

DEPARTMENT OF THE INTERIOR AND RELATED
 AGENCIES APPROPRIATIONS BILL, 1994

JUNE 24, 1993.—Committed to the Committee of the Whole House on the State of
 the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 2520]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1994. The bill provides regular annual appropriations for the Department of the Interior (except the Bureau of Reclamation) and for other related agencies, including the Forest Service, the Department of Energy, the Indian Health Service, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities.

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the needed reclamation projects in the AML inventory to be addressed with AML State grant funding.

Bill Language. The Committee has recommended continuing bill language, carried in last year's Act, maintaining the Federal emergency reclamation program and limiting expenditures in any one State to 25 percent of the total appropriated for Federal and State-run emergency programs. The total recommended for fiscal year 1994 is \$20 million.

Bill language also is recommended to maintain 16 FTEs at the anthracite program office in Wilkes-Barre, Pennsylvania. The FTE requirement has been reduced from 23 in previous years to reflect current requirements and presidentially-mandated staffing reductions.

The Committee has recommended discontinuing bill language, carried in previous years, limiting administrative costs for the rural abandoned mine program and providing for Secretarial denial of 50 percent of a State's AML grant when the State is systematically failing to implement its regulatory program.

OSM ADMINISTRATIVE PROVISION

The Committee has not recommended continuing bill language, carried in last year's Act, limiting the expenditure of funds to one Deputy Director position in OSM. The Committee will not hesitate to reinstate this language in the future if necessary.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

| | |
|-----------------------------------|-----------------|
| Appropriation enacted, 1993 | \$1,342,385,000 |
| Budget estimate, 1994 | 1,473,306,000 |
| Recommended, 1994 | 1,492,650,000 |
| Comparison: | |
| Appropriation, 1993 | +150,265,000 |
| Budget estimate, 1994 | +19,344,000 |

The amounts recommended by the Committee for fiscal year 1994 compared with the budget estimates by activity are as follows:

| | FY 1993 Enacted | (in thousands of dollars) Budget Estimates | Committee Bill | Change from Estimates |
|--|--------------------|--|-------------------|--------------------------|
| Tribal Priority Allocations | | | | |
| Tribal government..... | 66,731 | 91,474 | 91,474 | --- |
| Human services..... | 52,786 | 57,701 | 57,701 | --- |
| Education..... | 33,514 | 35,953 | 35,953 | --- |
| Public safety and justice..... | 85,065 | 94,898 | 94,898 | --- |
| Community development..... | 23,361 | 23,097 | 23,097 | --- |
| Resources management..... | 61,204 | 66,632 | 66,632 | --- |
| Trust services..... | 27,736 | 29,685 | 29,685 | --- |
| General administration..... | 26,535 | 27,798 | 27,798 | --- |
| Tribal priority general increase..... | 17,338 | --- | 5,000 | +5,000 |
| Subtotal, Tribal Priority Allocations..... | 394,270 | 427,238 | 432,238 | +5,000 |
| Other Recurring Programs | | | | |
| Tribal government..... | 71,830 | 88,213 | 89,984 | +1,771 |
| Human services..... | 106,114 | 115,619 | 110,619 | -5,000 |
| Education | | | | |
| School operations | | | | |
| Forward-funded..... | 268,337 | 316,111 | 316,111 | --- |
| Other school operations..... | 74,626 | 78,282 | 79,282 | +1,000 |
| Subtotal, School operations..... | 342,963 | 394,393 | 395,393 | +1,000 |
| Continuing education..... | 24,187 | 26,613 | 26,613 | --- |
| Johnson O'Malley..... | 22,980 | 22,826 | 24,326 | +1,500 |
| Subtotal, Education..... | 390,130 | 443,832 | 446,332 | +2,500 |
| Community development..... | 65,602 | 65,706 | 65,706 | --- |
| Resources management..... | 36,207 | 40,981 | 43,156 | +2,175 |
| Trust services..... | 2,577 | 3,008 | 3,008 | --- |
| Subtotal, Other Recurring Programs..... | 672,460 | 757,359 | 758,805 | +1,446 |
| Non-Recurring Programs | | | | |
| Tribal government..... | 9,220 | 9,209 | 9,209 | --- |
| Public safety and justice..... | 3,052 | 3,052 | 3,052 | --- |
| Community development..... | 11,942 | 10,688 | 10,688 | --- |
| Resources management..... | 30,318 | 28,038 | 29,038 | +1,000 |
| Trust services..... | 27,776 | 18,232 | 35,832 | +17,600 |
| Subtotal, Non-Recurring Programs..... | 82,308 | 69,219 | 87,819 | +18,600 |
| Central Office Operations | | | | |
| Tribal government..... | 3,688 | 3,665 | 3,665 | --- |
| Human services..... | 1,394 | 1,315 | 1,315 | --- |
| Public safety and justice..... | 2,816 | 2,899 | 2,899 | --- |
| Community development..... | 1,092 | 1,151 | 1,151 | --- |
| Resources management..... | 3,932 | 3,867 | 3,867 | --- |
| Trust services..... | 13,852 | 21,375 | 19,875 | -1,500 |
| General administration..... | 44,664 | 52,416 | 47,914 | -4,502 |
| Subtotal, Central Office Operations..... | 71,438 | 86,688 | 80,686 | -6,002 |
| Area Office Operations | | | | |
| Tribal government..... | 1,915 | 2,320 | 2,320 | --- |
| Human services..... | 1,700 | 3,128 | 3,128 | --- |
| Public safety and justice..... | 620 | 988 | 988 | --- |
| Community development..... | 4,570 | 4,449 | 4,449 | --- |
| Resources management..... | 3,872 | 4,320 | 4,320 | --- |
| Trust services..... | 11,825 | 12,381 | 12,381 | --- |
| General administration..... | 33,719 | 36,845 | 36,645 | -200 |
| Subtotal, Area Office Operations..... | 58,221 | 64,431 | 64,231 | -200 |
| Special Programs and Pooled Overhead | | | | |
| Human services..... | 2,593 | 2,593 | 2,593 | --- |
| Education..... | 13,650 | 13,603 | 14,103 | +500 |
| Public safety and justice..... | 2,486 | 2,494 | 2,494 | --- |
| Community development..... | 3,366 | 3,513 | 3,513 | --- |
| Resources management..... | 2,128 | 2,128 | 2,128 | --- |
| General administration..... | 39,445 | 44,040 | 44,040 | --- |
| Subtotal, Special Programs and Pooled Overhead..... | 63,668 | 68,371 | 68,871 | +500 |
| Total, Operation of Indian Programs..... | 1,342,385 | 1,473,306 | 1,492,650 | +19,344 |

Tribal priority allocations.—The Committee recommends an increase of \$5,000,000 for tribal priority allocations. These funds will be added to the \$10,000,000 general increase included in the budget request, to be distributed to all tribes for their highest priority programs. Based on the requests received from tribes, it is expected that a large percentage of these additional funds will be used for tribal law enforcement and tribal courts programs.

The Committee is aware that one of the first-tier self-governance compact tribes, Mille Lacs, inadvertently received a reduction in shortfall funding in fiscal year 1993 due to establishment of base funding levels for four other first-tier tribes. In addition, the Southeast Alaska signatory tribes also received a reduction in shortfall

funding for the same reason. The Committee directs the Bureau to provide stable base budgets for Mille Lacs, the Southeast Alaska tribes, and any other participant in the self-governance demonstration who requests the establishment of a stable base budget in fiscal year 1994. This base budget shall be funded from the funds provided to the Bureau, and the designated 1994 shortfall funds should be distributed to the remaining tribes. However, if the Director of the Office of Self-Governance determines that taking the entire amount of fiscal year 1994 base funding from BIA programs will adversely affect non-participating tribes, then fiscal year 1994 supplemental funding should be used. Savings from any BIA restructuring shall be used to replace during 1994 the amount needed from shortfall funding.

The Committee is concerned that, despite repeated directives, little if any BIA restructuring has occurred as a result of the negotiation of self-governance compacts and annual funding agreements with tribes during the past three fiscal years. As a result, tribes have not realized savings from the Bureau reorganization that was supposed to accompany their negotiation of a transfer of responsibilities and funds to the tribes. Therefore, the Committee directs more specifically that shortfall funding shall be used for two purposes only: (1) to make additional funds available to a particular BIA organizational level to address the finding of the Director of the Office of Self-Governance that, based on clear and convincing evidence, the provision of a negotiated tribal share under a self-governance compact will have an adverse effect on other tribes served by that organizational level, provided that such additional funds shall be made available from the shortfall or supplemental funding account for only one year, and in successive years shall be met from funds and resources directly derived from Bureau restructuring and down-sizing at the particular organizational level affected; and (2) to meet the ongoing, additional funding needs of tribes assuming the increased responsibilities and obligations inherent in self-governance agreements.

The self-governance tribes should share in the inflation adjustments included in the Bureau's budget.

