiring that 16 full-time equivalent positions are maintained in the Wilkes-Barre, PA field office.

#### BUREAU OF INDIAN AFFAIRS

##### OPERATION OF INDIAN PROGRAMS

Amendment No. 35: Appropriates \$1,490,805,000 for operation of Indian programs instead of \$1,492,650,000 as proposed by the House and \$1,489,885,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of \$2,300,000 for tribal priority allocations; \$2,350,000 for non-recurring programs, including decreases of \$300,000 for Cheyenne River

Sioux prairie dog management (leaving \$1,200,000) and \$2,300,000 for water rights negotiation/litigation, and an increase of \$250,000 for attorneys' fees; \$1,600,000 under Area Office operations; including \$1,500,000 for child protection centers and a \$100,000 general reduction; and a net increase of \$2,555,000 for other recurring programs, including increases of \$1,000,000 for contract support, \$1,400,000 for new tribes funding for the Catawba Tribe of SC, \$250,000 for the Navajo Community College, and \$905,000 for resources management, and a decrease of \$1,000,000 for education facilities O&M; and a net increase of \$1,850,000 for Central office operations, including decreases of \$250,000 for land records management and a \$300,000 general reduction, and increases of \$75,000 for the Office of the Commissioner, \$1,000,000 for emergency management improvements, \$75,000 for CFO Act implementation, \$200,000 for contract management, \$300,000 for financial management, \$200,000 for construction management, \$200,000 for ADP support, \$250,000 for education program management and \$100,000 for the Joint Commission on Alaska Natives.

The net increase of \$905,000 over the House for other recurring programs, resources management consists of the following changes from the House amounts:

<i>Activity</i>	<i>Change</i>
Irrigation O&M .....	+\$300,000
Bison initiative .....	- 100,000
Native American Fish & Wildlife Society .....	- 50,000
Shellfish management .....	-200,000
Great Lakes Indian Fish & Wildlife Commission .....	-100,000
Chippewa-Ottawa Treaty Fisheries Mgt. Auth .....	- 25,000
Pacific Salmon Commission .....	-100,000
Skagit Systems Cooperative .....	- 25,000
Timber-fish-wildlife .....	+100,000
Klamath conservation .....	+200,000
Summit Lake hatchery .....	+85,000
Bering Sea Fishermen .....	+800,000
Pyramid Lake Tribe .....	+20,000
Total .....	+905,000

The amount included for Bering Sea Fishermen includes \$500,000 for upgrades of salmon restoration and hatchery enhancement facilities and \$300,000 for salmon monitoring and research programs. No funds are included for fish handling equipment and facilities or for commercial marketing. The Fishermen's Association is encouraged to apply for business development grants or community economic development grants for these activities.

The managers have provided \$20,000 for the Pyramid Lake Tribe for the payments of fees related to the tribe's water settlement. These funds are provided on a one-time basis only, and the managers expect that all future funds related to the settlement will be provided from the tribe's settlement funds.

The amount included for timber-fish-wildlife is one-time funding only, for tribal activities related to the Pacific NW Forest Plan in 1994. The base amount for this initiative will remain at the 1993 level.

The managers understand the need for all Federal agencies with jurisdiction over Washoe Indian Reservation lands to work with the Tribe to enter into cooperative agreements, make efforts to cross train officers and to make other arrangements necessary

to improve law enforcement capabilities. Further, the Bureau of Indian Affairs should work with the Washoe Tribe to coordinate Federal assistance and ensure that much needed cooperative agreements are implemented promptly and properly.

The managers have agreed to a total funding level of \$7,002,000 for the Division of Accounting Management under Central Office operations. The managers agree that the Bureau may fill the additional positions needed in the Division to the extent funds can be made available within this total, including funds from savings in other parts of the Division's budget, such as travel and contractual services. Total spending for the Division for the fiscal year should be carefully monitored so that it does not exceed the above amount.

