

NCAI Update # 362 - June 14, 2001

FY2002 Interior Appropriations Bill Clears Committee – On June 13, the House Appropriations Committee approved its FY2002 Department of the Interior and Related Agencies Appropriations bill. Because the bill and its accompanying report have not yet been filed, bill numbers have yet to be assigned.

With a few exceptions, the Committee bill mirrors the President's FY2002 budget request for Indian programs (For an analysis of the President's budget request for BIA and IHS programs, see Legislative Update #343, dated April 9, 2001). Under the Committee bill, \$2.213 billion is proposed for the BIA, a net increase of \$76.2 million over the FY2001 enacted level and \$10 million over the President's request. The IHS would receive \$2.76 billion, a \$6.7 million increase over the FY2001 enacted level and \$50 million more than the President's request.

During consideration of the bill, no controversial amendments dealing with Indian programs were considered, leaving open the possibility of floor amendments. We have heard unconfirmed reports that a gaming-related amendment offered by Rep. Istook (R-OK) may be among the amendments introduced during floor consideration of the bill, and will closely monitor this and other possible amendments.

Details regarding proposed funding levels for BIA and IHS programs follow.

(\$ in thousands)	FY2001 Enacted	FY2002 Budget Request	FY2002 House Mark
BIA Operation of Indian Programs			
Tribal Priority Allocations	733,025	750,480	753,830
Other Recurring Programs	566,855	579,428	584,748
Non-Recurring Programs	71,193	67,772	68,876
Central Office Operations	57,736	58,105	58,105
Regional Office Operations	55,312	62,679	62,679
Special Programs and Pooled Overhead	254,454	262,022	262,543
Total - Operation of Indian Programs	1,738,575	1,780,486	1,790,781
BIA Construction			
Education	292,341	292,503	292,503
Public Safety and Justice	5,529	5,541	5,541
Resources Management	50,534	50,645	50,645
Construction Management	6,048	6,264	2,264
General Administration	2,166	2,179	2,179
Total - BIA Construction	356,618	357,132	357,132
Indian Land and Water Claims Settlements/Miscellaneous Payments to Indians	37,443	60,949	60,949
Indian Guaranteed Loan Program	4,977	4,986	4,986
Office of Special Trustee for American Indians	118,965	110,204	110,204
Indian Health Services			
Hospitals and Health Clinics	1,084,173	1,137,711	1,154,711
Dental Health	91,018	95,305	95,305
Mental Health	45,018	47,142	47,142
Alcohol and Substance Abuse	130,254	135,005	135,005
Contract Health Services	445,773	445,776	460,776
Public Health Nursing	36,114	37,781	37,781
Health Education	10,063	10,628	10,628
Community Health Representatives	48,061	49,789	49,789
Immunization (Alaska)	1,471	1,526	1,526
Urban Health	29,843	29,947	30,947

(\$ in thousands)	FY2001 Enacted	FY2002 Budget Request	FY2002 House Mark
Indian Health Professions	30,486	30,565	30,565
Tribal Management	2,406	2,406	2,406
Direct Operations	52,946	65,323	55,323
Self-Governance	9,803	9,876	9,876
Contract Support Costs	248,234	288,234	268,234
Total - Indian Health Services	2,265,663	2,367,014	2,390,014
Indian Health Facilities			
Maintenance and Improvement	46,331	45,331	46,331
Sanitation Facilities	93,617	93,827	93,827
Construction Facilities	85,525	37,568	86,568
Facilities and Environmental Health Support	121,336	126,775	126,775
Equipment	16,294	16,294	16,294
Total - Indian Health Facilities	363,103	319,795	369,795

The bill would continue several legislative riders that are in place in the current fiscal year, including those that would:

- Allow the hiring of administrative law judges to address the Indian probate backlog (Sec 115)
- Permit the redistribution of TPA and tribal base funds (Section 116)
- Allocate BIA post-secondary school funds consistent with unmet needs (Section 118)
- Limit the use of the Huron Cemetery (Section 119)
- Permit a tribal school construction demonstration program (Section 125)
- Limit payments for contract support costs in past years to the funds available in law (Sec 310)

The Committee report devotes a significant amount of attention to the Cobell v. Norton case, stating that the Committee is “very concerned over the escalating costs” associated with the litigation. The Committee does not appropriate any funds for a historical accounting of IIM accounts, as required by the Court of Appeals, in FY2002. Furthermore, the reports states that the Committee “has no interest” in appropriating additional funds for litigation support and states that “if the Department, working with the plaintiffs and the Court, cannot find a cost effective methodology for a historical accounting, the Congress may have to consider a legislative remedy.”

The bill also contains legislative language that would limit the execution of new and expanded IHS contracts and compacts once the appropriation has been committed (\$268.2 million, a \$20 million increase over the FY2001 enacted level). This provision also would prohibit any increase in direct contract support funding for existing compacts.

As noted above, there are significant concerns for Indian Country found among the legislative riders in the House Interior Appropriations full committee bill. NCAI is monitoring this issue and will continue to develop strategies for addressing these concerns with tribal leadership as the appropriations process moves forward.

For more information, please contact NCAI at (202) 466-7767.