Other recurring programs.—The Committee recommends an increase of \$1,771,000 for tribal government, for the new tribes program. Included is \$71,000 for the Aroostook Band of MicMac Indians of Maine, and \$1,700,000 for the 17 *Tillie Hardwick* tribes in California. These funds should be used to establish adequate base funding for these tribes, using a tiered approach based on population size of each tribe. The Bureau should consult with the 17 tribes to determine the best allocation of these funds. The Committee has no objection to the use of the funds included in the budget request for the Yurok Interim Council in 1994 for the preparation of the economic self-sufficiency plan required by Public Law 100-580.

The budget estimate includes an increase of \$25,000,000 to make up a shortfall in contract support funds, currently estimated to be \$17,000,000; and to provide additional contract support funds for the additional program funding included in the budget. The Committee has agreed to this increase, but recognizes that this amount does not include specific funds for new contracts. Such funds are

provided under the Indian Health Service through a self-determination fund, and the Committee believes the Bureau should establish such a fund in fiscal year 1994, if sufficient funds are available, or in its fiscal year 1995 budget request.

Under human services, there is a decrease of \$5,000,000 for child abuse and family protection grants. The Committee is deferring these funds because the Bureau testified that regulations will have to be developed and implemented before these funds can be allocated. The Committee intends to provide funding for this important activity as soon as the regulations allowing the program to go forward are in place. The Committee also believes that the future use of these funds, as well as those authorized to the Indian Health Service in Public Law 101-630, need to be carefully coordinated so as to make the best use of the eventual funding to be made available under this authorization, as well as existing funding provided to the Bureau and IHS for child abuse prevention and treatment and other Indian child welfare activities. The Bureau and Indian Health Service are requested to provide a report to the Appropriations Committees by March 1, 1994 on current and proposed mechanisms for coordinating all of these efforts; how the various sources of funding for these activities will be coordinated and duplication of effort avoided; and the relative priorities of the various activities authorized or underway in this area.

An increase of \$2,500,000 is recommended for education. Included is \$1,000,000 for facilities operation and maintenance, and \$1,500,000 for the Johnson-O'Malley educational assistance program. The Committee remains concerned about the disparities in school operation funding under the ISEF formula, and encourages the Administration and authorizing committees to work together to address these issues before the fiscal year 1995 appropriation.

The Committee requests that a report be prepared on the education O&M program, including a discussion of the specific policies, procedures and guidelines being used in the program, and what improvements have been accomplished since control of these funds was transferred from the Facilities program to the Education program. The report should be submitted to the Appropriations Committees no later than March 1, 1994.

The Committee recommends an increase of \$2,175,000 for resources management, including a decrease of \$1,000,000 for irrigation O&M. For rights implementation, there is an increase of \$3,175,000, as follows:

| <i>Project</i> | <i>Funding</i> |
|---|----------------|
| Bison initiative | \$300,000 |
| Hualapai wildlife | 100,000 |
| Native American Fish & Wildlife Society | 200,000 |
| Shellfish management | 800,000 |
| Skokomish estuary | 75,000 |
| Red Cliff hatchery | 100,000 |
| Quinalt wild coho salmon | 100,000 |
| Lac Courte Oreilles hatchery | 75,000 |
| Quileute hatchery | 100,000 |
| Great Lakes Indian Fish & Wildlife Commission | 350,000 |
| Circle of Flight | 200,000 |
| Chippewa Ottawa Treaty Fisheries Management Authority | 100,000 |
| Shoshone Bannock | 100,000 |
| Columbia River Intertribal Fisheries Commission | 200,000 |
| Pacific Salmon Commission | 200,000 |

| <i>Project</i> | <i>Funding</i> |
|---|----------------|
| Skagit Systems Cooperative | 100,000 |
| Northwest Indian Fisheries Commission | 75,000 |
| Total | 3,175,000 |

Non-recurring programs.—An increase of \$18,600,000 is recommended for non-recurring programs. Included is an increase of \$1,000,000 for the Cheyenne River Sioux prairie dog management program. An additional \$500,000 is to be made available from the base for this effort, for a total of \$1,500,000. There is also an increase of \$18,000,000 for water rights studies and negotiation/litigation costs, which have been transferred back to the operations account from the Indian land and water claims settlements account. The offsetting decrease is included under that account. Within these funds is \$480,000 for the Skokomish tribe to participate in negotiations with the Federal Energy Regulatory Commission and the City of Tacoma regarding conflicts related to the Cushman hydroelectric project. There is also a decrease of \$400,000 for hazardous waste, to decrease the funds proposed for a consultant and engineer related to the Midnite Mine project. The Committee has addressed this issue under the Bureau of Mines section of this report.

The Committee understands there is \$347,000 in the budget request for water resource planning for the Muckleshoot Tribe, WA.

Within real estate services, the Committee intends for \$450,000 to be provided to continue the cadastral survey program on the Yurok Reservation. The Committee understands that funding is included in the budget request to continue the Arkansas Riverbed surveys. The Committee also understands that \$200,000 is included in the budget for the Council of Energy Resource Tribes.

The Committee understands that the Miccosukee Tribe of Florida plans to have a test well drilled on their reservation to determine if oil and gas resources are present. The Committee expects all environmental studies as required by law will be completed before any such test drill well is undertaken. If drilling of the test well is permitted, the Committee expects that the drilling will be carefully monitored to ensure that all operations are conducted in strict accordance with applicable laws and regulations.

The Committee has no objection to the use of self-determination funds as the required matching funds for FEMA emergency funds, where no other tribal funds are available for this purpose. The Committee understands that the Rincon Band of California has not been able to access FEMA funds needed due to severe flooding several months ago because of the lack of tribal matching funds, and expects the Band to apply for self-determination funds for this purpose.

Central Office operations.—The Committee recommends a decrease of \$6,002,000 to Central Office operations. For trust services, there is a decrease of \$1,500,000, including \$500,000 to land records improvements, and \$1,000,000 to financial trust services. With regard to the funds provided for financial trust management, the Committee does not intend for these or any other funds to be used to fund a Special Projects Team to oversee reconciliation, systems development, or any other trust management improvement projects, unless such team is incorporated into and reports to the

Office of Trust Funds Management (OTFM). The Bureau has put forth no convincing reason for establishing a separate organizational entity outside of OTFM, with the resulting extra costs of administration and overhead, to oversee these activities, especially since all these activities need to be coordinated with ongoing trust fund management activities in OTFM. The Committee believes this can best be accomplished if all trust fund management activities are included under the one office established to oversee all of these activities. The Committee notes that it was not informed by the Bureau of its plans to establish this separate entity, which was done outside of the normal organizational requirements of the Department, nor was the Intertribal Monitoring Association consulted on this matter in advance. The Reorganization Task Force also was not consulted about nor did it approve the Special Projects Team, and believes that this failure to consult was in violation of the agreement that the Task Force has with the Department. Also, at the time last year that the decision was made within the Bureau to establish the Special Projects Team without a Departmental Manual change, objections were raised internally to this effort, which was based apparently on a desire to avoid the Congressional and Task Force review process; however, these objections were overruled by persons within the Department. The Bureau should provide documentation of the move of this team to OTFM within 30 days of the date of this report.

The Committee is very concerned with a number of actions within the Bureau this past year to circumvent Departmental organizational requirements, notification to the Committee, and/or consultation with tribes or intertribal groups such as ITMA and the Reorganization Task Force. The Committee expects that all personnel within the Bureau and Department will ensure that such activities do not continue, and that proper procedures, consultations, and notifications are followed, and approvals received, prior to implementing any future organizational changes.

The Committee intends the increased funds provided for trust funds management in 1994 to be used first to fill the remaining positions in OTFM approved by the Committee, and to provide the appropriate equipment for the OTFM staff. The Committee assumes that the workload analysis that is supposed to be underway will be completed before additional area and agency staffing are brought on board, and that all such additions will be in accordance with the results of the analysis. While the level of funding provided will allow additional costs for the reconciliation effort, the Committee remains concerned that the lack of records will result in a final product that may not be acceptable to some tribal groups, despite the cost of this effort. The Bureau is expected to work closely with all tribes involved in this effort to ensure that the tribes agree with the methodology proposed, and recognize that the final product may fall short of a true reconciliation of the accounts involved.

Additional funds will be used for an annual audit of the trust funds, to begin Phase II of the Strategic Plan, to provide desk operating procedures for field personnel and a checklist for managers, and other smaller reconciliation projects. In order to track the use of the funds in fiscal year 1994, the Bureau is to provide a quarterly report, not later than 30 days after the end of each quarter,

on the use of funds to date, progress on staffing, status of the tribal trust fund reconciliation project and related costs, status of the systems development effort and related costs, and other pertinent milestones accomplished. The format of these reports should be consistent from period to period.

