

**Calendar No. 122**

105TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
{ 105-56

DEPARTMENT OF THE INTERIOR AND RELATED  
AGENCIES APPROPRIATIONS BILL, 1998

\_\_\_\_\_  
JULY 22, 1997.—Ordered to be printed  
\_\_\_\_\_

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

**REPORT**

[To accompany H.R. 2107]

The Committee on Appropriations to which was referred the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, reports the same to the Senate with amendments and recommends that the bill as amended do pass.

*Amounts in new budget (obligational) authority, fiscal year 1998*

Amount of bill passed by House .....	\$12,952,829,000
Amount of increase by Senate .....	803,521,000
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Total of bill as reported to Senate .....	13,756,350,000
Estimates considered by House .....	13,099,946,000
Estimates considered by Senate .....	13,799,946,000
Below the budget estimate, 1998 .....	43,596,000
Above appropriations, 1997 (including emer- gencies) .....	241,915,000

	Budget estimate	Committee recommendation	Change
Technology development and transfer .....	1,746,000	1,746,000	.....
Financial management .....	5,312,000	5,312,000	.....
Executive direction .....	4,717,000	4,717,000	.....
Total .....	177,348,000	177,624,000	+ 276,000

The Committee has included a modest increase of \$276,000 to cover a portion of fixed cost increases. The Committee has included \$5,000,000, as requested, for the Appalachian clean streams initiative to address acid mine drainage problems. The Committee has received expressions of concern that projects funded under the Appalachian clean streams initiative may not be as high a priority as other projects regularly funded through the AML grant program. The Committee expects OSMRE to evaluate carefully projects to ensure that the work to be accomplished is at least as high a priority as those funded through the grant program.

*Bill language.*—As in prior years, the bill includes language related to the conduct of the AML program. The Committee has included language that maintains the Federal emergency reclamation program and limits expenditures in any one State to 25 percent of the total appropriated for Federal and State-run emergency programs. 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 has also recommended bill language which would fund minimum program State grants at \$1,500,000 per State and bill language which provides \$5,000,000 to be used for projects in the Appalachian clean streams initiative.

The Committee has also included language specific to the State of Maryland authorizing the State to set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, subject to specific provisions identified in the bill language.

## INDIAN AFFAIRS

### BUREAU OF INDIAN AFFAIRS

#### OPERATION OF INDIAN PROGRAMS

Appropriations, 1997 .....	\$1,443,502,000
Budget estimate, 1998 .....	1,542,305,000
House allowance .....	1,526,815,000
Committee recommendation .....	1,527,024,000

The Committee recommends an appropriation of \$1,527,024,000 a decrease of \$15,281,000 below the budget estimate, an increase of \$209,000 above the House allowance, and \$83,522,000 above the fiscal year 1997 level.

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

	Budget estimate	Committee recommendation	Change
<b>TRIBAL BUDGET SYSTEM</b>			
Tribal priority allocations:			
Tribal government .....	\$303,117,000	\$303,117,000	.....
Human services .....	134,928,000	134,928,000	.....
Education .....	50,933,000	50,933,000	.....
Public safety and justice .....	94,795,000	94,795,000	.....
Community development .....	56,507,000	56,507,000	.....
Resources management .....	57,772,000	57,772,000	.....
Other trust services .....	29,969,000	29,969,000	.....
General administration .....	21,327,000	21,327,000	.....
Small and needy tribes distribution .....	8,000,000	8,000,000	.....
Subtotal, tribal priority allocations .....	757,348,000	757,348,000	.....
Other recurring programs:			
Tribal government .....	5,000,000	5,000,000	.....
Education:			
School operations:			
Forward funding .....	380,909,000	374,290,000	— \$6,619,000
Other school operations .....	86,097,000	86,097,000	.....
Subtotal, school operations ....	467,006,000	460,387,000	— 6,619,000
Continuing education .....	30,411,000	28,411,000	— 2,000,000
Subtotal, education .....	497,417,000	488,798,000	— 8,619,000
Community development .....	16,371,000	16,371,000	.....
Resources management .....	38,377,000	38,377,000	.....
Subtotal, other recurring programs .....	557,165,000	548,546,000	— 8,619,000
Nonrecurring programs:			
Tribal government .....	2,375,000	2,375,000	.....
Public safety and justice .....	584,000	584,000	.....
Resources management .....	31,220,000	31,220,000	.....
Other trust services .....	30,750,000	26,000,000	— 4,750,000
Subtotal, nonrecurring programs .....	64,929,000	60,179,000	— 4,750,000
Total, tribal budget system .....	1,379,442,000	1,366,073,000	— 13,369,000
<b>BIA OPERATIONS</b>			
Central office operations:			
Tribal government .....	2,605,000	2,605,000	.....
Human services .....	704,000	704,000	.....
Public safety and justice .....	2,487,000	2,487,000	.....
Community development .....	984,000	984,000	.....
Resources management .....	3,082,000	3,082,000	.....
Other trust services .....	1,549,000	1,549,000	.....
General administration:			
Education program management .....	2,074,000	2,074,000	.....
Other general administration .....	34,254,000	33,854,000	— 400,000
Subtotal, general administration ....	36,328,000	35,928,000	— 400,000

	Budget estimate	Committee recommendation	Change
Subtotal, central office operations ..	47,739,000	47,339,000	— 400,000
Area office operations:			
Tribal government .....	1,336,000	1,336,000	.....
Human services .....	969,000	969,000	.....
Public safety and justice .....	568,000	568,000	.....
Community development .....	3,086,000	3,086,000	.....
Resources management .....	3,157,000	3,157,000	.....
Other trust services .....	10,761,000	8,563,000	— 2,198,000
General administration .....	23,207,000	23,207,000	.....
Subtotal, area office operation .....	43,084,000	40,886,000	— 2,198,000
Special programs and pooled overhead:			
Education .....	14,019,000	14,019,000	.....
Public safety and justice .....	3,264,000	3,264,000	.....
Community development .....	3,451,000	4,137,000	+ 686,000
Resources management .....	1,320,000	1,320,000	.....
Trust services .....	504,000	504,000	.....
General administration .....	49,482,000	49,482,000	.....
Subtotal, special programs .....	72,040,000	72,726,000	+ 686,000
Total, BIA operations .....	162,863,000	160,951,000	— 1,912,000
Total, operation of Indian programs .....	1,542,305,000	1,527,024,000	— 15,281,000

*Tribal priority allocations.*—The Committee recommends \$757,348,000 for the tribal priority allocations activity [TPA], the same as the budget estimate and the House allowance. Tribes cite TPA as their highest budget priority, and in 1998, TPA will comprise almost one-half of the BIA's operating budget (49 percent).

The Committee is aware of the substantial need for replacement and repair construction of tribal schools. The Committee's available funding for tribal school construction, however, is limited and largely restricted to only those schools which are on the BIA's school construction priority list. Due to the overwhelming number of requests and the clear need for school construction and repair of tribal schools which are not on the BIA's school priority list, the Committee has included a provision which would provide tribal governments the authority to use TPA funds for the design and construction of replacement schools in the BIA system if they so wish. Tribal governments which place a high priority on the replacement of schools should not be restricted from using TPA funds for this purpose. Due to BIA concerns that the uncontrolled construction of additional schools will create significant pressure in the future for additional funding to support such facilities, future funding for the subsequent replacement of school facilities that are developed with funds other than designated BIA school construction funds will need to be provided from non-Federal funding sources.

A provision is included in title I, general provisions, regarding TPA and waiver of tribal sovereign immunity.

