

DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS BILL, 1995

JUNE 17, 1994.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

REPORT

[To accompany H.R. 4602]

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, 1995, 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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inventory of projects totalled \$9.7 million. At the end of fiscal year 1992 the inventory stood at \$12.9 million and it increased to \$14.5 million by the end of fiscal year 1993. The amount recommended by the Committee will restore only partially the reduction proposed for this program is the 1995 budget request.

The increase recommended for the rural abandoned mine program is to provide for the orderly closeout of projects which are currently underway.

Other.—The Committee has recently become aware of subsidence and acid mine drainage problems in Nanty Glo, Pennsylvania and expects the OSM to provide technical assistance to the State and the local community on these problems.

Bill Language.—The Committee has recommended continuing bill language, carried in previous years, 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 1995 is \$18 million. Bill language also is included to permit States to use prior year carryover funds from the emergency program without being subject to the 25 percent statutory limitation per State. The Committee also has recommended bill language which would fund minimum program State grants at \$1,000,000 per State.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Appropriation enacted, 1994	\$1,490,805,000
Budget estimate, 1995	1,498,430,000
Recommended, 1995	1,527,786,000
Comparison:	
Appropriation, 1994	+ 36,981,000
Budget estimate, 1995	+ 29,356,000

The Committee recommends a total of \$1,527,786,000 for fiscal year 1995 for Operation of Indian programs. While this is an increase over both 1994 and the 1995 budget request, the Bureau will have to absorb the following amounts in 1995: \$5,680,000 for FTE reductions, \$6,247,000 for administrative streamlining, \$3,118,000 for additional costs of the January, 1994 locality pay raise, and \$2,490,000 for procurement reform.

The amounts recommended by the Committee for fiscal year 1995 compared with the budget estimates by activity are as follows:

	(in thousands of dollars)			
	FY 1994 Enacted	Budget Estimates	Committee Bill	Change from Estimates
Tribal Priority Allocations				
Tribal government.....	91,474	114,026	114,026	---
Human services.....	57,701	56,227	56,227	---
Education.....	35,953	34,572	58,978	+24,406
Public safety and justice.....	94,898	96,937	96,937	---
Community development.....	23,097	21,863	88,238	+66,375
Resources management.....	66,632	67,856	67,856	---
Trust services.....	29,685	29,309	29,309	---
General administration.....	27,798	26,562	26,562	---
Tribal priority general increase.....	2,700	---	---	---
Small tribes distribution.....	---	---	2,000	+2,000
Subtotal, Tribal Priority Allocations.....	429,938	447,352	540,133	+92,781
Other Recurring Programs				
Tribal government.....	92,384	95,823	103,323	+7,500
Human services.....	110,619	105,644	105,644	---
Education				
School operations				
Forward-funded.....	316,111	331,381	330,111	-1,270
Other school operations.....	78,282	78,799	78,799	---
Subtotal, School operations.....	394,393	410,180	408,910	-1,270
Continuing education.....	26,863	26,863	27,463	+600
Johnson O'Malley.....	24,326	24,406	---	-24,406
Subtotal, Education.....	445,582	461,449	436,373	-25,076
Community development.....	65,706	64,208	---	-64,208
Resources management.....	44,061	40,173	40,555	+382
Trust services.....	3,008	3,060	3,060	---
Subtotal, Other Recurring Programs.....	761,360	770,357	688,955	-81,402
Non-Recurring Programs				
Tribal government.....	9,209	4,934	4,934	---
Public safety and justice.....	3,052	586	2,552	+1,966
Community development.....	10,688	6,728	10,689	+3,961
Resources management.....	28,738	31,849	33,049	+1,200
Trust services.....	33,782	16,918	31,918	+15,000
Subtotal, Non-Recurring Programs.....	85,469	61,015	83,142	+22,127
Central Office Operations				
Tribal government.....	3,665	3,427	3,427	---
Human services.....	1,315	1,320	1,320	---
Public safety and justice.....	2,899	2,915	2,915	---
Community development.....	1,151	1,125	1,125	---
Resources management.....	3,867	3,987	3,987	---
Trust services.....	19,625	21,630	20,880	-750
General administration.....	50,314	48,845	46,595	-2,250
General reduction.....	-300	---	---	---
Subtotal, Central Office Operations.....	82,536	83,249	80,249	-3,000
Area Office Operations				
Tribal government.....	2,320	1,918	1,918	---
Human services.....	1,628	1,609	1,609	---
Public safety and justice.....	988	867	867	---
Community development.....	4,449	4,547	4,547	---
Resources management.....	4,320	4,412	4,412	---
Trust services.....	12,381	11,890	11,890	---
General administration.....	36,645	29,132	28,132	-1,000
General reduction.....	-100	---	---	---
Subtotal, Area Office Operations.....	62,631	54,375	53,375	-1,000
Special Programs and Pooled Overhead				
Human services.....	2,593	1,735	1,735	---
Education.....	14,103	14,161	14,561	+400
Public safety and justice.....	2,494	1,151	2,151	+1,000
Community development.....	3,513	3,425	3,525	+100
Resources management.....	2,128	2,128	1,698	-430
General administration.....	44,040	62,142	60,922	-1,220
Subtotal, Special Programs and Pooled Overhead.....	68,871	84,742	84,592	-150
GSA rent reduction.....	---	-170	-170	---
Procurement reform.....	---	-2,490	-2,490	---
Total, Operation of Indian Programs.....	1,490,805	1,498,430	1,527,786	+29,356

Tribal priority allocations.—The Committee recommends an increase of \$92,781,000 for Tribal priority allocations, of which \$88,614,000 represents the transfer of the Johnson-O'Malley, roads maintenance, facilities operations and maintenance (non-education), and housing improvement programs from Other recurring programs. The increase of \$4,167,000 includes \$2,000,000 to restore the housing improvement program to the 1994 level and \$167,000 for the Lake Roosevelt ferry under road maintenance.

The Committee also recommends an increase of \$2,000,000 for distribution to small tribes, in accordance with the report of the Joint Reorganization Task Force. The Committee recognizes that a minimum base of funding is needed by small tribes to permit them to establish basic governmental operations and services. The Task Force has pointed out that 264 small tribes currently lack such a base of funds, and has recommended incremental levels of funding to begin addressing these needs. The amount provided would bring all tribes to at least half of the recommended minimum base per tribe of \$160,000. The Bureau should distribute the funds in accordance with the relative needs identified in the Task Force's report on the preliminary assessment of most needy small tribes. While the Committee recognizes the limitations of the current data, it is important that additional resources be targeted to these tribes as soon as possible. Refinement of the data currently available will be accomplished through implementation of the Standard Assessment Methodology. The Bureau should address the remaining funding needed to provide full minimum base funding in future budget requests.

The movement of programs from the Other recurring programs section of the budget to Tribal priority allocations is a part of the ongoing implementation of the Tribal Budget System, aimed at stabilizing funding for all tribes and providing them maximum control and flexibility in the use of the funds made available. This is consistent with Self-determination policy and has already been implemented with respect to the Self-Governance project. The Joint Reorganization Task Force anticipates recommendations later in the year regarding the welfare assistance program and contract support for ongoing contracts and compacts, and it is hoped a method will be developed this year in cooperation with the Bureau to begin transferring these funds to each tribe's base funding.

With regard to the programs transferred in this bill, the Bureau is directed to afford these programs consistent treatment with other Tribal priority allocations programs, and to distribute them by the current distribution methods while determining the amount to be made a part of each tribe's recurring base funding. In determining these amounts, the Bureau is directed to publish the proposed method of determining each tribe's portion of such programs in the Federal Register and to consult with and obtain comments from tribes prior to finalizing such distribution. The system should provide an option for tribes to hold these allocations in a fixed account, if a tribe wishes, consistent with the original Task Force recommendations. The Task Force has reviewed the existing distribution formulas for the four programs and found that they are designed to achieve equitable distribution of the funding, if appropriate underlying data are used. The Bureau should submit legisla-

tive language necessary to change any existing statute which would impede this distribution.