With regard to the systems development effort, the Committee is aware that the General Accounting Office and the Intertribal Monitoring Association are analyzing trust fund management functions with the purpose of identifying functions that could be handled by an outside entity and those that should be conducted in house by the Bureau. This analysis is to include all Bureau and Departmental functions that affect the trust accounts including trust resource management, billings and collections, investments, and accounting and reporting. Such an analysis should look at the capabilities of both governmental agencies (such as the Federal Reserve or Treasury Department) and private sector entities and should include consultation with tribal entities to ascertain their needs and desires. The analysis should make extensive use of existing studies and audit reports of the trust fund system. The Committee anticipates the analysis will result in a blueprint that will detail various approaches for improving trust fund management and provide details on the relative strengths and weaknesses of each approach. Approaches that should be considered include making improvements to the existing system, developing a new system, leasing or purchasing a system, moving certain functions to another Federal agency or private sector entity, or some combination of the above. The GAO should advise the Committee on the feasibility of such a study, and the timing involved, by September 1, 1993.

For general administration, there is a decrease of \$4,502,000. Of this amount, \$1,075,000 is included under executive direction, including \$75,000 in the Office of the Commissioner and \$1,000,000 to emergency management improvements.

The Committee continues to support strongly the efforts of the Joint Task Force on BIA Reorganization, and its work on the Tribal Budget System (TBS). The Committee expects the Bureau to provide the same level of support in 1994 as in 1993 for the general operations of the Task Force. In addition, the Committee directs that \$550,000 be made available from funds included for management improvements to the Task Force to continue development of the Tribal Budget System. The Committee expects that the Task Force, working with the new Program Planning staff, will continue to facilitate the development effort with broad participation by tribal and BIA representatives from around the country. An additional amount of \$100,000 should be provided to the Task Force to complete research and prepare legislative and administrative proposals aimed at streamlining and reducing workload, and moving authority and budget resources to the service (tribe or agency) level. The Committee notes that the Task Force has refined principles for the Tribal Budget System following considerable input from tribes from around the country. These principles call for tribal involvement in all aspects of planning and budgeting consistent with self-determination policy. They also provide for rational standards of need in budgeting and will support equitable distribution of additional resources to the most needy tribes, consistent with previous direction

of the Committee. The Committee supports this effort and has provided funds to continue involving tribal representatives from each Area to assist in the effort.

The Committee understands that the Task Force plans to complete preliminary assessments during fiscal year 1994 of funding levels and needs, to provide information aimed at permitting the Committee to begin addressing current inequities in funding bases. The Bureau is expected to work with the Task Force in developing the preliminary assessment, and recommended methods of distribution of equity funding when such funding becomes available. The Committee expects that the needs for essential administrative and governmental functions of small tribes will be considered in these assessments.

The Committee approves the process recommended by the Task Force for the movement of programs from Other recurring programs to Tribal priority programs based on the request of individual tribes. This transfer implements TBS principles of placing maximum control and decision making over funds with tribal governments and is consistent with such transfers being made for self-governance tribes. This process may begin during fiscal year 1994 for programs which are earmarked already to specific tribes and for programs for which equitable distributions have been determined based on the Standard Methodology process outlined by the Task Force. The Bureau is expected to provide necessary information and support to provide reports on each program identified by the Task Force, in order that tribes may make informed decisions, and to complete assessments to determine equitable distribution of such programs which are distributed by formulas and other methods. The Bureau shall report to the Committee as equity distributions are completed for each such program, before implementation. The Committee notes that the Task Force has not recommended moving the funding for school operations or tribally controlled community colleges because of the nature of these programs.

The Committee is concerned that current reprogramming procedures established for tribal priority allocations will result in fewer of the funds appropriated being identified to Congress as to how they will be or are spent. The Bureau should work with the Task Force to recommend a budget and reporting procedure which will allow full reprogramming flexibility without requiring contract modifications or other approvals, and still provide Congress with information as to the intended and actual use of funds by tribes, agencies, and area field operations. Tribes within the self-governance demonstration project and those utilizing consolidated tribal government programs should be consulted in this process. Procedures should include the anticipated expenditures within the President's budget and a report after the end of each fiscal year on how funds were actually used. When this procedure is approved by the Committee, the semiannual reporting on reprogramming within Tribal priority allocations will no longer be necessary.

The Bureau is expected to complete its workload analysis and report on plans to downsize Central Office operations in line with the Task Force's recommendations as soon as possible, but no later than February 1, 1994.

The balance of the reduction for general administration is \$3,427,000 under administrative services, as follows: \$100,000 for the CFO Act implementation; \$330,000 for contract management; \$405,000 for personal property management; \$292,000 for records management; \$1,300,000 for financial management; \$250,000 for construction management; \$500,000 for ADP central system support; and \$250,000 for Indian gaming. The Bureau should reconsider the proposal to divide the gaming staff between two locations, and consider whether consolidation at one location would provide administrative and overhead cost savings.

Area office operations.—A decrease of \$200,000 is recommended for Area Office operations, administrative services. This will allow an increase of \$900,000 for increased contracting activity in the area offices for highway trust fund monies and Public Law 93-638 contracting with tribes.

Special programs and pooled overhead.—The Committee recommends an increase of \$500,000 for education. Included is \$300,000 for post secondary schools, consisting of \$200,000 for Haskell Indian Junior College and \$100,000 for the Southwestern Indian Polytechnic Institute. There is also an increase of \$200,000 for special higher education scholarships. Within the total funds provided for this activity is \$200,000 for the Pre-Law Summer Institute for American Indians administered by the American Indian Law Center at the University of New Mexico.

Bill language.—The Committee has continued language included in prior years which extends the Statute of Limitations with relation to Indian trust fund management, to protect the rights of tribes and individuals until the reconciliation and audit of their accounts has been completed. This language has been amended to clarify that cases in litigation are included under the language. Language has also been continued which provides for the continued operation of the Joint Reorganization Task Force, to review restructuring of the Bureau, further changes to the budget process, and other reorganization issues, and to include full consultation with tribes prior to submission of recommendations to the Congress. The Committee has revised the language included in 1993 on general assistance payments, to clarify Committee intent that funds are available from the general assistance program for EARN-type programs entered into by tribes, providing they meet the other requirements of the language. The section of the language requiring tribal funds to be used for increases in payments refers only to general assistance payment increases which are not part of an EARN-type program. The Committee has also revised the proposed language on Alaska schools, to indicate that while no funding has been included for operation of these schools in the fiscal year 1994 bill, the Bureau should initiate consultation with Alaska Native groups to determine what role, if any, the Bureau should play with regard to the Alaska schools, and what other actions or sources of funding might be identified to assist or improve the educational programs of these schools.

CONSTRUCTION

| | |
|-----------------------------------|---------------|
| Appropriation enacted, 1993 | \$149,613,000 |
| Budget estimate, 1994 | 114,110,000 |

| | |
|-----------------------------|-------------|
| Recommended, 1994 | 172,799,000 |
| Comparison: | |
| Appropriation, 1993 | +23,186,000 |
| Budget estimate, 1994 | +58,689,000 |

The Committee recommends an appropriation of \$172,799,000, an increase of \$58,689,000 above the budget estimate, for construction. The recommended amounts, compared to the budget estimates, are shown in the following table:

| | FY 1993 Enacted | (in thousands of dollars) Budget Estimates | Committee Bill | Change from Estimates |
|---------------------------------|--------------------|--|-------------------|--------------------------|
| Tribal government..... | 1,631 | 4,638 | 4,638 | --- |
| Education..... | 90,195 | 72,116 | 76,355 | +4,239 |
| Public safety and justice..... | 7,221 | 8,600 | 17,600 | +9,000 |
| Resources management..... | 43,071 | 20,755 | 66,206 | +45,450 |
| General administration..... | 7,495 | 8,000 | 8,000 | --- |
| Total, Construction..... | 149,613 | 114,110 | 172,799 | +58,689 |

Education.—The Committee recommends an increase of \$4,239,000 for education construction. Included is an increase of \$4,239,000 to complete the employee housing project at Ramah Navajo, and an increase of \$2,000,000 for advance planning and design. There is also a decrease of \$2,000,000 to facilities improvement and repair. Within the planning and design funds, \$120,000 shall be used to develop a Master Plan for Southwestern Indian Polytechnic Institute facilities.

In recent years, several tribes have asked that authority be provided to enter into a lease arrangement with the Bureau under which the tribe would construct a facility with a guaranteed annual lease payment from the Bureau to pay back the costs of construction. The Committee requests the Bureau and Department to conduct a study of how such a program could be accomplished, and what legislative and administrative changes would have to be implemented prior to undertaking such a program. The study should be submitted to the appropriate authorizing and the Appropriations Committees by April 1, 1994.

Public safety and justice.—An increase of \$9,000,000 is recommended for public safety and justice, which includes \$4,000,000 each to complete the Chinle and Sac and Fox detention centers. Also included is an increase of \$1,000,000 for advance planning and design.

