

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES
APPROPRIATION BILL, 1985

AUGUST 6, 1984.—Ordered to be printed

Mr. HATFIELD (for Mr. McCLURE), from the Committee on
Appropriations, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 5973]

The Committee on Appropriations, to which was referred the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes recommended:

AMOUNTS IN NEW BUDGET (OBLIGATIONAL) AUTHORITY, FISCAL YEAR 1985

Amount of bill as passed by House	\$3,033,865,000
Amount of increase by Senate.....	+5,107,965,000
Total of bill as reported to Senate.....	8,141,830,000
Estimates considered by House.....	7,679,336,000
Estimates considered by Senate.....	8,074,098,000
The bill as reported to the Senate:	
Over the budget estimate, 1985.....	+67,732,000
Over appropriations, 1984.....	+126,297,000

HEALTH SERVICES ADMINISTRATION
INDIAN HEALTH SERVICES

1984 appropriation.....	\$770,408,000
1985 budget estimate.....	741,950,000
House allowance.....	817,992
Committee recommendation.....	796,243

The Committee recommends an appropriation of \$796,243,000, an increase of \$54,293,000 above the budget estimate and a decrease of \$21,749,000 below the House allowance. Allowances are displayed in the following comparative table:

	Budget estimate	Committee recommendation	Change
Hospital and health clinic programs.....	\$411,787,000	\$416,787,000	+ \$5,000,000
Dental health.....	25,167,000	25,432,000	+ 265,000
Mental health.....	11,297,000	11,407,000	+ 110,000
Alcoholism.....	24,607,000	24,857,000	+ 250,000
Maintenance and repair.....	8,745,000	8,745,000	
Contract care.....	165,602,000	165,602,000	
Sanitation.....	17,659,000	20,159,000	+ 2,500,000
Public health nursing.....	10,244,000	11,944,000	+ 1,700,000
Health education.....	2,717,000	3,617,000	+ 900,000
Community health representatives.....		26,000,000	+ 26,000,000
Immunization.....	1,000,000	3,700,000	+ 2,700,000
Urban health programs.....		10,000,000	+ 10,000,000
Indian health manpower.....	4,632,000	6,000,000	+ 1,368,000
Tribal management.....		2,500,000	+ 2,500,000
Program management.....	58,493,000	59,493,000	+ 1,000,000
Total, Indian Health Services.....	741,950,000	796,243,000	+ 54,293,000

Clinical services.—The Committee recommends \$416,787,000 for hospital and health clinic programs, an increase of \$5,000,000 over the budget estimate. The increases are as follows:

Activity:	<i>Recommended increase</i>
Restoration of training program.....	\$1,000,000
Continuation of model diabetes program.....	580,000
Village based clinic program (Alaska).....	580,000
General program restoration.....	2,840,000
Total.....	5,000,000

Approximately \$800,000 has been freed by the closure of the Inter-mountain Boarding School. Up to \$500,000 of this amount should be directed to the Phoenix and Sherman Boarding Schools to develop special mental health and substance abuse programs.

Increases totaling \$625,000 are provided to maintain current service levels for dental health, mental health, and alcoholism programs. Within the funds available for the alcoholism program, the pilot treatment program of the Warm Springs Tribe shall be funded at \$200,000.

Contract care.—The Committee recommends \$165,602,000 for contract care, the same as the budget estimate and an increase of \$25,630,000 over the fiscal year 1984 level.

The Indian Health Services is directed to enter into an expanded contract with the Mid-Dakota Hospital for the benefit of all federally recognized Indians living in and around Chamberlain, S. Dak. Not to exceed \$2,500,000 may be allocated for the total contract with the Mid-Dakota Hospital.

Preventive health.—The Committee recommends increases totaling \$5,100,000 to maintain current service levels for sanitation, public health nursing, and health education.

Community health representatives.—\$26,000,000 is provided to maintain the fiscal year 1984 level of support for CHR's.

Immunization.—An increase of \$2,700,000 is recommended for the hepatitis-B program in Alaska. Matching funds to be provided by the State will allow for screening and immunization of the entire Alaskan Native population.

Urban health.—The Committee has provided \$10,000,000. These funds are for existing programs only.

Indian health manpower.—The Committee recommends an increase of \$1,368,000; \$275,000 of this amount is for the administrative costs of the Indians into medicine program and \$200,000 is provided to continue the masters in public health program.

Tribal management.—\$2,500,000 is recommended to support new tribes in health planning and management.

Program management.—An increase of \$1,000,000 is provided to initiate a training program in supervision, personnel, and financial management. Particular emphasis should be placed on upgrading the qualifications of hospital administrators and service unit directors.

The Committee has been notified that the Department planned to charge IHS \$2,900,000 for personnel costs associated with regional operations for facilities engineering and construction (ROFEC). As the Senate version of the Labor-Health and Human Services appropriation bill provides an increase of \$7,200,000 for personnel costs for the Health Resources and Services Administration, which includes ROFEC, the Committee directs that no charges be assessed to IHS without prior Committee approval.

