

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES
APPROPRIATIONS BILL, 1999

JULY 8, 1998.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 4193]

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, 1999. 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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dropping "Appalachian" from the initiative title. It is premature to dilute this effort by making it a nationwide program.

BUREAU OF INDIAN AFFAIRS
OPERATION OF INDIAN PROGRAMS

The Bureau of Indian Affairs was created in 1824; its mission is founded on a government-to-government relationship and trust responsibility that results from treaties with Native groups. The Bureau delivers services to over one million Native Americans through 12 area offices and 83 agency offices. In addition, the Bureau provides education programs to Native Americans through the operation of 118 day schools, 48 boarding schools, and 14 dormitories. Lastly, the Bureau administers more than 46 million acres of tribally owned land.

Appropriation enacted, 1998	\$1,529,638,000
Budget estimate, 1999	1,638,681,000
Recommended, 1999	1,558,425,000
Comparison:	
Appropriation, 1998	+28,787,000
Budget estimate, 1999	-80,256,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

	FY 1998 Enacted	(in thousands of dollars) Budget Estimates	Committee Bill	Change from Enacted
Tribal Priority Allocations				
Tribal government.....	279,709	383,885	343,669	+63,960
Human services.....	134,961	160,012	152,603	+17,642
Education.....	49,761	5,268	52,090	+2,329
Public safety and justice.....	86,082	75,637	75,011	-11,071
Community development.....	83,504	39,170	38,914	-14,590
Resources management.....	55,320	83,905	83,408	-1,912
Trust services.....	28,551	27,011	27,548	-1,003
General administration.....	22,038	22,422	22,162	+124
Small and needy tribes distribution.....	20,132	---	---	-20,132
General increase.....	27,290	---	---	-27,290
Distributions for Albuquerque, Muskogee and Phoenix tribes.....	---	5,850	5,850	+5,850
Standard assessment methodology work group.....	---	250	250	+250
Subtotal, Tribal Priority Allocations.....	757,348	791,210	771,505	+14,157
Other Recurring Programs				
Tribal government.....	5,000	---	---	-5,000
Human services.....	---	500	---	---
Education				
School operations				
Forward-funded.....	374,290	394,893	383,451	+9,161
Other school operations.....	86,097	91,992	86,522	+425
Subtotal, School operations.....	460,387	486,885	469,973	+9,586
Continuing education.....	29,911	35,411	30,311	+400
Subtotal, Education.....	490,298	522,296	500,284	+9,986
Community development.....	15,371	---	---	-15,371
Resources management.....	37,627	35,966	34,803	-2,824
Subtotal, Other Recurring Programs.....	549,296	558,762	535,087	-14,209
Non-Recurring Programs				
Tribal government.....	2,375	250	250	-2,125
Public safety and justice.....	584	---	---	-584
Community development.....	1,000	---	100	-900
Resources management.....	31,220	32,011	31,303	+83
Trust services.....	26,000	43,436	29,598	+3,598
Subtotal, Non-Recurring Programs.....	61,179	75,697	61,251	+72
Total, Tribal Budget System.....	1,367,823	1,425,669	1,367,843	+20
BIA Operations				
Central Office Operations				
Tribal government.....	2,605	2,635	2,620	+15
Human services.....	704	869	863	+159
Public safety and justice.....	2,487	---	---	-2,487
Community development.....	984	838	835	-149
Resources management.....	3,082	3,115	3,099	+17
Trust services.....	1,549	2,075	2,064	+515
General administration				
Education program management.....	2,074	2,303	2,289	+215
Other general administration.....	33,854	35,507	31,334	-2,520
Subtotal, General administration.....	35,928	37,810	33,623	-2,305
Subtotal, Central Office Operations.....	47,339	47,342	43,104	-4,235
Area Office Operations				
Tribal government.....	1,336	1,359	1,353	+17
Human services.....	969	3,279	3,257	+2,288
Public safety and justice.....	58	---	---	-58
Community development.....	3,085	810	805	-2,281
Resources management.....	3,197	3,192	3,172	+11
Trust services.....	8,563	10,763	9,990	+1,427
General administration.....	23,207	23,774	23,577	+330
Subtotal Area Office Operations.....	40,886	43,177	42,154	+1,269
Special Programs and Pooled Overhead				
Education.....	14,019	14,258	14,239	+220
Public safety and justice.....	3,264	31,806	18,779	+13,515
Community development.....	3,951	3,286	3,416	-535
Resources management.....	1,320	1,320	1,320	---
Trust services.....	504	---	---	-504
General administration.....	49,482	71,843	69,670	+20,088
Subtotal, Special Programs and Pooled Overhead.....	72,540	122,493	105,324	+32,784
Total, BIA Operations.....	160,765	213,012	190,582	+29,817
Supplemental appropriations (P.L. 105-174).....	1,050	---	---	-1,050
Total, Operation of Indian Programs.....	1,529,638	1,638,681	1,559,425	+28,787

The Committee recommends \$1,558,425,000 for the operation of Indian programs, an increase of \$28,787,000 above the fiscal year 1998 level and a decrease of \$80,256,000 below the budget request. The Committee agrees to all internal transfers and budget structure changes proposed by the BIA in the budget request.

The Committee has made a number of changes to the Operation of Indian Programs bill language. These changes are not meant to signal a reduction in the number of programs in OIP, nor is it meant to limit the types of programs within OIP. The Committee's intent is simply to condense the language.

The Committee is concerned about the Ramah Navajo Chapter v. Lujan settlement concerning contract support and the expectation that the settlement payments from the Claims and Judgment Fund be reimbursed from agency appropriations. The Committee believes that the court in this case made an erroneous decision and that the Administration erred by failing to appeal. It is not the intention of the Committee to use any of the funds in this bill to pay for the flawed settlement. The Committee expects the Department of the Interior, in consultation with the Department of Justice and the Office of Management and Budget, to resolve the issues of how repayment should be made and develop a legislative proposal for addressing these issues.

It has come to the attention of the Committee that certain tribes have significant tribal income and may not need Federal funds to support their tribal government and tribal activities. These tribes recognize that other tribes have greater needs and are not able to generate significant tribal income. However, the more economically successful tribes are concerned that if they refuse Federal funds, it may in some way affect the Federal trust responsibility and their relationship with the Federal government. With the limited funds available to this Committee and the need for services throughout Indian country, this Committee wants to do whatever is necessary to encourage successful tribes to assist those tribes that are less fortunate. It is the intent of the language included in the Bureau's administrative provisions to alleviate tribal concerns about Federal responsibilities while encouraging economically successful tribes to return their appropriations to the Bureau to aid the less fortunate tribes.

The Committee has continued the limitation on contract support for both the Bureau of Indian Affairs and the Indian Health Service. Since fiscal year 1994, the Congress has enacted annual appropriations language limiting the amount of funding provided for contract support costs under the Indian Self-Determination Act, as amended. Without a ceiling on contract support, the Bureau could be required to reprogram from other tribal programs in the Operation of Indian Programs to fund 100 percent of tribal contract support costs. It has always been the Committee's intent that this language would supersede the requirements of the Indian Self-Determination Act and the Committee has included the language for fiscal year 1999 to reinforce that intent. The Committee has also added language that limits the Department of the Interior's liability for payment of contract support costs to only those contracts entered into with Interior bureaus.

In Title III—General Provisions, the Committee has recommended language placing a one-year moratorium on new or expanded self-determination and self-governance compacts for both the BIA and the Indian Health Service. The Committee urges the agencies and the tribes to address the contract support cost problem in a timely manner so that an acceptable solution can be found for addressing contract support cost funding within the Committee's allocation without adversely affecting funding for other BIA/IHS and tribal programs.

The BIA and the IHS needs to work closely with the tribes and with the legislative committees of jurisdiction to find a solution to contract support cost shortfalls that ensures they are not paid at the expense of agency operated programs or adversely affect non-compacting/contracting tribes. The BIA and IHS should work with the tribes to develop an acceptable methodology for determining level of need calculations for services and for contract support costs. A "minimum level of need funded" should be established for all the various services and for contract support costs and a plan for increasing the level of need funded in all the various areas should be developed with priorities identified within and across programs.

The Committee has provided \$250,000, requested by the Bureau, to establish a workgroup in response to a recommendation by the Task Force to implement section 118 of the fiscal year 1998 Interior and Related Agencies Appropriation bill. It is the Committee's understanding that this workgroup is to recommend to the Bureau consistent criteria and methods for measuring needs on a program-by-program basis. The Committee is also concerned about the perceived inequities in the distribution of Tribal Priority Allocations in Indian Country and expects the Bureau to develop consistent criteria for the allocation of Tribal Priority Allocations that address the equity issue among the tribes. The Committee feels strongly that this workgroup is advisory only and does not relieve the Bureau of the responsibility to recommend reasonable policy proposals to the Congress. The Committee expects the Bureau to address and define clearly what is appropriate full funding for tribes and it is the Bureau's responsibility to report to this Committee when the effort is complete.