Resources management.—The Committee recommends an increase of \$45,450,000 for resources management. Included within this amount is \$35,334,000 for transfer of projects from the Indian land and water claim settlement account, as follows: Navajo Indian Irrigation Project, \$30,000,000; Southern Arizona water rights (Tohono O'odham), \$3,209,000; Salt River, \$1,430,000; and Fort McDowell, \$695,000. Additional amounts provided for ongoing irrigation projects include \$2,100,000 for the San Carlos Irrigation Project; \$1,816,000 for Gila River Farms; \$3,000,000 for Ute Mountain Ute; \$1,000,000 for the Milk River irrigation project (Fort Belknap); and \$700,000 for the Jemez irrigation project. There is also an additional \$1,500,000 to continue the fish hatchery rehabilitation program.

**INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS
PAYMENTS TO INDIANS**

| | |
|-----------------------------------|--------------|
| Appropriation enacted, 1993 | \$38,609,000 |
| Budget estimate, 1994 | 204,260,000 |
| Recommended, 1994 | 103,259,000 |
| Comparison: | |
| Appropriation, 1993 | +64,650,000 |
| Budget estimate, 1994 | -101,001,000 |

The Committee recommends an appropriation of \$103,259,000, a decrease of \$101,001,000, for Indian land and water claim settlements and miscellaneous payments to Indians. Included is a decrease of \$20,000,000 for water rights studies/negotiations, which have been transferred back to the Operation of Indian programs account where this activity has previously been budgeted. There is also a decrease of \$39,334,000 for transfer of the following projects to the Construction account: Navajo Indian Irrigation Project, \$34,000,000; Southern Arizona (Tohono O'odham), \$3,209,000; Salt River, \$1,430,000; and Fort McDowell, \$695,000.

The Committee recommends a decrease of \$41,667,000 for the Ute Indian Settlement Fund. As of this time, the tribe has not yet held the referendum on whether to accept this legislated settlement. The balance of funding proposed in the budget, \$17,198,000 for farming operations and water improvement projects, has been provided by the Committee.

The Committee is concerned about the amount of time that it is taking to implement various Indian Water Rights Settlement Acts. It does not benefit the parties to any Indian water rights settlement to have Congress pass legislation if the Department of the Interior does not move aggressively toward the implementation of that legislation. Of particular concern to the Committee is the San Luis Rey Indian Water Rights Settlement Act signed into law by President Reagan in November 1988. After almost five years, the Settlement parties have not yet developed an interim water supplemental supply. The Committee urges the Secretary to insure that all parties, including the Interior agencies, are aware of these concerns and are directed to work toward the implementation of the Settlement.

NAVAJO REHABILITATION TRUST FUND

| | |
|-----------------------------------|-------------|
| Appropriation enacted, 1993 | \$3,966,000 |
| Budget estimate, 1994 | 2,466,000 |
| Recommended, 1994 | 2,466,000 |
| Comparison: | |
| Appropriation, 1993 | -1,500,000 |
| Budget estimate, 1994 | |

The Committee recommends an appropriation of \$2,466,000, the budget estimate, for the Navajo Rehabilitation Trust Fund.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

| | |
|-----------------------------------|-------------|
| Appropriation enacted, 1993 | \$1,970,000 |
| Budget estimate, 1994 | 1,970,000 |
| Recommended, 1994 | 1,970,000 |
| Comparison: | |
| Appropriation, 1993 | |
| Budget estimate, 1994 | |

The Committee has included \$1,970,000 for technical assistance of Indian enterprises, the budget estimate.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

| | |
|-----------------------------------|-------------|
| Appropriation enacted, 1993 | \$2,479,000 |
| Budget estimate, 1994 | 2,484,000 |
| Recommended, 1994 | 2,484,000 |
| Comparison: | |
| Appropriation, 1993 | +5,000 |
| Budget estimate, 1994 | |

The Committee recommends \$2,484,000, the budget estimate, for the Indian direct loan program. The amount provided will make available a total of \$10,890,000 in loans in fiscal year 1994.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

| | |
|-----------------------------------|-------------|
| Appropriation enacted, 1993 | \$9,687,000 |
| Budget estimate, 1994 | 9,690,000 |
| Recommended, 1994 | 9,690,000 |
| Comparison: | |
| Appropriation, 1993 | +3,000 |
| Budget estimate, 1994 | |

The Committee recommends \$9,690,000, the budget estimate, for the Indian guaranteed loan program. The increase in the guaranteed loan subsidy over 1993 will allow \$69,000,000 in guaranteed loans in fiscal year 1994.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

| | |
|-----------------------------------|--------------|
| Appropriation enacted, 1993 | \$81,203,000 |
| Budget estimate, 1994 | 80,957,000 |
| Recommended, 1994 | 82,107,000 |
| Comparison: | |
| Appropriation, 1993 | +904,000 |
| Budget estimate, 1994 | +1,150,000 |

The amounts recommended by the Committee for fiscal year 1994, compared to the budget estimates by activity, are shown in the following table:

| | FY 1993 Enacted | (in thousands of dollars) Budget Estimates | Committee Bill | Change from Estimates |
|--|--------------------|--|-------------------|--------------------------|
| American Samoa | | | | |
| Operations grants..... | 22,690 | 22,690 | 23,190 | +500 |
| Construction grants..... | 6,147 | 4,500 | 5,200 | +700 |
| Subtotal, American Samoa..... | 28,837 | 27,190 | 28,390 | +1,200 |
| Northern Marianas | | | | |
| Covenant grants..... | 27,720 | 27,720 | 27,720 | --- |
| Virgin Islands | | | | |
| Construction grants..... | 2,975 | 4,500 | 4,500 | --- |
| Territorial Administration | | | | |
| Office of Territorial Affairs..... | 4,507 | 4,588 | 4,538 | -50 |
| Technical assistance..... | 7,535 | 7,535 | 7,535 | --- |
| Guam Power Authority loan assistance..... | 1,260 | --- | --- | --- |
| Maintenance assistance fund..... | 4,462 | 4,462 | 4,462 | --- |
| Disaster fund..... | 1,983 | 1,983 | 1,983 | --- |
| Drug interdiction/abuse prevention..... | 734 | 734 | 734 | --- |
| Brown tree snake..... | 595 | 595 | 595 | --- |
| Rongelap studies..... | 595 | --- | --- | --- |
| Insular management controls..... | --- | 1,650 | 1,650 | --- |
| Subtotal, Territorial Administration..... | 21,671 | 21,547 | 21,497 | -50 |
| Total, Administration of Territories..... | 81,203 | 80,957 | 82,107 | +1,150 |

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

| | |
|-----------------------------------|-------------|
| Appropriation enacted, 1993 | \$2,172,000 |
| Budget estimate, 1994 | 2,194,000 |
| Recommended, 1994 | 2,494,000 |
| Comparison: | |
| Appropriation, 1993 | +322,000 |
| Budget estimate, 1994 | +300,000 |

The Committee recommends an appropriation of \$2,494,000 for the Office of Construction Management. This is an increase of \$300,000 over the request in order to establish a unit within the Office of Construction Management to review National Park Service construction cost estimates and to review the scope of each project. The Committee is concerned that National Park Service construction costs are escalating and believes that an independent office reviewing the cost estimates and scope of the projects will serve to reduce costs in the long run.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

| | |
|-----------------------------------|-------------|
| Appropriation enacted, 1993 | \$2,040,000 |
| Budget estimate, 1994 | 1,500,000 |
| Recommended, 1994 | 1,000,000 |
| Comparison: | |
| Appropriation, 1993 | -1,040,000 |
| Budget estimate, 1994 | -500,000 |

The Committee recommends an appropriation of \$1,500,000, a decrease of \$500,000 from the budget estimate, for the National Indian Gaming Commission. The Commission will have an additional \$1,500,000 available in fiscal year 1994 from tribal fees.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The Committee recommends continuing several provisions carried in previous bills as follows. Sections 101 and 102 provide for emergency transfer authority with the approval of the Secretary. Section 103 provides for warehouse and garage operations and for reimbursement for those services. Section 104 provides for vehicle and other services. Section 105 provides for uniform allowances. Section 106 provides for twelve month contracts with the General Services Administration for services and rentals.

Although the Committee has not recommended continuing a legislative provision, carried in previous years, requiring that employee details conform to Office of Personnel Management regulations, the Department is to report monthly to the Committee on employee details.

Sections 107 through 110 prohibit the expenditure of funds for Outer Continental Shelf leasing activities in certain areas as proposed in the budget. These provisions are addressed under the Minerals Management Service in this report.

The Committee recommends a general provision, Section 111, prohibiting the expenditure of funds to issue permits for construction of jetties at Oregon Inlet, North Carolina.

Sections 112 and 113 prohibit processing of patent applications under the general mining laws as described under the Bureau of Land Management.

