



National Congress of American Indians

NCAI News

October 16, 2001
(Broadcast #391)

Key Funding and Legislative Provisions in FY2002 Interior Appropriations Conference Report – As we reported in Broadcast Fax #389, House-Senate negotiators approved the FY2002 Department of the Interior and Related Agencies Appropriations conference report (H.R. 2217, H.Rept. 107-234) on October 11. The House is scheduled to debate the measure on Wednesday, with Senate action to follow.

The conference report provides \$1.8 billion for BIA Operation of Indian Programs, a \$61 million increase over the current funding level. For BIA Education programs, \$545 million is provided, a \$19 million increase over the current level.

The Indian Health Service is increased \$130 million over FY2002 and \$52 million over the President's request, for a final funding level of \$2.8 billion.

The conference report does not include House-passed legislative language that would have limited the execution of new and expanded IHS contracts and compacts once the appropriation has been enacted and that would have prohibited any increase in direct contract support funding for existing compacts. Instead, the following report language is included:

The managers have not agreed to statutory language proposed by the House dealing with certain limitations on contract support costs. The managers believe the disparities between BIA and IHS in the funding of contract support costs should be resolved. While there has been some discussion of this issue by the two agencies of the past few years, no resolution to these differences has resulted. The managers urge the Office of Management and Budget to serve as a coordinator for further discussion of the issue with the two agencies, with the goal of resolving existing discrepancies. The Office of Management and Budget should address this issue as part of the fiscal year 2003 budget request. (H.Rept. 107-234, page 122)

The conference report also does not include section 126 of the Senate-passed bill, which would have repealed section 819 of the Omnibus Indian Advancement Act of 2000 (P.L. 106-568) requiring the Secretary of the Interior to accept a certain parcel of land into trust for the Lytton Rancheria of California. Instead, modified language is included in a new section 128 that states that the Lytton Rancheria shall not conduct Class III gaming on land taken into trust under section 819 of the Omnibus Indian Advancement Act except in compliance with all requirement IGRA compact provisions. The conference report further notes that "nothing in section 819 of Public Law 106-568" should be construed as permitting off reservation gaming by Indian tribes except in compliance with [IGRA]. (H.Rept. 107-234, page 101).

The conference report also would continue several current legislative riders, including those that would:

- Allow the hiring of administrative law judges to address the Indian probate backlog (Section 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); and
- Limit payments for contract support costs in past years to the funds available in law (Section 310).

A summary of funding levels follows. Unless otherwise noted, funding levels remain at the House-passed level.

Operation of Indian Programs – \$1,799,809,000

Tribal Priority Allocations –Cuts \$1,675,000 from the House-passed level of \$753.8 million for Tribal Priority Allocations. The cut is applied to self-governance compacts.

Other Recurring Programs – Adds \$2,605,000 to the House-passed level, including \$2 million for tribally controlled community colleges.

Non-Recurring Programs – Adds \$3,922,000 in various earmarks to the House-passed bill.

Central Office Operations – Adds \$1,000 to the House-passed level for general administration/policy.

Special Programs and Pooled Overhead – Adds \$4,559,000 in various earmarks to the House-passed bill.

Construction

The conference report includes the House-passed level of \$357,132,000 for construction and does not include the \$3 million contained in the Senate-passed bill for a tribal school construction demonstration program.

Office of Special Trustee

The conference report states that funds requested by the Administration for a historical accounting may not be allocated prior to the report requested by the Appropriations Committees detailing the methods and costs associated such a historical accounting.

Indian Health Services

Hospital and Health Clinic Programs – Cuts \$1 million from the House-passed level, including \$500,000 for Joslin diabetes programs and \$500,000 for technology upgrades.

Contract Health Services – Distributes the \$15 million in additional funding for contract health services based on a methodology to be developed in consultation with tribes.

Indian Health Facilities

The conference bill provides \$369,487,000 for Indian Health Facilities, \$308,000 less than the House-passed level. The changes all are in the hospital and clinic construction category.

The conference report urges IHS and the Office of Management and Budget, beginning in FY2003, to establish a recurring base budget for hospital and clinic facilities construction and recommends that the base amount for FY2003 be no less than \$90 million.

The complete conference report may be downloaded at <http://thomas.loc.gov/cgi-bin/cpquery/z?cp107:hr234>:

FY2002 Interior Appropriations Conference Report

(\$ in thousands)	FY2001 Enacted	FY2002 Request	FY 2002 House Bill	FY2002 Senate Bill	FY2002 Conference
Operation of Indian Programs					
Tribal Priority Allocations	733,025	750,480	753,830	754,480	752,155
Other Recurring Programs	566,855	579,428	584,748	587,053	582,053
Non-Recurring Programs	71,193	67,772	68,876	73,723	73,723
Central Office Operations	57,736	58,105	58,105	58,106	58,106
Regional Office Operations	55,312	62,679	62,679	62,679	62,679
Special Programs and Pooled Overhead	254,454	262,022	262,543	268,281	268,281
Total – Operation of Indian Programs	1,738,575	1,780,486	1,780,781	1,804,322	
BIA Construction					
Education	292,341	292,503	292,503	295,503	292,503
Public Safety and Justice	5,529	5,541	5,541	5,541	5,541
Resources Management	50,534	50,645	50,645	50,645	50,645
Construction Management	6,048	6,264	6,264	6,264	6,264
General Administration	2,166	2,179	2,179	2,179	2,179
Total – BIA Construction	356,618	357,132	357,132	360,132	357,132
Indian Land and Water Claims Settlements/Miscellaneous Payments to Indians	37,443	60,949	60,949	60,949	60,949
Indian Guaranteed Loan Program	4,997	4,986	4,986	4,968	4,986
Office of Special Trustee for American Indians	118,965	110,204	110,204	110,204	110,204
Indian Health Services					
Hospital and Clinics	1,084,173	1,137,711	1,154,711	1,137,711	1,153,711
Dental Health	91,018	95,304	95,305	95,305	95,305
Mental Health	45,018	47,142	47,142	47,142	47,142
Alcohol and Substance Abuse	130,254	135,005	135,005	135,005	135,005
Contract Health Services	445,773	445,776	460,776	445,776	460,776
Public Health Nursing	36,114	37,781	37,781	37,781	37,781
Health Education	10,063	10,628	10,628	10,628	10,628
Community Health Representatives	48,061	49,789	49,789	49,789	49,789
Immunization (Alaska)	1,471	1,526	1,526	1,526	1,526

(\$ in thousands)	FY2001 Enacted	FY2002 Request	FY 2002 House Bill	FY2002 Senate Bill	FY2002 Conference
Urban Health	29,843	29,947	30,947	30,947	30,947
Indian Health Professions	30,486	30,565	30,565	31,165	31,165
Tribal Management	2,406	2,406	2,406	2,406	2,406
Direct Operations	52,946	65,323	55,323	65,323	55,323
Self-Governance	9,803	9,876	9,876	8,876	9,876
Contract Support Costs	248,234	288,234	268,234	288,234	268,234
Total – Indian Health Services	2,265,663	2,387,014	2,390,014	2,388,614	2,389,614
Health Facilities					
Maintenance and Improvement	46,331	45,331	46,331	46,331	46,331
Sanitation Facilities	93,617	93,827	93,827	93,827	93,827
Facilities Construction	85,525	37,568	86,568	80,827	86,260
Facilities and Environmental Health Support	121,336	126,775	126,775	126,775	126,775
Equipment	16,294	16,294	16,294	16,294	16,294
Total – Health Facilities	363,103	319,795	369,795	362,854	369,487