The TPA budget activity was created in 1993 toward fulfilling goals of Indian self-determination, in response to recommendations of the BIA/DOI/tribal joint task force on reorganization. The Committee applauds efforts of the tribes and the BIA toward Indian self-determination. However, the Committee does not believe that the current pro rata distribution of TPA funds is an appropriate method. About 70 percent of TPA funds are distributed on this pro rata basis among all tribes as the following table shows:

Area	Number of tribes	Population	Trust acres	Fiscal year 1998 TPA base funding	Dollars per		
					Indian	Acre	Tribe
Aberdeen .....	16	128,412	5,997,355	\$52,525,500	\$409.0	\$8.8	\$3,282,800
Albuquerque .....	24	59,598	4,392,358	27,616,500	463.4	6.3	1,150,700
Anadarko .....	23	45,535	476,427	19,514,300	428.6	41.0	848,400
Billings .....	7	42,427	6,468,477	29,782,000	702.0	4.6	4,254,600
Eastern .....	27	50,272	442,584	25,286,100	501.0	56.9	932,800
Juneau .....	226	85,259	884,131	49,660,000	582.5	56.2	219,700
Minneapolis .....	34	76,883	1,208,384	35,712,500	464.5	29.6	1,050,400
Muskogee .....	18	284,740	660,920	29,593,900	103.9	44.8	1,644,100
Navajo .....	1	225,668	15,432,171	48,993,800	217.1	3.2	48,993,800
Phoenix .....	43	100,854	12,560,571	60,376,300	598.7	4.8	1,404,100
Portland .....	42	104,841	4,663,947	81,288,100	775.3	17.4	1,935,400
Sacramento .....	95	55,717	446,473	22,866,200	410.4	51.2	240,700
Total .....	556	1,260,206	53,633,798	483,115,200	383.4	9.0	868,900

The BIA has been unable to provide the Committee with satisfactory information on the basis for this pro rata distribution of about 70 percent of TPA, except to say that it is historical in nature. To continue allocating Federal funds under the current formula, which fails to consider the economic situation of each tribe and provides alarmingly unequal funding, increases the economic disparity among Indian tribes and undermines self-sufficiency and self-determination. Economic self-sufficiency leads to self-determination. Those tribes that have substantial business income should be, in part or in whole, self-supporting.

The Committee believes that TPA funding should be distributed to tribes in order of economic need, all toward the agreed upon goal of self-determination. The Committee supports providing the most needy Indian tribes a preference for funding from the TPA account for all programs. Indian tribes that are most economically disadvantaged should receive the majority of funds provided in the TPA account. The Committee recognizes that the BIA would not be able to implement such a distribution method for fiscal year 1998 because it does not have the business income information it needs from the tribes on which to make distributions based on economic need. The Committee has included a provision directing the tribes to provide, and authorizing the BIA to collect, information on tribal business income with a goal of implementing the new distribution formula for fiscal year 1999.

The Committee directs the BIA, in consultation with the House and Senate Appropriations Committees, to develop several options for changing the current funding formula for the TPA account to take into consideration all tribal business revenue, including gaming revenues, license fees and royalties, including pass-through

payments of tribal business income to shareholders based on tribal membership. Payments by a corporation to individual shareholders based on stock ownership and not tribal membership are not considered tribal business revenue unless the corporation is operated by a tribe.

The BIA is directed to submit its recommendations for formula-driven distribution of TPA, which shall include several options for the consideration of the Appropriations Committees, to the Committees by January 1, 1998.

The BIA should provide assistance to the tribes upon the tribes' request, especially the small and needy tribes, in the compilation and submission of tribal business revenue to the BIA. Tribes which do not submit information to the BIA by November 1, 1997, for the purpose of aiding the Bureau in its determination of a new need-based formula, and by April 15 of every subsequent year, shall not receive TPA funding for the next fiscal year, as it will not be possible for the BIA to determine their need-based share of TPA.

The Committee notes that, currently, about 30 percent of TPA funds are already distributed by formula to tribes meeting certain criteria. The activities representing these funds are the following: the Indian Child Welfare Act [ICWA] program; new tribes; Johnson-O'Malley education assistance; housing improvement [HIP]; road maintenance; contract support; welfare assistance; and certain wildlife and parks funds that were specifically identified to tribes.

Although they are included in the TPA activity account, new tribes, HIP, road maintenance, contract support, and welfare assistance funds are distributed each year by formula in accordance with specific criteria, so they are not included in what is referred to as TPA base funding. The Committee recognizes that the BIA has been consulting with tribes on whether to discontinue the current formula-driven distribution process for these programs. The Committee directs the continued allocation of these funds based on need in accordance with specific criteria.

The Committee concurs with the House recommendation that up to \$3,400,000 may be used for additional employee displacement costs.

The Committee recommends that, within funds appropriated for TPA, \$5,000,000 shall be for tribes in any State in which the caseload for those tribes in fiscal year 1995 for the Aid to Families With Dependent Children Program under part A of title IV of the Social Security Act exceeded 50 percent of the total of the caseload for that State. The appropriated amount is to remain available until expended for the tribes. Funds are to be paid directly to each such tribe in the same proportion as the amount of State funds provided to each tribe for the program in the same fiscal year, but only if the Secretary of Health and Human Services has approved a tribal family assistance plan for the tribe under section 412 of the Social Security Act.

The funds are for tribes that intend to run their own welfare programs. Funds would be used for both benefits and administrative expenses.

*Other recurring programs.*—The Committee recommends \$548,546,000 for other recurring programs, an increase of \$14,380,000 above the fiscal year 1997 funding level and \$750,000

above the House allowance. This amount includes an increase over the fiscal year 1997 level of \$7,697,000 for fixed costs and a decrease of \$3,067,000 for internal transfers.

The Committee recommends increases over the fiscal year 1997 funding level of \$5,000,000 for the Indian self-determination fund, \$2,000,000 for Indian School Equalization Program [ISEP] funds, \$1,000,000 for student transportation, and \$1,000,000 for tribally controlled community colleges.

The Committee recommendation includes increases in resources management over the fiscal year 1997 level of \$500,000 for irrigation operations and maintenance and \$250,000 toward fulfillment of the terms of the Northwest Tribes Fishing Access Sites Memorandum of Agreement [MOA] of June 1995 for construction of fishing access sites along the Columbia River and the Bonneville Dam Pool. The Secretary of the Army is required, in accordance with Public law 100-581, to acquire, develop, and improve land and facilities for 30 fishing access sites as necessary for four treaty tribes along the Columbia River. The cost for the U.S. Army exceeds \$50,000,000. The BIA is required, through the terms of the implementing MOA with the U.S. Army, to contribute at least \$250,000 annually for law enforcement activities, mainly enforcing the fishing use regulations imposed on the sites. Within funding provided for tribal management, \$600,000 is included for the Bering Sea Fishermen's Association, \$639,000 for the InterTribal Bison Cooperative, and \$69,000 for the Alaska Sea Otter Commission.

The Committee understands BIA has initiated an evaluation of the unleased lands within the Wapato irrigation project [WIP]. The Committee expects the BIA to complete the WIP unleased lands evaluation and submit it to the Committee by May 1, 1998. The Committee expects this evaluation to include an identification of all lands within the Yakama Indian Reservation that were inappropriately included in the operation and maintenance assessment roll of the WIP and that should be considered for removal from such assessment roll, as well as all lands that should or could be added to the assessment roll.

