

DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS BILL, 1993

JUNE 29, 1992.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

REPORT

[To accompany H.R. 5503]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1993. The bill provides regular annual appropriations for the Department of the Interior (except the Bureau of Reclamation) and for other related agencies, including the Forest Service, the Department of Energy, the Indian Health Service, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities.

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include \$15,000,000 for the Federal emergency program, \$750,000 for high priority projects in non-primacy States and on tribal and Federal lands, and \$12,000,000 for the rural abandoned mine program.

General administration.—The Committee recommends a decrease of \$360,000 in general administration for the Federal Financial System. Funding for FFS also is decreased in the regulation and technology account.

Bill language.—The Committee has included bill language which limits the amounts that may be obligated on emergency reclamation projects, including the amount that may be spent in any one State. Specifically, \$22,000,000 is provided for State and Federal programs, of which no State may receive more than 25 percent and no more than \$15,000,000 may be used for Federal emergency programs. The OSM may reprogram funds from the Federal emergency program account to the State AML grants account as needed for State-administered emergency programs as long as the 25 percent limit per State is not exceeded. The Committee also recommends continuing language, carried in previous years, which specifies that the OSM is to maintain 23 FTEs for the anthracite reclamation program at the Wilkes-Barre, Pennsylvania field office.

The Committee recommends discontinuing two legislative provisions carried in previous years. First, a limitation on the administrative costs of the rural abandoned mine program is not included, but the Committee expects these costs to be held to the minimum level possible. Second, language providing for denial of 50 percent of a State's AML grant when the State is failing to administer properly its regulatory program is not included.

ADMINISTRATIVE PROVISION

The Committee recommends bill language specifying that none of the funds in this Act may be used to create or maintain more than one Deputy Director position in the OSM.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Appropriation enacted, 1992.....	\$1,274,322,000
Budget estimate, 1993.....	1,256,483,000
Recommended, 1993.....	1,354,151,000
Comparison:	
Appropriation, 1992.....	+79,831,000
Budget estimate, 1993.....	+97,668,000

The amounts recommended by the Committee for fiscal year 1993 compared with the budget estimates by activity are as follows:

	(in thousands of dollars)			
	FY 1992 Enacted	Budget Estimates	Committee Bill	Change from Estimates
Tribal Priority Allocations				
Tribal government.....	54,975	65,790	65,790	---
Human services.....	69,501	71,148	72,605	+1,457
Education.....	35,168	33,801	33,801	---
Public safety and justice.....	87,139	87,065	86,565	-500
Community development.....	4,251	4,195	4,195	---
Resources management.....	85,253	85,068	85,068	---
Other trust services.....	4,037	3,864	3,864	---
General administration.....	26,610	26,762	26,762	---
Special distributions.....	---	---	20,000	+20,000
Subtotal, Tribal Priority Allocations.....	366,934	377,693	398,650	+20,957
Other Recurring Programs				
Tribal government.....	3,350	3,157	6,664	+3,507
Human services.....	101,471	100,024	107,024	+7,000
Education				
School operations.....	294,134	306,882	315,482	+8,600
Continuing education.....	23,394	23,394	24,944	+1,550
Johnson O'Malley.....	23,590	22,177	23,177	+1,000
Subtotal, Education.....	341,118	352,453	363,603	+11,150
Community development.....	65,579	60,004	66,314	+6,310
Resources management.....	38,906	28,967	38,942	+9,975
Other trust services.....	4,267	4,547	4,547	---
Subtotal, Other Recurring Programs.....	554,691	549,152	587,094	+37,942
Non-Recurring Programs				
Tribal government.....	65,668	65,531	75,581	+10,050
Education.....	19,748	21,448	23,748	+2,300
Public safety and justice.....	1,993	1,983	1,983	---
Community development.....	11,849	4,257	11,257	+7,000
Resources management.....	33,192	22,810	33,730	+10,920
Other trust services.....	17,506	7,480	17,126	+9,646
Subtotal, Non-Recurring Programs.....	149,946	123,509	163,425	+39,916
Central Office Operations				
Tribal government.....	3,723	3,720	3,720	---
Human services.....	1,362	1,358	1,358	---
Public safety and justice.....	2,883	3,071	3,071	---
Community development.....	666	1,952	1,452	-500
Resources management.....	5,772	5,243	5,243	---
Other trust services.....	935	934	934	---
General administration.....	37,731	39,518	37,518	-2,000
Subtotal, Central Office Operations.....	53,072	55,796	53,296	-2,500
Area Office Operations				
Tribal government.....	2,072	1,931	1,931	---
Human services.....	1,252	1,626	1,576	-50
Public safety and justice.....	1,008	814	814	---
Community development.....	372	1,132	1,132	---
Resources management.....	6,880	6,623	6,623	---
Other trust services.....	4,254	4,092	4,092	---
General administration.....	28,614	30,699	30,449	-250
Subtotal, Area Office Operations.....	44,452	46,917	46,617	-300
Special Programs and Pooled Overhead				
Human services.....	5,431	5,004	5,464	+460
Education.....	20,825	17,555	21,155	+3,600
Public safety and justice.....	5,764	7,087	7,087	---
Community development.....	4,647	4,499	4,619	+120
Resources management.....	8,179	8,034	8,234	+200
Other trust services.....	8,183	12,639	10,139	-2,500
General administration.....	52,208	48,598	48,371	-227
Total, Operation of Indian Programs.....	1,274,322	1,256,483	1,354,151	+97,668

Reorganization.—The Committee has agreed to the proposal of the Joint Reorganization Task Force and has restructured this account of the Bureau accordingly, as reflected in the above table. This new structure will make clearer the amounts that are to be included in the new tribal budget system which is currently being developed, and those amounts which are provided for Bureau operations.

While the Indian School Equalization Program (ISEP), welfare assistance grants, Johnson O'Malley educational assistance program, road maintenance and housing improvement programs have been included under the tribal budget system portion of the budget, these programs are all included in the category entitled "Other recurring programs". The programs in this category will be allocated and/or distributed in fiscal year 1993 in exactly the same manner in which they were distributed or allocated in 1992, while the Reorganization Task Force continues to study them for possible future inclusion in the tribal priority allocations category. In the meantime, these programs will also remain subject to existing reprogramming requirements, as will all programs in the operations account, with the exception of those programs in tribal priority allocations. There will be no reprogramming restrictions on the programs included within tribal priority allocations, starting in fiscal year 1993. However, the Committee requests that all reprogrammings made in this category, for the first six months of the fiscal year, be reported to the Committee no later than May 1, 1993; and that a final report of all reprogrammings in this category be reported to the Committee by no later than November 1, 1993.

Tribal priority allocations.—The Committee recommends an increase of \$20,957,000 for tribal priority allocations. Included is an increase of \$1,457,000 under human services for the Indian Child Welfare Act program, to provide a more adequate base for nationwide distribution. If necessary, the Bureau should reallocate an appropriate portion of this funding to the non-tribal (urban) part of the program, included under Special programs, prior to distribution of the funds among tribes. There is also an increase of \$20,000,000 under special distributions for individual tribal budgets, to be allocated to all tribal budgets according to their share of the base budget. These funds may be used for the highest priority needs within the tribal priority allocations category, as determined by the tribes. A decrease of \$500,000 is included under public safety and justice, because not all of the juvenile detention centers estimated by the Bureau will be in operation in fiscal year 1993. However, within the funds provided, the Committee expects adequate funds to be made available for the Bureau's operation of the Colville Tribe's detention services program.

Other recurring programs.—An increase of \$3,507,000 is recommended for tribal government, which will provide new tribes funding for the following tribes: Aroostook Band of MicMacs, \$280,000; Ponca Tribe, \$366,000; Ponca economic development plan, \$100,000; Coquille Tribe, \$247,000; Yurok Interim Council, \$250,000; Yurok Tribe, \$1,100,000; and Oneida Tribe of New York, \$1,164,000. The Committee intends for the tribal amounts to be maintained as the bases for these tribes, unless new information makes adjustments necessary in the future.