The managers have agreed to a total of \$91,223,000 for contract support, which includes \$6,415,000 for the self-governance tribes. Bill language proposed by the Senate earmarking the total amount available in 1994 has been modified to authorize payments of contract support shortfalls from previous years, based on amounts agreed to by tribes and the Inspector General's Office. Since making these prior year payments will reduce the amount of funds available for fiscal year 1994 contract support costs, the Bureau is directed to allocate funding in such a manner throughout the year that all tribes will be treated the same if there is a shortfall in contract support funds by the end of the year. The managers remain very concerned about the continued growth in contract support costs, and caution that it is unlikely that large increases for this activity will be available in future years' budgets. It is also a concern that significant increases in contract support will make future increases in tribal programs difficult to achieve. The managers believe the Bureau should look at establishing a self-determination fund for new or expanded contracting in the 1995 budget. The Bureau should also work with the tribes on possible methodologies for establishing advance notification requirements for new contracting.

For education, daily attendance should be taken at Bureau-funded schools for the 1993-1994 school year. Daily attendance information should be consolidated at the agency/area level and reported to the Office of Indian Education Programs. The Bureau should submit quarterly reports which include monthly data on enrollment, daily attendance, and the attendance rate. Staffing statistics on instructional, support or administrative positions should be reported after the first and fourth quarters, and should include student-to-staff ratios. The Bureau should also submit by November 15, 1993 a list of schools whose student enrollment warrants an immediate review because of variances in student counts from the previous school year. Information should also include the schedule of ISEP (Indian School Equalization Program) reviews.

Statistical information should be provided on the number of students who transfer in or out of BIA-funded schools or non-BIA schools, or have dropped out. In order to track transferring students, the Bureau should use Social Security numbers, which are required as identification numbers in other Federally-funded programs. The initial quarterly report should be submitted in January, 1994.

The managers are aware of efforts by the Department and Bureau to review the ISEP formula. The managers expect the Department and Bureau to work closely together on this effort, and expect the Department and Bureau to submit a plan for the review prior to initiating any agreements with any non-Departmental entities. The plan should specifically identify all individuals involved and the costs for the review. Costs should include, among other items, travel, personnel, and contract/agreement costs. The managers have not provided any funding specifically for this purpose and expect that a reprogramming will be submitted if the total funds required for the review exceed \$250,000.

School operations funding has been provided on the basis of the 185 schools included in the fiscal year 1994 budget request. Any additional schools for which the Bureau receives applications should be funded only after funding has been requested for those schools.

The managers agree that self-governance shortfall funds may continue to be used for planning grants, if needed, and the Lummi education project in 1994. The report requested by the Senate on staffing and funding by area, and levels of contracting, should be provided by April 1, 1994.

The managers have included an increase of \$250,000 for attorneys' fees, and expect the Bureau to give priority consideration to a request for fees from Alaska Legal Services.

With regard to new tribes funding for the Tillie Hardwick tribes, and managers understand that the tribes have agreed on a distribution methodology, not based on population size.

The Catawba Tribe is expected to follow established procedures for obtaining funding for newly Federally-recognized tribes.

Within water rights negotiation funding, up to \$480,000 is to be provided to the Skokomish Tribe for activities related to Cushman Dam, and up to \$500,000 each is to be provided for the Klamath water rights adjudication and the Pyramid Lake economic development plan. Under real estate, \$250,000 is provided to continue the Yurok Cadastral Survey.

Within water resource planning, \$347,000 is included for the Muckleshoot Tribe.

With regard to trust funds management, the managers understand the Special Projects Team (SPT) has been incorporated into the Office of Trust Funds Management (OTFM). The managers intend for all staff of the SPT to report to and be under the supervision of the director of OTFM. The managers reiterate the importance of all personnel in the Department and the Bureau ensuring that all required notifications, consultations, and/or approvals are undertaken or received prior to proceeding with future organizational changes. With regard to systems development efforts, the managers expect the Department and Bureau to work with GAO to identify existing systems that could be used for trust funds management, rather than proceeding with any new systems development efforts.