Changes to 26 USC paragraph 168(j)(6) of the Internal Revenue Code as adopted in the Taxpayer Relief Act of 1997, were based on the understanding that any lands within any former Indian reservation in Oklahoma were eligible for trust land status under 25 CFR part 151. It was also the understanding that the phrase "lands in Oklahoma within the jurisdictional area of an Oklahoma Indian tribe" excludes those former Seminole/Creek domain lands in central Indian territory that were deemed to be "unassigned lands" and therefore opened to white settlement in 1889.

Tribal priority allocations.—The Committee recommends \$771,505,000 for tribal priority allocations, a decrease of \$19,705,000 below the budget request and an increase of 14,157,000 above the 1998 level, including increases above 1998 of \$3,812,000 for fixed costs, \$4,330,000 from internal transfers and budget structure changes, \$4,015,000 for contract support, and \$2,000,000 for welfare assistance.

The Committee understands that within the road maintenance budget the Bureau will continue to fund the Inchelium Public Ferry on the Colville reservation as proposed by the Administration.

Other recurring programs.—The Committee recommends \$535,087,000 for other recurring programs, a decrease of \$23,675,000 below the budget request and a decrease of \$14,209,000 below the 1998 level, including increases above 1998 of \$4,196,000 for fixed costs, \$5,600,000 for Indian School Equalization Program (ISEP) funds, \$400,000 for the Tribally Controlled Community Colleges, \$250,000 for fishing access sites, and a decrease of \$24,655,000 resulting from internal transfers and budget structure changes.

Within resources management \$800,000 is included for the Bering Sea Fisherman's Association. Funding for the Native American Fish and Wildlife Society (NAFWS) is continued at the fiscal year 1998 level. This funding level will ensure that NAFWS will be able to support development and protection of tribal fish and wildlife resources.

Non-recurring programs.—The Committee recommends \$61,251,000 for non-recurring programs a decrease of \$14,446,000 below the budget request and an increase of \$72,000 above the 1998 level, including increases above 1998 of \$201,000 for fixed costs, \$122,000 for internal transfers and budget structure changes, \$100,000 for the St. Augustine Center, \$100,000 for Alaska Legal Services, \$427,000 for Gila River Farms, \$1,000,000 for probate backlog, and \$1,727,000 for environmental cleanup, and decreases of \$2,125,000 for self-governance grants and \$1,000,000 for welfare assistance in South Dakota, and \$480,000 from minerals and mining as proposed by the Bureau.

Within non-recurring programs, the Committee has provided an increase of \$100,000 for the St. Augustine Center. The Center provides comprehensive social services to Chicago's Native American Community, and is the only agency in Chicago to implement the Child Welfare Act. In addition, the Committee has provided a total of \$300,000 for Alaska Legal Services.

It has come to the attention of this Committee that the Bureau's requests for funding have fallen far short of BIA's actual funding needs for meeting its environmental compliance responsibilities. As a result, the Environmental Protection Agency has recently begun assessing heavy penalties against BIA for noncompliance with environmental requirements, including fines for violations of the underground storage tank regulations and for RCRA reporting violations. The Committee understands that BIA is planning to initiate an environmental audit program over the next four years, which is expected to bring further remediation projects to light. In order to assist BIA, and the tribes, in meeting their environmental compliance responsibilities, the Committee recommends an increase of \$1,727,000 for environmental cleanup. This increase will allow BIA to begin to conduct activities aimed at achieving compliance with a December 1998 deadline for upgrading underground storage tanks, to close open dumps, and to begin the environmental audit program.

The Committee has provided additional resources to the Bureau to begin to address the probate backlog which is an important component in addressing trust reform and implementing certain portions of the Special Trustee's Strategic Plan. In addition, these funds should help Native Americans in securing mortgage loans in Indian Country. The delay that results from this backlog means that even as mortgage opportunities become available, the Bureau is not in a position to allow these loans to be completed because lenders require evidence of title before finalizing a loan.

Within the \$3,000,000 provided for the "jobs in the woods" initiative, \$400,000 should continue to be used by the Northwest Indian Fisheries Commission for the Wildstock Restoration Initiative.

Central office operations.—The Committee recommends \$43,104,000 for central office operations, a decrease of \$4,238,000 below the budget request and a decrease of \$4,235,000 below the 1998 level, including an increase above 1998 of \$248,000 for fixed costs and decreases of \$1,983,000 for internal transfers and budget structure changes and \$2,500,000 for the year 2000 computer compliance. Funding for year 2000 computer issues is being funded centrally through the Treasury-Postal Appropriations bill.

Area office operations.—The Committee recommends \$42,154,000 for area office operations a decrease of \$1,023,000 below the budget request and an increase of \$1,268,000 above the 1998 level, including increases above 1998 of \$332,000 for fixed costs and \$1,500,000 for land records improvement, and a decrease of \$564,000 for internal transfers and budget structure changes.

Special programs and pooled overhead.—The Committee recommends \$105,324,000 for special programs and pooled overhead, a decrease of \$17,169,000 below the budget request and an increase of \$32,784,000 above the 1998 level, including increases above 1998 of \$2,250,000 for fixed costs and \$10,000,000 for the joint BIA/Department of Justice law enforcement initiative, \$108,000 for the United Sioux Tribe Development Corporation, \$100,000 for the distance learning project, and \$21,304,000 for internal transfers and budget structure changes, and a decrease of \$978,000 for the United Tribes Technical College as proposed by the Bureau.

The Committee is concerned about the deplorable crime on Indian reservations in this country. While the Committee is concerned about the underlying causes of crime such as economic conditions, alcohol and drug abuse, and the outside influence of gangs, the Committee is supporting the request for increased funding for law enforcement in the amount of \$10,000,000. The Committee has noted in the Administration budget that several program elements that include law enforcement funding remain in the Tribal Priority Allocation activity and that those funds will be placed under the control of centralized line authority and managed by law enforcement professionals. The Committee directs the Bureau to ensure that this control over funding takes place beginning in fiscal year 1999 to ensure that the maximum amount of funding is provided to meet law enforcement needs. The Committee further directs that law enforcement funds are not available for reprogramming to other purposes without Committee approval and that law enforcement funds are not available for tribal shares.

Within the funds provided for post secondary schools the Committee has provided an additional \$100,000 for the Southwestern Indian Polytechnic Institute to participate in the cooperative Distance Learning Telecommunications project designed to provide information to a broad segment of the Native American community in water management and precision agriculture. The Committee understands that Lockheed Martin Corporation will commit \$100,000 in philanthropic education funds to this project.

The Committee is concerned with the level of services that are currently being provided to the Canoncito Band of Navajos. The Bureau is directed to report back to the Committee on the feasibility of transferring responsibility of BIA programs for the Canoncito Band to the jurisdiction of the Albuquerque Area.

In fiscal year 1999, the Bureau should continue to provide the current levels of service to the Office of Special Trustee (OST) for Information Resource Management systems and other contractual costs to support existing mainframe computers, licenses, and other costs similar to 1998. The Committee recognizes that BIA's IRM resources are limited and that system enhancements may be needed by both BIA and OST trust systems. The Committee expects that investments in information technology will be implemented in a coordinated and cost effective manner that ensures no duplication of resources between BIA and OST, particularly in the area of telecommunications.

CONSTRUCTION

Appropriation enacted, 1998	\$125,279,000
Budget estimate, 1999	152,054,000
Recommended, 1999	121,695,000
Comparison:	
Appropriation, 1998	- 3,584,000
Budget estimate, 1999	- 30,359,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

	(in thousands of dollars)			Change from Enacted
	FY 1998 Enacted	Budget Estimates	Committee Bill	
Education.....	54,379	66,612	58,579	+4,200
Public safety and justice.....	14,500	5,553	5,550	-8,950
Resource management.....	48,321	51,677	49,621	+1,300
General administration.....	2,146	2,146	2,146	-----
Construction management.....	5,705	6,066	5,799	+94
Emergency appropriations (P.L. 105-174).....	1,065	-----	-----	-1,065
Rescission (P.L. 105-174).....	-837	-----	-----	+837
Total, Construction.....	125,279	152,054	121,695	-3,584

Education.—The Committee recommends \$58,579,000 for education construction, including \$17,400,000 to finish construction of the Sac and Fox and Pyramid Lake schools, \$3,000,000 for employee housing, and \$38,179,000 for FI&R which is an increase of \$6,000,000 over the 1998 level to begin to address the significant backlog maintenance problems that exist in the school system.