The Committee is concerned that the BIA's process for appraising the rental value of Indian lands fails to appraise accurately such lands at the present fair annual rental value. A recent GAO study reported that the BIA's appraisals of the rental values of idle lands within the Yakama Indian Reservation were unrealistically high. The Committee feels such appraisals undermine the ability of Indian tribes wishing to rent lands to market such lands at competitive prices. Furthermore, such appraisals and appraisal practices may place unwarranted financial hardships on the lessees of such land. The Committee directs GAO to conduct an audit and provide recommendations on the BIA's method of appraising the rent value of Indian lands by April 1, 1998. Such audit, at the least, should include the following: (1) an evaluation of the BIA's current appraisal method of the rent value of Indian lands and any recent attempts to improve the effectiveness or accuracy of such appraisals; (2) a comparison of the BIA's appraisal process to the appraisal process used by other Federal agencies and the private sector; (3) input of individuals from the private sector who lease Indian lands as to impairments to leasing; and (4) an analysis of al-

ternative ways to provide appraisals of Indian land, such as relying on the private sector or transferring the BIA's appraisal function to another Federal agency, including any changes in Federal laws and regulations that may be necessary to implement various alternatives.

The Committee is concerned about the continuing accumulation of operations and maintenance [O&M] assessment balances at the Wapato irrigation project.

In addition, the Committee notes that an inspector general's audit of the project included several recommendations to resolve the many problems plaguing the Wapato irrigation project including the development of adequate assessment rates, the billing of landowners or water users of project lands for annual O&M charges, the collection of delinquent O&M charges owed the project, and the enforcement of debt collection procedures and termination of water deliveries to lands with delinquent charges. It is the Committee's understanding that the BIA has established a task force to implement these recommendations. The Committee notes that it is imperative that fiscal solvency of the project be achieved as quickly as possible. The Committee, therefore, directs the BIA to prioritize the task force's activities and continue implementation of the inspector general recommendations as quickly as possible, taking into consideration the unleased lands evaluation and GAO audit of the appraisal process requested above. The task force should include, at the earliest date possible, a representative from the private sector who leases Indian lands if one is not already included.

*Nonrecurring programs.*—The Committee recommends \$60,179,000 for nonrecurring programs. The amount provided includes an increase of \$405,000 for fixed costs and a decrease of \$2,668,000 for internal transfers.

*Central office operations.*—The Committee recommends \$47,339,000 for central office operations. The amount provided includes increases of \$940,000 for fixed costs and \$500,000 for trust-related records management, and a decrease of \$600,000 for internal transfers.

*Area office operations.*—The Committee recommends \$40,886,000 for area office operations. This amount includes increases over the fiscal year 1997 level of \$893,000 for fixed costs and \$1,200,000 for trust-related records management, and a decrease of \$68,000 for internal transfers.

*Special programs and pooled overhead.*—The Committee recommends \$72,726,000 for special programs and pooled overhead, an increase of \$686,000 over the budget request. This amount includes increases over the fiscal year 1997 funding levels of \$383,000 for fixed costs, \$2,000,000 for employee displacement costs, and \$728,000 for the United Tribes Technical College, located in Bismarck, ND; and decreases of \$1,569,000 for trust services transferred to the Office of the Special Trustee for American Indians, and \$2,801,000 for internal transfers.



## CONSTRUCTION

Appropriations, 1997 .....	\$100,531,000
Budget estimate, 1998 .....	125,118,000
House allowance .....	110,751,000
Committee recommendation .....	125,051,000

The Committee recommends an appropriation of \$125,051,000, a decrease of \$67,000 below the budget estimate, an increase of \$14,300,000 above the House allowance, and an increase of \$24,520,000 above the fiscal year 1997 level.

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

	Budget estimate	Committee recommendation	Change
Education .....	\$49,179,000	\$54,379,000	+\$5,200,000
Public safety and justice .....	16,500,000	14,500,000	-2,000,000
Resources management .....	51,321,000	48,321,000	-3,000,000
General administration .....	2,146,000	2,146,000	.....
Construction management .....	5,972,000	5,705,000	-267,000
Total, construction .....	125,118,000	125,051,000	-67,000

*Education.*—The Committee recommends \$54,379,000 for construction of education facilities, which is \$23,240,000 above the fiscal year 1997 funding level. The amount provided includes increases of \$40,000 for fixed costs; \$8,000,000 for facilities improvement and repair; \$14,000,000 for the construction of Many Farms High School in Arizona, which is the next school on the priority list; \$1,800,000 for preliminary site work for Pyramid Lake High School in Nevada, which is the next school after Many Farms on the priority list ready for construction; \$1,600,000 for preliminary site work for Sac and Fox Settlement School in Iowa; and \$1,800,000 for completion of rebuilding the WaHeLut School in Washington. While the Committee concurs with the policy of the Bureau in adhering to the replacement school priority list, the Committee remains extremely concerned about the \$682,000,000 backlog of BIA school repair and replacement work. Design of the Pyramid Lake High School has been completed for over 1 year, and the Committee is concerned that continued delay may result in an obsolete design. The Committee expects the Bureau to request funds to complete the Pyramid Lake School in fiscal year 1999. The WaHeLut School was destroyed by flooding in February 1996, and was designated one of five lead projects by the administration in reinventing the school construction process, which is supposed to reduce by 50 percent the time it takes to deliver a completed school. The groundbreaking for construction was on May 1, 1997, and construction is targeted for completion in November 1997.

The Committee is aware of assistance that has been provided in prior years for the Marty Indian School, South Dakota. To the extent that there are additional high-priority requirements identified for the facilities which service the elementary grades at this location, the Bureau should give consideration to these needs through the emergency or minor repair programs within the educational facility improvement and repair program.

The Committee urges the BIA to continue its efforts to settle the dispute over funding for facilities improvement and repair at the Santa Clara Day School.

The Committee is aware of health and safety concerns that exist at Ojibwa and Standing Rock Elementary Schools in North Dakota. To the extent that there are high-priority requirements identified for these facilities, the Bureau should give consideration to these needs through the emergency or minor repair programs within the educational facility improvement and repair program.

The BIA is again reminded that, based on its own testimony, requests for design funding must not continue to outdistance the ability of the Congress to appropriate funds in this period of diminishing resources.

*Public safety and justice.*—The Committee recommends \$14,500,000 for construction of public safety and justice facilities. The amount provided includes increases of \$1,000,000 for facilities improvement and repair and \$9,100,000 for construction of the Ute Mountain Ute Detention Center in Colorado.

*Resources management.*—The Committee recommends \$48,321,000 for construction of resources management projects. The amount provided includes increases over the fiscal year 1997 level of \$75,000 for fixed costs and \$2,000,000 for safety of dams.

*General administration.*—The Committee recommends \$7,851,000 for general administration, which includes an increase over the fiscal year 1997 level of \$105,000 for fixed costs.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Appropriations, 1997 .....	\$69,241,000
Budget estimate, 1998 .....	59,352,000
House allowance .....	41,352,000
Committee recommendation .....	43,352,000

The Committee recommends \$43,352,000 for Indian land and water claims settlements and miscellaneous payments to Indians, a decrease of \$16,000,000 below the budget request, an increase of \$2,000,000 above the House allowance, and a decrease of \$25,889,000 below the fiscal year 1997 level. Funding is provided for the following settlements:

	<i>Committee recommendation</i>
Catawba .....	\$8,000,000
Northern Cheyenne .....	5,500,000
Pyramid Lake water rights settlement .....	3,500,000
Ute Indian rights settlement .....	25,000,000
Total .....	42,000,000

The Committee allowance also includes \$1,352,000 for miscellaneous payments to Indians pursuant to various legislative settlements, an increase of \$500,000 over the House allowance and the budget estimate. The increase is for restoration of churches on the Aleutian and Pribilof Islands destroyed or raided during World War II. The appropriate bill language has also been included which authorizes these payments pursuant to Public Laws 100–383 and 103–402.

## INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Appropriations, 1997 .....	\$5,000,000
Budget estimate, 1998 .....	5,004,000
House allowance .....	5,000,000
Committee recommendation .....	5,000,000

The Committee recommends an appropriation of \$5,000,000, a decrease of \$4,000 below the budget request and the same level as the House allowance for the "Indian Guaranteed Loan Program" account.

## DEPARTMENTAL OFFICES

## INSULAR AFFAIRS

## ASSISTANCE TO TERRITORIES

Appropriations, 1997 .....	\$65,188,000
Budget estimate, 1998 .....	67,214,000
House allowance .....	68,214,000
Committee recommendation .....	67,214,000

The Committee recommends an appropriation of \$67,214,000, the same as the budget estimate, a decrease of \$1,000,000 below the House allowance, and an increase of \$2,026,000 above the fiscal year 1997 level.

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

	Budget estimate	Committee recommendation	Change
Territorial assistance:			
Office of Insular Affairs .....	\$3,849,000	\$3,849,000	.....
Technical assistance .....	6,200,000	6,200,000	.....
Maintenance assistance fund .....	3,300,000	3,300,000	.....
Brown tree snake .....	1,600,000	1,600,000	.....
Insular management controls .....	1,491,000	1,491,000	.....
Subtotal, territorial assistance .....	16,440,000	16,440,000	.....
American Samoa: Operations grants .....	23,054,000	23,054,000	.....
Northern Mariana Islands: Covenant grants .....	27,720,000	27,720,000	.....
Total, assistance to territories .....	67,214,000	67,214,000	.....

*Territorial assistance.*—The Committee recommends \$16,440,000 for territorial assistance, the same as the budget request. The recommended amount includes an increase of \$1,005,000 over the current year level to implement the recommendations of the Brown Tree Snake Control Committee. The Committee recommends that \$800,000 of the amount provided for brown tree snake control be transferred to the Biological Research Division of the U.S. Geological Survey for eradication and control research. The recommended amount also includes an increase over the current year level for maintenance assistance to provide limited exceptions or reductions to local matching requirements. While the Committee recognizes that adjustments to matching requirements may in some cases be appropriate, either to protect prior Federal investment in insular

grams within this bill prevent the Committee from appropriating new budget authority for SPR operations.

SPR PETROLEUM ACCOUNT

The Committee does not recommend appropriations for the acquisition of oil for the strategic petroleum reserve.

The Committee has again included language in the bill that allows normal operations at Naval Petroleum Reserve No. 1 (Elk Hills) even though the fill rate of the strategic petroleum reserve is less than 75,000 barrels per day. The Committee also recommends a limitation of \$5,000,000 on all outlays from the petroleum account. Identical provisions were included in the fiscal year 1997 bill.

ENERGY INFORMATION ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 1997 .....	\$66,120,000
Budget estimate, 1998 .....	62,800,000
House allowance .....	66,800,000
Committee recommendation .....	62,800,000

The Committee recommends \$62,800,000 for the Energy Information Administration, the same as the budget request, \$4,000,000 below the House level, and \$3,320,000 below the fiscal year 1997 level.

While recognizing the degree to which the Energy Information Administration's budget has been cut over the past several years, the Committee is concerned about the reduction in State-level data collection on fuel use and pricing. The Committee urges the EIA to include in its fiscal year 1999 budget request a discussion of its ongoing work in this area, as well as an estimate of the additional resources required to upgrade its State-level data collection capabilities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Appropriations, 1997 .....	\$1,806,269,000
Budget estimate, 1998 .....	1,835,465,000
House allowance .....	1,829,008,000
Committee recommendation .....	1,958,235,000

The Committee recommends \$1,958,235,000 for Indian health services, an increase of \$122,770,000 above the budget estimate, an increase of \$129,227,000 over the House level, and \$151,966,000 over the fiscal year 1997 level.

The Committee recommends an additional \$19,976,000 to offset partially fixed cost increases that the budget estimate did not include. The Committee is concerned that, for the last several years, the IHS budget estimate has not included true figures for its uncontrollable increases for pay costs, population growth, and inflation. As a result, important health services may be threatened as program dollars are needed to pay the uncontrollable costs. The

Committee encourages the IHS to forward more accurate figures for its fixed costs to the Committee in its budget estimates.

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

	Budget estimate	Committee recommendation	Change
Clinical services:			
IHS and tribal health delivery:			
Hospital and health clinic programs ...	\$898,022,000	\$916,874,000	+ \$18,852,000
Dental health program .....	64,737,000	66,177,000	+ 1,440,000
Mental health program .....	39,034,000	39,770,000	+ 736,000
Alcohol and substance abuse program .....	91,677,000	91,991,000	+ 314,000
Contract care .....	374,348,000	374,375,000	+ 27,000
Subtotal, clinical services .....	1,467,818,000	1,489,187,000	+ 21,369,000
Preventive health:			
Public health nursing .....	27,994,000	28,607,000	+ 613,000
Health education .....	8,855,000	8,932,000	+ 77,000
Community health representatives program .....	44,311,000	44,312,000	+ 1,000
Immunization (Alaska) .....	1,328,000	1,328,000	.....
Subtotal, preventive health .....	82,488,000	83,179,000	+ 691,000
Urban health projects .....	25,777,000	25,288,000	- 489,000
Indian health professions .....	28,293,000	29,320,000	+ 1,027,000
Tribal management .....	2,348,000	2,348,000	.....
Direct operations .....	46,924,000	48,311,000	+ 1,387,000
Self-governance .....	9,097,000	9,106,000	+ 9,000
Contract support costs .....	172,720,000	168,702,000	- 4,018,000
Facilities and environmental health support .....	.....	102,794,000	+ 102,794,000
Medicare/Medicaid reimbursements: Hospital and clinic accreditation (est. collecting) .....	(247,397,000)	(247,397,000)	.....
Total, Indian Health Services .....	1,835,465,000	1,958,235,000	+ 122,770,000

*Hospitals and health clinics.*—The Committee recommends \$916,874,000 for hospitals and health clinics. This amount includes increases above the fiscal year 1997 enacted level of \$24,480,000 for fixed costs and \$6,370,000 for staffing new facilities, and a decrease of \$7,800,000, which is a transfer to the facilities account to consolidate all utility costs.

The Committee has included \$3,000,000 for the establishment of an initiative to provide grants to tribes and Indian organizations to support community-based efforts to reduce the incidence of diabetes among American Indians and Alaska Natives.

The Committee understands that legal challenges are not yet resolved with respect to the emergency services at the Wagner, SD, health care facility. In the interim, the Committee understands that IHS continues to provide such services at this location, and the Committee expects IHS to continue this practice in fiscal year 1998 within the total funds provided.

*Dental health.*—The Committee recommends \$66,177,000 for dental health. This amount includes increases above the fiscal year

1997 enacted level of \$2,336,000 for fixed costs and \$1,058,000 for staffing new facilities.

*Mental health.*—The Committee recommends \$39,770,000 for mental health. This amount includes increases over the fiscal year 1997 enacted level of \$1,195,000 for fixed costs and \$234,000 for staffing new facilities.