The budget request included \$1,612,000 for administrative cost and FTE reductions at the tribe/agency level, and targeted those reductions to certain agency offices only. The Committee notes that the principles of the Tribal Budget System call for protection of the base Tribal priority allocations from arbitrary reductions. This targeting of reductions to a few agencies is inconsistent with the joint planning the tribes and the Bureau have undertaken. Therefore, the Committee directs that these decreases are to be made on a pro-rata basis to the general administration portion of Tribal priority allocations, which should limit the impact to any one location and still accomplish the streamlining and cost savings intended by the FTE and administrative cost reductions. Since these types of reductions are aimed at reducing the Federal bureaucracy, it is hoped that the impact of such reductions to the part of the budget under which local services are provided to and by the tribes to their members will be minimized as much as possible.

The Committee continues to support strongly the self-governance program, and the establishment of base funding for each self-governance tribe which requests base funding be established. The Committee was dismayed to learn that the Department ignored the 1994 report language requiring stable base funding for the Mille Lacs tribe and the five tribes in the Southeast Alaska compact. The Department is again directed to establish stable base funding for these tribes, as well as others so requesting, transfer these amounts to the tribes at the beginning of the year, and display these amounts as the tribal priority allocation base for the tribes involved in the budget request for fiscal year 1996. These funds are to come from the Bureau's base, as part of the reallocation assumed in the self-governance program.

The Committee is also aware that, despite repeated directives, little if any Bureau restructuring has occurred as a result of the negotiation of self-governance compacts during the last four years. This has limited the usefulness of the shortfall funds that the Committee has provided each year. Therefore, the Committee directs again that shortfall funding is to be used only to make additional funds available to a particular Bureau organizational level when it is determined that provision of a negotiated tribal share of that organization will have an adverse impact on other tribes served by it, and as supplemental funds to meet the ongoing additional needs of tribes assuming the increased responsibilities and obligations inherent in self-governance agreements. For the first purpose described above, shortfall funds should be used only for two years, after which a tribe's full share shall be met from other than the shortfall account, including funds derived directly from Bureau restructuring and downsizing at the particular organization level affected.

The Committee is also concerned that no negotiation of self-governance tribal shares of Central Office funds has been accomplished, similar in procedure and scope with the self-governance negotiations used in relation to Area and Agency office budgets during the past three fiscal years. Although significant transfers of funding and responsibilities have been accomplished at the Area

and Agency office levels, Central Office budgets remain largely untouched. The Committee therefore directs the Department to subject all Central Office budgets to the same negotiation process used with Area and Agency office budgets, applying similar tribal share formulas and residual percentages used in negotiations at those levels. The Bureau shall provide a report by March 1, 1995 of the tribal share dollars negotiated, tribe by tribe, of all Central Office funds, including all funds controlled or expended at other than the tribe/agency level, and the accompanying justification for said tribal shares.

Other recurring programs.—The Committee recommends a net decrease of \$81,402,000 for other recurring programs, of which \$88,614,000 represents the transfer of the Johnson-O'Malley, roads maintenance, housing improvement and facilities operations and maintenance (non-education) programs to Tribal priority allocations. There is also an increase of \$7,500,000 for contract support, and a net decrease of \$670,000 to education. Included is a decrease of \$1,270,000 from school operations forward funded amounts to be taken on a pro rata basis; and an increase of \$600,000 for tribally-controlled community colleges (\$500,000 for Title I, and \$100,000 for Title II).

For resources management, there is an increase of \$382,000, including \$55,000 for the Bad River Tribe's fisheries program, \$134,000 for the Great Lakes Indian Fish and Wildlife Commission for studying mining impacts on off-reservation lakes, \$95,000 to the Mole Lake tribe for studying mining impacts on on-reservation lakes, and \$98,000 for the Lake Roosevelt water quality plan, for the Colville Tribe.

For contract support, the Committee's recommendation will result in a total of \$103,323,000, of which \$95,823,000 will be available for the contract support requirements associated with ongoing self-determination and self-governance awards for programs contracted during fiscal year 1994. The Bureau is expected to manage the \$95,823,000 in such a way that all fiscal year 1995 awards related to self-determination agreements first entered into prior to fiscal year 1995 are funded first, before making use of these funds for any other purpose. Further, should this amount prove insufficient, the procedures should ensure that each contractor receives a proportionate share of their fiscal year 1995 contract support costs.

Should the amount provided for existing contracts prove insufficient, a tribe or group of tribes may wish to reprogram funds to priority programs to make up deficiencies made necessary to recover full indirect costs. The Bureau may therefore reprogram, at the request of a tribe or tribes, between activities during 1995 if all tribes affected by such reprogramming approve such action. This flexibility is in no way intended to be misconstrued as to authorize or require the Bureau to return to the practice of reprogramming at the national level to meet contract support shortfalls. Consistent with the requirements of P.L. 100-472, the Bureau is expected to report any deficiency to the Congress, should the amount available not meet the full requirements. Award agreements should limit the amount of the Bureau's obligation under the award to the amounts available for each agreement from the \$95,823,000. This will ensure that adjustments are made within overall resources at the

local level and will not result in future claims. The use of these procedures will support the transition process being developed by the Task Force to permit transfer of contract support into each tribe's base funding within Tribal priority allocations. Taken as a whole, these procedures should ensure stability of funding and result in accurate information regarding the amounts required to meet the funding provisions of P.L. 100-472.

The balance of \$7,500,000 is provided to establish an Indian Self-Determination Fund for new contracts first entered into in fiscal year 1995. New awards shall include recurring base amounts for new or expanded programs under self-determination awards, including new program assumptions under self-governance compacts. The Bureau is expected to implement procedures for administering this fund consistent with those of the Indian Health Service. Recurring base amounts in the fund utilized for new ongoing awards should be combined with contract support for existing awards in subsequent years, and the Bureau should estimate the amount of additional resources needed to provide for future new awards in each subsequent year. The Bureau should fund new contracts at the 100 percent level.

Bill language to establish the Indian Self-Determination Fund is included, but the language included in the 1994 Act which placed a cap on the total amount of funds available for contract support is not continued. Instead, the Bureau is expected to manage the \$95,823,000 in such a way that all fiscal year 1995 awards related to self-determination agreements first entered into before fiscal year 1995 are funded first, before making use of these funds for any other purpose, including prior year claims. With regard to the shortfalls in contract support funds in 1994, budgetary constraints make it impossible to include adequate funds to repay these amounts, which will be at least \$15,000,000. These shortfalls should be treated as one-time occurrences, and should not have any impact on determining future indirect cost rates.

The Committee notes that the Bureau has not implemented the amended funding provisions of the Self-Determination Act amendments to provide full contract support costs, and has limited payment to tribal indirect costs alone. No allowance has been made for direct contract support costs such as workers' compensation and unemployment taxes associated with direct cost personnel. The Bureau should examine this issue and report to the Committee the financial impact of these types of costs on tribal contractors. Many tribes have expressed their concerns to the Committee that the failure to finance fully contract support undermines the self-determination process and tribal government capacity. The Bureau should take a lead role in working with the Inspector General, the Indian Health Service, other agencies and tribes in seeking to improve the response of the Federal system on these issues.

Non-recurring programs.—The Committee recommends an increase of \$22,127,000, to restore partially programs to the 1994 level, and to reflect the transfer of \$15,000,000 for water rights negotiation and litigation. The budget request had included these funds, in the amount of \$15,500,000, under the Indian settlements account. The recommendation also includes \$1,466,000 to restore special tribal courts funding, \$500,000 to restore special law en-

forcement funding, \$3,961,000 to restore business enterprise development grants, and \$1,200,000 to restore funding for the Cheyenne River Sioux prairie dog program to the fiscal year 1994 level.

Within water resources funding, there is \$350,000 for water resources planning for the Muckleshoot tribe. Within water rights funding, there is at least \$480,000 for the Skokomish tribe for efforts related to the Cushman hydroelectric project, and \$375,000 for the Lower Elwha S'Klallam tribe for efforts related to the Elwha Dam. Within real estate services, there is \$350,000 to continue the Yurok Tribe's cadastral survey program, and funding to continue the Arkansas Riverbed survey at last year's level.

