

Calendar No. 318

99TH CONGRESS }
1st Session }

SENATE

{ REPORT
99-141

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1986

SEPTEMBER 24 (legislative day, SEPTEMBER 23), 1985.—Ordered to be printed

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

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 3011]

The Committee on Appropriations, to which was referred the bill (H.R. 3011) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1986, 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 1986

Amount of bill passed by House	\$1,338,097,000
Consisting of:	
New budget authority	8,238,097,000
By transfer	500,000,000
Rescission	-6,900,000,000
Amount of increase by Senate	6,856,612,000
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Total of bill as reported to Senate	8,113,134,000
Estimates considered by House	7,033,300,000
Estimates considered by Senate	7,187,084,000
Over the budget estimate, 1986	926,050,000
Over appropriations, 1985	273,133,000

Public Law 99-349
99th Congress

An Act

July 2, 1986
[H.R. 4515]

Making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes.

Urgent
Supplemental
Appropriations
Act, 1986.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1986, and for other purposes, namely:

TITLE I

GENERAL SUPPLEMENTALS

CHAPTER I

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount, for emergency measures under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), \$36,700,000, to remain available until expended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount, for necessary expenses to carry out the program authorized under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), \$5,000,000, to remain available until expended.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount, for "Food Safety and Inspection Service", to protect public health and safety in meat and poultry inspection operations and to meet workload increases resulting from the opening of new or expansion of existing processing plants, \$3,700,000.

PACKERS AND STOCKYARDS ADMINISTRATION

7 USC 181. For necessary expenses for the administration of the Packers and Stockyards Act, and for certifying procedures used to protect purchasers of farm products, as authorized by law, \$80,000.

DAIRY INDEMNITY PROGRAM

7 USC 450j-450l. For an additional amount, for "Dairy Indemnity Program", authorized by the Act of August 13, 1968 (82 Stat. 750), the Act of

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For an additional amount for "Indian health services", \$13,500,000: *Provided*, That \$1,530,000 shall not become available for obligation until September 30, 1986: *Provided further*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Educational Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until September 30, 1987.

INDIAN HEALTH FACILITIES

(DEFERRAL)

Of the funds previously appropriated under this head, \$11,665,000 shall not become available for obligation until October 1, 1986.

SMITHSONIAN INSTITUTION

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", \$36,000, to be derived by transfer from "Repair, restoration and renovation of buildings, National Gallery of Art".

CHAPTER VIII

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for the Health Resources and Services Administration to carry out the provisions of section 1910 of the Public Health Service Act (pertaining to Emergency Medical Services for Children), \$2,000,000 to remain available until September 30, 1987.

Ante, p. 36f

Notwithstanding any other provision of this Act, the Secretary of Health and Human Services shall immediately renew all designated agreements and contracts in accordance with title 15 of the Public Health Service Act for such periods after September 30, 1986 as each Agency's budget, including unobligated Federal funds available for carryover, permits.

Contracts.

42 USC 300

reemphasize House report language directing that no applications for new schools be approved until such time as new regulations are in place.

Language is included under title III extending the timeframe in which non-Indian employees of the Indian Health Service and BIA must retire in order to receive additional benefits provided subsequent to the court decision affirming Indian preference in hiring, promotions, and transfers. Neither agency has made any substantial effort to provide the requisite training for Indian employees to be in a position to meet a great number of retirements of nonpreference employees without serious disruption to the programs.

The Bureau is directed to aggressively implement an understudy program, although the Committee has serious reservations about placing the program at Haskell. On-the-job training would probably be more useful.

CONSTRUCTION

1985 appropriation.....	\$107,492,000
1986 budget estimate.....	70,410,000
House allowance.....	45,195,000
Comparable House allowance.....	(87,195,000)
Committee recommendation.....	141,254,000

The Committee recommends an appropriation of \$141,254,000, an increase of \$70,844,000 above the budget estimate and \$96,059,000 above the House allowance.