The Committee recommends an increase of \$7,000,000 under human services for welfare assistance grants. This will provide the amounts estimated to be needed for the new program in Michigan, including administrative costs, plus additional funds for other new programs likely to be implemented in fiscal year 1993. Although a specific amount is not earmarked or identified for EARN programs, bill language has been included giving the tribes flexibility to im-

plement such programs with their welfare assistance funds, and the Committee hopes many tribes will use this flexibility to initiate or continue EARN-type programs, which have had good results to date in moving individuals from the welfare assistance program to paid employment.

Under education, the Committee recommends an increase of \$11,150,000. Included is an increase of \$8,400,000 for ISEP formula funds, which is the amount needed to provide the 1991 level of funding per weighted student unit (approximately \$2,830). This increase is necessary because the Bureau understated the estimate of weighted student units to be funded in fiscal year 1993, and later provided a corrected, higher figure. Without the funding increase, the amount provided per WSU would decline below the 1991 level. The Committee is aware of the recommendation of the blue-ribbon panel which examined the ISEP formula, to increase the formula amount to \$3,499. Unfortunately, the Committee was not able to provide the increase that would have been needed to meet this recommendation this fiscal year, but expects the Bureau to include funding to achieve this recommendation in future budget requests.

Under education, there are also increases of \$1,000,000 for facilities operations and maintenance (schools), \$1,100,000 for Title I tribally controlled colleges, \$450,000 for Navajo Community College, and \$1,000,000 for the Johnson-O'Malley program. All of these increases are needed because of increased enrollments. There is a decrease of \$800,000 to the budget request for the PATS/PACE early childhood program, which will leave an increase of \$2,585,000 for expanding this program to additional sites. This amount should be adequate to expand to 12 sites as proposed, based on the Bureau's estimate of a little over \$200,000 average cost per site.

For community development, the Committee recommends an increase of \$6,310,000. Included is an increase of \$500,000 for facilities O&M (non-education), \$810,000 for road maintenance and \$5,000,000 for housing improvement, which will restore both of these programs to the 1992 level.

The Committee recommends an increase of \$9,975,000 for resources management, which includes a decrease of \$1,000,000 to irrigation O&M. These funds were provided in fiscal year 1992 for studies of possible reclassification of projects. The Bureau should complete the studies, and determine what reclassifications might take place and what the cost implications are, and provide an estimate of such costs to the Committee. An increase of \$6,777,000 is provided to restore rights protection implementation to the 1992 level, including the following: \$1,500,000 for the timber-fish-wildlife program; \$100,000 for the Northwest Indian Fish Commission; \$200,000 for the Quileute Tribe; \$50,000 for the Suquamish Tribe; \$862,000 for the Columbia River Intertribal Fish Commission, including additional funds for activities related to threatened and endangered salmon species; \$1,473,000 for the Great Lakes Indian Fish and Wildlife Commission, including \$300,000 to increase biological services and conservation enforcement in Minnesota, Wisconsin, and Michigan; \$500,000 for the 1854 Authority, including the Fond du Lac Tribe; \$415,000 for the Chippewa/Ottawa Treaty Fishery Management Authority, including additional funds for conservation enforcement, and restoration of environmental science

funds; \$213,000 for the Klamath conservation program; \$464,000 for the U.S./Canada Pacific Salmon Commission; \$200,000 for Lake Roosevelt management; \$300,000 for the Upper Columbia United Tribes; and \$500,000 for Circle of Flight wetlands projects.

For fish hatchery operations, the Committee recommends an increase of \$438,000, which will restore the program to the 1992 level, except for the one-time add-on for the Pyramid Lake hatchery. Included are restorations of \$100,000 each for the Nisqually and Makah Tribes. An increase of \$200,000 is recommended for fish hatchery maintenance, which will also maintain the 1992 level of funding. Finally, there is an increase of \$3,560,000 for tribal management/development for the following projects:

<i>Project</i>	<i>Amount</i>
Bison project	\$500,000
Native American Fish and Wildlife Society	200,000
Navajo natural heritage program	260,000
Columbia River tribes planning	200,000
Umatilla fisheries	200,000
Yakima fish and wildlife	200,000
Metlakatla halibut fishery	34,000
Duck Valley fishery	100,000
Lac du Flambeau fish and wildlife	175,000
Fort Peck tribes	80,000
Bad River fish and wildlife	75,000
Menominee fish and wildlife	150,000
Passamaquoddy conservation	100,000
St. Croix Chippewa fish and wildlife	50,000
White Earth natural resources	55,000
Keweenaw Bay fisheries	50,000
White Mountain Apache wetlands and fisheries	50,000
Chugach Regional Resources Commission	350,000
Wisconsin tribes fishery resource planning	175,000
Skokomish delta recovery planning	250,000
Alaska sea otter	70,000
Hualapai wildlife	200,000
Restore reduction to other tribal programs	36,000
Total	3,560,000

The Committee wishes to clarify its position on add-ons to the rights protection implementation, fish hatchery operations, and tribal management and development programs within the resources management subactivity. Unless the Committee indicates otherwise, these add-ons are to be added to the base of the tribe or tribal organization, and to be included in future budget requests, beginning in fiscal year 1994. This is the same instruction as applies to the tribal priority allocations category (formerly tribe/agency programs) of the budget.

The Committee is informed that the Bureau neglected to include \$25,395 in fiscal year 1993 pay costs for the Great Lakes Indian Fish and Wildlife Commission in its proposed budget. The Bureau is required by the Indian Self-Determination Act to provide pay costs to tribal contractors on the same basis as it does to its own employees. The Committee directs the Bureau to provide pay costs to the Commission, and any other tribal contractors that were omitted, in accordance with the Indian Self-Determination Act.

The Committee understands that the Bureau of Indian Affairs has refused to provide funds for the Seneca Nation of Indians in natural resources and other areas, claiming that the restricted fee

status of Nation lands makes the Nation ineligible for such funding. It is the Committee's understanding that no valid legal basis has been put forth for this position. Therefore, the Committee directs the Bureau to provide a report discussing the legal basis for its position by no later than February 1, or to provide funds for the Seneca Nation on the same basis as it does for tribes whose lands are held in trust.

Non-Recurring programs.—An increase of \$10,050,000 is included under tribal government. Of this amount, \$10,000,000 is for contract support, to meet the shortfall identified in fiscal year 1992 by the Bureau. The Committee is concerned that the Bureau has not yet reported this shortfall to the Congress, as required under the amendments to Public Law 93-638, and has yet to submit its plan to make up this shortfall in the current year. If the increased funds are not provided, the shortfall will continue into 1993, contrary to the requirements of the law.

An increase of \$50,000 is included for self-governance grants, for the additional costs of the assessment, based on the increase in the size of the program and the number of tribes participating. Four of the first tier self-governance tribes have requested stable base budgets for fiscal year 1993, which would include their negotiated budget base and current supplemental funds. The Bureau has also committed in hearings before the Committee to redirecting Bureau funds to make up tribal shortfalls, as opposed to expanding the funds included for shortfalls in the budget. The Committee agrees that this redirection must begin in fiscal year 1993, and also directs the Bureau to provide stable base budgets for the Quinault, Lummi, Hoopa Valley and Jamestown S'Klallam tribes in fiscal year 1993, to include the negotiated 1993 base budgets and the fiscal year 1992 levels of supplemental funds received by these tribes, plus any funds included for increased pay costs or inflation. These base budgets are to be funded from the funds provided to the Bureau, and the designated 1993 supplemental funds should be distributed to the remaining tribes as outlined in the budget justification. The Committee notes that funds are included in the budget to continue the Lummi education and communication project, and the independent assessment, with the additional \$50,000 discussed above.