The Committee encourages the Bureau to consider adding additional portable classrooms for the Ramah Band of Navajo school

system. It has come to the Committee's attention that over 160 children are bused each day to Albuquerque schools because there is no room in the overcrowded BIA school.

The Committee has continued the fiscal year 1995 bill language related to implementing the process to award grants for construction of new schools or facilities improvement and repair projects in excess of \$100,000. The language ensures that the Department can continue to implement the grant process while the permanent implementation process is under development in fiscal year 1998. The Committee expects the Department and the Bureau of Indian Affairs to continue to work cooperatively with the tribes in the development of a final implementation process. Given that the language is clear concerning negotiating the schedule of payments, the Committee has not continued the language limiting payments to two per year.

Public safety and justice.—The Committee recommends \$5,550,000 for public safety and justice, including \$1,400,000 for FI&R, \$150,000 for fire safety coordination, and \$4,000,000 for the fire program.

Resources management.—The Committee recommends \$49,621,000 for resources management, including \$25,500,000 the Navajo irrigation project, \$1,806,000 for engineering supervision, \$304,000 for central office support staff, \$20,011,000 for the safety of dams program, and \$2,000,000 for dam maintenance.

General administration and construction management.—The Committee recommends \$7,945,000 for general administration and construction management, including an increase above 1998 of \$94,000 for fixed costs.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Appropriation enacted, 1998	\$43,352,000
Budget estimate, 1999	38,396,000
Recommended, 1999	28,396,000
Comparison:	
Appropriation, 1998	- 14,956,000
Budget estimate, 1999	- 10,000,000

The Committee recommends \$28,396,000 for Indian land and water claim settlements and miscellaneous payments to Indians, including \$623,000 for White Earth, \$243,000 for Hoopa-Yurok, \$25,000,000 for the Ute settlement, and \$2,530,000 for the Pyramid Lake settlement.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Appropriation enacted, 1998	\$5,000,000
Budget estimate, 1999	5,005,000
Recommended, 1999	5,001,000
Comparison:	
Appropriation, 1998	+1,000
Budget estimate, 1999	- 4,000

The Committee recommends \$5,001,000 for the Indian guaranteed loan program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

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. Numerous treaties, statutes, constitutional provisions, and international law have reconfirmed this relationship. 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 37 hospitals, 61 health centers, 4 school health centers, and 48 health stations. Tribes and tribal groups, through contracts with the IHS, operate 12 hospitals, 134 health centers, 4 school health centers, and 241 health stations (including 168 Alaska village clinics). The IHS, tribes and tribal groups also operate 7 regional youth substance abuse treatment centers and more than 2,000 units of staff quarters.

Appropriation enacted, 1998	\$1,841,174,000
Budget estimate, 1999	1,843,873,000
Recommended, 1999	1,932,953,000
Comparison:	
Appropriation, 1998	+91,779,000
Budget estimate, 1999	+89,080,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

	(in thousands of dollars)			Change from Enacted
	FY 1998 Enacted	Budget Estimates	Committee Bill	
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs.....	906,801	900,305	932,984	+26,183
Dental health program.....	65,517	65,517	72,380	+6,863
Mental health program.....	39,279	39,279	42,352	+3,073
Alcohol and substance abuse program.....	91,782	100,782	95,321	-6,461
Contract care.....	373,375	373,375	389,363	+15,988
Subtotal, Clinical Services.....	1,478,754	1,479,258	1,522,400	+55,646
Preventive Health				
Public health nursing.....	28,198	28,198	30,578	+2,380
Health education.....	8,932	8,932	9,480	+548
Community health representatives program.....	44,312	44,312	45,267	+955
Immunization (Alaska).....	1,328	1,328	1,376	+48
Subtotal, Preventive Health.....	82,770	82,770	87,701	+4,931
Urban health projects	25,288	25,583	26,569	+1,281
Indian health professions	28,720	28,720	29,837	+1,117
Tribal management	2,348	2,348	2,399	+51
Direct operations	47,386	47,386	49,809	+2,423
Self-governance	9,106	9,106	9,457	+351
Contract support costs	168,702	168,702	194,781	+26,079
Supplemental appropriations (P.L. 105-174)	100	---	---	-100
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting).....	(302,643)	(327,643)	(327,643)	(+25,000)
Total, Indian Health Services	1,841,174	1,843,873	1,932,953	+91,779

The Committee recommends \$1,932,953,000 for Indian health services, an increase of \$89,080,000 above the budget request and \$91,779,000 above the fiscal year 1998 level. Increases to the budg-

et request include \$53,142,000 for clinical services, \$4,931,000 for preventive health, \$986,000 for urban health, \$1,117,000 for Indian health professions, \$51,000 for tribal management, \$2,423,000 for direct management, \$351,000 for self-governance, and \$26,079,000 for contract support costs.

The Administration, in its budget request for fiscal year 1999, fell far short of fulfilling its responsibility to the Indian people for health services. No funds were included for pay increases for health professionals. No funds were requested for inflationary costs. No funds were requested for new tribes. No funds were requested for staffing and operating newly constructed facilities. Funds for maintenance of health facilities were reduced. Funds for water and sewer facilities in Indian homes were reduced. No funds were requested to address the deficit in contract support costs for those tribes that manage their own health programs and no funds were requested for new or expanded Indian self-determination or self-governance compacts.

The Committee has recommended full funding for fixed cost increases and attempted to begin to address the problem of contract support cost shortfalls. The Committee also recommends the restoration of the cuts to the base program proposed by the Administration.

Hospitals and Clinics.—The Committee recommends \$932,984,000 for hospitals and clinics, an increase of \$32,679,000 above the budget request and \$26,183,000 above the fiscal year 1998 level. Increases to the budget request include \$36,392,000 for pay and inflation, \$9,963,000 to restore the cuts to the base programs and \$10,324,000 for staffing and operating new facilities of which \$292,000 is for the Kotzebue, AK hospital, \$435,000 is for the White Earth, MN health center, \$1,579,000 is for the Lame Deer, MT health center, \$7,875,000 is for the Anchorage, AK hospital and \$143,000 is for the Harlem, MT health center. Decreases include \$5,000,000 for a cervical and breast cancer initiative and \$19,000,000 that is transferred to the facilities account to consolidate all facilities management in that program.

Dental Health.—The Committee recommends \$72,380,000 for dental health, an increase of \$6,863,000 above both the budget request and the fiscal year 1998 level. Increases include \$5,192,000 for pay and inflation and \$1,671,000 for staffing and operating new facilities of which \$261,000 is for the Lame Deer, MT health center, \$177,000 is for the Kotzebue, AK hospital, \$185,000 is for the White Earth, NM health center and \$1,048,000 is for the Anchorage, AK hospital. The Committee also has provided \$1,000,000 in the facilities account for additional modular dental units.

Mental Health.—The Committee recommends \$42,352,000 for mental health services, an increase of \$3,073,000 above both the budget request and the fiscal year 1998 level. Increases include \$1,571,000 for pay and inflation, \$1,000,000 to continue the suicide prevention program started in the fiscal year 1998 supplemental appropriation, and \$502,000 for staffing and operating new facilities of which \$51,000 is for the White Earth, MN health center, \$94,000 is for the Lame Deer, MT health center and \$357,000 is for the Anchorage, AK hospital.

The Committee has funded a suicide prevention program in the Indian Health Service rather than a similar proposal in the BIA. The Committee believes the IHS is the appropriate agency to provide these services. The Committee expects the Indian Health Service to distribute these funds based on greatest need and to fund no more than 10 programs, and preferably less than 10, to ensure that the funds are not diluted to such an extent as to result in ineffective programs. The Service should report to the Committee, no later than January 15, 1999, on how it proposes to distribute these funds.

Alcohol and Substance Abuse.—The Committee recommends \$95,321,000 for alcohol and substance abuse treatment and prevention programs, a decrease of \$5,461,000 below the budget request and an increase of \$3,539,000 above the fiscal year 1998 level. Changes to the budget request include an increase of \$3,539,000 for pay and inflation and a decrease of \$9,000,000 for an alcohol and substance abuse initiative.

The Committee has not agreed to a new alcohol and substance abuse initiative, as proposed in the budget request. This program was to be funded at the expense of basic health programs and the Committee believes such an approach is irresponsible. The Committee notes that a great deal of the funding in the hospital and clinics area is used to treat alcohol and substance abuse-related health problems.

