

DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS BILL, 1995

JUNE 28 (legislative day, JUNE 7), 1994.—Ordered to be printed

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

REPORT

[To accompany H.R. 4602]

The Committee on Appropriations, to which was referred the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes recommended:

AMOUNTS IN NEW BUDGET (OBLIGATIONAL) AUTHORITY, FISCAL
YEAR 1995

Amount of bill passed by House	\$13,186,734,000
Amount of decrease by Senate	— 122,705,000
Total of bill as reported to Senate	13,064,029,000
Estimates considered by House	13,424,299,000
Estimates considered by Senate	13,424,299,000
Below the budget estimate, 1995	— 360,270,000
Below appropriations, 1994	— 324,411,000

on plans for the takeover of emergency reclamation responsibility by those States.

The Committee is recommending a continuation of the Rural Abandoned Mine Program because it remains unconvinced that the existing AML State grants program provides a sufficient delivery system to ensure that the secondary and tertiary effects of abandoned mine lands that plague rural and farm areas will be addressed.

Bill language.—In agreement with the House, the Committee continues bill language 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 \$18,000,000. Bill language is also 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 recommends striking House bill language which would fund minimum program State grants at \$1,000,000 per State. The Committee has, instead, included bill language which would fund minimum program State grants at \$2,000,000 per State.

Pay absorption.—The Committee has included a reduction of \$106,000 which is equal to 50 percent of the funding requested by OSM in fiscal year 1995 to cover the pay raise scheduled to begin on January 1, 1995.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Appropriations, 1994	\$1,490,805,000
Budget estimate, 1995	1,498,430,000
House allowance	1,527,786,000
Committee recommendation	1,523,399,000

The Committee recommends an appropriation of \$1,523,399,000, an increase of \$24,969,000 above the budget estimate, a decrease of \$4,387,000 below the House allowance, and \$32,594,000 above the fiscal year 1994 level.

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

	Budget estimate	Committee recommendation	Change
TRIBAL BUDGET SYSTEM			
Tribal priority allocations:			
Tribal government	\$114,026,000	\$114,026,000	.....
Human services	56,227,000	56,227,000	.....
Education	34,572,000	58,978,000	+ \$24,406,000
Public safety and justice	96,937,000	96,937,000	.....
Community development	21,863,000	40,946,000	+ 19,083,000
Resources management	67,856,000	67,856,000	.....
Other trust services	29,309,000	29,309,000	.....
General administration	26,562,000	26,562,000	.....

	Budget estimate	Committee recommendation	Change
Small tribes distribution		2,000,000	+ 2,000,000
Subtotal, tribal priority allocations	447,352,000	492,841,000	+ 45,489,000
Other recurring programs:			
Tribal government	95,823,000	103,323,000	+ 7,500,000
Human services	105,644,000	105,644,000	.....
Education:			
School operations:			
Forward funding	331,381,000	330,111,000	- 1,270,000
Other school operations	78,799,000	78,799,000	.....
Subtotal, school operations	410,180,000	408,910,000	- 1,270,000
Continuing education	26,863,000	27,463,000	+ 600,000
Johnson O'Malley	24,406,000	.....	- 24,406,000
Subtotal, education	461,449,000	436,373,000	- 25,076,000
Community development	64,208,000	47,125,000	- 17,083,000
Resources management	40,173,000	40,173,000	.....
Other trust services	3,060,000	3,060,000	.....
Subtotal, other recurring programs	770,357,000	735,698,000	- 34,659,000
Nonrecurring programs:			
Tribal government	4,934,000	4,934,000	.....
Public safety and justice	586,000	2,552,000	+ 1,966,000
Community development	6,728,000	9,228,000	+ 2,500,000
Resources management	31,849,000	31,849,000	.....
Other trust services	16,918,000	30,918,000	+ 14,000,000
Subtotal, nonrecurring programs	61,015,000	79,481,000	+ 18,466,000
Total, tribal budget system	1,278,724,000	1,308,020,000	+ 29,296,000
BIA OPERATIONS			
Central office operations:			
Tribal government	3,427,000	3,427,000	.....
Human services	1,320,000	1,320,000	.....
Public safety and justice	2,915,000	2,915,000	.....
Community development	1,125,000	1,125,000	.....
Resources management	3,987,000	3,987,000	.....
Other trust services	21,630,000	21,130,000	- 500,000
General administration:			
Education program management	4,639,000	4,289,000	- 350,000
Other general administration	44,206,000	44,206,000	.....
Subtotal, general administration	48,845,000	48,495,000	- 350,000
Subtotal, central office operations	83,249,000	82,399,000	- 850,000
Area office operations:			
Tribal government	1,918,000	1,918,000	.....
Human services	1,609,000	1,609,000	.....
Public safety and justice	867,000	867,000	.....
Community development	4,547,000	4,547,000	.....
Resources management	4,412,000	4,412,000	.....
Other trust services	11,890,000	11,890,000	.....
General administration	29,132,000	29,132,000	.....