Within the \$2,000,000 provided for ecosystem restoration as part of the Pacific Northwest Forest Plan, there is \$400,000 to allow the Northwest Indian Fisheries Commission and the Washington State Department of Fish and Wildstock to initiate a Wildstock Restoration Initiative.

Central Office operations.—The Committee recommends a decrease of \$3,000,000 to Central Office operations. Included is a decrease of \$750,000 to trust services, to the lands records improvement program. This will leave an increase of \$1,000,000 for this effort over the 1994 level.

The Committee's recommendation includes \$16,206,000, the budget estimate, for financial trust services. This will allow the full staffing of the Office of Trust Funds Management, and will provide sufficient funds for the reconciliation and certification efforts in 1995, as well as for other ongoing trust fund management improvement efforts, including the cost of contracting for certain services such as an investment advisory service, custodial service, and the interim core trust system. The Committee has retained bill language prohibiting the transfer of funds to a third party for management of Indian or tribal trust funds until the reconciliation of these accounts is completed; this language does not apply to the types of contracts proposed for fiscal year 1995, as listed above.

With regard to the reconciliation of Individual Indian Money (IIM) accounts, the Committee understands that the Department is moving forward to develop an approach to the IIM reconciliation without involving the Intertribal Monitoring Association (ITMA) or other account holders in the process. As directed in the past, the Department should not proceed any further with developing an IIM reconciliation approach unless it has involved ITMA and other account holders' representatives in this process.

The Committee recognizes that ultimate resolution of the problems with Indian trust funds management will involve more than just the BIA. While the Department is beginning to deal with the other parts of the problem, the Committee believes that more effort is needed in this area. Therefore, the Department is requested, within 60 days of Committee approval of this bill, to provide a report that addresses how the Department will proceed with the coordination and improvements that need to be made in all agencies of the Department with regard to Indian trust funds management improvements. The report should also include the Department's views on the possible legislative creation of a special trustee in order to consolidate authority and accountability for all of the trust

fund related issues now dispersed throughout the Bureau and the Department.

The balance of the reductions recommended for the Central Office are in administrative services, as follows: management and administration - \$25,000; contracting and grants management, - \$200,000; fixed assets subsystem inventory, - \$250,000; personal property management, - \$205,000; records management, - \$292,000; financial management, - \$500,000; Office of Data Systems, - \$200,000. These reductions are being taken due to budgetary constraints, and will still leave an increase of \$950,000 for these activities. If the purposes for which these increases were required are higher priority than amounts in the base, the Committee does not object to funding necessary parts of these increases from available base funds, such as emergency management improvements. The Bureau should report to the Committee on any of these amounts so funded, and the source of funds used. In addition, there are reductions of \$250,000 to emergency internal management improvements, and a general reduction to Central Office general administration of \$328,000. The Committee reiterates its previous position that the Bureau needs to proceed with carrying out the recommendation of the Joint Task Force to downsize the Central Office, as the shift to tribal programs continues.

The Committee continues to support the implementation of the Tribal Budget System, including improved tribal participation in planning and budgeting at all levels of the Bureau. It is recognized that certain aspects of the system will not be completed by the time the Reorganization Task Force's charter expires later this year. However, the Bureau is expected to continue to implement the system consistent with its guiding principles. A method to continue active tribal participation in the ongoing evolution of the system should be developed and implemented upon expiration of the Task Force's charter.

The Committee supports the continued effort to identify all possible service delivery resources with each Federally recognized tribe, and notes that the fiscal year 1995 budget identifies separate tribal priority allocations accounts for only 280 of the 546 Federally recognized tribes. The Task Force has urged that direction be given to ensure that each Area Office and Agency work with respective tribes to identify each tribe's respective share of such resources. It is noted that a number of Area Offices are also identifying residual budgets necessary to carry out inherently Federal functions and determining tribal portions of all other service delivery funds. This effort should continue. The Committee expects the Bureau to continue to work towards development of a separate account for each tribe during fiscal year 1995, to the extent feasible.

The Task Force anticipates completing a plan for development of the Standard Assessment Methodology during 1994. It will then be up to the Bureau to develop Standard Assessment measures for each program. The intent of the Standard Assessment Methodology is to provide a measurement of tribal financing needs according to rational standards and to compare the relative amounts of Bureau funding available to each tribe to meet those needs. This will provide Congress and the Administration with needed information to identify and target resources to those tribes who have the greatest

needs. The Bureau should make every effort to complete a Standard Assessment of each program during fiscal year 1995.

The Committee supports the guiding principles recommended for the Planning and Evaluation component of the Tribal Budget System. The Task Force expects to consult with tribes on this component during 1994 and hopes to complete the necessary design work. The Planning and Evaluation component of the Tribal Budget System recognizes that tribes must necessarily have a very broad focus across all of their respective areas of responsibility. The efforts and planning of the Bureau must support such tribal efforts. Plans made by the Bureau must take into consideration their impact on tribal efforts to manage their own affairs and set their own strategic goals. This is particularly timely as the Bureau continues to transfer more of the service delivery resources to tribes and better defines its ongoing Federal role.

The Committee further notes that Bureau information collection and reporting systems are very lacking and cannot effectively support planning and evaluation or the developing Standard Assessment Methodology. As tribes are managing many of the efforts at their locations, a partnership is needed to make comprehensive information available at tribal, regional and national levels. An annual "tribal profile" suggested in the Task Force report has merit and could satisfy information needs while at the same time providing a single annual instrument to satisfy self-determination/self-governance reporting requirements. The Bureau is urged to pursue this concept with the Task Force.

Area Office operations.—The Committee recommends a decrease of \$1,000,000 to Area Office operations, to be taken as a general reduction to general administration. This is required due to budgetary constraints. With regard to the \$2,130,000 in reductions to the Area Offices proposed in the budget, as revised in a letter to the Committee dated April 5, 1994, the Committee notes that tribes in each Area are engaged with the BIA in determining the necessary residual to carry out inherently Federal functions. The balance should be considered service delivery resources and is to be identified with each tribe, consistent with the Tribal Budget System. This is also necessary to accommodate the self-governance effort. This process must be safeguarded, as it removes one of the most significant obstacles to self-determination, that of identification of each tribe's respective share of service delivery resources. Therefore, the \$2,130,000 reduction, less one-time savings of \$200,000, should be distributed on a pro-rata basis against each Area Office's respective budget. The tribes in each Area should be involved in the decision of how the reduction in each Area will be taken.

The Committee notes that the Department's Human Resources management streamlining has resulted in the transfer of \$6,191,000 from Area Offices, as well as \$1,242,000 from agency offices, and \$2,805,000 from the Central Office. While not restoring these funds to these parts of the budget, the Committee notes that such centralization appears inconsistent with the reorganization efforts of the Joint Task Force to delegate authority to the lowest possible level. The Department should take into account the impact of such proposals on self-determination and self-governance, and

the need to maintain funding at the lower levels of the organization for eventual transfer to tribal programs and administrative functions.

Special programs and pooled overhead.—The Committee recommends a decrease of \$150,000 to special programs and pooled overhead. Included is an increase of \$400,000 for education, which consists of \$200,000 for Haskell Indian Junior College, \$100,000 for the Southwestern Indian Polytechnic Institute, and \$100,000 for special higher education scholarships. Within the latter program is \$200,000 to continue the Pre-Law Summer Institute for American Indians administered by the American Indian Law Center at the University of New Mexico.

Under public safety and justice, there is an increase of \$1,000,000 to continue the substance abuse eradication and enforcement activity at a reduced level from 1994. Under community development, there is an increase of \$100,000 for the National Ironworkers Training Program. For resources management, the Committee recommends a decrease of \$430,000 to the Indian integrated resources information program, which will slow this activity due to budgetary constraints. Under general administration, there is a reduction of \$220,000 for the FTS 2000 effort, and a reduction of \$1,000,000 to the human resources development program, leaving an increase of \$465,000 over 1994.