Contract Health Care.—The Committee recommends \$389,363,000 for contract care, an increase of \$15,988,000 above both the budget request and the fiscal year 1998 level. Increases include \$14,308,000 for pay and inflation and \$1,680,000 for unmet need/new tribes funding.

Public Health Nursing.—The Committee recommends \$30,578,000 for public health nursing, an increase of \$2,380,000 above both the budget request and the fiscal year 1998 level. Increases include \$1,139,000 for pay and inflation and \$1,241,000 for staffing and operating new facilities of which \$4,000 is for the Kotzebue, AK hospital, \$298,000 is for the White Earth, MN health center, \$323,000 is for the Lame Deer, MT health center, \$504,000 is for the Anchorage, AK hospital and \$112,000 is for the Harlem, MT health center.

Health Education.—The Committee recommends \$9,480,000 for health education, an increase of \$548,000 above both the budget request and the fiscal year 1998 level. Increases include \$293,000 for pay and inflation and \$255,000 for staffing and operating new facilities of which \$47,000 is for the White Earth, MN health center, \$87,000 is for the Lame Deer, MT health center and \$121,000 is for the Anchorage, AK hospital.

Community Health Representatives.—The Committee recommends \$46,267,000 for community health representatives, an increase of \$1,955,000 above both the budget request and the fiscal year 1998 level. Increases include \$1,727,000 for pay and inflation and \$228,000 for staffing and operating the new White Earth, MN health center.

Immunization.—The Committee recommends \$1,376,000 for the immunization program in Alaska, an increase of \$48,000 above

both the budget request and the fiscal year 1998 level. The increase is for pay and inflation costs.

Urban Health.—The Committee recommends \$26,569,000 for urban health projects, an increase of \$986,000 above the request and \$1,281,000 above the fiscal year 1998 level. The increase above the budget request is for pay and inflation costs.

Indian Health Professions.—The committee recommends \$29,837,000 for Indian health professions, an increase of \$1,117,000 above both the budget request and the fiscal year 1998 level for pay and inflation costs.

Tribal Management.—The Committee recommends \$2,399,000 for tribal management, an increase of \$51,000 above both the budget request and the fiscal year 1998 level for inflation costs.

Direct Operations.—The Committee recommends \$49,809,000 for direct operations, an increase of \$2,423,000 above both the budget request and the fiscal year 1998 level. The increase is for pay and inflation costs.

Self-Governance.—The Committee recommends \$9,457,000 for self-governance, an increase of \$351,000 above both the budget request and the fiscal year 1998 level. The increase is for pay and inflation costs.

Contract Support Costs.—The Committee recommends \$194,781,000 for contract support costs, an increase of \$26,079,000 above both the budget request and the fiscal year 1998 level. Increases include \$14,079,000 for pay and inflation and \$12,000,000 for unmet need.

The Committee has recommended bill language earmarking the amount of funding for contract support costs and requiring a proportional distribution of contract support cost funding. The increases recommended for pay and inflation and for unmet need in this area are to minimize any decreases to ongoing contracts and compacts.

The Committee agrees to the following:

1. Future budget requests should focus on funding fixed costs, including staffing of new facilities and new tribes funding, and base programs before considering new initiatives.

2. The IHS needs to work closely with the tribes and with the legislative committees of jurisdiction to find a solution to contract support cost shortfalls that ensures they are not paid at the expense of other health care programs. This issue is discussed in more detail in Title III of this report.

3. The IHS should work with the tribes to develop an acceptable methodology for determining level of need calculations for services and for contract support costs. A “minimum level of need funded” should be established for all the various services and for contract support costs and a plan for increasing the level of need funded in all the various areas should be developed with priorities identified within and across programs.

4. The IHS should expand its National diabetes surveillance activities by obtaining pertinent data from the Special Diabetes Program for American Indian grantees to measure diabetes prevalence, rates of amputation, blindness, and kidney disease, and to take measures related to prevention of diabetes, such as addressing obesity in children. The IHS should work with the Joslin Diabetes

Center in Boston, the Centers for Disease Control and Prevention and the National Institutes of Health on the development and maintenance of innovative approaches to dealing with diabetes detection and treatment.

5. The Committee is very concerned about the unmet need in the area of dental services and, encourages the IHS and the Administration to address this problem in the fiscal year 2000 budget.

Bill Language.—The Committee has recommended bill language earmarking the maximum amount that may be spent on contract support costs and language requiring a proportional distribution of contract support cost funding across all self-determination and self-governance contracts and compacts. Language also is recommended under Administrative Provisions, Indian Health Service, specifying that IHS funding may not be used to pay for non-IHS contract support costs. In Title III—General Provisions, the Committee has recommended language placing a one-year moratorium on new or expanded self-determination and self-governance compacts. The Committee urges the IHS and the tribes to address the contract support cost problem in a timely manner so that an acceptable solution can be found for addressing contract support cost funding within the Committee’s allocation and without adversely affecting funding for other IHS and tribal health programs.

Bill language also is recommended to permit up to \$17,000,000 to be used for the loan repayment program. This program is essential for the recruitment of health care professionals and the Committee’s recommendation allows for flexibility in using that program, if the IHS and the tribes determine that additional funds should be diverted to the program.

INDIAN HEALTH FACILITIES

The need for new Indian health care facilities 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. In 1994, IHS conducted a review of facility needs to determine what would be required to provide adequate and safe health care delivery. The conclusions of the review were that IHS would need to replace, renovate or modernize 41 hospitals, 153 full service health centers, and 289 part-time health stations, and that 12 new health centers and 21 new health stations would need to be constructed. Safe and sanitary water and sewer systems for existing homes and solid waste disposal needs currently are estimated to amount to over \$600 million for those projects that are considered to be economically feasible.

Appropriation enacted, 1998	\$257,538,000
Budget estimate, 1999	274,476,000
Recommended, 1999	313,175,000
Comparison:	
Appropriation, 1998	+55,637,000
Budget estimate, 1999	+38,699,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

	(in thousands of dollars)			Change from Enacted
	FY 1998 Enacted	Budget Estimates	Committee Bill	
Maintenance and improvement.....	39,434	35,634	41,814	+2,380
Sanitation facilities.....	89,082	84,082	89,400	+318
Construction facilities.....	14,400	38,900	41,087	+26,687
Facilities and environmental health support.....	101,817	102,855	103,568	+6,951
Equipment.....	13,005	13,005	13,306	+301
Facilities management.....	---	---	19,000	+19,000
Total, Indian Health Facilities.....	257,528	274,476	313,175	+55,637

The Committee recommends \$313,175,000 for Indian health facilities, an increase of \$38,699,000 above the budget request and \$55,637,000 above the fiscal year 1998 level. Increases to the budget request include \$6,180,000 for maintenance and improvement, \$5,318,000 for sanitation facilities, \$2,187,000 for construction, \$5,713,000 for facilities and environmental health support, \$301,000 for equipment and \$19,000,000 for facilities management.

Maintenance and Improvement.—The Committee recommends \$41,814,000 for maintenance and improvement, an increase of \$6,180,000 above the budget request and \$2,380,000 above the fiscal year 1998 level. Increases to the budget request include \$880,000 for pay and inflation, \$3,800,000 to restore base funding to the 1998 level, \$1,000,000 for unmet need and \$500,000 for a cost-shared renovation program on the Spokane Reservation.

Sanitation Facilities.—The Committee recommends \$89,400,000 for sanitation facilities, an increase of \$5,318,000 above the budget request and \$318,000 above the fiscal year 1998 level. Increases to the budget request include \$318,000 for pay and fixed costs and \$5,000,000 to restore base funding to the 1998 level.

Construction.—The Committee recommends \$41,087,000 for construction, an increase of \$2,187,000 above the budget request and \$26,687,000 above the fiscal year 1998 level. Changes to the budget request include increases of \$4,200,000 to complete construction of the Polacca (Hopi), AZ health center, \$1,000,000 for modular dental units, \$950,000 to complete the design of the Winnebago, NE hospital, \$1,037,000 to complete the design of the Pinon, AZ health center and \$5,000,000 for construction of the Parker, AZ health center, and a decrease of \$10,000,000 for the Fort Defiance, AZ hospital construction project.

Facilities and Environmental Health Support.—The Committee recommends \$108,568,000 for facilities and environmental health support, an increase of \$5,713,000 above the budget request and \$6,951,000 above the fiscal year 1998 level. Increases to the budget request include \$3,545,000 for pay and inflation and \$2,168,000 for staffing and operating new facilities of which \$26,000 is for the Kotzebue, AK hospital, \$305,000 is for the White Earth, MN health center, \$395,000 is for the Lame Deer, MT health center, \$1,161,000 is for the Anchorage, AK hospital and \$281,000 is for the Harlem, MT health center.