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

	Budget estimate	Committee recommendation	Change
Buildings and utilities.....	\$37,490,000	\$38,190,000	+ \$700,000
Irrigation systems.....	15,828,000	18,328,000	+ 2,500,000
Housing.....	17,092,000	87,736,000	+ 70,644,000
Program offset.....		- 3,000,000	- 3,000,000
Total.....	70,410,000	141,254,000	+ 70,844,000

Buildings and utilities.—The Committee recommends an increase of \$700,000 to plan a replacement for the Turtle Mountain Middle School. No funds are recommended for construction of Rocky Boys or Two Eagle River Schools as the planning and design for these schools will not be completed until the fourth quarter of fiscal year 1986.

The Committee has not approved the House transfer of funds for buildings and utilities to the Office of Construction Management. The Committee does, however, share the concern expressed by the House in the lack of progress made by the Bureau in reforming the facilities operation and maintenance and construction programs of the Bureau. In a continued effort to improve this situation, the Committee directs that the policy and direction for these programs be placed in Washington.

EMERGENCY PREPAREDNESS

1985 appropriation	\$6,096,000
1986 budget estimate	6,044,000
House allowance	3,989,000
Committee recommendation	6,754,000

The Committee recommends an appropriation of \$6,754,000, an increase of \$710,000 above the budget estimate and \$2,765,000 above the House allowance. This increase is to enhance the analytical expertise to assess risks to energy supplies and the continued development of methodologies, plans, and analyses of procedures to ensure that defense energy requirements, including NATO requirements, can be met.

ENERGY INFORMATION ADMINISTRATION

1985 appropriation	\$60,424,000
1986 budget estimate	60,182,000
House allowance	60,782,000
Committee recommendation	60,682,000

The Committee recommends an appropriation of \$60,682,000, an increase of \$500,000 above the budget estimate and a decrease of \$100,000 below the House allowance. The amount recommended by the Committee compared with the budget estimate is shown in the following table:

	Budget estimate	Committee recommendation	Change
Collection, production and analysis.....	\$37,920,000	\$38,420,000	+ \$500,000
Program services.....	14,143,000	14,143,000	
Policy and management.....	8,119,000	8,119,000	
Total, Energy Information Office ...	60,182,000	60,682,000	+ 500,000

Collection, production, and analysis.—For collection, production, and analysis, the Committee has recommended an increase of \$500,000 above the budget request and a decrease of \$100,000 below the House allowance.

The increase over the budget estimate is to be used to continue the financial reporting system [FRS] as required by law. Within available funds, \$100,000 is directed to be spent on the State energy data system/energy price and expenditure data system.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

1985 appropriation	\$800,728,000
1986 budget estimate	764,133,000
House allowance	836,483,000
Committee recommendation	802,684,000

The Committee recommends an appropriation of \$802,684,000, an increase of \$38,551,000 above the budget estimate and a decrease of \$33,799,000 below the House allowance. Allowances are displayed in the following comparative table:

	Budget estimate	Committee recommendation	Change
Hospital and health clinic programs.....	\$422,216,000	\$428,716,000	+ \$6,500,000
Dental health.....	26,035,000	25,215,000	- 820,000
Mental health.....	11,518,000	11,304,000	- 214,000
Alcoholism.....	24,776,000	24,776,000	
Maintenance and repair.....	8,673,000	8,673,000	
Contract care.....	165,866,000	165,866,000	
Sanitation.....	20,930,000	20,684,000	- 246,000
Public health nursing.....	12,516,000	12,516,000	
Health education.....	3,636,000	3,636,000	
Community health representatives.....		20,000,000	+ 20,000,000
Immunization.....	2,721,000	2,721,000	
Urban health programs.....		9,800,000	+ 9,800,000
Indian health manpower.....	6,499,000	6,499,000	
Tribal management.....		2,000,000	+ 2,000,000
Program management.....	58,747,000	60,276,000	+ 1,531,000
Total, Indian Health Services.....	764,133,000	802,684,000	+ 38,551,000

Clinical services.—The Committee recommends an increase of \$4,000,000 over the budget estimate for emergency medical services. The request for indirect costs to support first-time contracts has been funded at \$2,500,000.