	Budget estimate	Committee recommendation	Change
Subtotal, area office operations	54,375,000	54,375,000	.....
Special programs and pooled overhead:			
Human services	1,735,000	1,735,000	.....
Education	14,161,000	14,461,000	+ 300,000
Public safety and justices	1,151,000	2,151,000	+ 1,000,000
Community development	3,425,000	3,425,000	.....
Resources management	2,128,000	1,698,000	- 430,000
General administration	62,142,000	60,922,000	- 1,220,000
Subtotal, special programs and pooled overhead	84,742,000	84,392,000	- 350,000
Total, BIA operations	222,366,000	221,166,000	- 1,200,000
GSA rent reduction	- 170,000	- 170,000	.....
Procurement reform	- 2,490,000	- 2,490,000	.....
Pay absorption .....	.....	- 3,127,000	- 3,127,000
Total, operation of Indian programs	1,498,430,000	1,523,399,000	+ 24,969,000

General.—The Committee is extremely concerned by the Bureau's lack of responsiveness to the Committee's directives for fiscal year 1994. The Committee expects the Department to provide a status report of all unmet directives for fiscal year 1994 within 30 days. The report should indicate when the Committee can expect to receive the information and an explanation of the cause for delay. For the directives which are included below, the Committee expects the Bureau to submit a work plan within 30 days which describes how the Bureau will meet the deadlines which have been imposed. Unless otherwise indicated, the Committee expects all information related to the Committee's fiscal year 1995 directives to be provided at least 30 days in advance of the Committee's hearings on the fiscal year 1996 budget request.

Tribal priority allocations.—The Committee recommends an increase of \$45,489,000 above the budget request, of which \$41,489,000 results from the transfer of the Johnson-O'Malley and Housing Improvement Programs from the "Other recurring programs" account. This is consistent with recommendations made by the Joint Reorganization Task Force. The Committee expects the Bureau to distribute these by the current distribution methods while determining the amount to be made part of each tribe's recurring base. The Committee recognizes that a portion of these programs may be transferred to special programs and pooled overhead where funding is not under tribal contracts.

The additional \$4,000,000 provided by the Committee includes \$2,000,000 to restore the Housing Improvement Program to the fiscal year 1994 enacted level and \$2,000,000 for a special small tribes distribution. The funding provided for the small tribes distribution is intended to begin addressing the needs of small tribes who currently lack the minimum base funding required to establish basic governmental operations and services. 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. The Bureau should request the remaining funding needed to provide full minimum base funding in future budget requests.

The budget request included \$1,612,000 for administrative cost and staffing reductions at the tribe/agency level, and targeted those reductions to certain agency offices, such as the Siletz and eastern Nevada agencies. The Committee directs that these reductions not be taken at specific locations, but rather are to be made on a pro rata basis to the general administration portion of tribal priority allocations. This should limit the impact at any one location and still accomplish the streamlining and costs savings intended by the administrative cost and staffing reductions.

The Committee is aware of concerns regarding the slow pace of Bureau restructuring as a result of self-governance compacting during the last 4 years. In order to better understand the impact of self-governance on the operations of the Bureau, the Committee expects the Bureau to provide a report which gives specific details on the workload associated with self-governance compacting at the agency, area, and central office locations. The information should include functions and activities which were performed by the Bureau prior to self-governance compacting and then what activities have continued to be provided by the Bureau for noncompacting tribes or have been assumed by the Bureau as a result of services which must be provided to compacting tribes, and that which is no longer required of the Bureau due to compacting tribes assuming specific responsibilities. The information should provide a detailed analysis of what functions are performed for the self-governance tribes at the central office which were formerly provided at agency or area offices and the personnel required to perform those functions. The Committee expects the Bureau to include an analysis of the impact of self-governance on noncompacting tribes.

The Committee is aware of efforts by the Bureau to identify those functions at the central and area office which are considered inherently Federal responsibilities which may not be contracted or compacted by the tribes. The Committee encourages the Department to continue this effort in the context of its 5-year strategic planning process, in consultation with the tribes. The strategic planning process should recognize the levels of contracting and compacting expected to occur in the next 5 years based on input from the tribes. The strategic plan should recognize and incorporate the effects of Federal policy and enacted legislation regarding administrative streamlining and staffing reductions on all Bureau programs.

The Committee is aware that some long-range plans have assumed that all tribes will enter into self-governance compacts and any resources other than those required for the core residual responsibilities should be available for self-governance compacts or contracts. The Committee believes that such assumptions may not be realistic and potentially could result in the Bureau lacking the resources necessary to carry out its trust responsibilities. The Bureau should not compact for area office and central office functions based on future expectations of 100 percent compacting by the tribes or increased funding levels, which may or may not occur. Rather, compacts should be entered into on a case-by-case basis

based on actual resources associated with savings to the Bureau that result from the tribe providing services formerly provided directly by the Bureau, after any cost associated with any increased workload to the Bureau has been considered. The Committee believes that it is premature for the Bureau to determine tribal shares of central office operations until the Bureau completes its review of federally inherent responsibilities at the central office.

The Committee is concerned about the use of self-governance shortfall funds but at this time does not recommend a time limit for the use of these funds. Unless the Bureau can provide adequate justification, the Committee may impose such a limitation in the future.

Other recurring programs.—The Committee recommends a net decrease of \$34,659,000 for other recurring programs, including a reduction of \$41,489,000 to reflect the transfer of the Johnson-O'Malley Program and the Housing Improvement Program to tribal priority allocations as previously discussed.

For tribal government, the Committee recommends an increase of \$7,500,000 for contract support, which will provide a total of \$103,323,000 for contract support for fiscal year 1995, an increase of \$18,515,000. The Committee notes that this increase allows a rate of growth of 22 percent above the current level and 58 percent above the fiscal year 1993 level. The Committee has included the additional \$7,500,000 to establish a self-determination fund for new contracts first entered into in fiscal year 1995.