Under education, there is a net increase of \$2,300,000, including an increase of \$4,000,000 to make up the identified shortfall in administrative cost grants for schools in 1992, which will continue into 1993 unless these funds are provided. There is a decrease of \$1,700,000 for innovative school grants. The Committee regrets not being able to fund these grants at this time, but believes making up shortfalls in funding for all of the schools must take priority over these additional funds which would benefit only a few schools.

An increase of \$7,000,000 is recommended under community development. This will provide \$5,000,000 to partially restore business development grants, and an additional \$2,000,000 for the community and economic development grant program, which is entering its second year. The Committee is aware of the infrastructure funding sought by the Confederated Tribes of the Umatilla Indian Reservation for economic development. The Committee has provided an overall increase for economic development projects and encourages

the Confederated Tribes to proceed through the established procedures to obtain funding for this worthy project.

The Committee recognizes that the Makah Tribe faces a critical problem with regard to completing its breakwater and marina project, which is crucial for the tribe's commercial fishing operations. The Committee has restored full funding for economic development and expects the Bureau to give serious consideration to an application from the Makah Tribe for this project.

For resources management, an increase of \$10,920,000 is recommended. Included is \$1,000,000 for Gila River Farms, \$2,500,000 to restore the forest development program funding and provide a small increase, \$500,000 to restore the funding for the woodland management program, \$3,800,000 to restore water management, \$320,000 to restore unresolved hunting and fishing rights, \$200,000 to continue cadastral surveys on the Yurok reservation, \$2,000,000 to partially restore minerals assessments, and \$600,000 to partially restore the minerals special projects program, including \$200,000 for the Council of Energy Resource Tribes. Included within the forest development funds is \$300,000 to complete the forest assessment begun in fiscal year 1992. Included within the funds for water management are funds to continue the Minnesota Chippewa water research laboratory and the Miccosukee and Seminole water management and the Colville water quality programs. Also included is \$550,000 for freshwater resource planning in the State of Washington, with \$350,000 earmarked for the Muckleshoot Tribe. As in the past, none of these funds are to be used for litigation.

The Committee supports the shift in the prairie dog control program, including the efforts by the Cheyenne River Sioux, Rosebud Sioux, and Northern Cheyenne tribes, from poisoning to other methods of control, in consultation with the Fish and Wildlife Service.

The Committee recommends an increase of \$9,646,000 for other trust services, to restore the following programs to the 1992 level: litigation support (+\$1,020,000); water rights negotiation and litigation (+\$8,000,000); and attorneys' fees (+\$626,000). Within the funds for water rights negotiation is \$350,000 to continue implementation of the Pyramid Lake settlement, and \$470,000 for continued participation by the Lower Elwha S' Klallam tribe in FERC proceedings related to removal of dams.

Central Office operations.—The Committee recommends a decrease of \$2,500,000 for BIA Central Office operations. Included is a decrease of \$500,000 to community development, which will provide technical assistance at the 1992 level. Under general administration, there is a decrease of \$2,000,000, including the following decreases: \$500,000 to emergency management improvements; \$500,000 to accounting management, since the audit and reconciliation will be completed in 1992; \$250,000 for the lapse rate for new positions for executive direction (records management); \$100,000 for financial management, for lapse rate and support costs; \$200,000 for education program management; \$250,000, to absorb one-half of the costs of the Reorganization Task Force; and a general reduction of \$500,000. In addition, there is an increase of \$300,000 to continue the Close Up program in fiscal year 1993.

Area Office operations.—A decrease of \$300,000 is recommended for Area Office operations. Included is a decrease of \$50,000 under human services, to reduce the increase provided for Juneau Area Office social services. Additional funds for administering the Alaska welfare assistance program are included under tribal priority allocations. There is also a decrease of \$250,000 under general administration, for the lapse rate for new positions in the safety program.

Special programs and pooled overhead.—An increase of \$1,653,000 is recommended for special programs. Included is an increase of \$460,000 under human services, to restore the United Tribes Technical College to the 1992 level. Under education, there is an increase of \$3,600,000, consisting of \$700,000 to restore the special higher education program to the 1992 level, and \$2,900,000 to restore Haskell Indian Junior College and the Southwestern Indian Polytechnic Institute to the 1992 level (+\$1,596,000), restore the decrease which was based on a potential tuition charge, (+\$1,139,000), and add \$165,000 for teacher training programs at Haskell. The Committee does not agree with the proposed tuition charge at either school, and directs that no such charge be implemented without presenting the proposal, including all related costs as well as estimated revenues, in a budget proposal to the Congress. The increase for the special higher education program includes \$160,000 for the Pre-Law Summer Institute for American Indians administered by the American Indian Law Center at the University of New Mexico. The balance will provide for additional graduate level scholarships in all fields, including those identified as the priority fields. There is an increase of \$120,000 under community development, which will restore housing training to the 1992 level. Under resources management, there is an increase of \$200,000 to restore the Intertribal Agricultural Council to the 1992 level.

The Committee is aware of the needs of the Spokane Tribe with regard to the Midnite Mine reclamation project, and expects the Bureau to work with the tribe to ensure adequate resources are available for review and oversight of the process. The Committee urges the Bureau to take action to assist the Makah Tribe within available funds to carry out engineering studies necessary to facilitate the closure of the tribe's landfill.

Under financial trust services, the Committee has recommended a decrease of \$2,500,000 to trust management, leaving an increase of \$2,500,000 over 1992. While the Committee has no objection to the proposed reorganization of the trust management office, the Bureau has not yet developed specific plans for how that proposed increase would have been used. Therefore, the Committee requests that a specific plan for using the funds provided for fiscal year 1993 be submitted to the Committee by no later than September 1, 1992.

A decrease of \$227,000 is recommended under general administration, which includes \$87,000 for the consolidated training program and \$140,000 for construction program management.

The Committee understands that tribal governments in southern California are in a unique situation due primarily to their small size and lack of resources. Most of the tribal governments still lack the infrastructure necessary to develop resources and to define and

address the needs of tribal membership, and cannot individually afford the investment necessary for technical, data base activities needed to fairly compete with other tribes.

Several tribal leaders from this area have united to propose the Southern California Tribal Data Base Project, which would allow the tribes to modernize and compete by giving them the ability to gather, use, and disseminate basic tribal data. The Committee is not able to fund this program in fiscal year 1993. However, the Committee directs the Bureau to consult with these tribes and with the Southern California Tribal Chairmen's Association and provide whatever assistance is possible to this effort.

Bill language.—The Committee has continued language included in fiscal year 1992 which extends the Statute of Limitations with relation to Indian trust fund management, to protect the rights of tribes and individuals until the reconciliation and audit of their accounts has been completed. Language has also been continued which provides for the continued operation of the Joint Reorganization Task Force, to review restructuring of the Bureau, further changes to the budget process, and other reorganization issues, and to include full consultation with tribes prior to submission of recommendations to the Congress. The Committee has not agreed to proposed language which would have changed the method in which Johnson-O'Malley educational assistance funds are distributed, as discussed earlier.

CONSTRUCTION

Appropriation enacted, 1992.....	\$149,658,000
Budget estimate, 1993.....	81,591,000
Recommended, 1993.....	152,446,000
Comparison:	
Appropriation, 1992.....	+2,788,000
Budget estimate, 1993.....	+70,855,000

The Committee recommends an appropriation of \$152,446,000, an increase of \$70,855,000 above the budget estimate, for construction. The recommended amounts, compared to the budget estimates, are shown in the following table:

	FY 1992 Enacted	(in thousands of dollars) Budget Estimates	Committee Bill	Change from Estimates
Tribal government.....	669	1,645	1,645	---
Education.....	84,296	64,059	85,559	+21,500
Public safety and justice.....	7,207	2,383	7,283	+4,900
Community development.....	13,138	---	---	---
Resources management.....	42,865	4,785	44,740	+39,955
General administration.....	8,483	8,719	13,219	+4,500
Contract support.....	-7,000	---	---	---
Total, Construction.....	149,658	81,591	152,446	+70,855

Reorganization.—As in the Operations account, the Committee has agreed with the proposal of the Reorganization Task Force for restructuring the Construction account, as reflected in the above table.