The managers expect that \$500,000 will be provided for activities of the Joint Reorganization Task Force and an additional \$350,000 will be provided from Central Office funds in 1994 for continued development of the Tribal Budget System. Additional

funds should be made available, if needed, to develop proposals aimed at streamlining workload and moving resources to the tribe or agency level. Any excess funds from those budgeted for the Planning Office may be used for this purpose. The managers understand that the funding for the Task Force includes funding for travel and activities of members of the Task Force only. Funding for travel and other activities for participants of Task Force activities who are not members of the Task Force comes from funding provided to the various programs of the Bureau. The managers expect the Bureau to work with the Task Force in developing the preliminary assessment of funding levels and inequities, and methods of distribution for equity funding in the future. The managers approve the process recommended by the Task Force for moving programs from other recurring programs to tribal priority programs based on tribal requests.

The report on the plan to downsize Central Office operations of the Bureau shall be submitted to the Committees by April 1, 1994.

The Bureau should re-examine its plans for the gaming staff and where it should be located, in line with the revised Indian Gaming legislation.

Under education, if the Bureau is not able to use all of the budgeted funds for early childhood education, such funds should be used for other school operations activities, such as the ISEP formula or transportation, as needed.

The Bureau should not shift any uncollected operation and maintenance charges at the Wapato irrigation project onto fee lands to cover revenue shortfalls from other nonpaying land within the project. However, this does not preclude future operations and maintenance rate adjustments as may be determined necessary and consistent with applicable law, regulation and policy. The Department and Bureau should ensure that any rate adjustments are carried out in an equitable manner among all water users served by the project.

The managers agree that \$200,000 is provided for the Summer Institute administered by the American Indian Law Center at the University of New Mexico.

Funding to complete the fire fuel break project around Glenallen, Alaska, is provided through the Bureau of Land Management fire protection program.

Within the funds provided for law enforcement under tribal priority allocations, transitional funding is provided for the Sac and Fox detention center.

Bill language has been included directing the Bureau to form a Joint Task Force with Alaska Natives and the State of Alaska to determine what role the Bureau should play with regard to Alaska's rural schools and Alaska Native education, and what other resources might be identified to assist the educational program of these schools. Among other issues, the task force, with the membership as specified in the Senate report, should look at ways of improving educational achievement, including the use of telecommunications technology, and initiatives aimed at cultural preservation, health education and parenting education.

Consistent with the Administration's efforts to reduce unnecessary administrative expenditures, the Bureau should closely monitor travel costs. The managers have not imposed a funding limitation on travel. However, the managers expect the Central Office program managers, area office directors, and agency directors to review carefully meeting agendas where travel is required to ensure that meetings are centrally located and attendance is limited to essential personnel. Meetings should be organized to limit the amount of time that attendees are away from their normal work assignments to avoid disruption in services provided by the Bureau. To the extent possible, travel should be restricted for programs where funding shortfalls may occur. The Bureau should submit a list of all nationwide or area-wide meetings or conferences planned for 1994 including location, number and description of attendees, and expected costs by November 1, 1993. An updated list, including actual costs incurred to date, should be submitted to the Committees by April 1, 1994.

Amendment No. 36: Provides \$49,226,000 for housing and road maintenance programs as proposed by the Senate instead of \$52,582,000 as proposed by the House.

Amendment No. 37: Provides \$1,983,000 for litigation support as proposed by the House instead of \$2,483,000 as proposed by the Senate.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: : *Provided further, That of the amount appropriated under this head in Public Law 102-381, any unobligated balance as of September 30, 1993 related to the Alaska Native Claims Settlement Act shall remain available until expended and may be obligated under a grant to the Alaska Native Foundation for education, training, and technical assistance to Alaskan village corporations for reconveyance requirements*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The language will allow remaining fiscal year 1993 Alaska Native Claims Settlement Act funds, not to exceed \$250,000, to remain available as a grant to the Alaska Native Foundation for assistance to Alaskan village corporations.

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: : *Provided further, That not to exceed \$91,223,000 of the funds in this Act shall be available for payments to tribes and tribal organizations for indirect costs associated with contracts or grants or compacts authorized by the Indian Self-Determination Act of 1975, as amended, for fiscal year 1994 and previous years*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to language which limits the amount for indirect costs associated with contracts, grants and compacts to \$91,223,000, and provides this amount for such costs incurred in 1994 and shortfall amounts from previous years. This matter is discussed in more detail under Amendment No. 35.