The Committee supports the concept of self-governance and self-determination by the tribes, which permits tribes to compact and contract to provide program delivery which would otherwise be provided by the Bureau. The Committee also supports the ability of the tribes to elect to have the Bureau continue to provide program services directly and is concerned that the Bureau is not adequately protecting the interests of these tribes. In order to protect the Bureau's ability to provide services to those tribes who do not elect to contract for a part or all of their programs, the Committee has retained bill language which establishes a limit of the amount of funding to be available for contract support. The Committee expects the Bureau to continue efforts with the tribes to identify anticipated contractual activity prior to the submission of the budget. The Bureau should ensure that contract support funding is allocated in such a way that all tribes will be treated the same if there is a shortfall in contract support funds by the end of the year.

The Committee is aware that significant shortfalls exist for fiscal year 1994 contract support funding. Unfortunately, budget constraints preclude the Committee from including sufficient funds to repay these shortfalls. These shortfalls should be treated as one-time occurrences and should not have any impact on determining future indirect cost rates.

The Committee expects the Bureau to continue the EARN Program at its current level. The Bureau should report to the Committee by March 1, 1995, on the cost-effectiveness of this program.

For education, the Committee recommends \$436,373,000, a decrease of \$25,076,000 from the request, which includes a reduction of \$24,406,000 resulting from the transfer of the Johnson-O'Malley Program to tribal priority allocations. For forward-funded school

from the schools in the BIA system through implementation of a system similar to that used by the Department of Defense school system. The Committee is supportive of these efforts. However, the Committee is concerned about the out-year implications of such a system. Prior to implementing a pilot for this system, the Bureau should inform the Committee of the expected cost for the entire system and the timeframe for implementation.

The Committee reminds the Bureau that implementation of such a system would be considered a new start under the reprogramming guidelines of the Committee. Therefore, prior to obligating any funds for such a system, the Bureau should submit a reprogramming for this purpose to the Committee.

Area office operations.—The Committee recommends \$54,375,000, the same level as the budget request. Within area office operations, the Committee has included a reduction of \$2,130,000 proposed in the budget. The Committee does not concur with the proposed methodology included in the budget or the letter to the Committee dated April 5, 1994, but expects the area offices, in consultation with the tribes to identify how the reductions should be applied. The \$2,130,000 reduction should be applied on a pro rata basis against each area office's respective budget. As funding constraints and Federal policy on administrative streamlining require further reductions to the area offices, the Committee is concerned that, without a strategic plan to guide the downsizing of the area office operations, additional pro rata reductions will be necessary. Such reductions do not take into account reductions which have already been taken as a result of downsizing or administrative efficiencies.

The Committee is aware that some funds which are distributed to the central or area offices have been identified as part of the tribal priority allocations funding. The Committee expects the Bureau to ensure that funds are identified at the level that they are distributed and are not protected in the tribal priority allocations.

Special programs and pooled overhead.—The Committee recommends a net decrease of \$350,000. For education, the Committee recommends an increase of \$300,000, including \$200,000 for Haskell Indian Junior College and \$100,000 for Southwestern Indian Polytechnic Institute. Within special higher education scholarships, \$200,000 is provided to continue the Pre-Law Summer Institute for American Indian Law Center at the University of New Mexico.

Within public safety and justice, \$1,000,000 is provided to partially restore the substance abuse eradication and enforcement activity. Within resources management, the Indian Integrated Resources Information Program is reduced by \$430,000 due to budget constraints.

Within general administration, the Committee recommends a decrease of \$1,220,000, including a reduction of \$220,000 for the FTS 2000 effort. The Committee recommends a reduction of \$1,000,000 to the Consolidated Training Program, which will permit an increase of \$465,000 over the current level.

CONSTRUCTION

Appropriations, 1994	\$166,979,000
Budget estimate, 1995	82,973,000
House allowance	131,030,000
Committee recommendation	123,230,000

The Committee recommends an appropriation of \$123,230,000, an increase of \$40,257,000 above the budget estimate, a decrease of \$7,800,000 below the House allowance, and a decrease of \$43,749,000 below the fiscal year 1994 level.

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

	Budget estimate	Committee recommendation	Change
Tribal government	\$2,400,000	\$2,900,000	+ \$500,000
Education	43,027,000	47,527,000	+ 4,500,000
Public safety and justice	8,900,000	8,900,000	.....
Resources management	20,784,000	55,866,000	+ 35,082,000
General administration	8,000,000	8,175,000	+ 175,000
Procurement reform	- 138,000	- 138,000	.....
Total, construction	82,973,000	123,230,000	+ 40,257,000

Tribal government construction.—The Committee recommends an increase of \$500,000 above the request for tribal government construction. The increased funding is to cover contract support costs associated with additional construction projects recommended by the Committee for funding in fiscal year 1995.

Education.—The Committee recommends an increase of \$4,500,000 for new school construction. The funds are provided for site work at the next school on the priority list, the Chief Leschi School complex.

The Committee has provided no additional funds for advance planning and design, based on the Bureau's assertion that it has sufficient funds available to design all schools on the current priority list. The Committee also has not provided additional funds for facilities improvement and repair projects at schools. The Bureau and the Office of Construction Management have indicated that with limited staff, they would not be able to use additional funds until the current unobligated balances are put into contracts. Within the existing funds, the Bureau should address serious health and safety concerns.

Public safety and justice.—The Committee recommends \$8,900,000 for public safety and justice, the same amount as the budget request. Within this funding, \$6,900,000 is provided to complete the Sac and Fox detention facility. The remaining \$2,000,000 continues facilities improvement and repair at the current level.