The Committee expects to continue to receive quarterly reports from the Office of Construction Management on the status of the construction program in fiscal year 1993.

Education.—The Committee recommends an increase of \$21,500,000 for education. Included is an increase of \$16,000,000 to restore the new schools construction program to the 1992 level. This should allow at least two additional schools to proceed to construction in fiscal year 1993. There are also increases of \$3,000,000 for Phase II of the new dormitory at Haskell Indian Junior College, and \$2,500,000 to initiate construction on employee housing at Ramah Navajo.

The Committee recognizes that the Puyallup Tribe is facing an emergency in finding adequate interim facilities to carry out tribal school activities. The Committee asks that the Bureau provide support to the Puyallup Tribe in addressing this interim emergency through existing funds, including the removal of nursing quarters for the purpose of placing modular units for use as educational facilities.

Public safety and justice.—An increase of \$4,900,000 is recommended for public safety and justice, which includes \$900,000 to complete two emergency shelters (Port Lions and Yankton Sioux), and \$4,000,000 for construction of the Chinle juvenile detention center.

Resources management.—The Committee recommends an increase of \$39,955,000 for resources management. Included within this amount is \$26,955,000 for irrigation construction, which includes the following projects:

<i>Project</i>	<i>Amount</i>
Navajo Indian irrigation project.....	\$14,100,000
NIIP alternatives study.....	—250,000
Crow Creek Sioux, Ph. III.....	1,200,000
San Carlos irrigation project.....	900,000
Gila River Farms.....	1,225,000
Miner Flat Dam (White Mountain Apache).....	2,500,000
Seminole.....	1,000,000
Fort Belknap.....	1,380,000
Ute Mountain Ute.....	4,000,000
Isleta Pueblo.....	900,000
 Total.....	 26,955,000

The Committee also recommends an increase of \$12,000,000 for the Safety of Dams program, which will restore the program to the 1992 level, and maintain control of the program within the Bureau of Indian Affairs. The program should be conducted as in the past, through the BIA or through tribal contracts, with the technical assistance of the Bureau of Reclamation as requested by the tribes or by BIA. Bill language has been included, as in the past, to prohibit transfer of the program to the Bureau of Reclamation. Within the funds provided for the Safety of Dams program is \$300,000 to restore the Lake Capote Dam.

An increase of \$1,000,000 is included, which will restore the fish hatcheries rehabilitation program to the 1992 level.

General administration.—The Committee recommends an increase of \$4,500,000 to general administration, including \$3,200,000 to restore advanced planning and design to the 1992 level. The Committee has also included \$1,300,000 through the Bureau of Indian Affairs for the acquisition of Puget Sound tidelands for pur-

poses of tribal shellfish harvesting and public access, in cooperation with the Washington State Department of Fisheries.

MISCELLANEOUS PAYMENTS TO INDIANS

Appropriation enacted, 1992.....	\$87,617,000
Budget estimate, 1993.....	31,709,000
Recommended, 1993.....	39,109,000
Comparison:	
Appropriation, 1992.....	-48,508,000
Budget estimate, 1993.....	+7,400,000

The Committee recommends an appropriation of \$39,109,000, an increase of \$7,400,000, for miscellaneous payments to Indians. Included within the increase is \$900,000 for land acquisition for the Aroostook Band of MicMacs in Maine, and \$2,500,000 for land acquisition for the Yurok Tribe in California.

The Committee has also included an increase of \$4,000,000. This increase is necessary because of two instances in which the Bureau has clearly failed in its fiduciary duty as trustee for the Indian people and their financial assets. In the first instance, the Competitive Equality Banking Act of 1987 provided that all checks issued by the U.S. Treasury which had not been cashed as of a certain date were to be cancelled, and the funds credited to the Treasury. However, payments to Indian tribes or individual Indians of their own trust assets were distributed by the Treasury, and a significant number of these checks were cancelled, even though they did not represent Federal funds. These funds are obligations which are owed to the tribes or individuals involved, for which the Bureau of Indian Affairs is liable. In the second instance, the Bureau placed certain amounts of Indian trust funds in certain savings and loans, above the limits covered by Federal deposit insurance. When these savings and loans failed, the funds were lost, and since they were above the insurance limits, there is no other source to repay the funds owed to tribes and individuals except the Bureau, which made the decisions to place the funds in the institutions involved, without proper insurance coverage. Therefore, bill language has been included, to authorize the Bureau to use these funds to repay these liabilities. The total amount needed to pay these liabilities in full is likely to be more than \$4,000,000, and the Bureau is directed to include the balance of funds needed in the fiscal year 1994 budget request to Congress.

NAVAJO REHABILITATION TRUST FUND

Appropriation enacted, 1992.....	\$3,950,000
Budget estimate, 1993.....	
Recommended, 1993.....	4,000,000
Comparison:	
Appropriation, 1992.....	+50,000
Budget estimate, 1993.....	+4,000,000

The Committee recommends an appropriation of \$4,000,000 for the Navajo Rehabilitation Trust Fund, to restore the fund to the 1992 level.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

Appropriation enacted, 1992.....	\$987,000
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Budget estimate, 1993	2,987,000
Recommended, 1993	1,987,000
Comparison:	
Appropriation, 1992	+1,000,000
Budget estimate, 1993	-1,000,000

The Committee has included \$1,987,000 for technical assistance of Indian enterprises, a decrease of \$1,000,000 from the estimate. This will provide an increase of \$1,000,000 over the amount available in fiscal year 1992 for additional technical assistance associated with loans and grants provided under Bureau programs.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

Appropriation enacted, 1992.....	\$4,008,000
Budget estimate, 1993
Recommended, 1993	2,500,000
Comparison:	
Appropriation, 1992	-1,508,000
Budget estimate, 1993	+2,500,000

The Committee recommends an increase of \$2,500,000 for the Indian direct loan program, to restore the program to the 1992 base level. The Committee has not agreed with the Bureau's proposal to eliminate this source of funds for economic development on Indian reservations. The amount provided will make available a total of \$11,300,000 in loans in fiscal year 1993.

INDIAN GUARANTEED LOAN PROGRAM

Appropriation enacted, 1992.....	\$9,412,000
Budget estimate, 1993	9,770,000
Recommended, 1993	9,770,000
Comparison:	
Appropriation, 1992	+358,000
Budget estimate, 1993

The Committee recommends \$9,770,000, the budget estimate, for the Indian guaranteed loan program. The increase in the guaranteed loan subsidy over 1992 will allow the amount of guaranteed loans to increase from \$56,000,000 in 1992 to an estimated level of \$68,000,000 in 1993.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Appropriation enacted, 1992.....	\$92,665,000
Budget estimate, 1993	62,025,000
Recommended, 1993	81,151,000
Comparison:	
Appropriation, 1992	-11,514,000
Budget estimate, 1993	+19,126,000

The amounts recommended by the Committee for fiscal year 1993, compared to the budget estimates by activity, are shown in the following table:

Budget estimate, 1993	81,730,000
Recommended, 1993	83,427,000
Comparison:	
Appropriation, 1992	+7,167,000
Budget estimate, 1993	+1,697,000

The Energy Information Administration is a quasi-independent agency within the Department of Energy established to provide timely, objective, and accurate energy related information to the Congress, executive branch, State governments, industry, and the public.