*Alcohol and substance abuse.*—The Committee recommends \$91,991,000 for alcohol and substance abuse prevention and treatment. This amount includes an increase above the fiscal year 1997 enacted level of \$509,000 for fixed costs.

*Contract health services.*—The Committee recommends \$374,375,000 for contract health services. This amount includes an increase above the fiscal year 1997 enacted level of \$50,000 for fixed costs and a program increase of \$6,000,000, with a portion of this increase for new tribes.

*Public health nursing.*—The Committee recommends \$28,607,000 for public health nursing. This amount includes increases above the fiscal year 1997 enacted level of \$995,000 for fixed costs and \$936,000 for staffing new facilities.

*Health education.*—The Committee recommends \$8,932,000 for health education. This amount includes increases above the fiscal year 1997 enacted level of \$143,000 for fixed costs and \$157,000 for staffing new facilities.

*Community health representatives.*—The Committee recommends \$44,312,000 for community health representatives. This amount includes increases over the fiscal year 1997 enacted level of \$1,000 for fixed costs and \$338,000 for staffing new facilities.

*Alaska immunization.*—The Committee recommends \$1,328,000 for the Alaska Immunization Program, the same as the House and the fiscal year 1997 enacted level.

*Urban health.*—The Committee recommends \$25,288,000 for urban health. This amount includes increases over the fiscal year 1997 enacted level of \$20,000 for fixed costs and \$500,000 for programs.

*Indian health professions.*—The Committee recommends \$29,320,000 for Indian health professions. This amount includes increases over the fiscal year 1997 enacted level of \$50,000 for fixed costs and \$1,000,000 for the Indians into Psychology Program.

*Tribal management.*—The Committee recommends \$2,348,000 for tribal management, the same as the House and the fiscal year 1997 enacted level.

*Direct operations.*—The Committee recommends \$48,311,000 for direct operations. This amount includes an increase over the fiscal year 1997 enacted level of \$2,252,000 for fixed costs and a decrease of \$2,650,000 in downsizing savings.

*Self-governance.*—The Committee recommends \$9,106,000 for self-governance. This amount includes an increase over the fiscal year 1997 enacted level of \$16,000 for fixed costs.

*Contract support costs.*—The Committee recommends \$168,702,000 for contract support. This amount includes increases over the fiscal year 1997 enacted level of \$7,500,000 for the Indian self-determination fund for new and expanded contracts and \$482,000 as a transfer from the “Facilities” account.

*Facilities and environmental health support.*—The Committee recommends \$102,794,000 for facilities and environmental health support. This amount includes increases over the fiscal year 1997 enacted level of \$3,065,000 for fixed costs, \$907,000 for staffing new facilities, and a transfer of \$7,800,000 from the services account to consolidate utility costs.

Funds provided for the facilities program are to be distributed in accordance with a methodology that addresses the fluctuating annual workload and maintains parity among IHS areas and the tribes as the workload shifts.

*Reimbursables.*—The Committee has provided language that authorizes the Indian Health Service to provide goods and services on a reimbursable basis in a manner consistent with the change in law enacted in the 1997 Emergency Supplemental Appropriations Act (Public Law 105–18).

*Alaska Native Medical Center.*—The Committee has included language in title III, general provisions regarding the governance of the Alaska Native Medical Center.

*Contracting and compacting in Alaska.*—The Committee has provided language in title III, general provisions regarding the submission of a GAO report on the regional health care system in Alaska.

*Funding parity.*—The Committee is aware that there are a number of tribes whose funding is well below their level of need, including the Red Cliff Band of Lake Superior Chippewas. The Committee urges the Indian Health Service to work within its allocation to begin to rectify funding inequities. The Committee requests that IHS prepare in a timely fashion a report on IHS' progress in bringing parity to those tribes whose level of need is funded below 60 percent and what actions might be possible to address such situations, including associated costs.

#### INDIAN HEALTH FACILITIES

Appropriations, 1997 .....	\$247,731,000
Budget estimate, 1998 .....	286,535,000
House allowance .....	257,310,000
Committee recommendation .....	168,501,000

The Committee has provided \$168,501,000 for Indian health facilities, a decrease of \$118,034,000 below the budget request, a decrease of \$88,809,000 below the House, and \$79,230,000 below the fiscal year 1997 enacted level. The amounts recommended by the Committee as compared to the budget estimate are shown in the following table:

	Budget estimate	Committee recommendation	Change
Maintenance and improvement .....	\$39,334,000	\$39,434,000	+\$100,000
Construction facilities .....	38,900,000	26,900,000	– 12,000,000
Sanitation facilities .....	90,042,000	89,162,000	– 880,000
Facilities and environmental health support .....	104,772,000	.....	– 104,722,000
Equipment .....	13,005,000	13,005,000	.....
Contract support .....	482,000	.....	– 482,000

	Budget estimate	Committee recommendation	Change
Total, Indian health facilities .....	286,535,000	168,501,000	- 118,034,000

*Maintenance and improvement.*—The Committee recommends \$39,434,000 for maintenance and improvement, \$100,000 over the House allowance, the budget request, and the fiscal year 1997 enacted level.

The Committee is aware of ongoing efforts by the Indian Health Service to provide medical services to the Navajo Nation in the vicinity of Red Mesa, AZ, and Montezuma Creek, UT. The Committee has provided \$100,000 to the Utah Navajo trust fund to be used for planning and rehabilitation of the Montezuma Creek Health Clinic in Montezuma Creek, UT. These funds will be matched dollar for dollar by the State of Utah and the Utah Navajo trust fund. The Committee does not intend for any of these funds to be used for facility or program expansion, but rather, for improvement of existing conditions. The Committee does not support any facility improvement that will require additional dollars to support and maintain beyond what is presently provided at Montezuma Creek.

*Sanitation facilities.*—The Committee recommends \$89,162,000 for sanitation facilities. This amount includes an increase over the fiscal year 1997 enacted level of \$273,000 for fixed costs and a program increase of \$1,000,000. Like the House, the Committee has not specified the amount of sanitation funds to be used for new and renovated homes or for addressing the backlog of need for existing homes. The Committee notes that there is a backlog of Indian sanitation facilities deficiencies that, at the end of fiscal year 1995, totaled \$630,000,000 and recognizes the positive impact that reducing this backlog would have on Indian health.

*Construction of facilities.*—The Committee recommends \$26,900,000 for construction of facilities. Included in the amount provided is \$13,900,000 to begin construction of the Hopi Health Center in Polacca, AZ, and \$13,000,000 to initiate work on the Fort Defiance, AZ, hospital.

*Facilities and environmental health support.*—The Committee has shifted the facilities and environmental health support activity to the “Indian health services” account.

*Equipment.*—The Committee recommends \$13,005,000 for equipment, a decrease from the fiscal year 1997 enacted level of \$1,500,000 that reflects nonrecurring equipment costs.

*Contract support costs.*—The Committee has transferred \$482,000 to the services account to consolidate all contract support costs.

## DEPARTMENT OF EDUCATION

### OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

#### INDIAN EDUCATION

Funding for this program now falls within the jurisdiction of the Labor, Health and Human Services, and Education Subcommittee.



## OTHER RELATED AGENCIES

## OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

## SALARIES AND EXPENSES

Appropriations, 1997 .....	\$19,345,000
Budget estimate, 1998 .....	19,345,000
House allowance .....	18,345,000
Committee recommendation .....	15,000,000

The Committee recommends an appropriation of \$15,000,000, a decrease of \$4,345,000 from the budget estimate, \$3,345,000 below the House allowance, and \$4,345,000 below the fiscal year 1997 level.

## INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

## PAYMENTS TO THE INSTITUTE

Appropriations, 1997 .....	\$5,500,000
Budget estimate, 1998 .....	5,500,000
House allowance .....	3,000,000
Committee recommendation .....	5,500,000

The Committee recommends an appropriation of \$5,500,000, the same as the budget estimate and \$2,500,000 above the House allowance.

## SMITHSONIAN INSTITUTION

## SALARIES AND EXPENSES

Appropriations, 1997 .....	\$318,492,000
Budget estimate, 1998 .....	334,557,000
House allowance .....	334,557,000
Committee recommendation .....	333,708,000

The Committee recommends an appropriation of \$333,708,000 for salaries and expenses of the Smithsonian Institution. This amount is an increase of \$15,216,000 above the fiscal year 1997 level and a decrease of \$849,000 below the budget estimate and the House allowance. The following table provides a comparison of the budget estimate with the Committee recommendation:

	Budget estimate	Committee recommendation	Change
Museums and research institutes .....	\$171,710,000	\$171,572,000	-\$138,000
Program support and outreach .....	36,099,000	36,099,000	.....
Administration .....	32,893,000	32,893,000	.....
Facilities services .....	93,855,000	93,144,000	- 711,000
Total .....	334,557,000	333,708,000	- 849,000

Increases above the fiscal year 1997 level include the following: \$9,942,000 to meet the uncontrollable costs associated with items such as salaries, utilities, communications, and rent; \$1,225,000 for the final increment of operating funds for the submillimeter array at the Smithsonian Astrophysical Observatory; \$3,924,000 for new

unanticipated costs. The Office is further expected to keep the Committee apprised of settlement and litigation activities through its semiannual reports to the Committee.

## GENERAL PROVISIONS

### DEPARTMENT OF THE INTERIOR

The Committee has included in "General Provisions, Department of the Interior" various legislative provisions affecting the Department of the Interior. Several of these provisions have been carried in previous years and others are proposed new this year. The provisions are:

SEC. 101. Provides Secretarial authority to transfer program funds for expenditures in cases of emergency when all other emergency funds are exhausted.

SEC. 102. Provides for expenditure or transfer of funds by the Secretary in the event of actual or potential emergencies including forest fires, range fires, earthquakes, floods, volcanic eruptions, storms, oilspills, grasshopper and Mormon cricket outbreaks, and surface mine reclamation emergencies.

SEC. 103. Provides for use of appropriated funds for operation of garages, shops, warehouses, and similar facilities.

SEC. 104. Provides for use of appropriated funds for contracts, rental cars and aircraft, certain library memberships, and certain telephone expenses.

SEC. 105. Provides for use of appropriated funds to purchase uniforms or to provide a uniform allowance.

SEC. 106. Provides that contracts issued for services and rentals with appropriated funds be in effect for a period not to exceed 12 months.

SEC. 107. Strikes House language relating to revised statute 2477.

SECS. 108–111. Restricts use of funds provided in the act for certain offshore leasing and related activities pursuant to the revised 5-year plan for Outer Continental Shelf oil and gas leasing.

SEC. 112. Strikes House language which provides that advance payments under the Indian Self-Determination and Education Assistance Act may be invested only in obligations of the United States or in instruments that are guaranteed or insured by the United States, or may be deposited into accounts that are insured by an agency or instrumentality of the United States; and inserts in lieu thereof language that provides that advance payments under the Indian Self-Determination and Education Assistance Act may be (1) invested only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or (2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 113. Includes language that provides for lump sum payments of severance pay, continued health benefits, job training for

private sector employment, and restoration of unused annual leave to Federal helium operations employees who are separated as a result of the closure of the Federal helium program. The Senate provision modifies the House language with the inclusion of terms on job training and annual leave. No additional appropriation is necessary, as all costs will be paid from the helium fund.

SEC. 114. Deletes House-proposed language limiting establishment of a new regional office for the Fish and Wildlife Service.

SEC. 115. Includes language conveying the Bowden National Fish Hatchery, located in Randolph County, WV, to the State of West Virginia for the sole use of the fish culture program by the Wildlife Resources Section of the West Virginia Division of Natural Resources. The property reverts to the United States if it is used by any other party or for any other purpose.

SEC. 116. Includes language amending section 115 of Public Law 103-332 allowing incremental funding of cooperative research agreements with funds provided by other Federal agencies through reimbursable or other agreements pursuant to the Economy Act. Previously the section allowed only for funds from the Department of the Interior to be used in such a manner.

SEC. 117. Modifies Public Law 100-446 to change the annual amount that can be expended for Kili and Ejit at Bikini Atoll, and provides for subsequent inflation adjustments.

SEC. 118. Includes language directing the BIA to develop a new formula for distribution of tribal priority allocation funding on the basis of need, taking into consideration tribal business revenue. The provision is explained within the BIA section of this report.

SEC. 119. Includes language which amends section 116 of the Omnibus Appropriations Act for Fiscal Year 1997 to complete the transfer of the Bureau of Mines facility in Salt Lake City, UT, to the University of Utah. The language is necessary because BLM still holds the land on which the facility, which was shut down in 1995, is located.

SEC. 120. Includes a provision regarding tribal sovereign immunity. The provision would require any tribe receiving tribal priority allocation funds to waive any claim of immunity in civil actions in Federal courts. In addition, the provision would allow non-Indians to bring civil actions against Indian tribes in Federal courts.

The legal doctrine of sovereign immunity permits a government to protect itself from legal challenges or suit. Over the course of the last century, Federal, State, and local governments have either abolished or severely restricted the doctrine of sovereign immunity. Only Indian tribes in the United States use this doctrine to assert complete immunity.

The Committee is concerned that the right to due process, which is guaranteed to all citizens of the United States under the fifth amendment to the Constitution, is denied in civil disputes between Indian tribes and non-Indians because Indian tribes continue to use the doctrine of sovereign immunity to shield themselves and their actions from legal review in neutral courts. This matter is of particular concern in issues concerning individual private property rights.

Citizens of the United States have the inherent right to have their disputes decided by a neutral court or arbiter. This right is

significantly diminished for non-Indian citizens of the United States who live or work on or near Indian reservations and who find themselves in civil disputes with an Indian tribe. According to the 1990 census, there are over 300,000 non-Indians living on fee land within the exterior boundaries of the reservation. These 300,000 Americans currently lack the right to have their civil claims against an Indian tribe heard before a Federal court. This provision will guarantee that the due process rights of all American citizens and their right to be heard before a neutral legal entity is protected.

SEC. 121. Includes language providing for an equitable and expeditious means to transfer inholdings in the Kantishna region of Denali National Park and Preserve to the Park Service. The Committee believes that the inholdings in the Kantishna area transferred to the Park Service pursuant to this section are to be managed in the same manner as contiguous park lands, pursuant to the Alaska National Interest Lands Conservation Act. By including a prohibition on unauthorized use of any property transferred pursuant to this section, the Committee does not intend the Secretary to prohibit any party with rights of access to cross any transferred lands from thereafter enjoying such rights.

SEC. 122. Extends the limitations period for the filing of claims by Alaska Native corporations against the Department of the Interior with respect to the land conveyance dispute involving lands within Lake Clark National Park which are the subject of the Deficiency Agreement dated August 31, 1976.

SEC. 123. Provides that the fair market value for the initial computation of the payment to the Kodiak Island Borough pursuant to the Refuge Revenue Sharing Act shall be based on the purchase price of parcels acquired from the specified parties.