The Committee continues to strongly support the Community Health Aide Program [CHAP] in Alaska. Native health corporations such as the Yukon-Kuskokwim Health Cooperation have recently undertaken impressive initiatives to improve CHA training and expand the range of services provided by CHA's and the State of Alaska has provided supplemental funding in recognition of the program's central role in the overall health care delivery system in rural areas. In allocating funds, the Committee directs the Indian Health Service to recognize the vital importance of CHAP in Alaska.

The reductions in mental health and dental health will continue these activities at the fiscal year 1985 level.

Within the allowance for the alcoholism program, the Committee directs that the Warm Springs Demonstration Program be continued at the current level and that the contract with the University of Washington in support of fetal alcoholism syndrome research be increased to \$100,000.

Rather than increasing the allowance for alcoholism to establish a new program of substance abuse as provided by the House, the Committee recommends that the Indian Health Service review the entire program to determine if a competitive grant program for alcohol and/or substance abuse might be preferable to the current system. A number of alcoholism programs currently funded by IHS have received Federal support for almost 15 years, yet the Indian Health Service has just recently completed its first comprehensive evaluation of the program. Until the Committee has had an opportunity to review the evaluation, program expansion at this time cannot be supported.

Contract care.—The Committee recommends \$165,866,000 for contract care, the same as the budget estimate and an increase of \$1,910,000 over the fiscal year 1985 level.

Expenditures for contract care have increased almost 75 percent since fiscal year 1980. In the last 5 years Congress has also appropriated in excess of \$131,000,000 for construction of new and replacement hospitals and clinics. These new facilities have provided expanded direct IHS services to a number of Indian Health Service beneficiaries, thus reducing the requirement for contract care funds in those locations. Indian Health Service has, however, continued to distribute contract care funds based on historical levels rather than redistributing available resources when new facilities are opened. This has led to a distortion of the types of services provided through contract care from area to area.

The Committee directs the Indian Health Service to make adjustments in the allocation of contract care funds, now and in the future, to address these imbalances.

Preventive health.—The decrease recommended for sanitation provides a net increase of more than \$400,000 over the fiscal year 1985 level.

Community health representatives.—\$20,000,000 is provided to continue support for CHR's.

Urban health.—The Committee has provided \$9,800,000, the same as the fiscal year 1985 level.

Indian health manpower.—While the Committee recommends no increase, the Committee concurs with the House directive to reallocate \$800,000 from the section 102 preparatory program to the section 104 scholarship program. The Indians Into Medicine Program will receive \$281,000 for administrative support.

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

Program management.—An increase of \$1,531,000 is provided to offset a portion of the proposed reduction; to continue a training program in supervision, personnel, and financial management; and to support an understudy program to upgrade the qualifications of Indian preference employees for supervisory positions.

The Committee supports the efforts of the Indian Health Service in the areas of patient registration and computerization. These steps will provide for more reliable information upon which to base policy decisions and the equitable distribution of resources.

Administrative provisions.—The Committee has deleted bill language inserted by the House which would require IHS to satisfy a judgment against the Seattle Indian Health Board relating to the termination of a lease. The Seattle Indian Health Board terminated the lease due to a loss of funds from the Bureau of Community Health Services. Any relief, if justified, should be provided through the Labor-Health and Human Services Appropriations bill.

INDIAN HEALTH FACILITIES

1985 appropriation	\$61,634,000
1986 budget estimate	2,450,000
House allowance	61,483,000
Committee recommendation	35,888,000

The Committee recommends an appropriation of \$35,888,000, an increase of \$33,438,000 above the budget estimate and a decrease of \$25,595,000 below the House allowance. The following comparative table summarizes the Committee's recommendations:

	Budget estimate	Committee recommendation	Change
Hospitals: New and replacement		\$1,990,000	+ \$1,990,000
Outpatient care facilities		726,000	+ 726,000
Personnel quarters		5,660,000	+ 5,660,000
Sanitation facilities		28,000,000	+ 28,000,000
Modernization and repair	\$2,450,000	3,100,000	+ 650,000
By reprogramming		- 3,588,000	- 3,588,000
Total	2,450,000	35,888,000	+ 33,438,000