The Committee recommends an appropriation of \$83,427,000 for the Energy Information Administration, an increase of \$1,697,000 above the budget estimate of \$81,730,000. Of the amount appropriated \$44,000,000 will be derived from unobligated balances in the Biomass Energy Development account. The net increase consists of an increase of \$2,250,000 to restore overhead rates used historically, and a decrease of \$553,000 to allow for absorption of 50 percent of the cost of statutory pay increases included in the budget request.

ADMINISTRATIVE PROVISIONS

The Committee recommends a limitation providing that no funds may be expended to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made. There are several requirements to solicit proposals for joint ventures and other programs in pending energy legislation. In most cases, for programs under this bill, appropriations for such activities have not been made. The Committee believes it is wasteful of both government and private sector time and money to proceed with a process that has no assurance of resulting in the actual execution of programs or projects.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Appropriation enacted, 1992	\$1,431,603,000
Budget estimate, 1993	1,384,446,000
Recommended, 1993	1,559,615,000
Comparison:	
Appropriation, 1992	+128,012,000
Budget estimate, 1993	+175,169,000

The provision of Federal health services to Indians is based on a special relationship between Indian tribes and the U.S. Government first set forth in the 1830's by the U.S. Supreme Court under Chief Justice John Marshall. This relationship has been reconfirmed by numerous treaties, statutes, constitutional provisions, and international law. Principal among these is the Snyder Act of 1921 which provides the basic authority for most Indian health services provided by the Federal Government to American Indians and Alaska Natives. The Indian Health Service (IHS) provides direct health care services in 42 hospitals, 65 health centers, 4 school health centers, and 52 health stations. Tribes and tribal groups, through contracts with the IHS, operate 8 hospitals, 93

health centers, 3 school health centers, 63 health stations and satellite clinics, and 172 Alaska village clinics.

The Committee recommends \$1,559,615,000 for Indian health services, an increase of \$128,012,000 above the fiscal year 1992 enacted level of \$1,431,603,000 and \$175,169,000 above the fiscal year 1993 budget request of \$1,384,446,000. The amount recommended by the Committee as compared to the budget estimate by activity is shown in the following table:

	FY 1992 Enacted	(in thousands of dollars) Budget Estimates	Committee Bill	Change from Estimates
Hospital and health clinic programs.....	815,208	707,098	875,971	+168,873
Dental health program.....	46,281	49,228	52,418	+3,189
Mental health program.....	27,502	29,203	29,901	+698
Alcohol and substance abuse program.....	77,831	91,804	88,206	-3,598
Contract care.....	309,353	325,259	335,404	+10,145
Public health nursing.....	18,351	21,013	21,189	+176
Health education.....	6,305	8,663	8,735	+72
Community health representatives program.....	39,029	41,059	41,724	+665
Immunization.....	1,266	1,298	1,298	---
Urban health projects.....	17,195	18,089	19,672	+1,583
Indian health professions.....	19,205	25,816	26,316	+500
Tribal management.....	5,038	5,205	5,205	---
Direct operations.....	49,029	60,710	51,076	-9,634
Self-governance.....	---	---	2,500	+2,500
Medicare/Medicaid reimbursements.....	(100,000)	(200,000)	(200,000)	---
Total, Indian Health Services.....	1,431,603	1,384,446	1,559,615	+175,169

The Indian Health Service fiscal year 1993 budget request includes unrealistic estimates of collections from private insurance claims and from Medicaid and Medicare. The IHS collected \$8.8 million from private insurers in fiscal year 1991 and \$91.7 million from Medicaid and Medicare. The budget assumes collections of \$84 million from private insurance and \$200 million from Medicaid and Medicare in fiscal year 1993. While some more modest increases are likely over 1991 collections, the tremendous growth in collections assumed in the budget is not believable. The Administration proposes to offset fixed costs and to fund new initiatives through these collections. The budget fails to explain how fixed costs will be met if these collection estimates are not realized, which most certainly will be the case. Further, the Committee points out that Medicaid and Medicare collections are to be used for correcting deficiencies in IHS facilities and not for paying inflationary costs. The Committee also continues to believe that funds collected from private insurers should be used to address the large unmet need for IHS services. Currently the Indian Health Service is meeting on average about 70 percent of needed basic health services. In some areas the level of need being met falls far below the average. In the areas of dental health and drug and alcohol treatment and abuse prevention, the IHS is meeting only about 40 percent of current need. The public health nursing program meets only about 30 percent of need. The level of need funded in the urban Indian health program is less than 20 percent.

Another factor which has not been addressed adequately in the budget request is the growing Indian population and the demands that growth places on health services. The Indian population has been growing at about three percent a year. In addition, as the IHS opens new and expanded facilities, the number of patient visits often greatly outpaces the demand projections the IHS made in de-

signing and constructing its hospitals and clinics. The IHS is attempting to quantify this phenomenon and to adjust its projections to accommodate this growth. The Committee has added funding to help offset the effects of population growth and expects these funds to be distributed equitably throughout the IHS operating units. Further, the Committee expects the IHS to include, in future budget submissions, an analysis and explanation of funding needed to meet population growth requirements.

With respect to health care facilities, the need has not been fully quantified but it is safe to say that many billions of dollars would be required to renovate existing facilities and construct all the needed new hospitals and clinics.

Safe and sanitary water and sewer systems for existing homes and solid waste disposal needs currently are estimated to amount to \$556 million for those projects that are considered to be economically feasible.

Hospitals and Health Clinics.—The Committee recommends a net increase of \$168,873,000 for hospital and health clinic programs. Increases include \$102,196,000 to restore funding to the fiscal year 1992 level; \$45,975,000 to fund inflation, pay increases, and other fixed costs; \$4,773,000 for staffing at new facilities including \$2,434,000 for the Belcourt, ND hospital, \$341,000 for the Rosebud, SD hospital, \$48,000 for the Wagner, SD health center, \$1,638,000 for the Pine Ridge, SD hospital, and \$312,000 for the Taos, NM health center; \$3,500,000 for the Indian self-determination fund, for a total funding level of \$6,000,000 in fiscal year 1993; \$1,000,000 for recruitment and retention; \$14,602,000 to help keep pace with population growth, \$250,000 for obstetricians at two IHS facilities with more than 250 deliveries per year; \$791,000 for funding for new tribes, including \$127,000 for the Sugar Bowl Rancheria, \$39,000 for the Lytton Rancheria, \$89,000 for the Guidiville Rancheria, \$118,000 for the Chico Rancheria, and \$418,000 for the Aroostook band of MicMacs; \$100,000 for AIDS treatment; and \$1,763,000 for staffing and operations at tribally built facilities under the joint venture program. Funds for the joint venture projects also are included in the facilities account. These increases are partially offset by a decrease of \$6,077,000 for absorption of 50 percent of the 1993 pay raise.

The Committee is concerned about the lack of physician personnel at the Acoma Canoncito Laguna hospital in New Mexico and expects the IHS to work with the area office and the service unit to address this problem. The Committee also expects the IHS to ensure that the Oklahoma City and Tulsa clinics receive their fair share of the increases provided for inflation costs and for population growth.

Dental Health.—The Committee recommends a net increase of \$3,189,000 for dental health programs, including a decrease of \$421,000 for absorption of 50 percent of the 1993 pay raise and increases of \$585,000 for staffing at new facilities including \$44,000 for the Taos, NM health center and \$541,000 for the Belcourt, ND hospital; \$2,250,000 for the replacement of 10 mobile dental units; and \$775,000 for population growth.

This year the IHS reported to the Committee that 10 percent of its fiscal year 1993 loan repayment program funds would be used

for dentists. The Committee expects the IHS to honor that commitment which will help ensure that the delivery of IHS dental services does not fall below its current level.

Mental Health.—The Committee recommends a net increase of \$698,000 for mental health programs, including a decrease of \$226,000 for absorption of 50 percent of the 1993 pay raise and increases of \$465,000 for staffing at the Belcourt, ND hospital and \$459,000 for population growth.