Section 114 prohibits the expenditure of funds for publishing final rules defining valid existing rights (VER) for purposes of section 522(e) of the Surface Mining Control and Reclamation Act of 1977 or disapproving State VER definitions.

The Committee is opposed to the continued expenditure of funds on advisory boards which are not representative of the full range of groups interested in land-use decisions, duplicative of other advisory groups, or otherwise of questionable value in management of the public lands, and has included as section 115 a general provision precluding the funding of grazing advisory boards. This provision is intended to improve public participation in the management of the public lands and eliminate wasteful spending by prohibiting the use of any funds in fiscal year 1994 for grazing advisory boards.

Bureau of Land Management's grazing advisory boards provide advice on the expenditure of public funds; range betterment funds. Yet, the composition of these boards is typically single-purpose, representing grazing permittees, and not the full range of public land interests. This is contrary to the Federal Land Policy and Management Act's (FLPMA) requirement that advisory councils be comprised of members "representative of the various major citizens' interests . . ." Also, grazing advisory boards are duplicative of BLM's multiple use advisory boards. This duplication wastes Federal funds and violates FLPMA's explicit prohibition on establishing duplicative advisory bodies.

The Committee believes that the Secretary of the Interior should examine critically the National Public Lands Advisory Council, the Experimental Stewardship Committees, and the Department's many other advisory bodies to ensure their compliance with FLPMA.

The Committee appreciates the Department of the Interior's efforts to complete the study of R.S. 2477 rights-of-way required by the fiscal year 1993 Interior Appropriations Act, and supports the decision of the Secretary to defer any processing of R.S. 2477 assertions until a rulemaking is completed.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

The Forest Service manages 191 million acres of public lands across the country, and administers a wide variety of programs, including timber production, recreation, grazing, wildlife protection, and soil and water conservation. Recreational use of national forest land amounted to approximately 278.8 million visitor days in 1991, equal to each American spending 12 hours on the National Forest System. In fact, the National Forest provided about 41 percent of all recreation visitors days on Federal lands in 1991. More than 10,000 farmers and ranchers pay for permits to graze cattle, horses, sheep and goats on 46 million acres of grassland, open for-

for the Energy Information Administration, a decrease of \$3,320,000 below the budget estimate of \$89,373,000. The decrease consists of \$220,000 as a general reduction because of balances remaining available from a disapproved fiscal year 1993 reprogramming, \$2,200,000 for activities related to implementation of section 407 of the recently-passed energy act pertaining to alternative fueled vehicles, and \$900,000 for activities related to implementation of section 1605 of the energy act pertaining to greenhouse gases.

With regard to alternative fueled vehicles data collection authorized by section 407 of the new energy act, the remaining \$300,000 should be sufficient to modify existing survey instruments such as the Residential Transportation Energy Consumption Survey to solicit additional information rather than developing new survey instruments. Costs for meetings with interested parties also appear to the Committee to be excessive.

For greenhouse gases, the Committee recommends delaying collection of voluntary data authorized by section 1605 of the energy act until voluntary collection and reporting guidelines are developed.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

| | |
|-----------------------------------|-----------------|
| Appropriation enacted, 1993 | \$1,524,779,000 |
| Budget estimate, 1994 | 1,601,309,000 |
| Recommended, 1994 | 1,652,394,000 |
| Comparison: | |
| Appropriation, 1993 | +127,615,000 |
| Budget estimate, 1994 | +51,085,000 |

The provision of Federal health services to Indians is based on a special relationship between Indian tribes and the U.S. Government first set forth in the 1830's by the U.S. Supreme Court under Chief Justice John Marshall. This relationship has been reconfirmed by numerous treaties, statutes, constitutional provisions, and international law. Principal among these is the Snyder Act of 1921 which provides the basic authority for most Indian health services provided by the Federal Government to American Indians and Alaska Natives. The Indian Health Service (IHS) provides direct health care services in 42 hospitals, 66 health centers, 4 school health centers, and 53 health stations. Tribes and tribal groups, through contracts with the IHS, operate 8 hospitals, 98 health centers, 3 school health centers, 59 health stations, and 172 Alaska village clinics.

The Committee recommends \$1,652,394,000 for Indian health services, an increase of \$127,615,000 above the fiscal year 1993 enacted level of \$1,524,779,000 and \$51,085,000 above the fiscal year 1994 budget request of \$1,601,309,000. The amount recommended by the Committee as compared to the budget estimate by activity is shown in the following table:

| | FY 1993 Enacted | (in thousands of dollars; Budget Estimates | Committee Bill | Change from Estimates |
|---|--------------------|--|-------------------|--------------------------|
| Hospital and health clinic programs..... | 763,741 | 796,880 | 803,715 | +6,835 |
| Dental health program..... | 49,239 | 52,151 | 53,151 | +1,000 |
| Mental health program..... | 28,770 | 29,964 | 35,372 | +5,408 |
| Alcohol and substance abuse program..... | 81,305 | 85,482 | 87,482 | +2,000 |
| Contract care..... | 328,394 | 344,848 | 349,848 | +5,000 |
| Public health nursing..... | 20,740 | 21,587 | 22,187 | +600 |
| Health education..... | 7,561 | 7,919 | 7,919 | --- |
| Community health representatives program..... | 40,823 | 43,010 | 43,910 | +900 |
| Immunization..... | 1,287 | 1,348 | 1,348 | --- |
| Urban health projects..... | 20,965 | 22,034 | 22,834 | +800 |
| Indian health professions..... | 26,092 | 27,406 | 27,406 | --- |
| Tribal management..... | 5,161 | 5,285 | 5,285 | --- |
| Direct operations..... | 48,659 | 50,271 | 50,271 | --- |
| Self-governance..... | 1,884 | 1,980 | 4,980 | +3,000 |
| Contract support costs..... | 100,558 | 110,686 | 136,686 | +26,000 |
| Transfer from facilities..... | --- | 458 | --- | -458 |
| Medicare/Medicaid reimbursements..... | (100,000) | (120,000) | (120,000) | --- |
| Total, Indian Health Services..... | 1,524,779 | 1,601,309 | 1,652,394 | +51,085 |

The Indian Health Service budget request for fiscal year 1994 provides for large decreases in Federal staffing, to be replaced with contract employees, and for the staffing of all new facilities on a contract basis. The Committee rejects that proposal as unrealistic and not cost effective. The difficulty IHS experiences in filling health professional positions in remote rural areas would be exacerbated under the budget proposal. Replacing Federal staff vacancies with contract services would result in a myriad of small contracts to deal with providing doctors, nurses and other health professionals at all the different IHS hospital, clinic and health station locations. The additional administrative bureaucracy necessary to develop and oversee these contracts is inconsistent with the Administration's goal to reduce Federal administrative costs. The Committee believes that staffing reductions, in both the services and facilities accounts, should be achieved through the increased use of tribal contracting which should be facilitated by the Committee's recommendation to fund fully contract support costs. The Committee notes that tribal contracting is determined by the tribes and not by the IHS so that a definitive reduction in Federal staffing linked to prospective tribal contracting cannot be established. As self-governance compacts are negotiated with the tribes, further reductions in IHS administrative and health professional positions should be realized. The Committee also believes that staffing of new IHS facilities should be exempt from the Presidentially-mandated staffing reductions and encourages the IHS to explore further such an exemption from the Administration.

With respect to mandated administrative cost reductions, the Committee expects these reductions to be spread equitably across all IHS administrative activities that are not related directly to the provision of health services. The IHS should notify the Committee of its plan to comply with this direction by November 1, 1993.

The Committee is disappointed that the IHS budget request again fails to provide funding sufficient to address the ongoing cost of operations and to address shortfalls in severely underfunded areas. The Committee recommendations attempt to address the most severely underfunded areas. In order to do so, funds for addressing the demands placed on health services by the increasing Indian population have not been included for fiscal year 1994. The Committee urges the IHS to include population growth funding for

each budget subactivity in the base budget in future fiscal years. In the past the IHS has told the Committee it would do so but it has not followed through on that commitment.

Hospitals and Health Clinics.—The Committee recommends an increase of \$6,835,000 for hospitals and health clinics. The net increase consists of increases of \$11,589,000 to bring 23 units, that are currently funded at less than 60 percent of need for basic health services, up to the 60 percent funding level; \$300,000 for improved on-reservation services for the Shoalwater Bay Tribe in Washington; \$150,000 for AIDS prevention and treatment services; and \$104,000 for staffing at the expanded Wagner, SD health center to fund 85 percent of needed housekeeping services as provided for other new and expanded facilities. These increases are partially offset by a decrease of \$5,308,000 which reflects the transfer of the social services program to the mental health activity, as recommended by the IHS in a report to the Committee.