Bill language.—In addition to language discussed under other sections of this report, the Committee has included bill language which will continue the prohibition on funding for Alaska schools, but has added language limiting this provision to 1995. This should allow enough time for the Commission established in 1994 to complete its work and prepare its report and recommendations, and for such recommendations to be reviewed by the Administration and the Congress.

Bill language proposed in the budget which would have changed the method by which schools funds are distributed has not been included. The authorizing committees involved objected to inclusion of this language in the appropriations bill.

CONSTRUCTION

Appropriation enacted, 1994	\$166,979,000
Budget estimate, 1995	82,973,000
Recommended, 1995	131,030,000
Comparison:	
Appropriation, 1994	-35,949,000
Budget estimate, 1995	+48,057,000

The Committee recommends an appropriation of \$131,030,000, an increase of \$48,057,000 above the budget estimate, for construction. The recommended amounts, compared to the budget estimates, are shown in the following table:

	FY 1994 Enacted	(in thousands of dollars) Budget Estimates	Committee Bill	Change from Estimates
Tribal government.....	5,338	2,400	2,800	+400
Education.....	74,355	43,027	47,527	+4,500
Public safety and justice.....	13,600	8,900	8,900	---
Resources management.....	64,056	20,784	63,941	+43,157
General administration.....	9,630	8,000	8,000	---
Procurement reform.....	---	-138	-138	---
Total, Construction.....	166,979	82,973	131,030	+48,057

Tribal government.—The Committee recommends an increase of \$400,000 for contract support related to the increases discussed in the sections below. This is \$300,000 less than the 1994 level.

Education.—The Committee recommends an increase of \$4,500,000 for new school construction. These funds are for sitework for the Chief Leschi School complex, WA. This is the next school on the construction priority list, and design will be completed in fiscal year 1995.

No additional funds are provided for advance planning and design, based on the Bureau's assertion that it has sufficient funding on hand to design all of the schools on the current priority list. There is also no change to the request for facilities improvement and repair of schools. Although there is a large backlog of such projects, the Bureau and Office of Construction Management (OCM) have stated that with limited staff, they would not be able to use additional funds until the current unobligated balances in the program are put into contracts. The Committee has been assured that all serious health and safety concerns have been and will be taken care of within existing funding levels. The Committee also directs the Bureau and OCM to examine the current system to determine the causes for the delays in obligating funds, and to take whatever action is necessary to address the reasons for the delay.

Public safety and justice.—The Committee recommends \$8,900,000 for public safety and justice construction, the same as the budget estimate. Funds are included to complete the Sac and Fox detention facility (\$6,900,000), and to provide a limited program of facilities improvement and repair (\$2,000,000).

Resources management.—An increase of \$43,157,000 is recommended for resources management. Included within this amount is \$28,000,000 for the Navajo Indian Irrigation Project, and \$2,282,000 for the Southern Arizona Water Rights Settlement Act (Tohono O'odham). These projects are transferred from the Indian Settlements account. Additional amounts provided for ongoing irrigation projects include \$1,507,000 for Gila River Farms; \$4,000,000 for Ute Mountain Ute; \$1,250,000 for the Milk River project (Fort Belknap); \$2,100,000 for the San Carlos irrigation project; \$1,000,000 for the Quechan tribe; \$90,000 for Cochiti Pueblo; \$920,000 for Jemez Pueblo; and \$508,000 for Isleta Pueblo. There is also an additional \$1,500,000 to restore the fish hatchery rehabilitation program to the 1994 level.

The Committee is aware that part of the funding made available for Indian safety of dams projects is being provided to the Bureau of Reclamation for administrative fees related to this program. The Committee believes that Reclamation's administrative costs should

be budgeted within that agency, and requests the Department to ensure that safety of dams project funding is used only for that purpose in the future.

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

Appropriation enacted, 1994	\$103,259,000
Budget estimate, 1995	174,045,000
Recommended, 1995	82,896,000
Comparison:	
Appropriation, 1994	-20,363,000
Budget estimate, 1995	-91,149,000

The Committee recommends an appropriation of \$82,896,000, a decrease of \$91,149,000, for Indian land and water claim settlements and miscellaneous payments to Indians. Included is a decrease of \$15,500,000 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 \$33,982,000 for transfer of the following projects to the Construction account: Navajo Indian Irrigation Project, \$31,700,000; and Southern Arizona (Tohono O'odham), \$2,282,000.

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, \$20,651,000 for farming operations and stream improvement projects, an increase of \$3,453,000 over 1994, has been provided by the Committee.

NAVAJO REHABILITATION TRUST FUND

Appropriation enacted, 1994	\$2,466,000
Budget estimate, 1995 .....	.....
Recommended, 1995 .....	.....
Comparison:	
Appropriation, 1994	-2,466,000
Budget estimate, 1995 .....	.....

The Committee recommends no appropriation for the Navajo Rehabilitation Trust Fund, the same as the budget estimate.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

Appropriation enacted, 1994	\$1,970,000
Budget estimate, 1995	1,970,000
Recommended, 1995	1,970,000
Comparison:	
Appropriation, 1994 .....	.....
Budget estimate, 1995 .....	.....

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

INDIAN DIRECT LOAN PROGRAM ACCOUNT

Appropriation enacted, 1994	\$2,484,000
Budget estimate, 1995 .....	.....
Recommended, 1995	2,484,000
Comparison:	
Appropriation, 1994 .....	.....
Budget estimate, 1995	+2,484,000

The Committee recommends \$2,484,000 for the Indian direct loan program. This will restore the program to the 1994 level. The amount provided will make available a total of \$10,890,000 in loans for economic development on Indian reservations in fiscal year 1995.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Appropriation enacted, 1994	\$9,690,000
Budget estimate, 1995	9,690,000
Recommended, 1995	9,690,000
Comparison:	
Appropriation, 1994 .....	.....
Budget estimate, 1995 .....	.....

The Committee recommends \$9,690,000, the budget estimate, for the Indian guaranteed loan program. This will allow \$46,900,000 in guaranteed loans in fiscal year 1995.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Appropriation enacted, 1994	\$81,907,000
Budget estimate, 1995	78,639,000
Recommended, 1995	83,139,000
Comparison:	
Appropriation, 1994	+1,232,000
Budget estimate, 1995	+4,500,000

The amounts recommended by the Committee for fiscal year 1995, compared to the budget estimates by activity, are shown in the following table:

	FY 1994 Enacted	(in thousands of dollars) Budget Estimates	Committee Bill	Change from Estimates
Guam				
Operations grants.....	---	---	4,000	+4,000
American Samoa				
Operations grants.....	23,090	23,090	23,090	---
Construction grants.....	5,100	5,503	5,503	---
Subtotal, American Samoa.....	28,190	28,593	28,593	---
Northern Marianas				
Covenant grants.....	27,720	27,720	27,720	---
Virgin Islands				
Construction grants.....	4,500	---	2,000	+2,000
Territorial Administration				
Office of Territorial Affairs.....	4,538	4,527	4,177	-350
Technical assistance.....	7,535	8,535	7,535	-1,000
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	---
Insular management controls.....	1,650	1,650	1,500	-150
Procurement reform.....	---	-160	-160	---
Subtotal, Territorial Administration.....	21,497	22,326	20,826	-1,500
Total, Administration of Territories.....	81,907	78,639	83,139	+4,500

Guam.—The Committee recommends an increase of \$4,000,000 for a grant to Guam, to offset partially the costs that have been incurred by Guam since implementation of the Compact of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands. Guam has completed a study which shows that the cumulative costs of increased immigration from the Freely Associated States to Guam since the Compact was implemented in

ENERGY INFORMATION ADMINISTRATION

Appropriation enacted, 1994	\$86,553,000
Budget estimate, 1995	84,728,000
Recommended, 1995	84,728,000
Comparison:	
Appropriation, 1994	- 1,825,000
Budget estimate, 1995 .....	.....

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

The Committee recommends an appropriation of \$84,728,000, the budget estimate, for the Energy Information Administration.