Equipment.—The Committee recommends \$13,306,000 for equipment, an increase of \$301,000 above both the budget request and the fiscal year 1998 level for inflation costs.

Facilities Management.—The Committee recommends the transfer of \$19,000,000 from the services account to the facilities account

for facilities management. The facilities program is responsible for this activity and funds are being consolidated in the facilities account to reflect accurately that responsibility.

The Committee agrees to the following:

1. The funding provided for a pilot project on the Spokane reservation at the Wellpinit, WA facility is contingent on non-Federal matching funds from the tribe. There will be no operational increase associated with this project.

2. The Committee continues to stress the need for addressing the maintenance backlog at all the agencies in the bill. The Committee believes that "taking care of what we have" in the public trust is critically important. The IHS and the Administration are encouraged to give a higher priority to funding in this area in the fiscal year 2000 budget.

3. Funding to complete the Hopi clinic includes staff quarters renovation.

4. The fiscal year 2000 budget should address the advisability of reinstating a joint venture facilities construction program in the context of overall priorities. Any such proposal should in no way interfere with the commitment to those tribes that have been waiting for years to have facilities constructed through the construction priority system.

5. The methodology used to distribute facilities funding should address the fluctuating annual workload and maintain parity among IHS areas and tribes as the workload shifts.

6. Funds for sanitation facilities for new and renovated housing should be used to serve housing provided by the Bureau of Indian Affairs Housing Improvement Program, new houses and homes renovated to like-new condition. Onsite sanitation facilities may also be provided for homes occupied by the disabled or sick who have physician referrals indicating an immediate medical need for adequate sanitation facilities at home.

7. Sanitation funds should not be used to provide sanitation facilities for new homes funded by the housing programs of the Department of Housing and Urban Development. The HUD should provide any needed funds to the IHS for that purpose.

8. The IHS may use up to \$5,000,000 in sanitation funding for projects to clean up and replace open dumps on Indian lands pursuant to the Indian Lands Open Dump Cleanup Act of 1994.

9. The IHS should continue to support tribes in identifying and implementing alternative and innovative approaches to funding construction and repair and replacement of health care facilities throughout Indian country, including cost-sharing arrangements and the enhanced use of third-party collections for improving aging facilities. These alternative approaches should not result in increased operational funding requirements for IHS.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

The Committee has recommended bill language specifying that Indian Health Service funding may not be used to pay contract support costs for any entity other than the Indian Health Service.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The dispute between the Hopi and Navajo tribes is centuries-old. The Hopi were the original occupants of the land with their origin tracing 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 510 households remain to be relocated, of which 71 are full-time residents on the Hopi Partitioned Land. A total of 2,958 Navajo families have been relocated from the Hopi Partitioned Land.

Appropriation enacted, 1998	\$15,000,000
Budget estimate, 1999	15,000,000
Recommended, 1999	13,000,000
Comparison:	
Appropriation, 1998	-2,000,000
Budget estimate, 1999	-2,000,000

The Committee recommends an appropriation of \$13,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation, which is a decrease of \$2,000,000 from both the 1998 level and the budget estimate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

Appropriation enacted, 1998	\$4,250,000
Budget estimate, 1999	3,188,000
Recommended, 1999	0
Comparison:	
Appropriation, 1998	-4,250,000
Budget estimate, 1999	-3,188,000

The Committee recommends zero funding for the Institute of American Indian and Alaska Native Culture and Arts Development. It was the understanding of the House that fiscal year 1998 would be the last year Federal funding would be provided.

accounts which have a balance of less than \$1.00 and have not had activity for over 18 months; an average of 30 cents in each account. These accounts are too small to earn interest. Attempts to disburse these amounts to the accountholders have been unsuccessful, as the checks are not cashed, and the amounts are subsequently restored to OST's account in Treasury. Without such an exemption, it would cost in excess of \$600,000 annually to comply with the requirements of the Act.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The purpose of the Natural Resource Damage Assessment Fund is to provide the basis for claims against responsible parties for the restoration of injured natural resources. Assessments ultimately will lead to the restoration of injured resources and reimbursement for reasonable assessment costs from responsible parties through negotiated settlements or other legal actions.

Appropriation enacted, 1998	\$4,228,000
Budget estimate, 1999	8,100,000
Recommended, 1999	4,492,000
Comparison:	
Appropriation, 1998	+264,000
Budget estimate, 1999	-3,608,000

This account previously was included under the United States Fish and Wildlife Service appropriation. The Committee has recommended moving the account to the Departmental Offices appropriation because its functions relate to several different bureaus within the Department of the Interior.

The Committee recommends \$4,492,000 for the natural resource damage assessment fund, a decrease of \$3,608,000 below the budget request and an increase of \$264,000 above the fiscal year 1998 level. Decreases below the budget request include \$3,252,000 in damage assessments and \$356,000 in program management. At the recommended funding level, increases above the 1998 level include \$64,000 for fixed cost increases and \$200,000 for damage assessments.

Bill language is recommended to merge available prior year funds in this account, appropriated to the U.S. Fish and Wildlife Service, with the funds recommended for appropriation herein.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The Committee recommends continuing several provisions carried in previous bills as follows. Sections 101 and 102 provide for emergency transfer authority with the approval of the Secretary. Section 103 provides for warehouse and garage operations and for reimbursement for those services. Section 104 provides for vehicle and other services. Section 105 provides for uniform allowances. Section 106 provides for twelve month contracts.

Sections 107 through 110 prohibit the expenditure of funds for Outer Continental Shelf leasing activities in certain areas as proposed in the budget. These provisions are addressed under the Minerals Management Service in this report.

Section 111 limits the investment of Federal funds by tribes and tribal organizations to obligations of the United States or obligations insured by the United States.

Section 112 provides authority for lump sum payments of severance pay and continued health benefits to Federal Helium Operations employees who have been separated as a result of the closure of the helium program.

Section 113 permits the Secretary of the Interior to accept and use donations for the Department's Natural Resources Library.

Section 114 limits the payment of contract support costs, using funding in this title, to contracts under the jurisdiction of agencies of the Department of the Interior.

Section 115 prohibits the National Park Service from reducing recreation fees for non-local travel through any park unit.

Section 116 provides benefits, including limited "buy-out" authority for employees separated from the Denver Service Center of the National Park Service.

Section 117 provides authority to the Secretary to lease space to non-Federal entities and to collect and retain fees for the Working Capital Fund.

Section 118 designates the 37 mile River Valley Trail within the Delaware Water Gap National Recreation Area as the Joseph M. McDade Trail.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

The U.S. Forest Service manages 192 million acres of public lands for multiple use Nationwide, including lands in 44 States, Puerto Rico and the Virgin Islands. The Forest Service administers a wide variety of programs, including forest and rangeland research, State and private forestry assistance, wildfire suppression and fuels reduction, cooperative forest health programs, and human resource programs. The National Forest System (NFS) includes 156 National forests, 20 National grasslands, a National tallgrass prairie, 4 National monuments, and 9 land utilization projects. The NFS is managed for multiple use, including timber production, recreation, wilderness, minerals, grazing, fish and wildlife habitat management, and soil and water conservation.

The Committee is extremely concerned about the fiscal and management accountability and credibility of the Forest Service. The Committee has made several changes to enhance accountability, and the Committee, with the assistance of the GAO and IG, will be monitoring closely the efforts underway to bring the agency business management performance up to standard. There continue to be too many opportunities for managers to sideline funds away from on-the-ground activities.

The Committee continues to be extremely concerned about the problem of forest and rangeland health and especially the condition of the wildland-urban interface. There is a great need for a comprehensive approach that enhances the condition of the forests, watersheds and habitats and produces goods and services needed by

Trust is a wholly-owned government corporation established by the Omnibus Parks and Public Lands Management Act of 1996 to maintain and lease property in the Presidio of San Francisco. This appropriations account funds the operation of the Trust and authorizes the Trust to borrow up to \$25,000,000 from the U.S. Treasury in fiscal year 1999 to rehabilitate and prepare facilities for leasing.

The Committee recommends \$39,913,000 for the Presidio Trust, the same as the fiscal year 1999 budget request.

TITLE III—GENERAL PROVISIONS

The Committee recommends continuing several provisions carried in previous bills as follows:

Section 301 provides for public availability of information on consulting services contracts.

Section 302 limits non-competitive leasing of oil and natural gas on the Shawnee National Forest, Illinois.

Section 303 prohibits activities to promote public support or opposition to legislative proposals.