Alcohol and Substance Abuse.—The Committee recommends a net decrease of \$3,598,000 for alcohol and substance abuse programs, including an increase of \$1,405,000 for population growth and decreases of \$3,000 for absorption of 50 percent of the 1993 pay raise and \$5,000,000 for the proposed alcohol and substance abuse initiative.

The Committee has recommended retaining half of the proposed funding increase for expanding alcohol and substance abuse prevention and treatment activities. The alcoholism death rate for Indians and Alaska Natives is more than five times the National average. The IHS should develop a strategic plan for addressing this problem. The IHS is to report to the Committee, prior to the next budget submission, on a long-term plan for alcohol and substance abuse prevention and treatment. The plan should be based solely on health requirements currently not being met and include funding estimates by project and by year on the amounts required for health services and for construction and renovation costs.

Contract Health Services.—The Committee recommends a net increase of \$10,145,000 for contract health services, including a decrease of \$10,000 for absorption of 50 percent of the 1993 pay raise and increases of \$5,000,000 for unmet need and \$5,155,000 for population growth.

Public Health Nursing.—The Committee recommends a net increase of \$176,000 for public health nursing, including a decrease of \$198,000 for absorption of 50 percent of the 1993 pay raise and increases of \$60,000 for staffing at the Taos, NM health center and \$314,000 for population growth.

Health Education.—The Committee recommends a net increase of \$72,000 for health education, including a decrease of \$35,000 for absorption of 50 percent of the 1993 pay raise and an increase of \$107,000 for population growth.

Community Health Representatives.—The Committee recommends an increase of \$665,000 for community health representatives for population growth.

Urban Health.—The Committee recommends an increase of \$1,583,000 for urban health programs, including \$1,400,000 for substance abuse prevention and treatment and \$183,000 for population growth.

Indian Health Professions.—The Committee recommends an increase of \$500,000 for Indian health professions for grants to nursing programs, with preference given to tribal community colleges.

Direct Operations.—The Committee recommends a decrease of \$9,634,000 for direct operations, including \$634,000 for absorption of 50 percent of the 1993 pay raise and \$9,000,000 for proposed program expansions. The Committee cannot agree to large increases in administrative costs for the IHS given current fiscal constraints

and the fact that more and more tribes are assuming responsibility for their own health programs.

Self-Governance.—The Committee recommends an increase of \$2,500,000 for self-governance planning, including \$2,000,000 for grants to tribes and \$500,000 for establishment of an Office of Self-Governance in IHS, reporting directly to the Director of IHS.

Bill language.—The Committee has recommended bill language to permit tribal contractors to use services dollars for expanded space requirements in limited circumstances. The language permitting purchase and erection of modular buildings has been expanded to include renovation costs when needed for delivery of services. The Committee expects the use of services funds for such purposes will be rare but understands that, in some cases, it may be more cost effective to renovate an existing modular building rather than to purchase and erect a new modular building. The Committee expects the IHS to report in annual budget submissions on the extent to which this provision is used, including a description with cost estimates of each project approved.

INDIAN HEALTH FACILITIES

Appropriation enacted, 1992.....	\$274,351,000
Budget estimate, 1993.....	267,006,000
Recommended, 1993.....	338,596,000
Comparison:	
Appropriation, 1992.....	+64,245,000
Budget estimate, 1993.....	+71,590,000

The Committee recommends \$338,596,000 for Indian health facilities, an increase of \$64,245,000 above the fiscal year 1992 appropriation of \$274,351,000 and \$71,590,000 above the fiscal year 1993 budget request of \$267,006,000. The amount recommended by the Committee as compared to the budget estimate by activity is shown in the following table:

	FY 1992 Enacted	(in thousands of dollars) Budget Estimates	Committee Bill	Change from Estimates
Maintenance and improvement.....	38,510	29,444	34,444	+5,000
New and replacement hospitals.....	65,457	113,893	126,393	+12,500
Outpatient care facilities.....	12,811	---	---	---
Personnel quarters.....	7,046	---	---	---
Regional treatment centers (youth).....	---	---	7,997	+7,997
Joint venture projects.....	---	---	1,258	+1,258
Sanitation facilities.....	75,042	42,780	87,780	+45,000
Facilities and environmental health support.....	75,485	80,889	80,724	-165
Total, Indian Health Facilities.....	274,351	267,006	338,596	+71,590

Maintenance and Improvement.—The Committee recommends an increase of \$5,000,000 for maintenance and improvement projects and expects that at least \$3,000,000 of this increase will be used to address potential environmental hazards, such as the required asbestos removal at the old Sacaton hospital.

New and Replacement Hospitals.—The Committee recommends an increase of \$12,500,000 for new and replacement hospitals. The net increase consists of a decrease of \$20,000,000 from the Anchorage Native Medical Center and an increase of \$32,500,000 to complete construction of the Kotzebue, AK hospital. The decrease to the Anchorage hospital leaves approximately \$51 million in the

budget for continued construction of this important facility. The Committee understands that, to complete the facility, an additional \$51 million will be needed in each of the next two fiscal years.

The Committee expects the IHS to continue to ensure that both the Crow and Northern Cheyenne Tribes are included fully in the development and construction of the Crow, Montana hospital.

Regional Treatment Centers/Youth.—The Committee recommends an increase of \$7,997,000 for regional youth treatment centers for alcohol and substance abuse, including \$3,776,000 for phase I construction of the Portland area center in Spokane, \$3,230,000 to complete construction of the Aberdeen area center, and \$991,000 to complete construction of the Phoenix area center. No funds were included in the budget request for construction of regional youth treatment centers.

Sanitation Facilities.—The Committee recommends an increase of \$45,000,000 to address the \$556 million backlog of needed water and sewer projects for existing homes. Again this year, the Administration failed to request funds for these projects.

Joint Venture Projects.—The Committee recommends an increase of \$1,258,000 for the current joint venture projects with the tribes. These funds are needed to honor the IHS commitment to provide for equipment and facilities support costs for those tribes who were selected to participate in joint ventures and agreed to construct their own facilities and provide them to the IHS lease free for at least 20 years. Funds for operating and staffing these joint venture projects are included in the services account. No funds were included in the budget request for joint venture projects.

Facilities and Environmental Health Support.—The Committee recommends a decrease of \$165,000 for facilities and environmental health support. The net decrease consists of a decrease of \$682,000 for absorption of 50 percent of the 1993 pay raise and an increase of \$517,000 for population growth.

The Committee understands that the IHS, in some cases, has been receiving lower bids on its construction projects than was originally estimated. The committee expects the IHS to reprogram any excess funds to support the following projects: \$400,000 to complete the regional youth treatment center in Fairbanks, AK; \$350,000 to complete the staff quarters at the Rosebud, SD hospital; \$400,000 to settle a construction claim on the Kanakanak, AK hospital; and \$480,000 to settle a construction claim on the Sacaton, AZ hospital.

The Committee has not continued bill language, included in each of the last two years, on expanded lease space requirements. Nonetheless, the Committee expects the IHS to continue to submit its quarterly report on leasing requirements to the House and Senate Committees on Appropriations on the current time schedule.

Bill language.—Bill language has been included, under title III, General Provisions, to provide for a no cost transfer of the Pine Hill Health Center from the Bureau of Indian Affairs to the IHS. The Committee understands that both agencies support this transfer.

ADMINISTRATIVE PROVISIONS

The Committee has recommended continuing several provisions in bill language which have been carried in previous years. These include provisions forbidding implementation of eligibility regulations until a budget is submitted and enacted reflecting the increased cost of those regulations; prohibiting appropriations structure changes in budget submissions without advance approval of the House and Senate Appropriations Committees; and specifying that IHS funds are to be apportioned as appropriated.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Appropriation enacted, 1992.....	\$76,570,000
Budget estimate, 1993.....	81,205,000
Recommended, 1993.....	81,274,000
Comparison:	
Appropriation, 1992.....	+4,704,000
Budget estimate, 1993.....	+69,000

The Indian Education Act of 1972 (Public Law 93-318, Title IV), amended by Public Law 100-297, provides support for the special educational needs of American Indian and Alaska Native children, college students and adults. Through this Act, the Secretary of Education is given the authority to operate a variety of programs, including supplementary educational, experimental, demonstration, and dissemination activities. Indians have traditionally been among the most disadvantaged, and the special programs authorized and funded under this Act are directed at their special educational needs.