The Committee has also included bill language allowing an exception to the Service Contract Act of 1965 to provide for contracts of up to eight years duration for energy consumption surveys. This will increase competition and ease transition of contractors.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Appropriation enacted, 1994	\$1,645,877,000
Budget estimate, 1995	1,651,889,000
Recommended, 1995	1,706,102,000
Comparison:	
Appropriation, 1994	+60,225,000
Budget estimate, 1995	+54,213,000

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 41 hospitals, 66 health centers, 4 school health centers, and 44 health stations. Tribes and tribal groups, through contracts with the IHS, operate 8 hospitals, 110 health centers, 4 school health centers, 62 health stations, and 171 Alaska village clinics. The IHS, tribes and tribal groups also operate 7 regional youth substance abuse treatment centers and more than 2,000 units of staff quarters.

The Committee recommends \$1,706,102,000 for Indian health services, an increase of \$60,225,000 above the fiscal year 1994 enacted level of \$1,645,877,000 and \$54,213,000 above the fiscal year 1995 budget request of \$1,651,889,000. The amount recommended by the Committee as compared to the budget estimate by activity is shown in the following table:

	FY 1994 Enacted	(in thousands of dollars) Budget Estimates	Committee Bill	Change from Estimates
Clinical services				
IHS and tribal health delivery				
Hospital and health clinic programs.....	799,363	785,917	815,446	+29,529
Dental health program.....	53,151	52,794	57,628	+4,834
Mental health program.....	35,272	35,139	36,518	+1,379
Alcohol and substance abuse program.....	87,617	101,927	94,727	-7,200
Contract care.....	349,848	349,258	363,258	+14,000
Subtotal, Clinical services.....	1,325,251	1,325,035	1,367,577	+42,542
Preventive health				
Public health nursing.....	22,187	22,087	23,550	+1,463
Health education.....	7,919	7,862	8,260	+398
Community health representatives program.....	43,010	42,924	44,039	+1,115
Immunization (Alaska).....	1,348	1,296	1,331	+35
Subtotal, Preventive health.....	74,464	74,169	77,180	+3,011
Urban health projects.....	22,834	22,794	23,394	+600
Indian health professions.....	27,406	27,398	28,098	+700
Tribal management.....	5,285	5,283	5,358	+75
Direct operations.....	49,471	48,954	49,804	+850
Self-governance.....	4,980	4,977	9,107	+4,130
Contract support costs.....	136,186	143,433	145,738	+2,305
GSA rent reduction.....	---	-154	-154	---
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting).....	(154,026)	(169,429)	(169,429)	---
Total, Indian Health Services.....	1,645,877	1,651,889	1,706,102	+54,213

The Indian Health Service budget request for fiscal year 1995 fails to provide funding for inflation or pay cost increases for Indian health programs other than for the alcoholism programs. It also assumes large decreases in Federal staffing in fiscal years 1994 and 1995, which amount to about 1,200 FTEs below the on-board fiscal year 1993 level. The staffing situation is further exacerbated by the additional staffing needs associated with new hospitals and clinics which opened in fiscal years 1993 and 1994 and the new Shiprock, New Mexico hospital which will require over 350 additional FTEs in fiscal year 1995. The Committee has restored 50 percent of the fixed cost increases for fiscal year 1995. Unfortunately that leaves over \$40 million in fixed costs that will need to be absorbed by the IHS in addition to absorbing nearly \$10 million in mandated administrative savings and almost \$2 million assumed as a result of procurement reform.

Hospitals and Health Clinics.—The Committee recommends an increase of \$29,529,000 for hospitals and health clinics. The net increase consists of increases of \$19,000,000 to partially offset inflation and pay cost increases, \$1,500,000 for diabetes programs, \$100,000 for AIDS prevention and treatment and \$18,929,000 for staffing and operations at new facilities including \$3,886,000 for the Crow, Montana hospital, \$2,321,000 for the Tohatchi, New Mexico health center, \$1,781,000 for the Stillwell, Oklahoma health center, \$975,000 for the Belcourt, North Dakota hospital, \$7,103,000 for the Shiprock, New Mexico hospital and \$2,863,000 for the Kotzebue, Alaska hospital. These increases are partially offset by the transfer of \$10,000,000 to the facilities account to establish a central equipment fund under that appropriation.

The Committee has recommended partial funding for increased staffing and operational costs at the Shiprock hospital. The IHS recently has reported that the additional amount needed for staffing and operating all the various programs at the new hospital will be 357 positions and \$19,844,000. The Committee expects the IHS to

provide a full explanation of the difference between those estimates and the original estimates of 170 positions and \$9,362,000. The Committee has included the latter amount based on the assumption that it will take two years for the new facility to be fully staffed. The balance of the funding needed for the new hospital should be included in the fiscal year 1996 budget request.

The increase provided for diabetes programs should allow the IHS to initiate 3 new diabetes programs. Currently there are 27 programs and 150 more are needed according to IHS.

The Committee continues to be concerned with the rapidly increasing incidence of AIDS in the Indian community and encourages the IHS to ensure that each area AIDS coordinator is free to spend the majority of his or her time on AIDS education, prevention and treatment programs. Every effort should be made to coordinate with on-reservation efforts such as the Navajo Nation AIDS Office.

The Committee continues to be concerned 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 1996 budget justification. This direction appears to have been ignored for fiscal year 1995.

The Committee believes the IHS should not pay increased overhead charges to the Public Health Service or to other Departmental agencies except to the extent that cost increases are funded in the fiscal year 1995 appropriation. For example, if the Committee recommended funding level is adopted, only 50 percent of fixed cost increases will be funded and increases paid for overhead charges to PHS or HHS should not exceed 50 percent of the amount claimed as due in the budget request. This direction applies to the facilities appropriation as well as the services appropriation.

Dental Health.—The Committee recommends an increase of \$4,834,000 for dental health services which includes \$1,000,000 to partially offset inflation and pay cost increases and \$3,834,000 for staffing and operations at new facilities including \$137,000 for the Crow, Montana hospital, \$597,000 for the Tohatchi, New Mexico health center, \$459,000 for the Stillwell, Oklahoma health center, \$49,000 for the Belcourt, North Dakota hospital, \$1,659,000 for the Shiprock, New Mexico hospital and \$933,000 for the Kotzebue, Alaska hospital.

Mental Health.—The Committee recommends an increase of \$1,379,000 for mental health services, including \$700,000 to partially offset inflation and pay cost increases and \$679,000 for staffing and operations at new facilities including \$66,000 for the Crow, Montana hospital, \$132,000 for the Tohatchi, New Mexico health center, \$198,000 for the Stillwell, Oklahoma health center and \$283,000 for the Shiprock, New Mexico hospital.

Several tribes have reported alarming statistics to the Committee with respect to suicide rates. The Committee asks that the IHS prepare a report by November 1, 1994 on the need for and cost of suicide intervention programs in Indian country. The recommendations in the report should be incorporated in the IHS priorities for funding in the fiscal year 1996 budget process.

The Committee is concerned that the funding earmarked in fiscal year 1993 for a child abuse treatment and prevention program for the Washoe Tribe of Nevada has yet to be used for treatment of victims. The Phoenix area has reported that, as of March 1, 1994, no children had been serviced by this program. The IHS should look into this situation and report to the Committee on what has been done or needs to be done to get this program on track.

Alcohol and Substance Abuse.—The Committee recommends a decrease of \$7,200,000 for alcohol and substance abuse treatment and prevention services including decreases of \$2,000,000 for inflation and pay cost increases and \$5,200,000 for new and expanded programs.

The Committee believes the alcohol and substance abuse programs should be treated the same as all the other IHS programs with respect to absorbing fixed cost increases. The \$5.2 million reduction for new programs still leaves a \$5.2 million increase for alcohol and substance abuse projects. The Committee recommends that \$200,000 of the increase be used to help offset the operational shortfalls in the Gallup alcoholism project, to be divided equally between the alcohol crisis center and the Rehoboth McKinley treatment program.

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 1995 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 fiscal year 1995.

The Committee does not object to the transfer of the Native American Rehabilitation Association alcoholism project in Portland, Oregon from the alcoholism program to the urban program in fiscal year 1995.