Hospitals and clinics.—The Committee has provided \$1,990,000 for planning and design of a replacement hospital at Kotzebue, AK. While the Committee does not wish to delay any of the ongoing projects, it does not appear that additional funds will be required for these projects in fiscal year 1986 based on the following:

Project	Total amount available	Expenditures as of August 1985	Estimated expenditures through September 30, 1986
Anchorage	\$2,000,000		\$2,000,000
Chinle Solar	678,000	\$580,000	678,000
Crownpoint	17,734,000	3,164,000	15,155,000
Kanakanak	15,978,000	927,575	8,147,500
Pine Ridge	1,360,000		1,360,000
Rosebud	2,254,000	169,504	1,000,000
Sacaton	6,099,000	285,249	5,400,000
Total	46,073,000	5,127,226	30,740,000

In excess of \$15,000,000 will remain unexpended at the end of fiscal year 1986 in the "Hospitals and clinics" account. Should some projects proceed faster than expected, the Indian Health Service should seek reprogramming authority to avert any close down of a construction project.

The Rosebud Hospital should be designed with a capacity of 35 beds, but without the surgical suite recommended by the House.

Outpatient care facilities.—The Committee has provided \$726,000 to complete the planning at Wagner, SD (\$100,000) and for design of the Toppenish, WA, facility (\$636,000).

Personnel quarters.—The Committee has provided \$5,660,000 for quarters renovation at Sacaton, AZ (\$160,000); construction of 13 units of quarters at Fort Thompson, SD (\$1,300,000); and construction of 26 units of quarters at Kanakanak, AK (\$4,200,000).

Sanitation.—The Committee recommends \$28,000,000 for the construction of sanitation facilities. Within the amount recommended, the Indian Health Service shall provide no less than \$10,500,000 for the construction of facilities in support of the Navajo and Hopi Indian Relocation Act.

Modernization and repair.—The Committee has increased the request by \$650,000 to provide full funding for the renovation project proposed for Fort Defiance, AZ.

Program offset.—The Committee has reduced total funding for Indian health facilities by \$3,588,000 which is available for reprogramming from completed construction projects.

DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
INDIAN EDUCATION

1985 appropriation	\$67,404,000
1986 budget estimate	67,356,000
House allowance	67,656,000
Committee recommendation	67,356,000

The Committee recommends an appropriation of \$67,356,000, the same as the budget estimate and a decrease of \$300,000 below the House allowance.

The following table illustrated the distribution of the funds:

Part A	\$50,323,000
Part B	11,760,000
Part C	2,940,000
Administration	2,333,000
Total	67,356,000

The Committee has included bill language to provide carryover authority for the fellowship stipends available under part B.

The Committee endorses administrative actions to remedy a number of the shortcomings of the part C program as identified in a recent evaluation. In addition, the Committee expects the Department to work with the States to ensure that adult Indians are provided appropriate services within funds available under the Adult Education Act.

NAVAJO AND HOPI RELOCATION COMMISSION
SALARIES AND EXPENSES

1985 appropriation	\$20,321,000
1986 budget estimate	20,241,000
House allowance	20,442,000
Committee recommendation	22,241,000

The Committee recommends an appropriation of \$22,241,000, an increase of \$2,000,000 above the budget estimate and an increase of \$1,799,000 above the House allowance. The increase of \$2,000,000 is for sanitation costs to be funded through the discretionary fund.

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 are a matter of public record and available for public law, except where otherwise provided by law.

SEC. 302. Continues the prohibition on the export of timber harvested on National Forest Service lands.

SEC. 303. Provides a restriction on noncompetitive bidding in the Shawnee National Forest, IL.

SEC. 304. 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. 305. Provides that appropriations made available in this bill will not remain available beyond the current fiscal year unless otherwise provided.