Resources management.—The Committee recommends an increase of \$35,082,000 for resources management. Within this increase, \$33,582,000 is provided for irrigation construction as detailed below:

<i>Project</i>	<i>Amount</i>
Colorado River Indian tribes	\$2,100,000
Hogback irrigation project	500,000
Navajo Indian irrigation project [NIIP]	25,700,000
Southern Arizona	2,282,000
Ute Mountain Ute	2,000,000
Walker River Indian irrigation project	1,000,000
 Total	 33,582,000

For fish hatchery rehabilitation, the Committee recommends an increase of \$1,500,000 to restore the program to the fiscal year 1994 level.

General administration.—The Committee recommends an increase of \$175,000 for general administration for land acquisition for the Washoe Tribe.

Other.—The Committee has included bill language which would allow the Gila River Indian community to purchase and pump water using a portion of the funds previously appropriated and obligated for irrigation systems improvement. It is the understanding of the Committee that this authority would be used only if the level of the San Carlos Reservoir is below 200,000 acre-feet as of March 1, 1995.

The Committee has included bill language which will permit the Department to proceed with implementation of a process to award grants for construction of new schools or facilities improvement and repair projects in excess of \$100,000. The process will utilize established grant procedures. Language has been included to ensure that Federal, tribal, State, and local building standards are met and that personnel involved in the process are properly trained and qualified. The Committee has included the bill language so that the Department can implement the grant process without undue delay.

The Committee expects the Bureau to submit the report on the ownership and responsibility for the aging fuel storage tanks in Alaska Native communities by October 1, 1994. The Committee expects the Department to ensure that this report is provided on time and that the funding required to meet the Department's responsibilities be requested in the fiscal year 1996 budget request.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Appropriations, 1994	\$103,259,000
Budget estimate, 1995	174,045,000
House allowance	82,896,000
Committee recommendation	77,096,000

The Committee recommends an appropriation of \$77,096,000, \$96,949,000 below the budget request and \$5,800,000 below the House allowance. 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 funding for this activity has previously been provided. There is also a decrease of \$33,982,000 for transfer of irrigation projects back to the "Construction" account. These projects include Navajo Indian irrigation project, \$31,700,000; and southern Arizona (Tohono O'Odham), \$2,282,000.

Funding is included for the following settlements:

<i>Project</i>	<i>Amount</i>
Catawba Indian settlement	\$8,000,000
Fallon water rights settlement	11,200,000
Jicarilla Settlement Act	2,000,000
Northern Cheyenne	16,900,000
Pyramid Lake water rights settlement	8,000,000
Three Affiliated Tribes recovery fund	6,000,000
Ute Indian rights settlements	20,651,000
Yavapai-Prescott	300,000
Total	73,051,000

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 a referendum on whether to accept this legislated settlement. The Committee has provided \$20,651,000, which represents an increase of \$3,453,000 and the balance the funding requested. The funds provided by the Committee will support farming operations and stream improvement projects.

The Committee recommends \$16,900,000 for the Northern Cheyenne settlement, which is a decrease of \$5,800,000 below the request. It is the Committee's understanding that the remaining funds should be sufficient to allow modifications to the Tongue River Dam to proceed and would not preclude completion of the project by 1998.

NAVAJO REHABILITATION TRUST FUND

Appropriations, 1994	\$2,466,000
Budget estimate, 1995 .....	.....
House allowance .....	.....
Committee recommendation	2,466,000

The Committee recommends an appropriation of \$2,466,000, the same as the fiscal year 1994 appropriation and \$2,466,000 above the budget request and the House allowance.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

Appropriations, 1994	\$1,970,000
Budget estimate, 1995	1,970,000
House allowance	1,970,000
Committee recommendation	1,970,000

The Committee recommends an appropriation of \$1,970,000, the same as the House allowance and the budget request for the technical assistance of Indian enterprises.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

Appropriations, 1994	\$2,484,000
Budget estimate, 1995 .....	.....
House allowance	2,484,000
Committee recommendation	2,484,000

The Committee recommends an appropriation of \$2,484,000, the same as the House allowance for the "Indian Direct Loan Program" account.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Appropriations, 1994	\$9,690,000
Budget estimate, 1995	9,690,000
House allowance	9,690,000
Committee recommendation	9,690,000

The Committee recommends an appropriation of \$9,690,000, the same as the budget request and the House allowance for the "Indian Guaranteed Loan Program" account.

TERRITORIAL AFFAIRS

The broad objectives of the Secretary of the Interior are to promote the economic, social, and political development of the people of each of the island governments, leading toward greater self-government, and to further international peace and security by conducting territorial affairs in close coordination with the defense and foreign policies of the United States.

ADMINISTRATION OF TERRITORIES

Appropriations, 1994	\$81,907,000
Budget estimate, 1995	78,639,000
House allowance	83,139,000
Committee recommendation	77,339,000

The Committee recommends an appropriation of \$77,339,000, a decrease of \$1,300,000 below the budget estimate and a decrease of \$5,800,000 below the House allowance.

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

	Budget estimate	Committee recommendation	Change
Guam: Operations grants		\$1,000,000	+\$1,000,000
American Samoa:			
Operations grants	\$23,090,000	23,090,000	
Construction grants	5,503,000	5,503,000	
Subtotal, American Samoa	28,593,000	28,593,000	
Northern Mariana Islands: Covenant grants	27,720,000	27,720,000	
Subtotal, Northern Mariana Islands	27,720,000	27,720,000	
Territorial administration:			
Office of Territorial and International Affairs ...	4,527,000	4,377,000	-150,000
Technical assistance	8,535,000	6,535,000	-2,000,000
Maintenance assistance fund	4,462,000	4,462,000	
Disaster fund	1,983,000	1,983,000	
Drug interdiction/abuse prevention	734,000	734,000	
Brown tree snake	595,000	595,000	
Insular management controls	1,650,000	1,500,000	-150,000
Procurement reform	-160,000	-160,000	
Subtotal, territorial administration	22,326,000	20,026,000	-2,300,000
Total, administration of territories	78,639,000	77,339,000	-1,300,000

bill remains within its outlay limitations. The limitation includes outlays from all sources.