Contract Health Services.—The Committee recommends an increase of \$14,000,000 in contract health services including \$9,000,000 to partially offset inflation and pay cost increases and \$5,000,000 for unmet need.

The Committee does not object to continuing the California contract health demonstration project using the same level of funding as in fiscal year 1994 and a portion of the California share of the increase above the budget request to the extent the tribes in that area agree to such a use. If certain tribes in the California area choose to fund the demonstration project with their own contract health care funding, the Committee does not object to that approach.

The Committee requests the IHS to work with the Narragansett Tribe of Rhode Island to explore the possible redesignation of the Tribe's contract health services delivery area and to report on the IHS determination in the fiscal year 1996 budget request along with any budget implications.

Public Health Nursing.—The Committee recommends an increase of \$1,463,000 for public health nursing including \$400,000 to partially offset inflation and pay cost increases and \$1,063,000 for staffing and operations at new facilities including \$123,000 for

the Crow, Montana hospital, \$247,000 for the Tohatchi, New Mexico health center, \$247,000 for the Stillwell, Oklahoma health center, \$65,000 for the Belcourt, North Dakota hospital, \$317,000 for the Shiprock, New Mexico hospital and \$64,000 for the Kotzebue, Alaska hospital.

Health Education.—The Committee recommends an increase of \$398,000 for health education including \$170,000 to partially offset inflation and pay cost increases and \$228,000 for staffing and operations at new facilities including \$114,000 for the Crow, Montana hospital, \$57,000 for the Tohatchi, New Mexico health center and \$57,000 for the Stillwell, Oklahoma health center.

Community Health Representatives.—The Committee recommends an increase of \$1,115,000 for community health representatives to partially offset inflation and pay cost increases.

Alaska Immunization.—The Committee recommends an increase of \$35,000 for the Alaska immunization program to partially offset inflation.

Urban Health.—The Committee recommends an increase of \$600,000 for urban health programs to partially offset inflation and pay cost increases. As mentioned under the alcoholism program discussion above, the Committee does not object to the transfer of the Native American Rehabilitation Association alcoholism project in Portland, Oregon from the alcoholism program to the urban program in fiscal year 1995.

The Committee understands that the IHS is providing some in-house support for the partnership between the Seattle Indian Health Board and the University of Washington in establishing a residency training program to recruit Indian physicians into Indian health delivery programs and recommends that the IHS continue to support this worthy effort to the extent possible.

Indian Health Professions.—The Committee recommends an increase of \$700,000 for Indian health professions to partially offset inflation and pay cost increases.

Tribal Management.—The Committee recommends an increase of \$75,000 for tribal management to partially offset inflation.

Direct Operations.—The Committee recommends an increase of \$850,000 for direct operations to partially offset inflation and pay cost increases.

Self-Governance.—The Committee recommends an increase of \$4,130,000 for self-governance including \$130,000 to partially offset inflation and pay cost increases and \$4,000,000 for shortfalls for new self-governance compacts negotiated for fiscal year 1995.

While the Committee strongly supports the self-governance program and expects the IHS to expand the program to accommodate additional compacts with tribes in fiscal year 1995, the Committee believes that new self-governance compacts should not be negotiated at the expense of program funding for other tribes. To the extent that funds cannot be made available for a new compact without negatively affecting services available to other tribes, IHS should not enter into the compact.

The Committee does not object to the use of \$50,000 of the proposed increase for the self-governance program to fund the Lummi self-governance communication/education initiative.

Contract Support Costs.—The Committee recommends an increase of \$2,305,000 for contract support costs including \$1,900,000 to partially offset inflation and \$405,000 for operations at the new Kotzebue, Alaska hospital.

The Committee expects the IHS to work with the tribes, the BIA and the Inspector General at the Department of the Interior to contain the cost escalation in contract support costs. In today's constrained budget climate the contract support cost activity must receive its fair share of administrative streamlining and procurement reform funding reductions as well as the lower inflation allowances provided for all other programs within IHS.

The IHS should report to the Committee by December 1, 1994, on funding for existing Public Law 93-638 contracts, including the program costs and the contract support costs associated with each contract.

Staffing.—The Committee is concerned that the Indian Health Service has been expected to bear a disproportionate share of the FTE reductions in the Department of Health and Human Services. The data supplied by the Secretary show that the total reduction in the Department, from the baseline upon which the FTE streamlining proposal was built, amounts to a reduction of 2.2 percent. The reduction in IHS is over 7 percent. Several agencies within the Department have been assessed little or no FTE reductions. The IHS bears the largest percentage cut within the Department, with the exception of one relatively small agency. The Committee questions the fairness of the reductions as currently distributed throughout the Department. The Committee expects the Department of Health and Human Services to honor the President's commitment in his letter of March 2, 1994, to Senator Domenici. The President assured Mr. Domenici that IHS staffing reductions would not jeopardize the health services delivery to American Indians and Alaska Natives and that proposed Federal staffing reductions would occur only as health services delivery actually shifts from Federal to tribal staff or from Federal to private health providers.

The Secretary of Health and Human Services told the Committee that she would pursue FTE relief for the IHS. The Department of HHS should report to the Committee by December 1, 1994, identifying specific options for providing FTE relief for IHS services and facilities programs.

To help achieve FTE reductions, the IHS also should examine the possibility of closing or consolidating one or more area offices and of delegating headquarters and area office functions to line managers at the service unit level. A plan for implementing these closures and consolidations should be coordinated with the tribes and incorporated in the fiscal year 1996 budget request.

Regardless of the approaches proposed for reducing FTEs within IHS, no hospital or clinic should be told it cannot hire essential health professionals to provide medical services. In many remote and hard-to-fill locations, a new or replacement Federal employee is the only viable option. Nor should health professionals be expected to operate without sufficient support staff in critical areas such as medical records, dietary services, housekeeping and maintenance. Every effort should be made to work with those tribes who are willing and able to assume some of these support services

under contract. However, the transition to a Public Law 93-638 contract often can take one to two years. In the meantime these positions must be filled or health services will deteriorate as health professionals leave in frustration or spend more and more of their time performing administrative tasks at the expense of direct health care.

INDIAN HEALTH FACILITIES

Appropriation enacted, 1994	\$296,982,000
Budget estimate, 1995	167,079,000
Recommended, 1995	253,892,000
Comparison:	
Appropriation, 1994	-43,090,000
Budget estimate, 1995	+86,813,000

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 over \$600 million for those projects that are considered to be economically feasible.

The Committee recommends \$253,892,000 for Indian health facilities, a decrease of \$43,090,000 below the fiscal year 1994 appropriation of \$296,982,000 and an increase of \$86,813,000 above the fiscal year 1995 budget request of \$167,079,000. The amount recommended by the Committee as compared to the budget estimate by activity is shown in the following table:

	FY 1994 Enacted	(in thousands of dollars) Budget Estimates	Committee Bill	Change from Estimates
Maintenance and improvement.....	37,940	37,877	38,407	+530
Facilities/space for increase in level of need funded.....	5,977	---	---	---
New and replacement hospitals.....	58,300	---	18,400	+18,400
Outpatient care facilities.....	1,708	---	8,100	+8,100
Regional treatment centers (youth).....	2,780	---	---	---
Staff quarters.....	16,396	---	---	---
Dental units.....	1,000	---	1,000	+1,000
Equipment.....	---	---	13,000	+13,000
Sanitation facilities.....	85,051	42,478	85,051	+42,573
Facilities and environmental health support.....	87,353	86,248	89,451	+3,203
Contract support costs.....	477	476	483	+7
Total, Indian Health Facilities.....	296,982	167,079	253,892	+86,813

Maintenance and Improvement.—The Committee recommends an increase of \$530,000 for maintenance and improvement to partially offset inflation.

New and Replacement Hospitals.—The Committee recommends an increase of \$18,400,000 for new and replacement hospitals including \$17,000,000 to complete the Anchorage Native Medical Center in Alaska and \$1,400,000 for design of the Winnebago, Nebraska hospital.

The Committee recommendation for the Winnebago hospital assumes the design of an inpatient facility and the renovation of the existing drug dependency unit. The Committee expects the IHS to ensure that both the Winnebago and Omaha Tribes fully support the approved program justification document for this project before proceeding.