Section 304 provides for annual appropriations unless expressly provided otherwise in this Act.

Section 305 limits the use of personal cooks, chauffeurs or servants.

Section 306 limits assessments against programs without Committee approval.

Section 307 contains Buy American procedures and requirements.

Section 308 limits the sale of giant sequoia trees by the Forest Service.

Section 309 prohibits the use of funds by the National Park Service to enter into a contract requiring the removal of the underground lunchroom at Carlsbad Caverns NP, NM.

Section 310 provides that no funds can be used for Americorps unless it is funded in the VA, HUD and Independent Agencies fiscal year 1999 appropriations, and makes use of such funds subject to reprogramming.

Section 311 continues a limitation of funding relating to a pedestrian bridge between New Jersey and Ellis Island.

Section 312 continues a limitation on accepting and processing applications for patents and on the patenting of Federal lands; permits processing of grandfathered applications; and permits third-party contractors to process grandfathered applications.

Section 313 provides that no funds can be used for the purposes of acquiring lands in the counties of Gallia, Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

Section 314 limits payments for contract support costs in past years to the funds available in law and accompanying report language in those years for the Bureau of Indian Affairs and the Indian Health Service.

Section 315 limits Jobs in the Woods programs to timber dependent areas in Washington, Oregon, and northern California.

Section 316 prohibits the use of recreational fees in excess of \$500,000 for the construction of any permanent structure without advance Committee approval.

Section 317 prohibits the use of funds to evict landowners under certain conditions at Sleeping Bear Dunes NL, MI.

Section 318 prohibits the use of funds for Biosphere Reserves as part of the Man and Biosphere Program.

Section 319 prohibits the use of funds for posting clothing optional signs at Cape Canaveral NS, FL.

Section 320 contains reforms and limitations dealing with the National Endowment for the Arts.

Section 321 permits the collection and use of private funds by the National Endowment for the Arts and the National Endowments for the Humanities.

Section 322 permits the use of funds by the Forest Service for cooperative projects for watershed restoration and improvements.

Section 323 continues direction to the National Endowment for the Arts on funding distribution. This language expands the 1998 language to encourage community music grants.

Section 324 prohibits the use of funds to make improvements to Pennsylvania Avenue in front of the White House without Committee approval.

Section 325 prohibits the use of funds to move the Woodrow Wilson International Center for Scholars to the Ronald Reagan Building in Washington, D. C.

Section 326 renames the Auditors West Building (Annex III) in Washington, D. C. as the Sidney R. Yates Building.

Section 327 requires the Secretary of Agriculture to grant an easement for road construction in the Chugach NF, AK.

Section 328 extends the recreation fee demonstration program for an additional two years (through fiscal year 2001).

Section 329 places a one-year moratorium on new and expanded Indian self-determination and self-governance contracts and compacts.

The Committee continues to support self-determination and self-governance programs. These programs have enabled the tribes to have greater control and greater involvement in many different programs formerly managed by the Bureau of Indian Affairs and the Indian Health Service. In the early years of the self-determination and self-governance programs, funds were shifted from Federal programs to offset partially the administrative costs of those tribes that elected to take over management of BIA and IHS programs. These administrative costs of the tribes are known as contract support costs. The Committee also added additional funds to the BIA and IHS budgets to pay the balance of contract support costs. Over time, the contract support costs associated with self-determination contracts and self-governance compacts have outpaced available funding. We have reached a point at which we can no longer offset these costs to any great extent by continuing to downsize the Federal bureaucracies in BIA and IHS. To do so would be unfair to the many tribes who choose not to manage their own programs and rely on the BIA and the IHS for program management.

Unfortunately, implementation of the self-determination and self-governance programs does not result in economies of scale in program management since each participating tribe is responsible for its own management. For Federal programs, the BIA and the IHS are able to achieve savings by grouping program management re-

sponsibilities and funding for a number of tribes. Over the past few years, the amount of funding required to pay contract support costs has exceeded the total amount of management funding that would have been required under the old Federal system. The Committee understands that this is a necessary consequence of turning programs over to the tribes. However, the Committee cannot afford to pay 100% of contract support costs at the expense of basic program funding for tribes; whether individual tribes elect to contract or compact or choose not to do so. For example, dental health services in the IHS are funded at less than 25% of current need. As contract support costs continue to increase, and overall funding remains relatively constant, direct program funding becomes a smaller proportion of overall funding.

The Committee expects the BIA and the IHS to work with the tribes and the legislative committees of jurisdiction over the next several months to find an acceptable solution to the contract support cost funding problem so that we can move forward with the self-determination and self-governance programs. In the meantime, the Committee believes that a moratorium on new and expanded contracts and compacts is the fiscally responsible course of action. The Committee notes that the Administration requested no funding for new and expanded contracts and compacts in IHS and provided no funding to pay for inflation or for shortfalls in existing IHS contracts and compacts. The Committee has attempted to rectify that situation by funding fully fixed cost increases for IHS, including contract support costs, and by providing funding needed to address some of the contract support cost shortfalls.

The Committee believes the basic "fairness" question needs to be addressed with respect to how to distribute limited funds between and among the various programs and the management of those programs in BIA and IHS. The current contract support cost funding situation clearly illustrates that problem and the Committee looks forward to working with the tribes and the BIA and the IHS to find an acceptable solution to the problem.

Section 330 eliminates the Forest Service purchaser road credits program; provides for payments to States; and details transition requirements for the new program.

Section 331 corrects the 1998 Act to specify that the Senate appointed membership to the National Council for the Arts is the same as that for the House.

Section 332 provides for the transfer of the Land Between the Lakes National Recreation Area from the Tennessee Valley Authority to the Secretary of Agriculture to be managed for continued recreation as a part of the national forest system and provides for this transition.

Section 333 limits the use of Forest Service and Interior Department funds for the Interior Columbia Basin Ecosystem Management Project and provides direction for amending management plans for the area.

This section is intended to incorporate the work of the Interior Columbia Basin Ecosystem Project into Federal land management decision making in as timely a manner as possible. When the project was established, the agencies announced that it would be completed in 9 months and cost \$5 million. It now has consumed

4 years and \$40 million, and is still not finished. It is the intent of the Committee to establish a mechanism so that the work of the project is incorporated into the only documents that are legally required for Federal land management activities: the land and resource management plans of the Forest Service and the resource management plans of the Bureau of Land Management (BLM). In addition, the Committee has set a deadline of 4 months in which the agencies are required to accomplish the following tasks: 1) prepare the report required by section 323 of last year's Interior appropriations bill; 2) distribute, for advisory purposes, within the project area the scientific findings which are relevant to the planning units of the Forest Service and BLM; and 3) close project offices. The scientific findings developed by the project should then be integrated into the resource management plans of all planning units in accordance with the planning procedures of the National Forest Management Act of 1976 and the Federal Land Policy and Management Act of 1976.

Section 334 provides additional authority to the Secretary of Agriculture to use the ten percent roads and trails fund for additional purposes.

Section 335 amends the Arts and Artifacts Indemnity Act to increase the statutory limits for insuring international exhibitions.

Section 336 facilitates a land transfer in California from the Southern Pacific Transportation Company to the City of Tulare by negating the Federal reversionary interest in the property. The Administration has endorsed the transfer.

Section 337 excludes a net of 36 acres in Florida from the Coastal Barrier Resources System. This provision originally was included in the Omnibus Parks Act of 1996 but was never implemented because of a technicality. This amendment makes the needed technical correction so that the provision can be implemented.

RESCISSIONS

Pursuant to clause 1(b), rule X of the House of Representatives, the following table is submitted describing the rescissions recommended in the accompanying bill:

RESCISSION RECOMMENDED IN THE BILL

<i>Department and activity</i>	<i>Amounts recommended for rescission</i>
Department of the Interior: Land and Water Conservation Fund (contract authority)	\$30,000,000

TRANSFER OF FUNDS

Pursuant to clause 1(b), rule X of the House of Representatives, the following table is submitted describing the transfer of funds provided in the accompanying bill.

The table shows the appropriations affected by such transfers.

APPROPRIATION TRANSFERS RECOMMENDED IN THE BILL

Account from which transfer is to be made	Amount	Account to which transfer is to be made	Amount
Department of Energy, Alternative Fuels Production.	\$1,300,000	General Fund of the Treasury	\$1,300,000

CHANGES IN APPLICATION OF EXISTING LAW

Pursuant to clause 3, rule XXI of the rules of the House of Representatives, the following Statements are submitted describing the effect of provisions in the accompanying bill which directly or indirectly change the application of existing law. In most instances these provisions have been included in prior appropriations Acts.