The recommended increase for the 23 units which are currently funded at less than 60 percent of need is to be distributed as follows:

| IHS Area | Unit | Amount |
|-------------|-----------------------------|--------------|
| Aberdeen | Ft. Totten | \$616,000 |
| | Yankton | 103,000 |
| | Trenton | 20,000 |
| Albuquerque | Ponca | 643,000 |
| | Southern Colorado | 239,000 |
| | Alamo | 166,000 |
| California | Ramah | 206,000 |
| | Redding (Shasta-Trinity) | 50,000 |
| | Chapa De (Auburn) | 63,000 |
| Nashville | Oneida | 770,000 |
| | Aroostook Micmac | 333,000 |
| Navajo | Gallup | 505,000 |
| Oklahoma | Haskell | 42,000 |
| | Shawnee | 1,847,000 |
| | Chickasaw | 659,000 |
| | Creek | 1,789,000 |
| Phoenix | Phoenix | 244,000 |
| | PITU (Paiute Tribe of Utah) | 599,000 |
| Portland | Coeur d'Alene | 683,000 |
| | Puyallup | 596,000 |
| | Warm Springs | 67,000 |
| | Western Oregon | 919,000 |
| | Yakima | 430,000 |
| Total | | \$11,589,000 |

During its fiscal year 1994 budget hearing, the IHS reported to the Committee that the incidence of AIDS in the Indian population has increased dramatically over the past few years so that it is now approaching the rate for the general population. No program increase was included in the budget request for AIDS prevention and treatment. The Committee expects the IHS to assess carefully the need for additional funds in this area and include estimates in future budget submissions.

The recommended increase for on-reservation health services for the Shoalwater Bay Tribe is needed to help address the neonatal and infant mortality problems experienced by that tribe. The tribe has reported that only 9 of the last 27 confirmed pregnancies on the reservation have resulted in live births of infants who reach

the age of two years. The Committee understands that the IHS has included \$430,000 in its fiscal year 1994 budget request for Shoalwater Bay health services, including contract support costs. The additional \$300,000 recommended by the Committee will allow the Tribe to hire a full-time nurse practitioner and provide for some on-reservation mental health and outreach services. A portion of the funds recommended by the Committee may be used to prepare space for the on-reservation health services and to purchase needed equipment and supplies. The total of \$730,000 for Shoalwater Bay should remain in the base as recurring funds in future years and the Tribe should receive its fair share of any inflation adjustments. The Committee notes that the underlying problem which is causing the high neonatal and infant mortality rates on the reservation has yet to be identified. The provision of on-reservation health services is not the full answer and the Committee urges the IHS to work with the Tribe, the State, the Environmental Protection Agency and the Centers for Disease Control to identify and address the cause of the problem.

Despite the success of the loan repayment program, the IHS continues to experience recruitment and retention problems. The Committee urges the IHS to work with the Administration to develop a system that allows a reasonably competitive salary quote for potential health professionals.

The Committee understands that some tribes are experiencing problems because of contracts that are issued on a fiscal year basis and expects the IHS to review the need for changing contracts to a calendar year cycle. The funding requirements for such adjustments should be included in the fiscal year 1995 budget justification.

The Committee expects the IHS to continue the tuberculosis control program for the Mississippi Choctaw Tribe in fiscal year 1994.

Dental Health.—The Committee recommends an increase of \$1,000,000 for dental health services to increase the level of need funded from 44 percent to 45 percent. An increase for modular dental units also is recommended under the facilities account. The Committee expects the IHS to continue the loan repayment program for dentists at the same level as in fiscal year 1993.

Mental Health.—The Committee recommends an increase of \$5,408,000 for mental health services, including \$100,000 for the Bay Mills Tribe child sexual abuse treatment and prevention program and \$5,308,000 which reflects the transfer of the social services program from the hospitals and clinics activity.

The Committee expects the IHS to develop, in coordination with the Bureau of Indian Affairs child protection staff, a plan to address the need for child sexual abuse and treatment programs. Complementary IHS and BIA budget requests should be included in the fiscal year 1995 budget justification. This issue also is addressed in the Bureau of Indian Affairs section of this report, and the IHS should work closely with the Bureau in developing the March 1, 1994 report to the Appropriations Committees which is outlined in that section.

The Committee encourages the IHS to explore the possibility of tribal contracting for the provision of health services for indigent

Indians involuntarily committed for treatment in North Dakota and South Dakota.

Alcohol and Substance Abuse.—The Committee recommends an increase of \$2,000,000 for alcohol and substance abuse treatment and prevention services to increase the level of need funded from 44 percent to 45 percent. Within the recommended increase, the Committee expects the IHS to fund the full-year cost of the Squaxin Island Tribe's alcoholism program. The Squaxin Island program was funded for partial year operation in fiscal year 1993 and the IHS failed to request the annualized cost for full year operation in its budget request for fiscal year 1994.

A plan for addressing the need for social detoxification services in BIA detention facilities should be developed in coordination with BIA. Complementary IHS and BIA budget requests should be included in the fiscal year 1995 budget justification.

The Committee understands that the IHS budget proposes to fund the fetal alcohol syndrome project at the University of Washington at \$125,000 in fiscal year 1994 which is equivalent to this year's funding level. The University of Washington project provides important research on the psychological and behavioral aspects of fetal alcohol syndrome and fetal alcohol effect, and the Committee expects the IHS to ensure that this project receives its fair share of inflationary adjustments in future budget requests.

Contract Health Services.—The Committee recommends an increase of \$5,000,000 in contract health services to address unmet need. The Committee encourages IHS to continue to explore cost savings in contract health services through managed care programs.

The budget request assumes continuing the catastrophic health emergency fund at the \$12 million level, despite large shortfalls in this area. The Committee expects the IHS to address the full requirements for the catastrophic health emergency fund as part of its overall priorities in the fiscal year 1995 budget process.

The Committee has received expressions of concern from the California area of IHS with respect to underfunding of contract health services in that area. The IHS has reported that, although the California area is funded at a lower per capita level for contract health services than other IHS areas, it has received increases in past years under the hospitals and clinics activity which have raised its overall level of need funded to 71 percent. The IHS average level of need funded is 75 percent. The IHS maintains that providing increased funds to California under the hospitals and clinics activity does not preclude the use of those funds, as needed, for contract health services. The Committee expects the IHS to work with the California area tribes to address this question and to make budget realignments, if necessary, among the various budget activities for the California area. With respect to the increase recommended by the Committee for contract health services, the California area should receive its fair share of these funds.

Public Health Nursing.—The Committee recommends an increase of \$600,000 for public health nursing to increase the level of need funded from 33 percent to 34 percent. The number of public health nursing positions in IHS has declined over the past few years in order to fund mandated salary increases. The increase rec-

ommended by the Committee will allow for the restoration of about 10 of the 21 positions lost since fiscal year 1988.

Community Health Representatives.—The Committee recommends an increase of \$900,000 for community health representatives to increase the level of need funded from 43 percent to 44 percent.

Urban Health.—The Committee recommends an increase of \$800,000 for urban health programs to increase the level of need funded from 22 percent to 23 percent.

Self-Governance.—The Committee recommends an increase of \$3,000,000 for self-governance to fund shortfalls in compact funding. In some cases there cannot be a direct transfer of funds from IHS to the tribes to fund self-governance compacts without jeopardizing the support provided by IHS to other tribes. The increase recommended by the Committee is intended to cover transfer funding shortfalls. To the maximum extent possible, compacts should be funded through the transfer of funds from IHS operations and staffing.

The Committee is concerned by the slow pace of IHS in establishing and staffing the self-governance office. The IHS should ensure that this office is fully staffed with permanent employees dedicated to the self-governance program.

Contract Support Costs.—The Committee recommends an increase of \$26,000,000 to fund fully contract support costs as required by law. The increase recommended by the Committee should encourage continued contracting by the tribes which, in combination with self-governance compacts, should enable Federal staffing reductions in IHS.

Adjustment between Services and Facilities Accounts.—The Committee has recommended a decrease of \$458,000 in the health services account which reflects a transfer to the facilities account to correct a discrepancy between the President's budget request and the budget justification supplied by IHS.

General.—Last year the Congress provided for the purchase and renovation of modular buildings in limited circumstances using services dollars. This provision was included to allow for tribal contractors to obtain additional space when they have excess services funds which have been carried over from previous years. The circumstances under which such purchases and renovation are permissible are limited to situations in which carryover funds have been generated because a tribe has insufficient space and staffing to provide needed services and the additional space will not result in future funding requirements beyond the current contract. Further, the Committee believes that, in some cases, it may be more cost effective for a tribe to renovate existing space to meet its additional health services space needs rather than purchasing modular buildings. The Committee does not object to the use of carryover services funds for renovation of existing space to meet additional space needs for health services if the criteria described above are met. Again, the Committee expects such circumstances will be rare and IHS should make every effort to address these types of problems in advance by properly budgeting for needed services and repair and renovation requirements in the appropriate appropriation accounts.