Amendment No. 40: Deletes Senate proposed language which addressed eligibility of Alaska Native villages for Indian roads program funding. The House had no similar provision. Based on written and oral confirmation that the BIA has provided, the managers understand that certain road projects in Craig, AK are in fact eligible to seek funding as Indian roads.

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which includes all Indian reservation roads identified in the 1990 BIA Juneau Area Transportation Study in the BIA system for distribution of highway trust fund formula funds in fiscal year 1994. The provision will expire when the new BIA formula is implemented. The managers intend for any road funds distributed to the Juneau Area under this provision, or to any other area, which cannot be obligated in fiscal year 1994 to be redistributed to other areas which can obligate the funds by the end of the fiscal year.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for review and approval of reorganization proposals by the Task Force on Bureau of Indian Affairs Reorganization and the Committees on Appropriations. The House had no similar provision.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that funds appropriated for tribally-controlled community colleges distributed prior to September 30, 1994 and invested under current law are deemed to be in compliance with Title III of the Tribally Controlled Community Colleges Assistance Act. The House had no similar provision.

#### CONSTRUCTION

Amendment No. 44: Appropriates \$166,979,000 for construction instead of \$172,799,000 as proposed by the House and \$150,429,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of increases of \$700,000 under tribal government for contract support, \$180,000 under general administration for Cow Creek Band of Umpquas land acquisition, and \$1,450,000 for Bennett Freeze housing improvements; and decreases of \$2,000,000 under education for advance planning and design, \$4,000,000 under public safety and justice for the Sac and Fox detention center, and a net decrease of \$2,150,000 under resource management. This net decrease consists of increases of \$1,900,000 for Colorado River tribes irrigation project, \$200,000 for Hogback irrigation project, \$650,000 for Walker River irrigation project, and decreases of \$4,300,000 for the Navajo Indian irrigation project and \$600,000 for the San Carlos irrigation project.



Of the amount provided for the Walker River project, \$150,000 shall be used only for the tribal cost share of water monitoring by the U.S. Geological Survey.

The study requested in the House report on the possibility of establishing a construction/lease program and related legislative and administrative changes that would be required, should also address how the number of such facilities and related funding would be controlled were such a program to be implemented.

The managers have provided an additional \$4,000,000, to allow completion of the Chinle detention center, and have agreed to funding of \$4,000,000 included in the budget to allow the Sac and Fox detention center to begin construction in 1994. The Bureau should include funding to complete the Sac and Fox facility in the fiscal year 1995 budget.

The BIA should work with the State of Alaska Task Force on Rural Bulk Fuel Storage on issues related to aging fuel storage tanks in Alaska Native communities. The BIA should determine the ownership and responsibility for the storage tanks and submit a report on the cost of replacing the leaking tanks by October 1, 1994.

The managers have agreed to provide \$1,450,000 for Navajo housing improvements in the Bennett Freeze area. The managers have approved this one-time funding earmark to address some of the most pressing needs in the Bennett Freeze area. The funds are to be used to make repairs and renovations to existing homes. In cases where a home is determined to be unsafe or too deteriorated to repair or renovate, a replacement home may be built and the existing structure demolished. The managers encourage the tribe and the BIA to complete a survey of the housing needs in the Bennett Freeze area and to incorporate the results of the survey into existing funding mechanisms through the Bureau and other Federal agencies. To the extent the needs in the Bennett Freeze area greatly expand the existing backlog, increased funds should be requested in future budget requests for existing programs.

The managers note that the Hopi Tribe has appealed the court decision on the Bennett Freeze. The inclusion of funds for housing repairs is not intended in any way to jeopardize or take a position on that appeal.

Amendment No. 45: Deletes Senate proposed language that would have made funds provided previously or hereafter for the Wind River Irrigation Project non-reimbursable. A Solicitor's opinion from April, 1992 confirmed that legislation dating to 1905 made construction costs for the project reimbursable, and the tribes involved should seek a review by the appropriate authorizing committees of whether this designation should be changed.