The Committee has recommended transferring \$107,764,000 in unobligated balances from this account, including \$90,764,000 to the "Strategic petroleum reserve" account and \$17,000,000 to the "Fossil energy research and development" account. At the end of the fiscal year 1995, about \$211,000,000 will remain unobligated and it is anticipated that these balances will be used to continue to fund the upgrading and modernization of strategic petroleum reserve facilities in future years.

ENERGY INFORMATION ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 1994	\$86,553,000
Budget estimate, 1995	84,728,000
House allowance	84,728,000
Committee recommendation	84,507,000

The Committee recommends an appropriation of \$84,507,000, a decrease of \$221,000 below both the budget estimate and the House allowance. The decrease will require absorption of one-half of the cost of the January 1995 pay raise.

The Committee has included bill language allowing an exception to the Service Contract Act of 1965 to provide for contracts of up to 8 years duration for energy consumption surveys.

ADMINISTRATIVE PROVISIONS

The Committee has retained language which prohibits the Department from expending funds to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICE

The original budget request submitted by the administration in February proposed to reduce funding for the Indian Health Service by \$250,000,000 below the fiscal year 1994 enacted amount. Approximately one-half of this amount was restored by a budget amendment submitted in April. This budget amendment still provided inadequate amounts to IHS to address the costs associated with medical inflation and pay costs, and did nothing to address population growth. In this health care program, failure to provide for these costs contributes to an erosion of the health care available to native Americans.

The budget also assumes significant reductions in staffing in the Indian Health Service, below current levels. These full-time equivalent employee controls also fail to take into consideration the staffing needs associated with the completion of new facilities, some of which the tribes have been waiting years to see to completion. The Committee is concerned about the distribution of FTE reductions with the Department of Health and Human Services, particularly

with respect to exemptions provided to some agencies, which place even greater constraints on the other agencies within the Department. As the administration continues to deal with the downsizing of the Federal work force, which was concurred in by the Congress through the passage of the buyout legislation, the Committee urges that steps be taken to ensure equity in the distribution of the reductions, in both the near and the far term. The administration has committed that the staffing reductions for IHS would occur only as health services delivery actually shifts from Federal to tribal staff or from Federal to private health providers.

INDIAN HEALTH SERVICES

Appropriations, 1994	\$1,645,877,000
Budget estimate, 1995	1,651,889,000
House allowance	1,706,102,000
Committee recommendation	1,715,052,000

The Committee recommends an appropriation of \$1,715,052,000, an increase of \$63,163,000 over the budget estimate, \$8,950,000 above the House level, and \$69,175,000 above the fiscal year 1994 appropriation. The Committee remains concerned about the provision of basic health care services for Indians. Backlogs in a number of IHS program areas have resulted in attention to only the most critical of health emergencies. Recommended allowances are contained in the following table:

	Budget estimate	Committee recommendation	Change
Hospitals and clinics	\$785,917,000	\$825,596,000	+ \$39,679,000
Dental health	52,794,000	57,628,000	+ 4,834,000
Mental health	35,139,000	38,518,000	+ 3,379,000
Alcohol and substance abuse	101,927,000	91,527,000	- 10,400,000
Contract care	349,258,000	363,258,000	+ 14,000,000
Public health nursing	22,087,000	23,550,000	+ 1,463,000
Health education	7,862,000	8,260,000	+ 398,000
Community health representatives	42,924,000	44,039,000	+ 1,115,000
Immunization	1,296,000	1,331,000	+ 35,000
Urban health programs	22,794,000	23,394,000	+ 600,000
Indian health professions	27,398,000	28,098,000	+ 700,000
Tribal management	5,283,000	5,358,000	+ 75,000
Direct operations	48,954,000	49,804,000	+ 850,000
Self-governance	4,977,000	9,107,000	+ 4,130,000
Contract support	143,433,000	145,738,000	+ 2,305,000
GSA rent reduction	- 154,000	- 154,000	.....
Total, Indian health services	1,651,889,000	1,715,052,000	+ 63,163,000

Hospitals and health clinics.—The Committee recommends increases of \$19,000,000 for 50 percent of the costs associated with pay and inflation; \$18,929,000 for the staffing and operation of new facilities; \$750,000 for diabetes programs; \$4,812,000 to restore the fiscal year 1994 level for services; \$5,977,000 for the transfer in of fiscal year 1994 level-of-need funded dollars which were provided to the “Facilities” account on a one-time basis; and \$211,000 for Perry Point. A partially offsetting reduction of \$10,000,000 is taken for the transfer of equipment funds to the “Facilities” account.

The Committee expects the Indian Health Service to continue its support for the Mississippi Choctaw Tuberculosis Control Program at the fiscal year 1994 level.

To simplify the explanation of funding provided for the staffing and operation of new facilities, the following table provides the details. The total amount for each budget line item is discussed therein, and it is to be distributed as provided in the table.