The bill provides that certain appropriations items remain available until expended or extends the availability of funds beyond the fiscal year where programs or projects are continuing in nature under the provisions of authorizing legislation but for which that legislation does not specifically authorize such extended availability. Most of these items have been carried in previous appropriations Acts. This authority tends to result in savings by preventing the practice of committing funds at the end of the fiscal year.

The bill includes, in certain instances, limitations on the obligation of funds for particular functions or programs. These limitations include restrictions on the obligation of funds for administrative expenses, travel expenses, the use of consultants, and programmatic areas within the overall jurisdiction of a particular agency.

The Committee has included limitations for official entertainment or reception and representation expenses for selected agencies in the bill.

Language is included in the various parts of the bill to continue ongoing activities of those Federal agencies, which require annual authorization or additional legislation which to date, has not been enacted.

Language is included under Bureau of Land Management, Management of lands and resources, prohibiting the destruction of healthy, unadopted, wild horses and burros.

Language is included under Bureau of Land Management, Management of lands and resources, permitting the collection of fees for processing applications and for certain public land uses, and permitting the use of these fees for program operations.

Language is included under Bureau of Land Management, Wildland fire management, to permit the use of funds from other accounts for firefighting; to permit the use of funds for lodging and subsistence of firefighters; and to permit the acceptance and use of funds for firefighting.

Language is included under Bureau of Land Management, Central hazardous materials fund, providing that sums received from a party for remedial actions shall be credited to the account, and defining non-monetary payments.

Language is included under Bureau of Land Management, Payments in lieu of taxes, to exclude any payment that is less than \$100.

Language is included under Bureau of Land Management, Service charges, deposits, and forfeitures, to allow use of funds on any damaged public lands.

Language is included under Bureau of Land Management, Administrative provisions, providing for cost-sharing arrangements for printing services.

Language is included under United States Fish and Wildlife Service, Resource management, allowing for the maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge. Without this language, the long-horned cattle would have to be removed from the refuge. Language also is included providing for a Youth Conservation Corps; limiting funding for the Endangered Species Act listing program; permitting payment for information or rewards in the law enforcement program; permitting the use of fees in the migratory bird program; permitting fees to be charged for vessels; and earmarking funds for contaminant analysis.

Language is included under United States Fish and Wildlife Service, Multinational species conservation fund, limiting administrative expenses to three percent of available funds; and merging prior year funds from previous appropriations accounts for the same activities.

Language is included under United States Fish and Wildlife Service, Administrative provisions, providing for repair of damage to public roads; options for the purchase of land not to exceed \$1; installation of certain recreation facilities; the maintenance and improvement of aquaria; the acceptance of donated aircraft; cost-shared arrangements for printing services. Language also is included to limit the use of funds for establishing new refuges; to allow the Secretary to sell land and interests in land and deposit the receipts in the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund; and to make certain funds available until expended.

Language is included under National Park Service, Operation of the National Park System to allow road maintenance service to trucking permittees on a reimbursable basis. This provision has been included in annual appropriations Acts since 1954.

Language is included under National Park Service, Operation of the National Park System, providing for a Youth Conservation Corps program.

Language is included under National Park Service, Construction, prohibiting assessments by the Denver Service Center.

Language is included under National Park Service, Land acquisition and State assistance, to permit the use of funds to assist the State of Florida with Everglades restoration.

Language is included under National Park Service, Administrative provisions, preventing the implementation of an agreement for the redevelopment of the southern end of Ellis Island limiting the use of funds for the United Nation's Biodiversity convention; and permitting the use of funds for workplace safety needs.

Language is included under United States Geological Survey, Surveys, investigations and research, providing for two-year availability of funds for biological research and for the operations of cooperative research units; prohibiting the conduct of new surveys on

private property; and requiring cost sharing cooperative topographic mapping activities.

Language is included under Minerals Management Service, Royalty and offshore minerals management, providing for reasonable expenses related to volunteer beach and marine clean-up activities; providing for refunds for overpayments on Indian allottee leases and providing for collecting royalties and late payment interest on amounts received in settlements associated with Federal and Indian leases.

Language is included under Office of Surface Mining Reclamation and Enforcement, Regulation and Technology, to allow the use of performance bond forfeitures by the regulatory authority to conduct reclamation activities; to permit the use of moneys collected pursuant to assessment of civil penalties to reclaim lands affected by coal mining after August 3, 1977; to permit payment to State and tribal personnel for travel and per diem expenses for training; and to permit the collection and use of fees for a mine map repository.

Language is included under Office of Surface Mining Reclamation and Enforcement, Abandoned mine reclamation fund, to earmark specific amounts in the account for emergency reclamation projects and to allow use of debt recovery to pay for debt collection. Language also is included to allow the State of Maryland to set aside funds for acid mine abatement. Language also is included to permit donations and provide for supplemental grants to States for remediating acid mine drainage.

Language is included under Bureau of Indian Affairs, Operation of Indian programs, to permit advance payments to Indian schools and business enterprises; and to permit the use of tribal priority allocations for general assistance payments to individuals, for contract support costs, and for repair and replacement of schools.

Language is included under Bureau of Indian Affairs, Operation of Indian programs, allowing reprogramming of Self-Governance funds, allowing changes to certain eligibility criteria by tribal governments, allowing the transfer of certain forestry funds, providing for an Indian self-determination fund.

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 transfer of Navajo irrigation project funds to the Bureau of Reclamation; providing Safety of Dams funds on a non-reimbursable basis; and requiring conformance with building codes and health and safety standards.

Language is included under Bureau of Indian Affairs, Indian land and water claim settlements and miscellaneous payments to Indians, to allow the Secretary to sell land and interests in land and deposit the receipts in the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund.

Language is included under Bureau of Indian Affairs, Administrative provisions, to prohibit funding of Alaska schools; to limit the number of schools and the expansion of grade levels in individual schools; and to limit the use of funds for contracts, grants and cooperative agreements.

Language is included under Departmental Offices, Insular Affairs, Assistance to Territories, 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 allowing appropriations for disaster assistance to be used as non-Federal matching funds for hazard mitigation grants provided pursuant to other law.

Language is included under Departmental offices, Office of Special Trustee for American Indians, specifying that the statute of limitations shall not commence on any claim resulting from trust funds losses.

Language is included under Departmental offices, Natural Resource Damage Assessment and Restoration, permitting the merger of prior year funds from the previous account for this activity under the U.S. Fish and Wildlife Service.

Language is included under Departmental Offices, Administrative provisions, prohibiting the use of working capital or consolidated working funds to augment certain offices; allowing the sale of existing aircraft with proceeds used to offset the purchase price of replacement aircraft; and exempting the Office of Special Trustee for American Indians from issuing checks less than \$1.

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

Language is included under General provisions, Department of the Interior, to permit the Department to consolidate services and receive reimbursement for said services. Language also is included providing for uniform allowances.

Language is included under General provisions, Department of the Interior, to allow for obligations in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

Language is included under General Provisions, Department of the Interior, restricting various oil and gas preleasing, leasing, exploration and drilling activities within the Outer Continental Shelf in the Georges Bank-North Atlantic planning area, Mid-Atlantic and South Atlantic planning area, Eastern Gulf of Mexico planning area, North Aleutian Basin planning area, Northern, Southern and Central California planning areas, and Washington/Oregon planning area.

Language is included under General provisions, Department of the Interior, limiting the investment of Federal funds by Indian tribes.

Language is included under General provisions, Department of the Interior, providing for expanded employee benefits to compensate for the closure of the helium program.

Language is included under General Provisions, Department of the Interior, to permit donations for the Department's Natural Resource Library; to limit the use of funds for contract support costs;

to prohibit fee exemptions for non-local traffic through National Parks; to specify the employee benefits associated with down-sizing the Denver Service Center; to permit the leasing of space in the Interior South Building; and to name a trail in the Delaware Water Gap NRA as the Joseph M. McDade Trail.

Language is included under Forest Service, Wildland fire management, allowing the use of funds to repay advances from other accounts.

Language is included under Forest Service, Reconstruction and construction, earmarking funds for road obliteration and allowing transfer of funds to the city of Colorado Springs for design and reconstruction of the Pikes Peak Summit House.

Language is included under Forest Service, Acquisition of lands to complete exchanges, and Acquisition of lands for National forest special acts, to provide that revenues and funds deposited are made available for appropriation.

Language is included under Forest Service, Range Betterment Fund, to provide that 6 percent of the funds may be used for administrative expenses.