## TERRITORIAL AND INTERNATIONAL AFFAIRS

### ADMINISTRATION OF TERRITORIES

Amendment No. 46: Appropriates \$81,907,000 for administration of territories instead of \$82,107,000 as proposed by the House and \$81,457,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of \$200,000 for American Samoa, \$100,000 each from operations and construction grants.

## SPR PETROLEUM ACCOUNT

Amendment No. 93: Places an outlay ceiling of \$75,580,000 on the use of funds from this account for oil acquisition in fiscal year 1994 as proposed by the Senate instead of \$79,580,000 as proposed by the House.

## ENERGY INFORMATION ADMINISTRATION

Amendment No. 94: Appropriates \$86,553,000 for the Energy Information Administration instead of \$86,053,000 as proposed by the House, and \$86,953,000 as proposed by the Senate. The increase of \$500,000 over the House is to begin preparation for the collection of greenhouse gas data.

## ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which waives a thirty-day waiting period for a contract to conduct activities at the Department of Energy's research facilities at Bartlesville, OK. The House had no similar provision.

## REVISION OF AMOUNTS FOR DEPARTMENT OF ENERGY

Amendment No. 96: Deletes a general reduction of \$49,764,000 for Fossil energy research and development and a general increase of \$24,873,000 for Energy Conservation contained in the House bill, as proposed by the Senate. Amounts for fossil energy research and development are addressed in Amendment No. 85, and amounts for energy conservation are addressed in Amendment No. 87.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES—INDIAN HEALTH SERVICE

## INDIAN HEALTH SERVICES

Amendment No. 97: Appropriates \$1,645,877,000 for Indian health services instead of \$1,652,394,000 as proposed by the House and \$1,641,592,000 as proposed by the Senate. The changes to the House position include increases in hospitals and clinics of \$1,400,000 in new tribes funding for the Catawba Tribe in South Carolina and \$325,000 for the Tulsa, Oklahoma operating unit, and an increase in alcohol and substance abuse of \$135,000 to fund the Gila River regional youth treatment center at 75 percent of need, consistent with the other regional treatment centers. The increases are offset by decreases in hospitals and clinics of \$50,000 for improved health services for the Shoalwater Bay Tribe of Washington, \$50,000 for AIDS treatment and \$5,977,000, which is transferred to the facilities account, to bring operating units to 60 percent of the level of need funded. There are also decreases of \$100,000 in mental health for the Bay Mills child sexual abuse treatment and prevention program, which leaves the funding for that program at the fiscal year 1993 level; \$900,000 in community health representatives; \$800,000 in direct operations; and \$500,000 in contract support costs for new and expanded contracts funded through the Indian self-determination fund.

The managers agree that:

1. A total of \$680,000 is to be made available for the Shoalwater Bay Tribe of Washington and should remain in the base for future budgets;

2. IHS should continue to work with the Mississippi Choctaw Tribe to ensure sufficient funds are provided for the tuberculosis program;

3. Funds allocated by the IHS to the Tulsa, Oklahoma clinic may be used for expanded lease space, consistent with the IHS lease priority system;

4. A portion of the California share of the increase above the budget request for contract health services may be used for the California contract health demonstration project to the extent the tribes in that area agree to such a use.

5. IHS should work with the Department of the Interior to review carefully contract support cost requirements, and report to the Committees on the results of that review, including any suggested improvements to the current procedures for estimating these costs; and

6. The IHS needs to work closely with the Bureau of Indian Affairs to develop a cost effective, integrated approach to dealing with child abuse in Indian country; the fiscal year 1995 budget request for each agency should make this program a high priority.

Amendment No. 98: Earmarks \$7,500,000 for the self-determination fund instead of \$8,000,000 as proposed by the House and \$7,000,000 as proposed by the Senate.

