

99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-1005

**MAKING CONTINUING APPROPRIATIONS
FOR FISCAL YEAR 1987**

CONFERENCE REPORT

TO ACCOMPANY

H.J. RES. 738



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sive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND 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 XXI 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; \$841,809,000: 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, 1988; and \$10,000,000 shall remain available until expended, for the establishment of an Indian Catastrophic Health Emergency Fund (hereinafter referred to as the "Fund"). Hereafter, the Fund is to cover the Indian Health Service portion of the medical expenses of catastrophic illness falling within the responsibility of the Service and shall be administered by the Secretary of Health and Human Services, acting through the central office of the Indian Health Service. No part of the Fund or its administration shall be subject to contract or grant under the Indian Self-Determination and Education Assistance Act (Public Law 93-638). There shall be deposited into the Fund all amounts recovered under the authority of the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), which shall become available for obligation upon receipt and which shall remain available for obligation until expended. The Fund shall not be used to pay for health services provided to eligible Indians to the extent that alternate Federal, State, local, or private insurance resources for payment: (1) are available and accessible to the beneficiary; or (2) would be available and accessible if the beneficiary were to apply for them; or (3) would be available and accessible to other citizens similarly situated under Federal, State, or local law or regulation or private insurance program notwithstanding Indian Health Service eligibility or residency on or off a Federal Indian reservation. 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, 1988, for the purpose of achieving compliance with the applicable conditions and re-

quirements 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 Acts for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1988.

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, \$65,555,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service, 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, together with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53), 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 Indian Health Service to implement such a policy: Provided further, That the Secretary of Health and Human Services

may authorize special retention pay under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve officer for the period during which the officer is obligated under section 338B of the Public Health Service Act and assigned and providing direct health services or serving the officer's obligation as a specialist: 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 worker's compensation claims, the proceeds of which shall be credited to the funds established by sections 401 and 402 of the Indian Health Care Improvement Act: Provided further, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for new hospital facilities in Anchorage, Alaska, and in Kotzebue, Alaska, the Secretary of Health and Human Services may exchange any or all interests in any land administered by the Secretary in Alaska for any or all interests in any land of the State of Alaska, any political subdivision of the State, or any corporation, including the University of Alaska and may receive money if necessary to equalize the exchange: Provided further, That any such receipts shall be credited to the Indian Health facilities appropriation and be used to offset the cost of construction of these two facilities.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act, \$64,036,000 of which \$47,200,000 shall be for part A and \$14,568,000 shall be for parts B and C: Provided, That the amounts available pursuant to section 423 of the Act shall remain available for obligation until September 30, 1988: Provided further, That funds appropriated for fiscal year 1987 under this or any other Act to carry out part A of title IV of Public Law 92-318 (Indian Education Act) shall be distributed under the same proof of eligibility requirements as applied in fiscal year 1986.

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, \$22,335,000, to remain available until expended, for operating expenses of the Commission: Provided, That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Commission shall relocate any

CONSTRUCTION

For an additional amount for "Construction", \$12,500,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For an additional amount for "Indian health services", \$16,200,000: Provided, That funds made available to tribes and tribal organizations through grants or contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1988.

INDIAN HEALTH FACILITIES

For an additional amount for "Indian health facilities", \$5,500,000, to remain available until expended.

CHAPTER IV

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

For an additional amount for the development of information on drug abuse in the workplace, \$3,000,000 to remain available until September 30, 1988.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For an additional amount for substance abuse prevention and treatment activities as authorized by titles III, V and XIX of the Public Health Service Act, \$262,000,000 to remain available until September 30, 1988.

DEPARTMENT OF EDUCATION

SPECIAL PROGRAMS

For an additional amount for carrying out drug abuse education and prevention activities, \$200,000,000 to remain available until September 30, 1988, of which \$5,500,000 shall be used for the development of audio-visual materials for distribution to local educational authorities.

SPR PETROLEUM ACCOUNT

Appropriates no funds for purchase of petroleum for the Strategic Petroleum Reserve instead of \$220,000,000 as proposed by the House. Approximately \$550,000,000 available from unobligated balances for oil purchases would allow for filling the Reserve in fiscal year 1987 at up to 90,000 barrels a day at prices of \$16.45 a barrel, including transportation.

The managers have agreed to delete bill language on minimum rates of fill for the Reserve because minimum rates are included in budget reconciliation legislation.

ENERGY INFORMATION ADMINISTRATION

Appropriates \$60,301,000 for the Energy Information Administration instead of \$60,361,000 as proposed by the House and \$59,651,000 as proposed by the Senate. The reduction of \$60,000 below the House amount is for the Foreign Energy Supply Assessment.