Language is included under Forest Service, Administrative provisions, limiting the availability of funds to change the boundaries of or abolish any region or to move or close any regional office. Language is also provided to allow for advances for firefighting and emergency rehabilitation of damaged lands; to provide for the use of funds for fire management; and to provide that proceeds from the sale of aircraft may be used to purchase replacement aircraft.

Language is included under Forest Service, Administrative provisions, to provide for a Youth Conservation Corps program; to allow funds to be used through the Agency for International Development and the Foreign Agricultural Service for work in foreign countries, and to support forestry activities outside of the United States; and to provide that money collected from States for fire suppression may be used for authorized programs.

Language is included under Forest Service, Administrative provisions, to prohibit transfer of funds among appropriations without advance approval of the House and Senate Committees on Appropriations, and to prohibit transfer of funds to the working capital fund of the Department of Agriculture without approval of the Chief of the Forest Service.

Language is included under Forest Service, Administrative provisions, providing for nonmonetary awards, and allowing payment for emergency work.

Language is included under Forest Service, Administrative provisions, allowing reimbursement of certain pipeline rights-of-way costs; allowing payments in emergency situations at regular rates of pay; limiting clearcutting in the Wayne National Forest, Ohio; prohibiting preparation of certain timber sales in the Shawnee National Forest, Illinois, permitting the transfer of certain funds to the State of Washington fish and wildlife department for planned projects; allowing technical assistance to rural communities; providing for matching funds and administrative expenses for the National Forest Foundation and also matching funds for the National Fish and Wildlife Foundation; providing that funds shall be available for payment to counties within the Columbia River Gorge Na-

tional Scenic Area pursuant to Public Law 99-663, providing authority to the Pinchot Institute for activities at Grey Towers National Historic Landmark; allowing payments to Del Norte County, CA pursuant to Public Law 101-612; prohibiting the use of the Southeast Alaska Economic Disaster Fund moneys for lobbying; limiting employee details; making permanent the purchaser elect program; limiting the obligation of the KV Fund for indirect charges to 25 percent of the amount obligated for the year; and limiting the obligation of the salvage sale fund for indirect charges to 25 percent of the amount obligated for year.

Language is included under Department of Energy, Fossil energy research and development, which places a limitation on the field testing of nuclear explosives for the recovery of oil and gas.

Language is included under Department of Energy, Naval Petroleum and oil shale reserves waiving sales requirements based on Strategic Petroleum Reserves oil purchases.

Language is included under Department of Energy, Energy conservation, providing allocations of grants to State and local programs.

Language is included under Administrative provisions, Department of Energy, providing for vehicle and guard services and uniform allowance; 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; prohibiting issuance of procurement documents without appropriations; permitting the use of contributions and fees for cooperative projects; and permitting the Federal Energy Management Program to accept funds from other Federal agencies for energy saving performance contracts.

Language is included under Indian Health Service, Indian health services, providing that contracts and grants may be performed in two fiscal years; and capping contract support cost spending providing for use of collections under Title IV of the Indian Health Care Improvement Act; and capping contract support cost spending.

Language is included under Indian Health Service, Indian health facilities, providing that funds may be used to purchase land, modular buildings and trailers.

Language is included under Indian Health Service, Administrative provisions, providing for payments for telephone service in private residences in the field, purchase of reprints, and purchase and erection of portable buildings; and allowing deobligation and re-obligation of funds applied to self-governance funding agreements.

Language is included under Indian Health Service, Administrative provisions, providing that health care may be extended to non-Indians at Indian Health Service facilities; and providing for expenditure of funds transferred to IHS from the Department of Housing and Urban Development.

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; to limit contract support

cost expenditures to IHS contracts and compacts; and to require a proportional distribution of contract support costs.

Language is included under Indian Health Service, Administrative provisions, allowing payment of expenses for meeting attendance; 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 Smithsonian Institution, Salaries and expenses, to allow for advance payments to independent contractors performing research services or participating in official Smithsonian presentations; and providing that funds may be used to support American overseas research centers.

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 Administrative Provisions, Smithsonian Institution, to limit planning, design or expansion of facilities without Committee approval; and to limit the use of funds for the Holt House at the zoo, for any judgment with respect to a claim against the National Museum of the American Indian (NMAI) and for the construction of the NMAI.

Language is included under 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 also is included specifying that the Gallery is a Federal entity for purposes of the Inspector General Act of 1978.

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 prior year funds of gifts, bequests, and devises of money for which equal amounts have not previously been appropriated.

Language is included under Advisory Council on Historic Preservation 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 a pay level at the rate of Executive Level IV for all appointed members.

Language is included under Title III—General provisions to limit the use of funds for the leasing of oil and natural gas by non-competitive leasing within the boundaries of the Shawnee National Forest; and to prohibit the use of funds to distribute literature either to promote or oppose legislative proposals on which Congressional action is incomplete.

Language is included under Title III—General provisions, to prohibit the use of funds to provide personal cooks, chauffeurs or other personal servants to any office or employee; to limit use of consulting services; to specify that funds are for one year unless provided otherwise.

Language is included under Title III—General provisions, prohibiting assessments against programs funded in this bill, and providing Buy American requirements.

Language is included under Title III—General provisions, prohibiting the sale of giant sequoia trees in a manner different from 1995.

Language is included under Title III—General provisions, prohibiting the use of funds by the National Park Service to enter into a concession contract requiring the removal of the underground lunchroom at Carlsbad Caverns NP.

Language is included under Title III—General provisions, regarding the use of excess funds from contracts with Indian tribes; allowing payments to tribes on the first business day of a fiscal quarter; limiting use of funds for the AmeriCorps program; and limiting use of funds relating to a bridge between New Jersey and Ellis Island.

Language is included under Title III—General provisions, continuing a limitation on accepting and processing applications for patents and on the patenting of Federal lands; permitting processing of grandfathered applications; and permitting third-party contractors to process grandfathered applications.

Language is included under Title III—General provisions, limiting the use of funds for the Wayne National Forest and for the Shawnee National Forest.

Language is included under Title III—General provisions, limiting the use of funds for enforcing certain timber policies; amending the pilot recreational fee demonstration program for the land management agencies to extend it through 2001; requiring Committee approval prior to using recreational fees for constructing permanent buildings; providing greater flexibility for use of the reforestation trust fund by the Forest Service; and requiring certain actions with respect to the Interior Columbia Basin Ecosystem Management project.

Language is included under Title III—General provisions, limiting evictions from certain properties within Sleeping Bear Dunes NL; limiting funds for nominations for Biosphere programs of the United Nations; limiting funds for posting clothing optional signs at Cape Canaveral NS; making reforms in the National Endowment for the Arts; permitting the National Foundation on the Arts and the Humanities to collect, invest and use private donations;

permitting the Secretary of Agriculture to enter into watershed restoration agreements with outside parties; limiting funds for improvements to Pennsylvania Avenue in front of the White House without Committee approval; prohibiting the relocation of the Woodrow Wilson International Center for Scholars from the Smithsonian Institution to the Ronald Reagan Building; renaming the Auditors West Building in Washington, DC as the Sidney R. Yates Building; permitting an easement in the Chugach National Forest for road construction; placing a moratorium on new and expanded self-determination contracts and self-governance compacts; eliminating the purchaser road credit program while retaining payments to States and providing for program transition; allowing the Senate appointed membership to the National Council for the Arts to be the same as that for the House; providing for the transfer of the Land Between the Lakes National Recreation Area from the Tennessee Valley Authority to the Secretary of Agriculture to be managed for continued recreation as a part of the national forest system; limiting the use of Forest Service and Interior Department funds for the Interior Columbia Basin Ecosystem Management Project and providing direction for amending management plans for the area; providing additional authority to the Secretary of Agriculture to use the ten percent roads and trails fund for additional purposes; amending the Arts and Artifacts Indemnity Act to increase the statutory limits for insuring international exhibitions; providing for a land transfer to the city of Tulare, CA; and excluding certain lands in Florida from the Coastal Barrier Resources System.

APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3 of rule XXI of the House of Representatives, the following table lists the appropriations in the accompanying bill which, in whole or in part, are not authorized by law:

Department of the Interior:

U.S. Fish and Wildlife Service, Resource Management
National Park Service, National Recreation and Preservation

Department of Energy:

Fossil Energy Research and Development
Energy Conservation
Economic Regulation
Strategic Petroleum Reserve
Energy Information Administration

Other Related Agencies:

National Foundation on the Arts and the Humanities:
National Endowment for the Arts
National Endowment for the Humanities

The Committee notes that authorizing legislation for many of these programs is in various stages of the legislative process and these authorizations are expected to be enacted into law later this year.

COMPLIANCE WITH RULE XIII—CLAUSE 3

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as re-