

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL
YEAR 1985, AND FOR OTHER PURPOSES

OCTOBER 10, 1984.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.J. Res. 648]

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 648) "making continuing appropriations for the fiscal year 1985, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 20, 27, 28, 29, 30, 31, 33, 34, 35, 36, 44, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 75, 77, 95, 96, 104, 111, 112, 113, 114, 115, 117, 120, and 123.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 22, 24, 39, 40, 41, 42, 43, 46, 47, 48, 50, 52, 69, 74, 76, 78, 79, 80, 81, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 97, 98, 100, 101, 102, 103, 105, 106, 107, 109, 110, 116, 118, 119, 124, 125, 128, 129, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, and 161, and agree to the same.

Amendment numbered 3:

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

In lieu of the matter stricken and inserted by said amendment insert the following:

(b) Such sums as may be necessary for programs, projects, or activities provided for in the District of Columbia Appropriation Act, 1985 (H.R. 5899), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Numbered 98-1088), filed in the

DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH SERVICES ADMINISTRATION
INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and V and section 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, \$809,927,000: Provided, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until September 30, 1986. Funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1986, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): Provided further, That funding contained herein, and in any earlier appropriations Act, for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 757 of the Public Health Service Act shall remain available for expenditure until September 30, 1986.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, purchases of trailers and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, \$62,892,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, HEALTH SERVICES ADMINISTRATION

Appropriations in this Act to the Health Services Administration, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those

functions or activities: Provided, That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: Provided further, That non-Indian patients may be extended health care at all Indian Health Service facilities, if such care can be extended without impairing the ability of the Indian Health Service to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That with the exception of service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the IHS to implement such a policy: Provided further, That hereafter the Indian Health Service may seek subrogation of claims including but not limited to auto accident claims, including no-fault claims, personal injury, disease, or disability claims, and workman's compensation claims except as otherwise limited by the fourth proviso of this section: Provided further, That hereafter, notwithstanding any other law, an Indian tribe may acquire and expend funds, other than funds appropriated to the Service, for major renovation and modernization of Service facilities, including facilities operated pursuant to contract under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) subject to the following conditions:

(1) the implementation of such project shall not require or obligate the Service to provide any additional staff or equipment;

(2) the project shall be subject to the approval of the Area Director of the Service area office involved;

(3) the tribe shall have full authority to administer the project, but shall do so in accordance with applicable rules and regulations of the Secretary governing construction or renovation of Service health facilities; and

(4) no project of renovation or modernization shall be authorized herein if it would require the diversion of Service funds from meeting the needs of projects having a higher priority on the current health facilities priority system.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For carrying out, to the extent not otherwise provided, Part A (\$51,350,000) and Parts B and C (\$15,000,000) of the Indian Education Act, and the General Education Provisions Act, \$68,780,000.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, \$20,736,000, to remain available until expended, for operating expenses of the Commission: Provided, That July 7, 1985, is hereby established as the deadline for receipt of applications for voluntary relocation.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; \$165,730,000 including not less than \$789,000 to carry out the provisions of the National Museum Act, \$350,000 to be made available to the trustees of the John F. Kennedy Center for the Performing Arts for payment to the National Symphony Orchestra and \$350,000 for payment to the Washington Opera Society for activities related to their responsibilities as resident entities of the Center: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That none of these funds shall be available to a Smithsonian Research Foundation.

MUSEUM PROGRAMS AND RELATED RESEARCH

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs, scientific and cultural research, and related educational activities, as authorized by law, \$9,000,000, to remain available until expended and to be available only to United States institutions: Pro-

SEC. 320. Notwithstanding title 5 of the United States Code or any other provision of law, after September 30, 1984, rents and charges collected by payroll deduction or otherwise for the use or occupancy of quarters of agencies funded by this Act shall thereafter be deposited in a special fund in each agency, to remain available until expended, for the maintenance and operation of the quarters of that agency: Provided, That for the fiscal year ending September 30, 1985, and each fiscal year thereafter, such amounts as may be collected may be expended in the agency unit or subunit (e.g. Park, refuge, hatchery, Forest, Agency office, School, Service unit, hospital, clinic, etc.) where the funds are collected: Provided further, That up to 10 per centum of funds collected in such unit may be transferred to another unit within the same agency.

SEC. 321. The Secretary of Energy pursuant to the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577), shall—

(1) no later than sixty days after the date of the enactment of this Act, publish in the Federal Register a notice soliciting statements of interest in, and proposals for projects employing emerging clean coal technologies, which statements and proposals are to be submitted to the Secretary within ninety days after the publication of such notice; and

(2) no later than April 15, 1985, submit to Congress a report that analyzes the information contained in such statements of interest and proposals, assesses the potential usefulness of each emerging clean coal technology for which a statement of interest or proposal has been received, and identifies the extent to which Federal incentives, including financial assistance, will accelerate the commercial availability of these technologies.

SEC. 322. Section 5542(b)(2)(B)(iv) of title 5, United States Code, is amended by inserting immediately before the period at the end thereof a comma and the following: "including travel by an employee to such an event and the return of such employee from such event to his or her official-duty station".