The Committee recommends \$81,274,000 for fiscal year 1993, an increase of \$4,704,000 above the fiscal year 1992 enacted level of \$76,570,000 and \$69,000 above the fiscal year 1993 budget request of \$81,205,000. The amount recommended by the Committee as compared to the budget estimate by activity is shown in the following table:

	(in thousands of dollars)			Change from Estimates
	FY 1992 Enacted	Budget Estimates	Committee Bill	
Subpart 1 - Grants to LEAs & Indian-controlled schools	56,965	59,813	59,813	---
Subpart 2 - Special programs for Indian students.....	12,038	12,238	12,238	---
Subpart 3 - Special programs for Indian adults.....	4,349	4,600	4,600	---
Administration.....	3,218	3,354	3,423	+69
Data collection and analysis.....	---	1,200	1,200	---
Total, Indian Education.....	76,570	81,205	81,274	+69

The net increase above the budget request consists of an increase of \$98,000 to continue to fund field reader costs under program administration and a decrease of \$29,000 for rental payments.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Appropriation enacted, 1992.....	\$25,842,000
Budget estimate, 1993.....	30,935,000
Recommended, 1993.....	28,935,000
Comparison:	
Appropriation, 1992.....	+3,093,000
Budget estimate, 1993.....	-2,000,000

The dispute between the Hopi and Navajo tribes is centuries-old. The Hopi were the original occupants of the land with their origin tracking back to the Anasazi race whose presence is recorded back to 1150 A.D. Later in the 16th century the Navajo tribe began settling in this area. The continuous occupation of this land by the Navajo led to the isolation of the Hopi reservation as an island within the area occupied by the Navajo. In 1882, President Arthur issued an Executive Order which granted the Hopi a 2.5 million acre reservation to be occupied by the Hopi and such other Indians as the Secretary of the Interior saw fit to resettle there. Intertribal problems arose between the larger Navajo tribe and the smaller Hopi tribe revolving around the question of the ownership of the land as well as cultural differences between the two tribes. Efforts to resolve these conflicts were not successful and led Congress to pass legislation in 1958 which authorized a lawsuit to determine ownership of the land. When attempts at mediation of the dispute as specified in an Act passed in 1974 failed, the district court in Arizona partitioned the Joint Use Area equally between the Navajo and Hopi tribes under a decree that has required the relocation of members of both tribes. Most of those to be relocated are Navajo living on the Hopi Partitioned Land.

At this time approximately 777 households remain to be relocated, of which 128 are full-time residents on the Hopi Partitioned Land. Two hundred twenty Navajo households have settled on the new lands, and 19 additional Navajo households are having homes constructed on the new lands. Progress to accomplish the 1974 mandate, despite development of the new lands, has been slow. Completion is not anticipated, at the current level of activity, before 1998.

The Committee recommends \$28,935,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation, an increase of \$3,093,000 above the fiscal year 1992 enacted level of \$25,842,000 and a decrease of \$2,000,000 below the fiscal year 1993 budget request of \$30,935,000. The net decrease from the budget request consists of an increase of \$8,000,000 for continued road development on the New Lands using housing funds and a decrease of \$10,000,000 due to a large carryover of funds anticipated for fiscal year 1992.

The Committee continues to be concerned about the housing situation in Tuba City. For several years the Office has told the Committee that 280 lots would be developed in Tuba city and that half of those lots would be made available to relocatees. This year, the Office reported that less than the originally planned 280 lots in the

Tuba City subdivision will be developed. The Committee expects a full explanation of the situation in Tuba City before any further funds are committed to this project. The Office should report with a full explanation of why less lots are to be developed and what assurances it has that half of the developed lots will be available for relocatees. The Office should keep the Committee apprised, on at least a quarterly basis, of the status of the Tuba City subdivision and of other subdivisions being developed for relocatees.

Bill language.—The Committee has included bill language which specifies that the Office may move only those who have voluntarily applied and been certified eligible for relocation.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

Appropriation enacted, 1992.....	\$6,612,000
Budget estimate, 1993.....	7,012,000
Recommended, 1993.....	9,812,000
Comparison:	
Appropriation, 1992.....	+3,200,000
Budget estimate, 1993.....	+2,800,000

The Committee recommends an appropriation of \$9,812,000, an increase of \$2,800,000 over the estimate, for the Institute of American Indian and Alaska Native Culture and Arts Development. However, this amount is a decrease of \$4,293,000 from the request of the Board of Trustees of the Institute. Under the legislation which established the Institute as an independent, non-profit corporation, the request of the Board is to be submitted directly to the Congress, and is not to be adjusted by the Administration.

For operations of the Institute, the Committee recommends \$7,962,000, an increase of \$1,300,000 over the estimate, and a decrease of \$1,007,000 from the Board's request. The amount provided for the endowment fund contribution is \$350,000, the same as the budget estimate and the Board's request. The Committee has also included \$1,500,000 as the Federal contribution to the capital endowment fund authorized in the amendments to Public Law 101-644. These funds will be available under the terms of the law, as a matching requirement for privately raised funds, for a portion of the infrastructure costs related to the new campus site in Santa Fe, NM. The Board had requested \$4,786,000 for this purpose.

SMITHSONIAN INSTITUTION

The Smithsonian Institution is unique in the Federal establishment. Established by the Congress in 1846 to carry out the trust included in James Smithson's will, it has been engaged for 145 years in the "increase and diffusion of knowledge among men" in accordance with the donor's instructions. For some years, it utilized only the funds made available by the trust. Then, before the turn of the century, it began to receive Federal appropriations to conduct some of its activities. With the expenditure of both private and Federal funds over the years, it has grown into one of the world's great scientific, cultural, and intellectual organizations. It operates magnificent museums, outstanding art galleries, and im-

of helicopters and motorized equipment to remove feral horses and burros at Death Valley National Monument; and for emergency law enforcement situations.

Language is included under National Park Service, Administrative provisions, allowing the recovery of all costs associated with special use permits and the crediting of reimbursements to the current appropriation; preventing the implementation of an agreement for the redevelopment of the southern end of Ellis Island until 30 legislative days have elapsed from the time the Congress is notified of the plans; and allowing an agreement by the Secretary of the Interior with the William O. Douglas Outdoor Classroom to expend funds on non-Federal property for environmental education.

Language is included under Geological Survey, Administrative provisions, for the reimbursement of the GSA for security guard services; for contracting for topographic maps and geophysical or other surveys; and for the use of contracts, grants, and cooperative agreements.

Language is included under Minerals Management Service, Leasing and royalty management, providing for the use of certain receipts for a technical information system and providing for the use of fees from an oil and hazardous materials test facility for operation of the facility.

Language is included under Minerals Management Service, Leasing and royalty management, providing for use of bond forfeitures for rehabilitation work; providing for reasonable expenses related to volunteer beach and marine clean-up activities; providing for refunds for overpayments on Indian allottee leases; and subtracting the costs of collection from mineral receipts prior to distribution.

Language is included under Bureau of Mines, Mines and minerals, prohibiting closure or consolidation of any research center or the sale of any helium facilities currently in operation.

Language is included under Bureau of Mines, Administrative provisions, to allow the sale of metal or mineral products manufactured in pilot plant projects and for the acceptance of contributions from other sources and for cooperative projects.