SEC. 124. Authorizes the Park Service to assist the city of Berlin, NH, in identifying and studying the historic and cultural assets of the Androscoggin River Valley.

The Committee recommends an appropriation of \$24,500,000 for fiscal year 1998, the same as the budget estimate and an increase of \$61,000 over the House level and the fiscal year 1997 level.

#### NATIONAL INDIAN GAMING COMMISSION

##### SALARIES AND EXPENSES

Appropriations, 1997 .....	\$1,000,000
Budget estimate, 1998 .....	1,000,000
House allowance .....	1,000,000
Committee recommendation .....	1,000,000

The Committee has amended the language that recommends an appropriation of \$1,000,000, the same as the House allowance and the budget estimate.

The Commission continues to operate without a permanent chair. The Committee cannot encourage the administration enough to appoint a permanent chair of the Commission, preferably someone with experience in the monitoring and regulation of gaming. As established by the Indian Gaming Regulatory Act, the Commission's objectives are to regulate and monitor gaming on Indian lands in order to protect Indian gaming as a means of generating Indian tribal revenues.

#### OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

##### FEDERAL PROGRAMS

Appropriations, 1997 .....	\$32,126,000
Budget estimate, 1998 .....	39,337,000
House allowance .....	32,126,000
Committee recommendation .....	35,689,000

The Committee recommends an appropriation of \$35,689,000 for the Office of Special Trustee for American Indians, \$3,648,000 below the budget estimate, and \$3,563,000 more than the House allowance and the fiscal year 1997 level.

The increase over the House level ensures that the same level of resources are available for Indian trust management improvements as in fiscal year 1997. The increase reflects the movement in 1998 of \$1,569,000 for land records systems improvements from the Bureau of Indian Affairs to the Office of Special Trustee; and the additional resources made available to the Office of Special Trustee over its regular appropriation, through a transfer in fiscal year 1997, of \$1,994,000 of unobligated balances in the Indian land and water claims settlements and miscellaneous payments to Indians appropriation.

The Committee understands that the demands placed on the Office of the Special Trustee to support activities related to settlement efforts and ongoing tribal and IIM litigation are significant. These activities are critical to ensuring that the Federal Government appropriately addresses its past management of Indian trust accounts. Accordingly, the Committee has allocated funding for settlement and litigation support at the base level of \$1,624,000. However, the costs to support such activities are often unpredictable, and the Committee expects the Office to use effectively the reprogramming flexibility provided by the Committee to meet any

### TITLE III—GENERAL PROVISIONS

The Committee has recommended inclusion of several general provisions in the bill including the following:

SEC. 301. Provides that contracts which provide consulting services be a matter of public record and available for public review, except where otherwise provided by law.

SEC. 302. Provides a restriction on noncompetitive bidding in the Shawnee National Forest, IL.

SEC. 303. Provides that appropriations available in the bill shall not be used to produce literature or otherwise promote public support of a legislative proposal on which legislative action is not complete.

SEC. 304. Provides that appropriations made available in this bill will not remain available beyond the current fiscal year unless otherwise provided.

SEC. 305. Provides that appropriations made available in this bill cannot be used to provide a cook, chauffeur, or other personal servants.

SEC. 306. Provides for restrictions on departmental assessments unless approved by the Committees on Appropriations.

SEC. 307. Continues Buy American provisions and requirements included in previous years.

SEC. 308. Limits the actions of the Forest Service and the Bureau of Land Management with regard to the sale of giant sequoia trees to a manner consistent with such sales as were conducted in fiscal year 1995.

SEC. 309. Prohibits the National Park Service from implementing a concession contract which permits or requires the removal of the underground lunchroom at Carlsbad Caverns National Park.

SEC. 310. Provides that when construction contracts managed pursuant to specified laws are completed at a lower cost than estimated, the difference shall be expended in a manner determined by the appropriate Secretary after consultation with the affected tribe.

SEC. 311. Provides that quarterly payments to tribes under annual funding agreements pursuant to Public Law 93-638, as amended, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. Restricts the use of any funds in the bill for the AmeriCorps program unless the reprogramming guidelines are followed and the program is funded in the VA-HUD appropriations bill.

SEC. 313. Prohibits the use of funds appropriated in the bill to demolish the bridge between Jersey City, NJ, and Ellis Island or to prevent the pedestrian use of such bridge when it is made known that such use is consistent with generally accepted safety standards.

SEC. 314. Retains mining patent moratorium carried in previous years.

SEC. 315. Prohibits the use of funds for the acquisition of lands in the counties of Gallia, Lawrence, Monroe, or Washington, OH, for the Wayne National Forest.

SEC. 316. Strikes House language that limits the use of funds to prepare, promulgate, implement, or enforce any interim or final rule or regulation on jurisdiction over subsistence fishing in Alaska.

SEC. 317. Deletes language relating to Public Law 101-382, concerning the export of State and Federal timber in the Western United States. This issue is addressed in title VI.

SEC. 318. Includes language restricting the use of funds appropriated in this bill for the western director and special assistant to the Secretary of Agriculture unless the expenditure is approved in advance by the Appropriations Committees in compliance with the reprogramming procedures contained in this report.

SEC. 319. Includes language allowing competition for watershed restoration projects through the "Jobs in the Woods" component of the President's forest plan for the Pacific Northwest to be limited to individuals and entities in historically timber-dependent areas covered by the plan and makes the provision permanent.

SEC. 320. Deletes House language amending the recreation fee demonstration program.

SEC. 321. Includes language requiring prior approval by the Appropriations Committees before commencing planning, design, or construction of any project funded with recreation fee demonstration moneys when the estimated total project cost is greater than \$500,000.

SEC. 322. Amends Public Law 96-451 (16 U.S.C 1606a(d)(1)), to allow obligations from the reforestation trust fund to fund forest stand improvement activities related to forest health enhancement and reduction of hazardous fuel loads in the National Forest System.

SEC. 323. Deletes House language concerning the Interior Columbia basin ecosystem management project and the upper Columbia River basin ecosystem management strategy.

SEC. 324. Amends Public Law 104-333 to allow the Hudson River Valley National Heritage Area to include areas previously excluded if the governing body of the jurisdiction wishes to be included in the heritage area, and demonstrates so through a resolution to be forwarded to the Secretary of the Interior and the management entities for the Heritage Area.

SEC. 325. Deletes House language precluding funds appropriated to the Indian Health Service from being used to restructure the funding of Indian health care delivery systems to Alaskan Natives and inserts alternative language relating to a consortium for the provision of health services through the Alaska Native Medical Center and the IHS Alaska area office.

The Committee is addressing the issue of governance of the new Alaska Native Medical Center to ensure efficient, experienced Alaska Native management and control when responsibility for its operation is transferred from the Indian Health Service to Alaska Native management. Management of the Alaska Native Medical Cen-

ter and the Alaska area office will be the largest self-governance contract yet to be negotiated under Public Law 93-638, with an annual operating budget approaching \$100,000,000. In an era of limited funding for the Indian Health Service, the Committee considers it imperative that scarce funds available to meet the health needs of Alaska Natives be professionally and prudently managed to provide the maximum amount of high quality health services to Alaska Natives.

The Committee is aware that in over 2 years of negotiations among Alaska Native entities, the existence of over 200 recognized tribes, regional entities, and various other concerned organizations, has made consensus around a particular governing structure exceptionally difficult to achieve.