Outpatient Care Facilities.—The Committee recommends an increase of \$8,100,000 for outpatient care facilities including

\$4,000,000 for construction of the Fort Belknap, Montana health center and satellite clinic, \$3,000,000 for construction of the White Earth, Minnesota health center and \$1,100,000 for design of the Second Mesa, Arizona health center.

Sanitation Facilities.—The Committee recommends an increase of \$42,573,000 to restore the sanitation facilities budget to the fiscal year 1994 level.

The Committee has not specified the amount of sanitation funds to be used for new and renovated homes or for addressing the backlog of needs for existing homes. Funds for sanitation facilities for new and renovated homes should be limited to projects serving the Bureau of Indian Affairs housing improvement program, homes new to the site during the funding year or the previous fiscal year and existing homes renovated during the funding year or the previous fiscal year. A renovation should include at least a bedroom or bathroom addition. All other needs should be included in the sanitation deficiency system and addressed in priority order.

Dental Units.—The Committee recommends an increase of \$1,000,000 for new and replacement modular dental units. The budget request proposed no funds for this line item. The Committee recommendation would restore funding to the fiscal year 1994 level. The decision on the extent to which these funds should be used to buy new units or to replace existing units should be based on greatest need.

Equipment.—The Committee has recommended a new line item in the facilities account to consolidate equipment purchases for IHS and tribal hospitals and clinics under this appropriation. The total recommended for this new account is \$13,000,000 which includes the transfer of \$10,000,000 from the hospital and clinics line item in the health services appropriation for equipment purchases for existing hospitals and clinics and the addition of \$3,000,000 for equipping replacement clinics built by the tribes using non-IHS funding sources.

Many tribes have a very real need for replacement facilities but are unable to qualify for inclusion on the IHS priority list for new facilities construction. For example, because of the small populations in the tribes in California, none of the tribes in that area have qualified for placement on the priority list. Many tribes have gone to great lengths to identify alternative sources of funding to construct new clinics. Once constructed, there is no source of funds in IHS to provide new equipment for those clinics. The Committee expects the IHS to develop a priority system for distributing the \$3,000,000 recommended for equipment at these clinics. The methodology should be developed no later than February 1, 1995, and should be weighted in favor of the neediest tribes.

Facilities and Environmental Health Support.—The Committee recommends an increase of \$3,203,000 for facilities and environmental health support, including \$1,595,000 to partially offset inflation and pay cost increases, \$1,000,000 for the injury prevention program, \$131,000 for facilities support at the new Belcourt, North Dakota hospital and \$477,000 to restore funding for the environmental program.

Injuries in Indian country are many times the National average and place great demands on Indian health services. The Committee

is disappointed that the Department has not supported the IHS long-term injury prevention plan in its annual budget requests. The small amount of funding provided by the Committee for this program over the past couple of years has been well spent and the program has received high praise from IHS officials in the field. The increase for injury prevention projects recommended by the Committee for fiscal year 1995 should result in a decline in needed health treatments over time.

In fiscal year 1994 \$477,000 was identified for contract support costs in the facilities account. These funds were incorrectly deducted from the environmental support program and, as a result, each area has had to reduce its program in fiscal year 1994. The Committee recommendation corrects this error.

Contract Support Costs.—The Committee recommends an increase of \$7,000 for contract support costs to partially offset inflation.

Regional Youth Treatment Centers.—The Committee has not recommended funding for construction of new regional youth treatment centers for drug and alcohol abuse. The IHS should keep the Committee apprised of progress in identifying sites for the two centers authorized for the California area.

Reprogramming.—The Committee has revised its reprogramming guidelines to raise the threshold for reprogrammings from \$250,000 to \$500,000. The revised guidelines are included in the front of this report.

The Committee understands that currently the IHS has identified \$1.7 million in funds that are excess from completed construction projects. The Committee expects that \$600,000 of this amount will be used to pursue the development of standardized designs for IHS facilities, \$400,000 will be used for purchasing equipment for the new Pine Ridge, South Dakota hospital and that the balance will be divided equally between the Fort Belknap, Montana and the White Earth, Minnesota health center construction projects.

Bill Language.—The Committee has recommended bill language to permit the IHS to issue single contracts for the full scope of the construction of the Fort Belknap, Montana and the White Earth, Minnesota health centers. The Committee intends to recommend the balance of the funding required for construction of these health centers in fiscal year 1996 and encourages the IHS and the Department to include the necessary funds in the fiscal year 1996 budget request. The bill language recommended by the Committee should permit the IHS to issue a single construction contract for each of these projects, thus minimizing cost increases.

ADMINISTRATIVE PROVISIONS

The Committee has recommended bill language permitting the Secretary to enter into personal services contracts for the provision of health care services in IHS facilities and services for facilities being constructed by the IHS. This language is needed to ensure that every effort is explored by the Department and by the IHS to keep the health services and facilities programs of the IHS staffed at a reasonable level of need. The Committee expects the Department and the IHS to ensure that personal services contracts are negotiated for a reasonable level of compensation.

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; and specifying that IHS funds are to be apportioned as appropriated.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Appropriation enacted, 1994	\$83,500,000
Budget estimate, 1995	86,000,000
Recommended, 1995	83,500,000
Comparison:	
Appropriation, 1994	
Budget estimate, 1995	-2,500,000

The Indian Education Act of 1965, as amended, 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's recommendations are based on the Improving America's School Act (H.R. 6) as passed by the House of Representatives on March 24, 1994. That legislation would reauthorize the Office of Indian Education and restructure the programs operated by the Office.

The Committee recommends \$83,500,000 for fiscal year 1994 which is equal to the fiscal year 1994 enacted level and \$2,500,000 below the fiscal year 1995 budget request of \$86,000,000. The amount recommended by the Committee as compared to the budget estimate by activity is shown in the following table:

	FY 1994 Enacted	(in thousands of dollars) Budget Estimates	Committee Bill	Change from Estimates
Grants to local education agencies.....	57,210	61,300	59,800	-1,500
Special programs for Indian children.....	8,780	9,000	9,000	---
Professional development and adult education.....	9,660	10,800	10,800	---
National activities.....	200	125	125	---
Grants to State educational agencies.....	---	1,000	---	-1,000
Indian education technical assistance centers.....	3,815	---	---	---
Administration.....	3,835	3,775	3,775	---
Total, Indian Education.....	83,500	86,000	83,500	-2,500

The decrease below the budget request consists of decreases of \$1,500,000 for grants to local education agencies and \$1,000,000 for State education agencies. No funds are included for State education agencies because they were not included in the House-passed bill. The recommendations of the Committee assume the fellowship programs will be continued at the 1994 level.

Funds for regional assistance centers have been included in the appropriations recommendations for the Department of Education in the Labor, Health and Human Services and Education and Related Agencies bill. As envisioned by the House-passed reauthorization the functions of the current Indian technology assistance centers would be subsumed by regional assistance centers which would service all elementary and secondary education programs authorized by Title II of the Act.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Appropriation enacted, 1994	\$26,936,000
Budget estimate, 1995	28,897,000
Recommended, 1995	26,936,000
Comparison:	
Appropriation, 1994 .....	.....
Budget estimate, 1995	- 1,961,000

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 706 households remain to be relocated, of which 108 are full-time residents on the Hopi Partitioned Land. Two hundred ninety-seven Navajo households have settled on the new lands obtained to support Navajo relocatees, and 2 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. To date, a total of 2,440 families have been relocated.

The Committee recommends \$26,936,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation, which is equal to the fiscal year 1994 level and \$1,961,000 below the budget request.

The Committee expects the Office to continue road development on the New Lands and to fund IHS-constructed sanitation projects in fiscal year 1995 using housing funds.

The Committee does not object to the reprogramming of up to \$500,000 to assist with construction of the Pinon high school to the extent those funds are matched by the Navajo Nation.