Language is included under Office of Surface Mining Reclamation and Enforcement, Regulation and technology, to allow use of performance bond forfeitures by the regulatory authority to conduct reclamation activities; allowing utilization of monies collected pursuant to assessment of civil penalties to reclaim lands affected by coal mining after August 3, 1977; permitting payment to State and tribal personnel of travel and per diem expenses for training, and specifying conditions under which the Applicant Violator System may be implemented.

Language is included under Office of Surface Mining Reclamation and Enforcement, Abandoned mine reclamation fund, which maintains 23 full time equivalents for the Anthracite Reclamation Program at the Wilkes-Barre field office, which earmarks specific amounts in the account for emergency reclamation projects, and which allows use of debt recovery to pay for debt collection.

Language is included under the Bureau of Indian Affairs, Operation of Indian programs, for advance payments to Indian schools and business enterprises. Language also is included to prohibit BIA

funds from being used to match programs funded under the Vocational Educational Act of 1963, as amended.

Language is included under Bureau of Indian Affairs, Operation of Indian programs, providing for the use of funds for maintenance of tribally-owned hatcheries, prohibiting the transfer of tribal or individual trust funds and the commencement of the statute of limitations until certain conditions have been met, providing a grant to the CloseUp foundation, providing that self-governance funds not be made available until compacts are submitted to Congress, and prohibiting a reorganization except under specific circumstances.

Language is included under Bureau of Indian Affairs, Operation of Indian programs, continuing the operation of the Task Force on Bureau of Indian Affairs Reorganization, allowing reprogramming of Self-Governance funds, allowing changes to certain eligibility criteria by tribal governments, and providing funds to liquidate obligations to individual Indians and restore amounts to trust funds invested in failed savings and loans not covered by federal deposit insurance.

Language is included under Bureau of Indian Affairs, Construction, providing that 6 percent of Federal Highway Trust Fund contract authority may be used for management costs, providing for the use of funds for rehabilitation of tribally-owned fish hatcheries, providing for the transfer of Navajo Irrigation project funds to the Bureau of Reclamation, and prohibiting the transfer of the Safety of Dams program to the Bureau of Reclamation.

Language is included under Territorial and International Affairs, Administration of Territories, authorizing Territorial governments to make purchases through the General Services Administration, requiring audits of the financial transactions of the Territorial governments by the General Accounting Office, providing grant funding under certain terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands, providing a grant to the Close-Up foundation, and providing for territorial participation and cost-sharing in the operations and maintenance assistance program.

Language is included under Territorial and International Affairs, Trust Territory of the Pacific Islands, authorizing the government of the Trust Territory to make purchases through the General Services Administration, requiring audits of the financial transactions of the Trust Territory government by the General Accounting Office; providing that if the Palau Compact is implemented before October 1, 1993, all funds appropriated and obligated for Palau under this account, shall be credited as an offset to fiscal year 1993 payments under the compact; and earmarking funds for the College of Micronesia.

Language is included under Territorial and International Affairs, Compact of Free Association, providing for the effective date of the Palau Compact.

Language is included under General provisions, Department of the Interior, prohibiting non-Federal management to allow transfer of funds in certain emergency situations, requiring replacement with a supplemental appropriation request, and designating certain transferred funds used as "emergency requirements" under the Balanced Budget and Emergency Deficit Control Act of 1985.

which places an outlay ceiling on the account, and which waives minimum purchase requirements for operating Naval Petroleum Reserve No. 1.

Language is included under Administrative provisions, Department of Energy, limiting programs of price supports and loan guarantees to what is provided in appropriations Acts; providing for the transfer of funds to other agencies of the Government; providing for retention of revenues by the Secretary of Energy on certain projects; requiring certain contracts be submitted to Congress prior to implementation; allowing acceptance of contributions and carrying out cooperative projects; providing for emergency transfer of funds to the Emergency preparedness appropriation; allowing contractors at Bartlesville, Oklahoma facilities to be for-profit or non-profit, and prohibiting issuance of procurement documents without appropriations.

Language is included under Indian Health Service, Indian health services, for payments for telephone service in private residences in the field and purchase of reprints; providing an educational loan program for physicians and health care professionals; providing for expenditure of funds transferred to IHS from the Department of Housing and Urban Development; providing for purchase and erection of modular buildings; providing that contracts and grants may be performed in two fiscal years and for a Self-Determination Fund; and providing for use of collections under Title IV of the Indian Health Care Improvement Act.

Language is included under Indian Health Service, Indian health facilities, for the purchase of trailers, providing that construction funds may be used for site acquisition, for payments for telephone service in private residences in the field and purchase of reprints, and purchase and erection of portable buildings.

Language is included under Indian Health Service, Administrative provisions, providing that health care may be extended to non-Indians at Indian Health Service facilities.

Language is included under Indian Health Service, Administrative provisions, to prevent the Indian Health Service from billing Indians in order to collect from third-party payers until Congress has agreed to implement a specific policy.

Language is included under Indian Health Service, Administrative provisions, allowing payment of expenses for meeting attendance, prohibiting imposition of personnel ceilings, specifying that certain funds shall not be subject to certain travel limitations, prohibiting the expenditure of funds to implement new eligibility regulations, providing that funds be apportioned only in the appropriation structure in this Act, and prohibiting changing the appropriations structure without approval of the Appropriations Committees.

Language is included under Office of Navajo and Hopi Indian Relocation, salaries and expenses, defining eligible relocatees; prohibiting movement of any single Navajo or Navajo family unless a new or replacement home is available; limiting relocatees to one new or replacement home; and establishing a priority for relocation of Navajos to those certified eligible who have selected and received homesites on the Navajo reservation or selected a replacement residence off the Navajo reservation.

Language is included under Institute of American Indian and Alaska Native Culture and Arts Development, Payment to the Institute, providing that the Institute's budget proposal be transmitted to Congress concurrently with the President's budget, and providing that the Institute act as its own certifying officer.

Language is included under Smithsonian Institution, Salaries and expenses, to allow for advance payments to independent contractors performing research services or participating in official Smithsonian presentations, providing that funds may be used to support American overseas research centers, and making funds for acquisition of land at the Smithsonian Environmental Research Center subject to authorization.

Language is included under Smithsonian Institution, Museum programs and related research, converting the American Institute for Indian Studies forward-funded reserve into an interest-bearing account.

Language is included under Smithsonian Institution, Construction and improvements, National Zoological Park, and Repair and restoration of buildings, to construct facilities by contract or otherwise.

Language is included under Smithsonian Institution, Repair and restoration of buildings, to permit the Smithsonian Institution to select contractors for certain purposes on the basis of contractor qualifications as well as price.

Language is included under the National Gallery of Art, Salaries and expenses, for payment in advance for membership in library, museum, and art associations or societies and for restoration and repair of works of art by contract without advertising.

Language is included under National Gallery of Art, Repair, restoration and renovation of buildings, to perform work by contract or otherwise; and to select contractors for certain purposes on the basis of contractor qualifications as well as price.

Language is included under National Foundation on the Arts and the Humanities, Matching grants, to allow for the obligation of current and preceding fiscal years' funds of gifts, bequests, and devises of money for which equal amounts have not previously been appropriated.

Language is included under the Advisory Council on Historic Preservation and the United States Holocaust Memorial Council, to restrict hiring anyone at Executive Level V or higher positions.

Language is included under National Capital Planning Commission, salaries and expenses, to provide for an increase in pay level, to the rate at Executive Level IV, for all appointed members.

Title III—General provisions contains language carried in previous appropriations Acts, which limits the use of funds for the leasing of oil and natural gas by noncompetitive leasing within the boundaries of the Shawnee National Forest and prohibits use of funds to distribute literature either to promote or oppose legislative proposals on which Congressional action is incomplete.

Language is included in Title III—General provisions to prohibit the use of funds to provide personal cooks, chauffeurs or other personal servants to any office or employee; and to limit use of consulting services.