Staffing and operations of new facilities

Indian Health Services:	
Hospitals and clinics:	
Crow, MT, hospital	\$3,886,000
Tohatchi, NM, clinic	2,321,000
Stilwell, OK, clinic	1,781,000
Belcourt, ND, hospital	975,000
Shiprock, NM, hospital	7,103,000
Kotzebue, AK, hospital	2,863,000
Subtotal, hospitals and clinics	<u>18,929,000</u>
Dental health:	
Crow, MT, hospital	137,000
Tohatchi, NM, clinic	597,000
Stilwell, OK, clinic	459,000
Belcourt, ND, hospital	49,000
Shiprock, NM, hospital	1,659,000
Kotzebue, AK, hospital	933,000
Subtotal, dental health	<u>3,834,000</u>
Mental health:	
Crow, MT, hospital	66,000
Tohatchi, NM, clinic	132,000
Stilwell, OK, clinic	198,000
Shiprock, NM, hospital	283,000
Subtotal, mental health	<u>679,000</u>
Public health nursing:	
Crow, MT, hospital	123,000
Tohatchi, NM, clinic	247,000
Stilwell, OK, clinic	247,000
Belcourt, ND, hospital	65,000
Shiprock, NM, hospital	317,000
Kotzebue, AK, hospital	64,000
Subtotal, public health	<u>1,063,000</u>
Health education:	
Crow, MT, hospital	114,000
Tohatchi, NM, clinic	57,000
Stilwell, OK, clinic	57,000
Subtotal, health education	<u>228,000</u>
Contract support costs: Kotzebue, AK, operations	<u>405,000</u>
Indian health facilities:	
Facilities and environmental health support: Belcourt, ND, operations	<u>131,000</u>
Recapitulation, by location:	
Crow, MT, hospital	4,326,000
Tohatchi, NM, clinic	3,354,000
Stilwell, OK, clinic	2,742,000
Belcourt, ND, hospital	1,220,000
Shiprock, NM, hospital	9,362,000

Staffing and operations of new facilities

Kotzebue, AK, hospital	4,265,000
Total	25,269,000

The Committee concurs in the House recommendation that IHS should not pay increased overhead charges to the Public Health Service or to any entity within HHS except to the extent that cost increases are funded in this appropriation bill for IHS.

The Committee is aware that the IHS clinic in Neah Bay, WA, provides the only emergency medical care in the northwest corner of the Olympic Peninsula. The nearest fully staffed facility is 2 hours away, but medical evacuations often take far longer when mudslides and storms make patient transport almost impossible. Because of recently raised accreditation standards, the clinic may have to terminate after-hours emergency care, leaving the community and visitors reliant on one EMT and local volunteers. The Makah Tribe recently submitted a grant application to the IHS to enable them to operate an emergency medical service and trauma care system that can provide advanced life support. The Committee urges the IHS to give careful consideration to this grant application and to other potential remedies for this critical health care problem.

Dental health.—The Committee recommends an increase of \$1,000,000 to cover one-half of pay and inflation costs and \$3,834,000 for staffing and operations of new facilities.

Mental health.—The Committee recommends increases of \$700,000 toward pay and inflation costs, \$679,000 for staffing and operations at new facilities, and \$2,000,000 to begin implementing programs to address the significant needs in the areas of child sexual abuse and prevention. Budget constraints and the vast funding shortfall created by the budget request, which the Committee had to restore, preclude additional funding for this initiative at this time. This funding level will provide a reasonable first step to allow the program to be established and coordinated with the Bureau of Indian Affairs. The Committee notes that this funding increase is being provided at a time when the Interior bill in total is decreasing in excess of \$300,000,000 below last year's funding.

Within the funds provided, the Indian Health Service is to continue to provide support as in prior years for the Navajo and Hopi child sexual abuse programs.

The Committee is aware of the concerns of many tribes as a result of statistics with respect to suicide rates. The IHS should prepare a report, as requested by the House, by November 1, 1994, on the need for and cost of suicide intervention programs in Indian country.

The Committee is pleased with the work of the Dena A Coy Center in Anchorage, AK, especially with respect to the data which shows a clear connection between alcohol and child sexual abuse in increasing the chances for alcohol-impacted infants. The Committee urges the Indian Health Service to give careful consideration to the Alaska interagency project designed to prevent and evaluate child sexual abuse in both Anchorage and Bethel.

Alcohol and substance abuse.—The Committee recommends a decrease of \$8,400,000 to the initiative proposed in the budget, which

allows an increase of \$2,000,000, consistent with the amount recommended for the child abuse initiative discussed above. A reduction of \$2,000,000 is proposed for pay and inflation, which will require absorption of the same amounts by this program as the other IHS programs are taking.

The Committee supports the ongoing efforts of the Gallup alcoholism project and has no objection to the use of a portion of the increase provided, not to exceed \$200,000, to address operational shortfalls at the alcohol crisis center and the Rehoboth McKinley treatment program.

Contract health services.—The Committee recommends increases of \$9,000,000 for pay and inflation costs and \$5,000,000 to continue the Committee's ongoing effort to address unmet needs in this program. 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.

The Committee is aware of the Mississippi Choctaw shortfall in contract care funds and expects IHS to work with the tribe to address their unmet needs, along with those of other tribes.

Public health nursing.—The Committee recommends increases of \$400,000 for pay and inflation and \$1,063,000 for staffing and operations at new facilities.

Health education.—The Committee recommends increases of \$170,000 for pay and inflation and \$228,000 for staffing and operational costs associated with new facilities.

Community health representatives.—The Committee recommends an increase of \$1,115,000 to offset partially pay and inflation costs.

Alaska immunization.—The Committee recommends an increase of \$35,000 to offset partially the increased pay and inflation costs.

Urban health.—The Committee recommends an increase of \$600,000 to offset partially pay and inflation costs.

Indian health professions.—The Committee recommends an increase of \$700,000 to offset partially the increased pay and inflation costs. The Committee continues to support the ongoing health professions programs, including nursing, and regrets that budget constraints preclude further funding of the many authorizations which have been established for personnel recruitment and retention purposes.