The managers agree that annual reports of the financial performance of major energy producing companies should be based on available publicly reported information, instead of information independently gathered for that purpose, such as on form EIA-28.

The managers agree to delete House language mandating a manufacturing energy survey because it is included in budget reconciliation legislation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

Appropriates \$841,809,000 for Indian health services instead of \$836,336,000 as proposed by the House and \$833,106,000 as proposed by the Senate. The net increase over the amount proposed by the Senate consists of decreases of \$305,000 for direct operations and \$147,000 for two urban health demonstration projects; and increases of \$407,000 for mandatory costs in hospitals and health clinics, \$1,000,000 to expand the model diabetes program, \$2,500,000 for tribal contracting costs, \$93,000 for dental health, \$55,000 for mental health, \$1,300,000 for alcoholism prevention programs, \$2,000,000 for community health representatives, \$200,000 for urban health programs, and \$1,600,000 for health manpower.

Bill language is included to establish a catastrophic health care fund as proposed by the Senate.

In addition to the alcoholism prevention and fatal alcohol syndrome (FAS) programs proposed by the House, the Indian Health Service should use base resources in the alcoholism program to implement the recommendations contained in the recent review of the alcohol and substance abuse programs. In the FAS program, \$100,000 is provided for the University of Washington research program.

Of the amount provided for direct operations, \$600,000 is to provide salary costs for personnel transferred to the Indian Health Service and \$500,000 is for the management fellowship program.

Prior to implementation of any changes in eligibility, the managers direct that a summary of the major issues raised during the comment period and how IHS has responded to them be provided to the Committees on Appropriations for review.

The Indian Health Service should continue to advise the Committee of any shortfalls in tribal contracting and what steps are being taken to meet these costs.

The new policy covering contract care payments should be implemented on an area-by-area basis and IHS should continue working with the tribes to ensure that needed health services are provided. A report on the costs of the new system, as well as cost savings realized by the program should be presented to the Committees on Appropriations once sufficient data is compiled.

The managers agree that the staffing levels provided for the Kakanak, AK hospital shall be sufficient to ensure a deficiency rate no greater than 11 percent.

The health manpower program includes \$240,000 for the MPH program and \$323,000 for INMED.

INDIAN HEALTH FACILITIES

Appropriates \$65,555,000 instead of \$54,921,000 as proposed by the House and \$60,920,000 as proposed by the Senate. The net increase over the amount recommended by the Senate includes increases of \$807,000 for planning and design of the Harlem, MT health center; \$428,000 for planning and design of the Fort Hall, ID health clinic, and \$5,000,000 for sanitation facilities; and decreases of \$100,000 to new and replacement hospitals, and \$1,500,000 for the ventilation project at the Mount Edgecumbe, AK hospital. The managers direct that the Mount Edgecumbe project is to be accomplished with \$1,500,000 of available unobligated balances in this account.

With regard to the Parker, AZ outpatient health clinic, the IHS is directed to perform an engineering analysis, within available funds, to determine the condition of the existing Parker health center, including structural, mechanical and electrical systems, and report to the Committees prior to the fiscal year 1988 hearings.

Within funds appropriated for the Rosebud hospital, the IHS is directed to enclose totally the third floor of the facility.

The managers agree that the IHS should provide a new temporary facility of 2,600 square feet at Sisseton, SD, within available funds.

ADMINISTRATIVE PROVISIONS

Bill language allowing for exchange of land in Anchorage and Kotzebue, AK, as proposed by the Senate, has been included.

Although bill language regarding changes in allocation methodology, as proposed by the House, has not been included, the managers agree that any allocation using the new Area Resource Allocation Methodology (ARAM) shall follow the general outline of the report, dated August 11, 1986, as submitted to the House and Senate Appropriations Committees. In no case should the allocation affect more than three percent of the base resources of the IHS for fiscal year 1987, unless the IHS submits a report to the

Committees sixty days in advance on the proposed changes in excess of three percent, including the reason for the proposed changes and the likely effects. The report should also include a statement certifying that the IHS has held consultations regarding the proposed allocation of base resources with all Indian tribes or tribal organizations affected by the proposed allocation. The managers recognize the importance of continued tribal participation in development of the new ARAM methodology, both on policy matters and on technical issues, and direct IHS to continue to provide tribes with the most current information on ARAM, consult with tribes, and consider their views carefully. As major developments in ARAM occur, IHS should continue its practice of holding national and area workshops that will both inform tribes and provide a vehicle for consultation.