SEC. 323. It is the sense of the Congress that the Continental Scientific Drilling Program is an important national scientific endeavor, benefiting the commerce of the Nation, which should be vigorously pursued by Government and the private sector. The Continental Scientific Drilling Program is an important national scientific endeavor that is vital to the understanding of the geologic evolution of the Earth and the economic value of its resources; the most effective and efficient means of realizing the fullest potential in the Continental Scientific Drilling Program is through a cooperative effort by the Department of Energy, the National Science Foundation, and the United States Geological Survey; many important commercial and scientific advances may result from the Continental Scientific Drilling Program; and many foreign nations are engaged in a comparable, deep drilling program, and cooperation and coordination would be beneficial to United States efforts. It is the sense of the Congress that—

(1) the Continental Scientific Drilling Program is an important national scientific endeavor by the United States which should be enthusiastically implemented through a joint cooperative effort among the United States Department of Energy, the

ENERGY INFORMATION ADMINISTRATION

Appropriates \$61,657,000 for the Energy Information Administration instead of \$62,057,000 as proposed by the House and \$61,563,000 as proposed by the Senate. Changes to the Senate position include a decrease of \$1,000,000 for quality maintenance and increases of \$644,000 for additional staffing requirements and \$200,000 for state heating oil grants. There is also an increase of \$250,000 above the Senate amount to design a survey which would gather information for research purposes from industrial sources of emissions of sulfur and nitrogen oxides. EIA is to report to the Congress upon the completion of the survey design on any additional resources which may be required for the conduct of the survey.

The managers agree that the manufacturing energy consumption survey (previously referred to as the industrial consumption survey) shall be conducted in a manner that will protect confidential energy information and will not be overly burdensome on respondents. EIA should continue to work with the Bureau of the Census and others to find the best method to conduct the survey.

The managers also concur that it is important for EIA to be able to continue to collect essential energy information including natural gas data comparable to that included in the "Natural Gas Annual," and insist that the Department and other officials allow EIA to carry out its statutory duties. The managers intend that EIA continue to analyze the data it collects, and to issue timely reports like those it has issued in the past two years on current developments in the natural gas industry.

The managers agree that enhanced monitoring of No. 2 distillate within the Petroleum Allocation for Defense District I-A and I-B shall be for each state that is participating in the state heating oil grant program.

In addition to the information called for in the House Report, regarding enhanced monitoring, the managers agree that EIA shall include the latest information available to it concerning national, regional, and state distillate production, imports and stocks.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

Appropriates \$809,927,000 instead of \$817,992,000 as proposed by the House and \$796,243,000 as proposed by the Senate.

The net increase over the amount proposed by the Senate includes the following: decreases of \$80,000 for the model diabetes program, \$180,000 for the village-based clinic program in Alaska, and \$2,840,000 general program restoration; and increases of \$4,000,000 for emergency medical services, \$7,482,000 for mandatory cost increases, \$357,000 for hospital and health clinic staff, \$125,000 for alcoholism programs, \$1,700,000 for contract care, \$1,079,000 for preventive health staff, \$632,000 for Indian health manpower, and \$1,409,000 for program management.

The managers direct that \$10,000,000 of the carryover balances in the Medicare/Medicaid fund be used to fund mandatory cost in-

creases in the hospitals and clinics program. The managers agree that the additional staffing funds provided under hospitals and health clinics and preventive health are sufficient to support the number of positions identified in the House report. \$125,000 of the increase for the alcoholism program shall be directed to the Warm Spings tribe, making a total of \$200,000 for a demonstration program. The managers direct that the contracts for alcoholism research at the Universities of Washington and Oklahoma be continued at the 1984 level.

The managers agree that up to \$500,000 shall be made available to develop mental health and substance abuse programs at the Sherman and Phoenix boarding schools. The managers agree that the expanded contract with the Mid-Dakota hospital shall not include any reimbursement for claims submitted in past years which have been denied. The contract shall cover current and future services only.

The managers agree that at least \$500,000 shall be available for the Poarch Band of Creek Indians. The service area shall include Mobile County, Alabama in addition to the counties named in the House report.

At the discretion of the Director of the Indian Health Service, such funds as are deemed necessary may be provided to the Seattle Urban Indian Health program from the amounts available for the hepatitis-B program, to meet the health needs of Alaskan Natives residing in that area.

The managers agree that \$220,000 of the funds available for Indian health manpower shall be provided for the administrative expenses of the masters in public health program.

Of the increase over the budget estimate provided for program management, \$1,000,000 shall be used to initiate a training program and \$1,409,000 is provided in partial restoration of the 1984 base level of funding.

The managers direct that no charges for personnel costs associated with the regional operations for facilities engineering and construction be assessed to IHS without prior approval of the House and Senate Appropriations Committees.