Tribal management.—The Committee recommends an increase of \$75,000 for pay and inflation.

Direct operations.—The Committee recommends an increase of \$850,000 to offset partially the increased costs due to pay and inflation.

Self-governance.—The Committee recommends an increase of \$130,000 for inflation and pay and an increase of \$4,000,000 to address shortfalls for new compacts negotiated for fiscal year 1995. The Committee notes that this increase is the largest provided in this account, except for pay and inflation and new facilities costs, and unmet need in contract care.

While the Committee supports the concepts of self-governance, in terms of allowing tribes greater control and management over program funds, the Committee is also concerned that self-governance

cannot be pursued at the expense of noncompacting tribes. The Committee has provided increases in recent years, in both BIA and IHS, to address funding shortfalls associated with self-governance compacts, but is concerned about the ability to do so in the future as budgets get tighter. The Committee does not intend to preclude self-governance from continuing, but the tribes (both compacting and not) and IHS must be sensitive to the dollar constraints which will affect the Committee's ability to provide funding to implement compacts fully.

The Committee recognizes, as must IHS, that changes to the organizational structure will be necessary as tribes assume more responsibility for program management. IHS must seek to undertake such changes in order to free up the resources necessary to address tribal shares, and to do so in a manner that also protects the interests of noncompacting tribes.

Commensurate with the changes in responsibility associated with more tribes entering into self-governance compacts, as well as the need to achieve FTE reductions, the IHS must deal aggressively with the possibility of closing or consolidating one or more area offices and/or delegating headquarters and area office functions to the service unit level. While such consolidations or closures are rarely popular, they must be considered if additional resources are to be made available to address other priority needs, such as self-governance compacts, in times of flat or declining budgets. Such reductions are also necessary if positions are to be available to fill medical care and associated support positions in hospitals and clinics.

Contract support costs.—The Committee recommends an increase of \$1,900,000 for inflation and \$405,000 for operational costs associated with the Kotzebue, AK, hospital. The Committee concurs with the House recommendation regarding escalating contract support costs. This program has received a 45-percent increase in funding between fiscal years 1993 and 1995. Such growth will be impossible to continue over the course of the 5 years covered by the fiscal year 1995 budget resolution, which will require \$13,000,000,000 in outlay reductions over the period.

INDIAN HEALTH FACILITIES

Appropriations, 1994	\$296,982,000
Budget estimate, 1995	167,079,000
House allowance	253,892,000
Committee recommendation	253,767,000

The Committee recommends an appropriation of \$253,767,000, an increase of \$86,688,000 above the budget estimate, \$125,000 below the House allowance, and \$43,215,000 below the fiscal year 1994 appropriation. The following table summarizes the Committee's recommendations:

	Budget estimate	Committee recommendation	Change
Maintenance and improvement	\$37,877,000	\$38,407,000	+ \$530,000
New and replacement hospitals		18,400,000	+ 18,400,000
Outpatient care facilities		8,475,000	+ 8,475,000
Dental units		1,000,000	+ 1,000,000

	Budget estimate	Committee recommendation	Change
Equipment		13,000,000	+ 13,000,000
Sanitation facilities	42,478,000	85,051,000	+ 42,573,000
Facilities and environmental health support	86,248,000	88,951,000	+ 2,703,000
Contract support	476,000	483,000	+ 7,000
Total, Indian health facilities	167,079,000	253,767,000	+ 86,688,000

Maintenance and improvement.—The Committee recommends an increase of \$530,000 to restore partially costs associated with inflation.

New and replacement hospitals.—The Committee recommendation includes increases of \$17,000,000 to complete the Alaska Native Medical Center in Anchorage and \$1,400,000 for design of the Winnebago, NE, 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.

The Committee remains committed to the current priority list, and those facilities which are on the list, have been on the list for many years, and for which facilities have not yet been constructed. Budget constraints preclude providing funding to initiate construction for the Fort Defiance, AZ, hospital in fiscal year 1995. The Indian Health Service has indicated that design will not be completed until late in fiscal year 1995, so construction funds could probably not be obligated until fiscal year 1996.

Outpatient care facilities.—The Committee recommends construction increases of \$4,000,000 for Fort Belknap, MT, and \$3,000,000 for White Earth, MN. In addition, the Committee has provided \$375,000 to complete design for the Parker, AZ, clinic and \$1,100,000 for the Second Mesa, AZ, clinic.

Regional treatment facilities (youth).—The Committee has not provided any additional funds, but restates direction provided in fiscal year 1994 that balances remaining available from the Phoenix area regional youth treatment center may be used for planning and to initiate construction (upon approval of a program justification document) of a satellite facility at an alternate site in Nevada, in keeping with the original agreement for servicing that area.

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

Dental units.—The Committee recommends an increase of \$1,000,000 to restore the fiscal year 1994 level for new and replacement modular dental units.

Equipment.—The Committee recommends a new line-item in the "Facilities" account to consolidate equipment purchases. The amount provided includes \$10,000,000 transferred from the "Services" account and an increase of \$3,000,000 for equipping replacement clinics built by the tribes using non-IHS funding sources. IHS is to develop a priority system for distributing these funds, as directed by the House.

Facilities and environmental health support.—The Committee recommends increases of \$1,595,000 for pay and inflation costs, \$477,000 to restore the fiscal year 1994 level, \$500,000 for injury prevention, and \$131,000 for Belcourt, ND, operations.

Contract support.—The Committee recommends an increase of \$7,000 to offset partially increased costs due to inflation.