#### INDIAN HEALTH FACILITIES

Amendment No. 99: Appropriates \$296,982,000 for Indian health facilities instead of \$296,997,000 as proposed by the House and \$293,682,000 as proposed by the Senate. The changes in the House-recommended level include increases of \$300,000 in new and replacement hospitals for planning of the Winnebago hospital in Nebraska; \$5,977,000 which is transferred from the hospital and clinics account to bring operating units to 60 percent of the level of need funded; and, in outpatient care facilities, \$708,000 for planning of the Second Mesa health center in Arizona and \$500,000 each for site work at the Fort Belknap and White Earth health centers in Montana. The increases are offset by decreases of \$7,000,000 in maintenance and improvement, \$500,000 in dental units, and \$500,000 in injury prevention.

The managers agree that:

1. The \$5,977,000 transferred from hospitals and clinics should be placed in a new budget subactivity titled: "Facilities/Space for Increase in Level of Need Funded";

2. The \$465,000 unobligated balance remaining from the Phoenix area regional youth treatment center project may be used for planning and construction of a satellite facility at an alternate site in Nevada in keeping with the original agreement for servicing that area; and

3. While there is no increase above the budget request for sanitation facilities, IHS should work with the tribes in the Navajo area and the Yukon-Kuskokwin region of Alaska to en-

sure the extraordinary needs in those areas are appropriately integrated in the sanitation deficiency priority system.

The managers are aware of several potential reprogramming needs within IHS, including funds to conduct feasibility studies and site surveys for projects awaiting placement in the facilities construction priority system, to purchase land for expansion of the Gallup Indian Medical Center, and to standardize hospital and clinic designs. The managers support these efforts and are ready to approve reprogrammings for them to the extent existing projects are completed at less than the originally estimated costs. The managers suggest that, in line with the Vice President's National Performance Review, IHS managers be empowered to make these funding realignments, with advance notification to the House and Senate Committees on Appropriations, and that the processing of these reprogrammings through the bureaucracy be accomplished in a matter of days rather than over several months as has been the norm in the past.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Retain the matter proposed by said amendment amended as follows:

In lieu of the sum named in said amendment insert: \$300,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment precludes the use of planning funds for the Winnebago Hospital in Nebraska until a program justification document has been approved. The House had no similar provision. The Senate had proposed \$500,000 in planning funds and the managers have agreed to provide \$300,000.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the use of funds to renovate existing buildings to meet additional space requirements. The House had no similar provision.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided further, That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by Title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under Title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment deletes a House provision, stricken by the Senate, requiring approval of staffing reductions by the Committees on Appropriations and inserts a provision permitting the transfer of funds from existing tribal contracts to self-governance compacts.

The managers stress that the necessary personnel resources must be made available to ensure that there are sufficient health professionals at each IHS hospital and outpatient facility. It is unrealistic to assume that IHS can provide needed staff with contract rather than in-house personnel. The managers expect the IHS to keep the Committees fully informed of any proposed personnel reductions or realignments following the established reprogramming procedures. Further, the managers encourage both the Department of Health and Human Services and the Office of Management and Budget to exempt the increased staff needed for new and expanded IHS facilities from the baseline on which government-wide staffing reductions are assessed. The managers also note that the vast majority of IHS personnel in high-graded positions are physicians and believe any staffing reductions in the higher graded positions should not be applied to physician and health professional positions.

DEPARTMENT OF EDUCATION—OFFICE OF ELEMENTARY AND  
SECONDARY EDUCATION

INDIAN EDUCATION

Amendment No. 103: Appropriates \$83,500,000 for Indian education as proposed by the House instead of \$83,405,000 as proposed by the Senate.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Amendment No. 104: Appropriates \$26,936,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the House instead of \$28,436,000 as proposed by the Senate. Funding for housing improvements in the Bennett Freeze area is addressed under the Bureau of Indian Affairs in Amendment No. 44.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 105: Appropriates \$302,349,000 for salaries and expenses as proposed by the Senate instead of \$302,083,000 as proposed by the House.

Amendment No. 106: Provides that \$24,552,000 shall remain available until expended as proposed by the Senate instead of \$27,579,000 as proposed by the House.