SEC. 306. Provides that appropriations made available in this bill cannot be used to provide a cook, chauffeur, or other personal servants.

SEC. 307. 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. 308. Provides for a restriction on the issuance of oil, gas, or geothermal leases in certain areas within the Mount Baker-Snoqualime National Forest, State of Washington.

SEC. 309. Provides a restriction on departmental assessments unless approved by the Committees on Appropriations.

SEC. 310. Provides that employment funded by this bill will not be subject to personnel ceilings or other such restrictions.

SEC. 311. Provides authority for the Secretary of the Interior, Secretary of Agriculture, and the Secretary of the Smithsonian Institution to enter into contracts for detection and suppression of fires.

SEC. 312. 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. 313. 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.

SEC. 314. Extends an exemption for certain utilities with respect to the Industrial Fuel Use Act of 1978.

SEC. 315. Extends the deadline established by section 8336(j)(3)(A) of title 5, United States Code.

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.

BUDGETARY IMPACT OF BILL

PREPARED BY THE CONGRESSIONAL BUDGET OFFICE PURSUANT TO SEC. 308(a),
PUBLIC LAW 93-344

[In millions of dollars]

	Budget authority		Outlays	
	Committee allocation	Amount in bill	Committee allocation	Amount in bill
Comparison of amounts in the bill with the Committee allocation to its subcommittees of amounts in the First Concurrent Resolution for 1986: Subcommittee on Interior and Related Agencies	NA	8,113	NA	19,338
Projections of outlays associated with budget authority recommended in the bill:				
1986.....				25,434
1987.....				2,105
1988.....				637
1989.....				368
1990 and future year.....				242
Financial assistance to State and local governments for 1986 in the bill.....		955		455

¹Includes outlays from prior-year budget authority.

²Excludes outlays from prior-year budget authority.

NA: Not applicable.

97-424 (16 U.S.C. 1606) is repealed and subsection (d) of section 303 of the Act of October 14, 1980, as amended by the Act of January 6, 1983, Public Law 97-424 (16 U.S.C. 1606), is amended to read as follows:

"(d) The Secretary of Agriculture is hereafter authorized to obligate such sums as are available in the trust fund (including any amounts not obligated in previous fiscal years) for—

(1) reforestation and timber stand improvement as specified in section (3)(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 (d)); and

(2) properly allocable administrative costs of the Federal Government for the activities specified above."

The Committee is recommending repeal of the 10th undesignated paragraph under the heading "Department of Energy—Alternative fuels production" in the fiscal year 1980 Interior appropriations bill.

[Beginning six months after the date of enactment of this Act, and every six months thereafter, the Secretary if required to submit to the Congress a written report detailing the activities carried out pursuant to this appropriation.]

The reporting requirement established by the last paragraph under the heading "Department of Energy Alternative Fuels Production" in an Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1980 (42 U.S.C. 5915 note; Public Law 96-126), is hereby rescinded.

The Committee recommends language in section 314 which extends a 1982 proviso that reduces the regulatory burden that small electric utilities in Alaska must shoulder when they apply for reliability-of-service exemptions under section 212(f) of the Powerplant and Industrial Fuel Use Act of 1978.

SEC. 317. In the case of any new electric power plant located in Alaska for which a petition is accepted after the date of enactment of this Act, [but before December 31, 1985,] pursuant to section 212(f) of the Powerplant and Industrial Fuel Use Act of 1978, to use natural gas (as that term is defined in such Act), as a primary energy source in such power plant, the petitioner shall be deemed to have made the demonstrations required by clauses (1) and (2) of such section and such exemption, subject to the other applicable provisions of such Act, shall be granted by the Secretary of Energy. Nothing in this section shall apply to any new electric power plant using natural gas produced from the Prudhoe Bay Unit of Alaska.

The Committee recommends language in section 315 extending the deadline for certain nonpreference employees of the Indian Health Service and Bureau of Indian Affairs.

Title 5, 8336(j).—(3)(A) The provision of paragraph (1) of this subsection shall not apply with respect to any separation of any employee which occurs after the date [5] 10 years after—