A June 7, 1984, decision by the Ninth Circuit U.S. Court of Appeals (*Preston v. Heckler*) has found that the Department of HHS has failed to comply with the requirement for employment qualification standards in the IHS under 25 United States Code 472 and cites with approval a similar 1979 decision involving the Bureau of Indian Affairs. The court in the *Preston* case indicates that the standards requirement does not conflict with the need for IHS employees whose qualifications enable them to provide quality services. Because the failure to comply with 25 United States Code 472 has only recently been found by the court with respect to the IHS, the Committee has not included bill language similar to that included for the BIA, but the Committee expects prompt compliance by the Department with that law.

In line with the circuit court's decision, the standards that comply with 25 United States Code 472 should be designed to result in the IHS

having employees fully qualified for their duties and responsibilities. Consistent with good management practices and the requirements in 25 United States Code 472 and 472a(d), the use of proper standards should be supplemented by serious efforts to train and recruit qualified Indians to improve the quality and efficiency of the services provided by the IHS. The Committee expects a written report from the Department on these matters before hearings on the fiscal year 1986 budget. The report (or a separate report by the same date) should also include specific information on actions taken or to be taken because of employee retirements required before October 1, 1986, under 5 United States Code 8336(j)(3)(A).

Equity health care fund.—Consistent with action taken on the fiscal year 1984 bill, funds previously identified under this heading are included in the regular programs. To meet the objective of more equitably distributing IHS resources, the Committee directs that any increases over the fiscal year 1984 level (excluding pay requirements and amounts earmarked in appropriation bills) be directed first to those tribes with the greatest need.

Medicare/medicaid collections.—The Committee has not approved the proposed offset against appropriations from collections.

The Committee has, however, noted the General Accounting Office report regarding unobligated balances in this account due to the current practice of retaining all funds in the area in which they were collected. The Senate version of the Indian health care reauthorization bill addresses this problem. It would allow for increased flexibility in the distribution of a portion of the collections so that the requirements of all IHS facilities could be better met.

Administrative provisions.—The Committee recommends bill language limiting contract care payments to medicare rates for covered services after June 30, 1985.

Between fiscal years 1980 and 1985, appropriations for contract care have increased almost 75 percent, yet most contract care authorizations remain limited to life or limb threatening situations. Indian Health Service has estimated that the use of medicare rates would make approximately \$15,000,000 available annually to provide additional services.

The Committee has also included bill language to allow the use of other than Indian Health Service funds for hospital modernization and repair under certain circumstances.

The Committee has deleted language proposed by the House setting FTE floors for the Indian Health Service.

INDIAN HEALTH FACILITIES

1984 appropriation	\$53,595,000
1985 budget estimate	
House allowance	96,137,000
Committee recommendation	43,535,000

The Committee recommends an appropriation of \$43,535,000, an increase of \$43,535,000 above the budget estimate and a decrease of

\$52,602,000 below the House allowance. The following comparative table summarizes the Committee's recommendations:

	Budget estimate	Committee recommendation	Change
Hospitals: New and replacement.....		\$19,221,000	+\$19,221,000
Personnel quarters.....		2,185,000	+2,185,000
Sanitation facilities.....		20,000,000	+20,000,000
Modernization and repair.....		2,129,000	+2,129,000

Hospitals and clinics.—The Committee has provided funds to complete the construction and equipping of the Crownpoint, N. Mex., hospital (\$9,064,000), and the Kanakanak, Alaska, hospital (\$5,157,000).

At the Sacaton, AZ., hospital, \$5,000,000 is included for the first phase of construction.

The Committee has not provided funding for the Rosebud Hospital as planning and design will not be complete until early 1986. IHS is expected to submit a budget request for these funds next year. If there are unexpended balances from the planning and design funds previously appropriated for Rosebud, such funds may be used for site preparation and other preconstruction activities.

Personnel quarters.—\$2,185,000 is provided for construction of 23 units of quarters at Tsaille, Ariz.

Sanitation facilities.—Within the \$20,000,000 provided for sanitation facilities, the Indian Health Service is directed to use \$3,500,000 in support of projects in coordination with the Navajo and Hopi Indian Relocation Commission.

Modernization and repair.—The Committee recommends increases for major repair projects which require funds not subject to the fiscal year limitation on the maintenance and repair activity supported under Indian Health Services. The following projects are included in the Committee's recommendation:

Modernization and repair projects:

Ada, Okla.—Renovate air handling units.....	\$117,000
Phoenix, Ariz.—Modifications.....	270,000
Kearns Canyon, Ariz.—Repairs/renovations.....	320,000
Whiteriver, Ariz.—Interior alterations.....	399,000
Talihina, Okla.—Repairs.....	223,000
Gallup, N. Mex.—Repairs.....	800,000
Total.....	2,129,000

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

1984 appropriation.....	\$68,780,000
1985 budget estimate.....	68,780,000
House allowance.....	68,780,000
Committee recommendation.....	68,780,000