Bill Language.—Bill language has been recommended to provide \$8,000,000 for the Indian Self-Determination Fund rather than the \$5,000,000 proposed by IHS. The increase recommended by the Committee is included as part of the \$26,000,000 contract support cost funding increase referenced above. The IHS should ensure that at least \$8,000,000 is added as part of the base budget in each subsequent fiscal year for the Indian Self-Determination Fund to ensure shortfalls do not develop in the future.

The Committee has recommended bill language to ensure that self-governance compact funds remain available to the tribes without fiscal year limitations. Language also is recommended under title III, general provisions, to ensure Federal Tort Claims Act protection is extended to tribal employees under self-governance compacts.

INDIAN HEALTH FACILITIES

| | |
|-----------------------------------|---------------|
| Appropriation enacted, 1993 | \$333,640,000 |
| Budget estimate, 1994 | 278,811,000 |
| Recommended, 1994 | 296,997,000 |
| Comparison: | |
| Appropriation, 1993 | -36,643,000 |
| Budget estimate, 1994 | +18,186,000 |

The need for new Indian health care facilities has not been fully quantified but it is safe to say that many billions of dollars would be required to renovate existing facilities and construct all the needed new hospitals and clinics. Safe and sanitary water and sewer systems for existing homes and solid waste disposal needs currently are estimated to amount to \$635 million for those projects that are considered to be economically feasible.

The Committee recommends \$296,997,000 for Indian health facilities, a decrease of \$36,643,000 below the fiscal year 1993 appropriation of \$333,640,000 and an increase of \$18,186,000 above the fiscal year 1994 budget request of \$278,811,000. The amount recommended by the Committee as compared to the budget estimate by activity is shown in the following table:

| | FY 1993 Enacted | (in thousands of dollars) Budget Estimate | Committee Bill | Change from Estimate |
|--|--------------------|---|-------------------|-------------------------|
| Maintenance and improvement..... | 32,168 | 32,940 | 44,940 | +12,000 |
| New and replacement hospitals..... | 125,319 | 75,000 | 58,000 | -17,000 |
| Regional treatment centers (youth)..... | 7,929 | --- | 2,780 | +2,780 |
| Staff quarters..... | --- | --- | 16,396 | +16,396 |
| Dental units..... | --- | --- | 1,500 | +1,500 |
| Joint venture projects..... | 1,052 | --- | --- | --- |
| Sanitation facilities..... | 85,051 | 85,051 | 85,051 | --- |
| Facilities and environmental health support..... | 81,667 | 85,801 | 87,853 | +2,052 |
| Contract support costs..... | 454 | 477 | 477 | --- |
| Transfer to services..... | --- | -458 | --- | +458 |
| Total, Indian Health Facilities..... | 333,640 | 278,811 | 296,997 | +18,186 |

Maintenance and Improvement.—The Committee recommends an increase of \$12,000,000 for maintenance and improvement. The current IHS backlog of needed maintenance and improvement projects is nearly \$220 million and IHS reports that the backlog grows by an average of \$12 million a year. The increase recommended by the Committee will provide for slowing the rate of growth in the backlog. The increased amount, adjusted for inflation, should remain in the IHS base budget in future years to en-

sure that the maintenance and improvement backlog does not continue to grow.

New and Replacement Hospitals.—The Committee recommends a decrease of \$17,000,000 for new and replacement hospitals which will fund the Anchorage Native Medical Center construction at \$58,000,000 rather than the \$75,000,000 requested in the budget. The decrease should have minimum impact on this ongoing construction project. The Committee intends to provide the remaining \$17,000,000 required to complete this hospital in fiscal year 1995.

The Committee has not recommended funding to begin any new construction projects in fiscal year 1994. The Committee will consider funding some of the projects remaining on the current priority list in fiscal year 1995. The IHS should include in its fiscal year 1995 budget justification those projects which are ready for construction or for planning and design funds.

The IHS should continue to work with the Winnebago Tribe to reach consensus on a replacement facility for the Winnebago hospital, and with the Crow and Northern Cheyenne Tribes on employment of tribal members in the construction and operation of the Crow/Northern Cheyenne hospital.

The IHS should explore options for expanding the Gallup Indian Medical Center at its existing location. The Committee does not object to the reprogramming of funds for the purchase of land and improvements thereon if the IHS identifies an acceptable source of funds to reprogram. The purchase price should not exceed appraised market value.

The Committee encourages the IHS to explore, in consultation with the Tribes, the development of standardized designs for its health facilities. These standardized designs should capitalize on "lessons learned" from past construction projects and could result in considerable savings of time and money required to construct individual projects.

Regional Youth Treatment Centers.—The Committee recommends an increase of \$2,780,000 to complete the construction of the Portland area regional youth treatment center for alcohol and substance abuse treatment in Spokane, Washington.

The Committee has not recommended funds for a second regional youth treatment center in the Phoenix area. The original agreement for the Phoenix area called for a regional center in Gila River, Arizona with a satellite facility in Schurz, Nevada. The cost of the Schurz facility was to be \$515,000. The current plan calls for a facility in Fallon, Nevada, in place of the Schurz facility, at an estimated cost of \$4,000,000, which is a substantial expansion of the original agreement. While the Committee does not question the need for the Fallon facility, it does believe that the IHS should establish the first regional youth treatment center in each of the IHS areas before pursuing expensive second centers for any of the areas.

Staff Quarters.—The Committee recommends an increase of \$16,396,000 to complete the construction of staff quarters for the Kotzebue, Alaska hospital.

Dental Units.—The Committee recommends an increase of \$1,500,000 for replacing modular dental units. The IHS has reported to the Committee that 12 of the current 29 units need to be

replaced and 19 additional units are needed. The amount recommended by the Committee will provide for the replacement of 6 units. The IHS should incorporate modular dental units in its strategic plan for facilities and the increased funds recommended by the Committee, plus inflationary costs, should remain in the base for future budget requests.

Facilities and Environmental Health Support.—The Committee recommends an increase of \$2,052,000 for facilities and environmental health support, including \$1,000,000 for injury prevention programs, \$1,000,000 for tribal training on the operation and maintenance of sanitation facilities and \$52,000 for maintenance support for the expanded Wagner, SD health center to fund 85 percent of need as provided for other new and expanded facilities.

The IHS has developed an ambitious long-term injury prevention program which should result in a decline in needed health treatments over time. Regrettably, this initiative has received minimal funding to date and the Committee's recommended increase is intended to further implementation of this worthy program.

The Committee has not included funding to expand financial support for the operation and maintenance of sanitation facilities with Federal funds. The IHS should continue its practice of turning these facilities over to the tribes for operation and maintenance upon completion of construction. The Committee has recommended an increase of \$1,000,000 to enhance the IHS' ability to provide training to tribal personnel on the operation and maintenance of these facilities. Also, the Committee urges IHS to include inflationary costs in its base budget for the sanitation facilities program in the future.

Adjustment between Services and Facilities Accounts.—The Committee has recommended an increase of \$458,000 which reflects a transfer from the health services account to correct a discrepancy between the President's budget and the budget justification supplied by IHS.

General.—The Committee expects the IHS to move with caution in converting temporary construction workers to permanent Federal status. In particular, the Committee is concerned that the changing regional demand for construction projects could result in a large number of employee relocations over the years.

ADMINISTRATIVE PROVISIONS

The Committee has recommended continuing several provisions in bill language which have been carried in previous years. These include provisions forbidding the implementation of eligibility regulations until a budget is submitted and enacted reflecting the increased cost of those regulations; prohibiting appropriations structure changes in budget submissions without advance approval of the House and Senate Appropriations Committees; specifying that IHS funds are to be apportioned as appropriated; and prohibiting personnel ceilings or personnel reductions in IHS without the review and approval of the Committees on Appropriations.

DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
INDIAN EDUCATION

| | |
|-----------------------------------|--------------|
| Appropriation enacted, 1993 | \$80,583,000 |
| Budget estimate, 1994 | 84,006,000 |
| Recommended, 1994 | 83,500,000 |
| Comparison: | |
| Appropriation, 1993 | +2,917,000 |
| Budget estimate, 1994 | -506,000 |

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

The Committee recommends \$83,500,000 for fiscal year 1994, an increase of \$2,917,000 above the fiscal year 1993 enacted level of \$80,583,000 and \$506,000 below the fiscal year 1994 budget request of \$84,006,000. The amount recommended by the Committee as compared to the budget estimate by activity is shown in the following table:

| | FY 1993 Enacted | (in thousands of dollars) Budget Estimates | Committee Bill | Change from Estimates |
|--|--------------------|--|-------------------|--------------------------|
| Subpart 1 - Grants to LEAs & Indian-controlled schools | 59,304 | 60,905 | 60,304 | -601 |
| Subpart 2 - Special programs for Indian students..... | 12,134 | 14,300 | 14,300 | --- |
| Subpart 3 - Special programs for Indian adults..... | 4,561 | 4,851 | 4,851 | --- |
| Administration..... | 3,384 | 3,740 | 3,835 | +95 |
| Data collection and analysis..... | 1,190 | 200 | 200 | --- |
| Total, Indian Education..... | 80,583 | 84,006 | 83,500 | -506 |

The net decrease below the budget request consists of an increase of \$95,000 to continue to fund field reader costs under program administration and a decrease of \$601,000 for grants to local educational agencies and Indian-controlled schools. The decrease in grants to school leaves this activity with an increase of \$1 million over the fiscal year 1993 level.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

| | |
|-----------------------------------|--------------|
| Appropriation enacted, 1993 | \$27,698,000 |
| Budget estimate, 1994 | 28,336,000 |
| Recommended, 1994 | 26,936,000 |
| Comparison: | |
| Appropriation, 1993 | -762,000 |
| Budget estimate, 1994 | -1,400,000 |

The dispute between the Hopi and Navajo tribes is centuries-old. The Hopi were the original occupants of the land with their origin

tracking back to the Anasazi race whose presence is recorded back to 1150 A.D. Later in the 16th century the Navajo tribe began settling in this area. The continuous occupation of this land by the Navajo led to the isolation of the Hopi reservation as an island within the area occupied by the Navajo. In 1882, President Arthur issued an Executive Order which granted the Hopi a 2.5 million acre reservation to be occupied by the Hopi and such other Indians as the Secretary of the Interior saw fit to resettle there. Intertribal problems arose between the larger Navajo tribe and the smaller Hopi tribe revolving around the question of the ownership of the land as well as cultural differences between the two tribes. Efforts to resolve these conflicts were not successful and led Congress to pass legislation in 1958 which authorized a lawsuit to determine ownership of the land. When attempts at mediation of the dispute as specified in an Act passed in 1974 failed, the district court in Arizona partitioned the Joint Use Area equally between the Navajo and Hopi tribes under a decree that has required the relocation of members of both tribes. Most of those to be relocated are Navajo living on the Hopi Partitioned Land.

At this time approximately 708 households remain to be relocated, of which 119 are full-time residents on the Hopi Partitioned Land. Two hundred sixty-nine Navajo households have settled on the new lands, and 10 additional Navajo households are having homes constructed on the new lands. Progress to accomplish the 1974 mandate, despite development of the new lands, has been slow. Completion is not anticipated, at the current level of activity, before 1998. To date, a total of 2,331 families have been relocated.

The Committee recommends \$26,936,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation, a decrease of \$762,000 below the fiscal year 1993 enacted level of \$27,698,000 and a decrease of \$1,400,000 below the fiscal year 1994 budget request of \$28,336,000. The net decrease from the budget request consists of increases of \$5,000,000 for continued road development on the New Lands using housing funds and \$3,600,000 for Indian Health Service sanitation construction of New Lands water and waste projects and a decrease of \$10,000,000 due to a large carryover of funds anticipated for fiscal year 1993.

The Committee continues to be concerned about the housing situation in Tuba City. For several years the Office told the Committee that 280 lots would be developed in Tuba City and that half of those lots would be made available to relocatees. The Office has reported that both the number of lots and the number available for relocatees is uncertain. The Committee believes no further funds should be obligated for the Tuba City subdivision until there is a firm commitment on the number of lots to be made available for relocatees. The Committee should be advised before further funds are committed.

Bill language.—The Committee has included bill language which specifies that the Office may move only those who have voluntarily applied and been certified eligible for relocation and lists the priorities for accommodating eligible relocatees. This language has been carried in previous years.

special use permits and the crediting of reimbursements to the current appropriation; preventing the implementation of an agreement for the redevelopment of the southern end of Ellis Island until 30 legislative days have elapsed from the time the Congress is notified of the plans; and restricting upgrades to the Burr Trail in Utah.

Language is included under United States Geological Survey, Surveys, investigations, and research allowing a procurement for the full scope of an addition to the EROS Data Center in Sioux Falls, South Dakota.

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

Language is included under Minerals Management Service, Leasing and royalty management, providing for the use of certain receipts for a technical information system; providing for reasonable expenses related to volunteer beach and marine clean-up activities; and providing for refunds for overpayments on Indian allottee leases.

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

Language is included under Office of Surface Mining Reclamation and Enforcement, Regulation and technology, to allow use of performance bond forfeitures by the regulatory authority to conduct reclamation activities; allowing utilization of monies collected pursuant to assessment of civil penalties to reclaim lands affected by coal mining after August 3, 1977; and permitting payment to State and tribal personnel of travel and per diem expenses for training.

Language is included under Office of Surface Mining Reclamation and Enforcement, Abandoned mine reclamation fund, which maintains 16 full time equivalents for the Anthracite Reclamation Program at the Wilkes-Barre field office, which earmarks specific amounts in the account for emergency reclamation projects, and which allows use of debt recovery to pay for debt collection.

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

Language is included under Bureau of Indian Affairs, Operation of Indian programs, providing for the use of funds for maintenance of tribally-owned hatcheries, prohibiting the transfer of tribal or individual trust funds and the commencement of the statute of limitations until certain conditions have been met, providing a grant to the CloseUp foundation, providing that self-governance funds not be made available until compacts are submitted to Congress, and prohibiting a reorganization except under specific circumstances.

Language is included under Bureau of Indian Affairs, Operation of Indian programs, continuing the operation of the Task Force on Bureau of Indian Affairs Reorganization, allowing reprogramming

of Self-Governance funds, allowing changes to certain eligibility criteria by tribal governments, allowing the transfer of certain forestry funds, prohibiting support of Alaska schools, and establishing a task force on Alaska schools.

Language is included under Bureau of Indian Affairs, Construction, providing that 6 percent of Federal Highway Trust Fund contract authority may be used for management costs, providing for the use of funds for rehabilitation of tribally-owned fish hatcheries, providing for the transfer of Navajo irrigation project funds and various water resource development related funds from water rights settlements to the Bureau of Reclamation, providing Safety of Dams funds on a non-reimbursable basis.

Language is included under Bureau of Indian Affairs, Indian and water claim settlements, making funds available to liquidate obligations to individual Indians and restore amounts to trust funds invested in failed savings and loans not covered by Federal deposit insurance.

Language is included under Territorial and International Affairs, Administration of Territories, requiring audits of the financial transactions of the Territorial governments by the General Accounting Office, providing grant funding under certain terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands, and providing a grant to the Close-Up foundation.

Language is included under Territorial and International Affairs, Trust Territory of the Pacific Islands, requiring audits of the financial transactions of the Trust Territory government by the General Accounting Office; providing that if the Palau Compact is implemented before October 1, 1994, all funds appropriated and obligated for Palau under this account shall be credited as an offset to fiscal year 1994 payments under the compact; and earmarking funds for the College of Micronesia.

Language is included under Territorial and International Affairs, Compact of Free Association, providing for the effective date of the Palau Compact.

Language is included under Office of the Secretary, Administrative provisions, prohibiting the use of working capital or consolidated working funds to augment certain offices.

Language is included under General provisions, Department of the Interior, to allow transfer of funds in certain emergency situations, requiring replacement with a supplemental appropriation request, and designating certain transferred funds used as "emergency requirements" under the Balanced Budget and Emergency Deficit Control Act of 1985.

Language is included under General provisions, Department of the Interior, to consolidate services and receive reimbursement for said services.

Language is included under General provisions, Department of the Interior, to allow for obligations in connection with contracts issued by GSA for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

Language is included under General provisions, Department of the Interior, restricting various preleasing, leasing, exploration, and drilling activities within the Outer Continental Shelf in the

Language is included under Indian Health Service, Indian health services, providing that contracts and grants may be performed in two fiscal years and for a Self-Determination Fund; and providing for use of collections under Title IV of the Indian Health Care Improvement Act.

Language is included under Indian Health Service, Administrative provisions, for the purchase of trailers, providing that construction funds may be used for site acquisition, for payments for telephone service in private residences in the field and purchase of reprints, and purchase and erection of portable buildings.

Language is included under Indian Health Service, Administrative provisions, providing that health care may be extended to non-Indians at Indian Health Service facilities and providing for expenditure of funds transferred to IHS from the Department of Housing and Urban Development.

Language is included under Indian Health Service, Administrative provisions, to prevent the Indian Health Service from billing Indians in order to collect from third-party payers until Congress has agreed to implement a specific policy.

Language is included under Indian Health Service, Administrative provisions, allowing payment of expenses for meeting attendance, prohibiting imposition of personnel ceilings, specifying that certain funds shall not be subject to certain travel limitations, prohibiting the expenditure of funds to implement new eligibility regulations, providing that funds be apportioned only in the appropriation structure in this Act, and prohibiting changing the appropriations structure without approval of the Appropriations Committees.

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

Language is included under Institute of American Indian and Alaska Native Culture and Arts Development, Payment to the Institute, providing that the Institute's budget proposal be transmitted to Congress concurrently with the President's budget, and providing that the Institute act as its own certifying officer.

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

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

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