The managers agree that the provisions set forth in Public Law 96-126 restricting authority for initial leasing of permanent structures by the Indian Health Service shall not apply whenever such arrangements are completed in accordance with established General Services Administration procedures (for space to be occupied by Federal employees).

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Appropriates \$64,036,000 instead of \$67,236,000 as proposed by the House and \$62,000,000 as proposed by the Senate. The change over the amount proposed by the Senate includes increases of \$368,000 for Part A for Indian controlled schools; \$261,000 for Part B fellowships; \$1,845,000 for Part B projects for Indian children; and \$62,000 for Part B educational personnel development. The offsetting decrease is \$500,000 from Part B planning, pilot and demonstration.

Bill language has been included which prohibits the Department of Education from implementing eligibility requirements for the Part A Indian Education program in fiscal year 1987. This language ensures that school districts have adequate time to review any new eligibility requirements before they are forced to include them in their grant requests to the Department of Education.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

Appropriates \$22,335,000 as proposed by the Senate instead of \$22,289,000 as proposed by the House.

The managers agree that district six evictees are eligible to relocate to the new lands.

Language is also included which requires the Commission to review the eligibility of all households certified as eligible and decertify those who have been certified contrary to law or regulation.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

The conferees agree to provide an additional \$53,000,000 for International Narcotics Control, as proposed by the Senate. The House has proposed an additional \$35,000,000.

CHAPTER III—DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriates \$1,000,000 to supplement ongoing efforts to eradicate drug cultivation, sale, distribution, and use within the Park system. The funds will support surveillance, undercover operations, and increased patrols.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Appropriates an additional \$10,000,000 for substance abuse and alcoholism prevention activities. The managers are in agreement on the following allocation of funds:

Education:	
Curriculum development and materials.....	\$3,000,000
Additional school counselors.....	2,400,000
Tribal government services: Judicial training.....	1,000,000
Law enforcement:	
Training.....	3,000,000
Model Juvenile Code.....	100,000
Grant to Papago tribe.....	500,000
Total.....	10,000,000

CONSTRUCTION

Appropriates an additional \$12,500,000 for construction. Included is \$5,000,000 for planning and design, construction and renovation of emergency shelters of halfway houses to provide emergency care for Indian youth. There is also \$7,500,000 for construction or renovation of juvenile detention centers, consistent with the Juvenile Justice and Delinquency Prevention Act of 1974.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

Funding of \$3,000,000 is provided for staffing of regional youth detoxification facilities; \$9,000,000 for rehabilitation and follow-up services to Indian youth; \$4,000,000 for community education and training; and \$200,000 for an alcoholism program for adult Navajo Indians in Gallup, NM.

INDIAN HEALTH FACILITIES

For Indian health facilities, \$5,500,000 is provided for the construction of detoxification facilities for Indian youth.

CHAPTER IV—DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes \$3,000,000 for the collection of information and the conduct of research on drugs in the workplace. This shall include information on the incidence of drug abuse and efforts to assist workers, including counseling, rehabilitation and employee assistance programs. The Secretary shall conduct such additional research as is necessary to assess the impact and extent of drug abuse and remediation efforts. The findings of such collection and research are to be submitted to the appropriate committees of Congress no later than September 30, 1988.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

The conference agreement includes \$262,000,000 for substance abuse prevention and treatment programs administered by the Alcohol, Drug Abuse and Mental Health Administration. The House resolution included \$281,000,000 for activities administered by this agency and the Senate resolution contained \$269,000,000. The conference agreement includes the following amounts:

Grants to States and local governments	\$200,000,000
Federal project grants and demonstrations	28,000,000
Drug abuse research	27,000,000
Alcohol research	3,000,000
Information clearinghouse and evaluation studies	3,000,000
Insurance coverage study	1,000,000

The \$200,000,000 agreed to for grants to States and local governments will support the development of new or expanded efforts to prevent substance abuse as well as an increased capacity to treat substance abusers. While the agreement appropriates these funds under various existing authorities of the Public Health Service Act, the conferees are aware that authorizing legislation is currently pending before the Congress which would significantly alter these titles. Should these changes become law, the conferees direct that funds be allocated among the States based on the new provisions. In the absence of such statutory authority, however, the conferees direct that the Administrator distribute funds to States and local authorities on a formula basis taking into account the size of the at-risk population, the current need for treatment capacity and relative per capita income.

The conferees have agreed to an additional \$27,000,000 for drug abuse research and \$3,000,000 for alcohol research. These amounts are in addition to the \$80,000,000 for drug research and \$66,075,000 for alcohol research included in the regular fiscal year 1987 appro-