INDIAN HEALTH FACILITIES

Appropriates \$62,892,000 for Indian health facilities instead of \$96,137,000 as proposed by the House and \$43,535,000 as proposed by the Senate. The increase over the amount proposed by the Senate consists of \$1,027,000 for site work for the Rosebud hospital, \$9,910,000 for construction of outpatient care facilities at Kyle, SD, Wolf Point, MT, and Ft. Thompson, SD, \$5,000,000 for sanitation facilities, and \$3,420,000 for construction of personnel quarters at Crownpoint, NM.

The managers agree that \$3,500,000 of the sanitation construction funds shall be used in cooperation with the Navajo and Hopi Indian Relocation Commission program.

The managers remain concerned with the delays in initiating construction projects once funds have been appropriated. The Department is directed to prepare planning information documents annually on the top five construction priority projects and to report

to the Committees by February 1, 1985 on other steps which can be taken to streamline the facilities planning and design process. The managers expect timely notification of any adverse impact on the facilities construction program caused by the reorganization of the regional offices of facilities engineering and construction.

ADMINISTRATIVE PROVISIONS

Bill language proposed by the House establishing a floor for full-time equivalent positions has been deleted. The managers have taken this action on the assurance of the Department that no ceilings will be imposed on the Indian Health Service which would impede carrying out the IHS program as funded by the Congress. The Committees will monitor this situation closely to determine if additional action is required.

Bill language proposed by the Senate establishing a limit on contract care payments has been deleted.

Bill language proposed by the Senate allowing Indian Health Service to seek subrogation of claims has been modified to ensure that such action may not be taken if it involves billing of individual beneficiaries.

Bill language proposed by the Senate to allow the use of other than IHS funds for facilities improvements has been included.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

The managers agree, that to the maximum extent possible, Indian Parent Committees are to be allowed to participate in curriculum decisions. The managers also agree that responsibilities between Indian Parent Committees and Local Educational Agencies should be delineated as in prior years.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

Appropriates \$20,736,000, for salaries and expenses as proposed by the Senate instead of \$16,986,000 as proposed by the House.

The net increase of \$3,750,000 above the House includes an increase of \$3,575,000 for Relocation Operations and \$175,000 to be transferred from the requested level for Operation of the Commission to the Discretionary Fund.

Language is included in the bill to establish July 7, 1985 as the deadline for receipt of applications for voluntary relocation instead of June 30, 1985 as proposed by the Senate.

The managers agree that benefits for voluntary relocation shall be available only to those households or individuals who have filed an application with the Commission on or prior to July 7, 1985.

With respect to "involuntary relocatees," the managers believe that it is the responsibility of the Commission to notify those individuals eligible for relocation of the change in the date for applications. After July 7, 1985, those people who have not applied cannot

equivalents and that studies underway on activities involving fewer than 10 full-time equivalents must show savings significantly greater than the cost of completing the study. No new studies of activities involving less than 10 full-time equivalents will be initiated. The managers agree that the study related to road maintenance at Glacier National Park (which involves 10.2 full-time equivalents) should be discontinued.

Sec. 305. Provides for a continued prohibition on the enforcement of steel shot regulations by the Department of the Interior in any State without such states' approval until state and flyway specific base-line criteria are promulgated by the Department. The managers hope that the Department of the Interior's ongoing consultative process, involving states, flyway groups, sportsmen and wildlife groups and others, will produce a consensus proposal, reflecting the public comment and the value of scientific data.

Sec. 308. Provides for a continuation of the prohibition on the use of funds to process or issue leases for coal, oil, gas, oil shale, phosphate, potassium, sulfur, gilsonate, or geothermal resources on wilderness lands and Forest Service RARE II further planning and Bureau of Land Management wilderness study areas.

Sec. 314. Provides no deer hunting on Loxahatchee NWR.

Sec. 315. Provides that the Department of the Interior and the Forest Service, when contracting for private air services, must use FAA certified aircraft unless the Secretary determines such aircraft are not available.

Sec. 316. Provides certain restrictions on the use of funds for the designation, management, or enhancement of grizzly bear habitat on National Park System or National Forest System lands.

Sec. 317. Provides for the transfer of certain lands on Guam from the General Services Administration to the Department of the Interior.

Sec. 318. Provides for the development of an inventory of waterfowl production areas in North Dakota under easement. The managers will review progress on the waterfowl production area easement quantification project in conjunction with the fiscal year 1986 budget process, and will consider necessary funding and staffing requirements at that time.

Sec. 319. Provides for the extension of certain leases under the Geothermal Steam Act of 1970 and prohibits geothermal leasing in the Island Park area.

~~Sec. 320. Establishes funds within various agencies funded by the Act for deposit of collections from quarters rentals to be used for operation and maintenance of such quarters.~~ ✓

Sec. 321. Provides for the Secretary of Energy to solicit private sector interest in the cost-shared construction of facilities employing clean coal technologies.

The managers have deleted language proposed by the Senate which amended the Indian Elementary and Secondary School Assistance Act. This provision was included in Public Law 98-396, the Second Supplemental for FY 1984.

Sec. 322. Provides for travel payments to firefighters from their official duty station to the fire event and return to their official duty station.