The Committee intends in this section to lay out a framework for Alaska Native governance of the Alaska Native Medical Center and for the Alaska area office, including the Office of Environmental Health and Engineering. To draw on the existing expertise of the Alaska Native regional health entities now managing extensive regional health networks in Alaska, the Committee bill calls for formation of a new consortium made up of representatives of each of Alaska's regional Native health entities, the Metlakatla Indian Community, and representatives from villages and subregional health organizations, and governed by a board of directors.

The Committee further intends, by these provisions, to keep the statewide services of the Alaska Native Medical Center and the Alaska area office intact in Anchorage and managed by the new consortium, with the exception of primary care services. The Committee bill directs Cook Inlet Region, Inc., through Southcentral Foundation, or any lawfully designated health care entity of Cook Inlet Region, Inc., to enter into a funding agreement with the Indian health service to provide all primary health care services now being provided by the Alaska Native Primary Care Center and the Alaska Native Medical Center, including through satellite clinics, in order to encourage the efficient management of primary care services provided by both the ANPCC and the ANMC.

The Committee expects Cook Inlet Region, Inc., through Southcentral Foundation (or any lawfully designated health care entity) to form an advisory committee representative of persons eligible to receive primary care services who do not reside within the Cook Inlet region to assure the equitable delivery of such services. Members of the committee should be appointed by the other regional health entities within the Anchorage service unit. The Committee intends that the consortium and Cook Inlet Region, Inc., through Southcentral Foundation (or any lawfully designated health care entity) shall maintain a written agreement governing distribution of statewide third party reimbursement designed to ensure the continued financial stability of the Alaska Native Medical Center.

SEC. 326. Inserts language precluding any funds not already included in contracts or compacts in Alaska from being disbursed to any Alaska Native village or Native village corporation within a geographic area served by an Alaska Native regional health entity. Several Alaska Native villages and Alaska Native village corporations across the State of Alaska have announced plans to take their



share of funds out of Alaska Native regional corporation health care entities in order to provide their own health services. Under Public Law 93-638 Alaska Native villages or Alaska Native village corporations may remove funds previously allocated to an Alaska Native regional corporation health care entity by giving 90 days advance notice to the Indian Health Service. The removal of these funds undermines the cost-effective nature of the regional corporation health care entities, diminishing the quality of service for all Alaska Natives served by that entity and creating further strains on already limited Indian Health Service funds. The regional health care concept has been developed over the past 20 years in Alaska and has served the Native community well. This amendment will prevent further removals until Congress has an opportunity to review the report that this section requires the General Accounting Office to submit by June 1, 1998. The Committee intends to address this matter further in a future appropriations Act.

SEC. 327. Strikes House language relating to expenditures for the Man and Biosphere Program and the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization [UNESCO]. The Committee understands that designation under these programs imposes no land use restrictions on lands included in the program. Agencies participating do so through existing statutory authorities. These programs cede absolutely no authority to the United Nations or other international organizations to control land use decisions in the United States. International site recognitions defer all land use decisions to Federal, State, or local governments; tribes; or private property owners, subject to domestic law. The Committee expects the agencies to involve the public fully in deliberations over possible designations.

SEC. 328. Includes language permanently prohibiting the use of funds in this or any other act from being used to designate, or post any sign designating, any portion of Canaveral National Seashore in Brevard County, FL, as a clothing-optional area, if such designation would be contrary to county ordinance.

SEC. 329. Includes language defining the grantmaking capabilities and responsibilities of the National Endowment of the Arts. Grants to individuals may be made only for literature fellowships, national heritage fellowships, or American jazz masters fellowships. The Chairperson of the Endowment will establish procedures to ensure that grants made, except those to a State or local arts agency, will not be used to make a further grant to any other organization or individual to conduct activity independent of the direct grant recipient.

SEC. 330. Includes language allowing the National Endowment for the Arts and the National Endowment for the Humanities to raise funds and receive gifts, to deposit such in an interest-bearing account for the appropriate Endowment, and to use such to further the functions of the respective Endowments in accordance with the specified intent of the donors.

SEC. 331. Includes language allowing the Secretaries of the Interior and Agriculture to make reciprocal delegations of authority, duties, and responsibilities in order to further joint pilot programs to promote customer service and efficiency between the Bureau of

Land Management and the Forest Service in the management of public lands and forests, provided that there is no extension or altering of existing applicable public laws or regulations regarding the management of such lands.

SEC. 332. Prohibits the use of appropriations for any activities associated with the revision of national forest land management plans until such time that the administration publishes new final rules in the Federal Register.

SEC. 333. Prohibits the use of appropriations to fund any activities associated with the issuance of the 5-year program under the Resources Planning Act. Strategic planning activities carried out for that act should now be completed as part of the agency's compliance with the Government Performance and Results Act, Public Law 103-62.

SEC. 334. Includes language authorizing the Secretary of Agriculture to enter into cooperative agreements with willing private landowners and State and local governments for the protection, restoration, and enhancement of fish and wildlife habitat, and other resources on public or private land that benefits these resources within the watershed.

SEC. 335. Includes language providing for the termination of the Franklin Delano Roosevelt Commission and the transfer of any remaining, unexpended Commission funds and coin revenues to a nonprofit organization. Any funds transferred are to be used in support of maintenance and repair of the Memorial and public interpretation and education.

SEC. 336. Includes language facilitating land exchanges between the States of Oregon and Washington within the Columbia River Gorge National Scenic Area.

SEC. 337. Includes language making a minor adjustment in the boundaries of the Wenatchee National Forest to facilitate a land exchange proposed by the Bureau of Land Management. Identical language has been passed by the House of Representatives.

SEC. 338. Includes language precluding the use of any funds provided in this act for the Center of Excellence for Sustainable Development unless a budget request has been submitted and approved by the Committees on Appropriations of the House of Representatives and the United States Senate.

SEC. 339. The Committee has included provisions prohibiting the use of funds to amend or replace the BLM regulations on surface mining found at 43 C.F.R. 3809, or to prepare a draft environmental impact statement on any such proposal, until the Secretary of the Interior establishes a Committee which prepares and submits a report to the House and Senate Committees on Appropriations, the House Committee on Natural Resources, and the Senate Committee on Energy and Natural Resources. The Committee shall be composed of representatives from the Department and a representative appointed by the Governor of each State that contains public lands open to location under the general mining laws. The report shall (1) contain consensus recommendations on the appropriate relationship of States and Federal land management agencies in environmental, land management and regulation of activities subject to surface mining regulations, (2) identify current and proposed State environmental, land management and reclamation

laws regulations, performance standards and policies applicable to such activities; (3) explain how these State laws, regulations, performance standards and policies are coordinated with Federal surface management efforts; and (4) contain consensus recommendations for how Federal and State coordination can be maximized in the future.

SEC. 340. Directs the Secretary of Agriculture to convey the Wind River nursery site on the Gifford Pinchot National Forest, to Skamania County, WA, for 120 acres of county property located within the Columbia River Gorge National Scenic Area, subject to specific provisions contained in the bill language.

SEC. 341. Exempts residents who reside within the boundaries of units of local government which receive payments under the payments in lieu of taxes [PILT] program from paying user fees in fiscal year 1998, under the Recreation Fee Demonstration Program, for access to the White Mountain National Forest. The Committee directs the Forest Service not to supplement White Mountain National Forest recreation programs which would otherwise be financed with these receipts, from other funds.

SEC. 342. Prohibits use of funds for the introduction of the grizzly bear, or for endangered species consultations affecting the grizzly bear population in the Selway-Bitterroot area of Idaho and adjacent Montana, except that funds may be expended for the purpose of receiving public comments on the July 1997 draft environmental impact statement, and for conducting a habitat-based population viability study.