The Committee is very concerned by the slow pace of relocation and the extraordinarily large number of appeals which are adding to the total number of families eligible for relocation. At this time last year 708 households remained to be relocated. One year later, despite the fact that 109 relocations have taken place, 706 families remain to be relocated. The Committee believes it is time to begin phasing out the Office and to turn over the remaining relocations to another agency such as the Bureau of Indian Affairs. In today's constrained budget climate every effort should be made to reduce the cost of administering this program. The Committee expects the Office to submit a plan for the phasing out of the Office and the transition of its responsibilities to a successor entity. The report should be submitted to the Committee no later than February 1, 1995, and should assume that transfer of functions will occur before the year 2000 and that the cost to administer the program will be successively smaller in each year beginning in fiscal year 1996. Further, the Committee expects the Office to review carefully all appeals to ensure that only legally certified applicants are being granted relocation benefits.

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.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

Appropriation enacted, 1994	\$12,563,000
Budget estimate, 1995	9,812,000
Recommended, 1995	12,713,000
Comparison:	
Appropriation, 1994	+150,000
Budget estimate, 1995	+2,901,000

The Committee recommends an appropriation of \$12,713,000, an increase of \$2,901,000 over the budget estimate, for the Institute of American Indian and Alaska Native Culture and Arts Development. This amount is a decrease of \$1,649,000 from the request of the Board of Trustees of the Institute. Under the legislation which established the Institute as an independent, non-profit corporation, the request of the Board is to be submitted directly to the Congress, and is not to be adjusted by the Administration.

The recommended amount includes \$9,713,000 for operations of the Institute, and \$3,000,000 for design, sitework and utilities related to Phase I of the new campus. The funds for the new campus are provided on the basis of a contribution of $\frac{1}{3}$ of the estimated cost from this appropriation. Based on the total estimate for Phase I construction of about \$24,000,000, the Federal contribution from

this appropriation will therefore be \$8,000,000, of which \$6,000,000 has now been provided.

The recommended amount includes no funds for the contribution to the Endowment Fund this year, due to budgetary constraints and the fact that the Institute has not yet provided any significant amount of matching funds to the amounts previously provided.

With regard to Institute operations, the increase of \$500,000 over 1994 is the amount needed by the Institute just to cover mandatory cost increases in salaries and supplies for existing staff, and for the increase in the cost of the facility lease. The Institute had also requested increased funds for new positions, such as an alcohol/drug abuse counselor for the students, an assistant controller and accounting technician, a procurement/purchasing officer position, and a creative writing professor, and for campus security. In order to fund these new positions, the Institute will have to determine priorities among existing uses of the funding available. In addition, the Committee recommendation includes no funding for new items such as media/image production services and video productions. Due to Federal budget limitations, funds for these purposes should be sought from other sources.

Since the amount provided for operations is significantly less than requested by the Board, the Committee requests that a breakdown of how the lower amount will be allocated by the budget line items be submitted to the Committee within 30 days after the start of the fiscal year. Any proposed reprogrammings from the original request, outside of the allocation of the reductions, should also be submitted at that time, if known; and the Institute should continue to submit reprogramming requests for approval in accordance with the Committee's guidelines throughout the year.

SMITHSONIAN INSTITUTION

The Smithsonian Institution is unique in the Federal establishment. Established by the Congress in 1846 to carry out the trust included in James Smithson's will, it has been engaged for 145 years in the "increase and diffusion of knowledge among men" in accordance with the donor's instructions. For some years, it utilized only the funds made available by the trust. Then, before the turn of the century, it began to receive Federal appropriations to conduct some of its activities. With the expenditure of both private and Federal funds over the years, it has grown into one of the world's great scientific, cultural, and intellectual organizations. It operates magnificent museums, outstanding art galleries, and important research centers. Its collections are among the best in the world. Its traveling exhibits bring beauty and information throughout the country.

It attracted approximately 29,194,000 visitors in 1993 to its museums, galleries, and zoological park. Additional millions also view Smithsonian traveling exhibitions, which appear across the United States and abroad, and the annual Folklife Festival. As custodian of the National Collections, the Smithsonian is responsible for more than 100 million art objects, natural history specimens, and artifacts. These collections are displayed for the enjoyment and education of visitors and are available for research by the staff of the Institution and by hundreds of visiting students, scientists, and

receipts in fiscal year 1995 an equivalent appropriation is made to operate individual park units.

Language is included under National Park Service, Administrative provisions, preventing the implementation of an agreement for the redevelopment of the southern end of Ellis Island until 30 legislative days have elapsed from the time the Congress is notified of the plans.

Language is included under United States Geological Survey, Working capital fund, allowing facility modifications and modernization and equipment replacement to be financed under the fund.

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, Royalty and offshore minerals 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, and providing for the transfer of property and facilities to non-Federal entities without reimbursement.

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 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, and to change the dates of payments for grants to schools under Public Law 100-297.

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, and providing a grant to the Close-Up Foundation.

Language is included under Bureau of Indian Affairs, Operation of Indian programs, allowing reprogramming of Self-Governance

funds, allowing changes to certain eligibility criteria by tribal governments, allowing the transfer of certain forestry funds, providing for an Indian self-determination fund, and prohibiting support of Alaska schools in 1995.

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, and allowing Federal Highway Trust Fund amounts to be used to purchase road construction equipment.

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, and to reimburse individual account holders for losses.

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, providing a grant to the Close-Up foundation, and allowing appropriations for disaster assistance to be used as non-Federal matching funds for hazard mitigation grants provided pursuant to other law.

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.

Language is included under Office of the Secretary, Administrative provisions, prohibiting the use of working capital or consolidated working funds to augment certain offices, and allowing the sale of existing aircraft with proceeds used to offset the purchase price of replacement aircraft.

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 Georges Bank-North Atlantic planning area, Mid-Atlantic and

Language is included under the Forest Service, Administrative provisions, providing for nonmonetary awards, and allowing payment for emergency work.

Language is included under the Forest Service, Administrative provisions, allowing reimbursement of certain pipeline rights-of-way costs, allowing payments in emergency situations at regular rates of pay, limiting clearcutting in the Wayne National Forest, Ohio, prohibiting preparation of certain timber sales in the Shawnee National Forest, Illinois, limiting clearcutting in the Ouachita and Ozark-St. Francis National Forests, Arkansas, and allowing technical assistance to rural communities.

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

Language is included under the Department of Energy, Naval Petroleum and oil shale reserves waiving sales requirements based on Strategic Petroleum Reserves oil purchases.

Language is included under the Department of Energy, Energy conservation, which provides for an allocation of grants to State and local programs.

Language is included under the Department of Energy, Strategic Petroleum Reserve, which prohibits leasing of facilities under certain conditions.

Language is included under the Department of Energy, SPR petroleum account, which places an outlay ceiling on the account, and which waives minimum purchase requirements for operating Naval Petroleum Reserve No. 1.

Language is included under the Department of Energy, Energy Information Administration, allowing contracts of up to eight years duration for end use consumption surveys.

Language is included under Administrative provisions, Department of Energy, limiting programs of price supports and loan guarantees to what is provided in appropriations Acts; providing for the transfer of funds to other agencies of the Government; providing for retention of revenues by the Secretary of Energy on certain projects; requiring certain contracts be submitted to Congress prior to implementation; allowing acceptance of contributions and carrying out cooperative projects; providing for emergency transfer of funds to the Emergency preparedness appropriation; and prohibiting issuance of procurement documents without appropriations.

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, Indian health facilities, providing that funds may be used to purchase land, allowing the purchase of trailers, and allowing for a procurement for the full scope of the White Earth, Minnesota health center and the Fort Belknap, Montana health center and satellite clinic.

Language is included under Indian Health Service, Administrative provisions, providing for payments for telephone service in private residences in the field and purchase of reprints, purchase and erection of portable buildings, allowing the Service to enter into

personal services contracts and covering individuals providing health services through such contracts under the Federal Tort Claims Act, and allowing deobligation and reobligation of funds applied to self-governance funding agreements.

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, 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.

Language is included under Smithsonian Institution, Construction, allowing a procurement for the full scope of construction of the National Museum of the American Indian Cultural Resources Center.

Language is included under the National Gallery of Art, Salaries and expenses, for payment in advance for membership in library,