Other.—The Committee encourages the IHS to continue working with the Creek Nation regarding its clinical needs. The Committee understands that services for the tribe's recently completed expansion will be provided under a Public Law 93-638 contract.

Reprogramming.—The Committee has modified the reprogramming guidelines to raise the threshold from \$250,000 to \$500,000, as discussed at the front of the report.

It is the Committee's understanding that IHS has identified approximately \$1,700,000 in funds that are excess upon completion of construction projects. Of this amount, \$600,000 is to be used to pursue development of standardized designs for IHS facilities, \$400,000 is to be used for equipment purchases for the Pine Ridge, SD, hospital, and the balance should be divided equally for the ongoing Fort Belknap and White Earth clinic projects.

Bill language.—The Committee concurs with the House bill language to allow for single contracts for the full scope of the construction of the Fort Belknap and White Earth health centers. The Committee expects to continue funding for these projects in a timely manner within the budget constraints. This bill language will allow IHS to issue a single construction contract, thereby minimizing cost increases.

ADMINISTRATIVE PROVISIONS

The Committee has included bill language permitting the Secretary of Health and Human Services to enter into personal services contracts for the provision of health care services in IHS facilities and services for facilities being constructed as a result of appropriations to IHS. This language is intended to provide maximum flexibility to the Department and IHS to help ensure that health care facilities are staffed adequately.

Other items under administrative provisions have been carried in the bill in previous years, including prohibitions on implementing new eligibility regulations, until a budget is submitted and enacted reflecting the increased cost of these regulations; prohibiting appropriations structure changes without advance approval by the Committees; and requirements relative to apportionment of funds as appropriated.

The Committee has also included bill language naming the Stilwell, OK, clinic after Wilma P. Mankiller.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Appropriations, 1994	\$83,500,000
Budget estimate, 1995	86,000,000
House allowance	83,500,000
Committee recommendation	83,500,000

The Committee recommends an appropriation of \$83,500,000 which is a decrease of \$2,500,000 from the budget request and the same as the House allowance.

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

Grants to local education agencies	\$59,800,000
Special programs for Indian children	9,000,000
Professional development and adult education	10,800,000
National activities	125,000
Administration	3,775,000
Total	83,500,000

The decrease below the budget request consists of the following reductions: \$1,000,000 for grants to local education agencies, \$500,000 for special programs for Indian children, and \$1,000,000 for grants to State educational agencies. The reduction in grants to local education agencies will still permit an increase for this activity of \$3,090,000 above the fiscal year 1994 level. Funding for grants to State educational agencies has not been included since this activity has not yet been authorized.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Appropriations, 1994	\$26,936,000
Budget estimate, 1995	28,897,000
House allowance	26,936,000
Committee recommendation	24,936,000

The Committee recommends an appropriation of \$24,936,000, a decrease of \$3,961,000 from the budget estimate and \$2,000,000 below the House allowance. The Office should submit a detailed plan to accommodate these reductions to the Appropriations Committees within 60 days of enactment of the bill.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENTS TO THE INSTITUTE

Appropriations, 1994	\$12,563,000
Budget estimate, 1995	9,812,000
House allowance	12,713,000
Committee recommendation	9,812,000

The Committee recommends an appropriation of \$9,812,000, the same as the budget estimate and \$2,901,000 below the House al-

lowance. For operations, the Committee recommends a level of \$9,812,000, the same as the budget estimate and a reduction of \$2,901,000 below the House allowance.

The amount recommended by the Committee will cover mandatory cost increases in salaries and supplies for existing staff, and for the increase in the cost of the facility lease. The Committee has provided no increase for new items, such as media/image production services and video productions. The Institute should seek funds for these purposes from other sources.

The recommended amount does not provide any funding for the endowment fund, due to budgetary constraints and the fact that the Institute has yet to provide any significant amount of matching funds for the amounts previously appropriated for the endowment fund.

The Committee's recommendation does not include any funding to continue campus construction due to budget constraints.

SMITHSONIAN INSTITUTION

The Smithsonian Institution has evolved into one of the greatest museum complexes in the world, and its museums, exhibits, and galleries in the Washington, DC, area attract over 29 million visitors annually. The Institution has become one of the flagship attractions of the Nation's Capital. The Smithsonian has also moved into the technological forefront in the area of scientific research and has established research stations in many parts of the world. The Institution is continuing to advance research in the areas of biodiversity, tropical biology, global climate change, and astrophysics, among others.

SALARIES AND EXPENSES

Appropriations, 1994	\$302,349,000
Budget estimate, 1995	318,579,000
House allowance	314,454,000
Committee recommendation	312,755,000

The Committee recommends an appropriation of \$312,755,000, a decrease of \$5,824,000 below the budget estimate and \$1,699,000 below the House allowance. The following table provides a comparison of the budget estimates with the Committee recommendation:

	Budget estimate	Committee recommendation	Change
Sciences	\$109,450,000	\$109,450,000	.....
Arts and humanities	86,124,000	86,124,000	.....
Public service and external affairs	5,108,000	5,108,000	.....
International center	784,000	784,000	.....
Administration	29,665,000	29,665,000	.....
Facilities services	87,941,000	87,441,000	-\$500,000
Institutionwide programs	4,938,000	4,938,000	.....
Federal work force reduction	-3,100,000	-3,100,000	.....
Administrative expenses reduction	-2,160,000	-2,160,000	.....
Procurement reform	-171,000	-171,000	.....
Pay adjustments .....	.....	-3,675,000	-3,675,000
Pay absorption .....	.....	-1,649,000	-1,649,000
Total	318,579,000	312,755,000	-5,824,000