

**The original documents are located in Box 36, folder “12/23/75 HR8773 Department of Interior and Related Agencies Appropriation Act 1976 (1)” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.**

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**APPROVED**  
**DEC 23 1975**

**THE WHITE HOUSE**  
**WASHINGTON**  
**December 22, 1975**

**ACTION**  
**Last Day: December 24**

*Pointed in  
Colorado 12/23  
To Archive  
12/24*

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON  
SUBJECT: Enrolled Bill H.R. 8773 - Department of the Interior and Related Agencies Appropriation Act, 1976 and the Period Ending September 30, 1976

Attached for your consideration is H.R. 8773, sponsored by Representative Yates, which appropriates for FY 76 and the transition quarter a total of \$5,390,159,900 in budget authority for activities of the Department of the Interior; the U.S. Forest Service (Agriculture); Indian health services (HEW); the Energy Research and Development Administration; and other smaller agencies.

A detailed discussion of the amounts appropriated by the enrolled bill is provided in Jim Lynn's memorandum and OMB enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus), Ted Marrs and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 8773 at Tab B.







EXECUTIVE OFFICE OF THE PRESIDENT  
 OFFICE OF MANAGEMENT AND BUDGET  
 WASHINGTON, D.C. 20503

DEC 20 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8773 - Department of the Interior and Related Agencies Appropriation Act, 1976, and the period ending September 30, 1976

Last Day for Action: December 24, 1975 - Wednesday

<u>Appropriations</u>	(In millions of dollars)		
	<u>Budget Estimates</u>	<u>Enrolled Bill</u>	<u>Congressional Change</u>
1976.....	4,307	4,235	-73
Transition quarter.....	1,188	1,156	-32
Total.....	5,495	5,390	-105

Outlay Effect: -\$65 million in FY 1976; +\$26 million in the transition quarter; +\$5 million in 1977.

Highlights

- For Interior, the Congress added numerous "small pork" increases amounting to a net \$35 million.
- Larger-than-expected carryover balances allowed the Congress to reduce the appropriations for ERDA without cutting program levels.
- Increases for the Forest Service totaled \$48 million for items traditionally supported by the Congress (e.g., the Youth Conservation Corps, reforestation, timber stand improvement).
- The FEA \$70 million program of winterization grants to low-income homeowners was denied for lack of authorizing legislation. Other FEA programs were reduced by \$73 million. The conference report directed the abolition of FEA's Nuclear Energy Office.

Recommendation

I recommend that you sign the enrolled bill.

  
 James T. Lynn  
 Director





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 20 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8773 - Department of the Interior and Related Agencies Appropriation Act, 1976, and the period ending September 30, 1976  
Sponsor - Rep. Yates (D), Illinois

Last Day for Action

December 24, 1975 - Wednesday

Purpose

Appropriates for fiscal year 1976 and the transition quarter a total of \$5,390,159,900 in budget authority for activities of the Department of the Interior; the U. S. Forest Service (Agriculture); Indian health services (Health, Education, and Welfare); the Energy Research and Development Administration; the Federal Energy Administration; and certain small agencies.

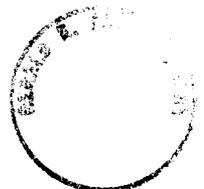
Agency Recommendations

Office of Management and Budget	Approval
Interior	Approval (informally)

Comparison with your 1976 and Transition Quarter Budget Requests

The total new budget authority provided in this bill, \$5,390 million, is \$73 million below your requests for 1976 and \$32 million below your requests for the transition quarter--an overall decrease of \$105 million. The net effect of these decreases on estimated outlays is:

-\$65 million in 1976,  
+\$26 million in the transition quarter, and  
+\$5 million in 1977.



The following table summarizes Congressional action on the 1976 and transition quarter appropriations by major program category:

(In thousands of dollars)

	<u>Budget Estimate Considered</u>	<u>Enrolled Bill</u>	<u>Congressional Change</u>
Department of the Interior:			
Land and water resources.....	333,361	336,364	+3,003
Fish and wildlife and parks.....	925,592	970,603	+45,011
Energy and minerals.....	633,396	630,717	-2,679
Indian affairs.....	977,634	970,806	-6,828
Territorial affairs.....	136,500	139,696	+3,196
Secretarial offices.....	<u>59,946</u>	<u>53,067</u>	<u>-6,879</u>
Total, Interior....	(3,066,429)	(3,101,253)	(+34,824)
Department of Agriculture:			
Forest Service.....	642,843	690,887	+48,044
Energy Research and Development Administration.....	616,775	571,865	-44,910
Federal Energy Administration.....	310,920	168,275	-142,645
Department of Health, Education, and Welfare:			
Indian health.....	395,111	415,065	+19,954
Other related agencies.....	<u>462,928</u>	<u>442,815</u>	<u>-20,113</u>
Grand Total.....	5,495,006	5,390,160	-104,846



### Comparison to 1975 Funding Levels

In total, your 1976 appropriation requests for the programs included in this bill were \$323 million above 1975 levels. The Congress has concurred in an overall increase from the 1975 level but in a lesser amount--\$250 million. Tab A to this memorandum presents a more detailed comparison of your recommendations for level-of-funding changes from 1975 to 1976 and the Congress' response to your requests.

### Major Changes to Requested Amounts

This section of the memorandum discusses major changes (increases and decreases) made by the Congress to the amounts of 1976 and transition quarter budget authority you requested for the programs contained in this bill.

### Federal Energy Administration (FEA)

Your \$311 million request for the Federal Energy Administration (FEA) would be reduced by \$143 million. Most of the reduction is taken against the energy conservation program including denial of \$70 million for weatherization grants to low-income homeowners. The Senate Appropriations Committee report makes clear that denial of the weatherization grants is related only to lack of authorization for FEA to conduct such a program and "in no way infers Committee disapproval of a weatherization program under FEA, if authorized." In addition, requests of \$20 million for media advertising and \$12 million for industrial energy conservation seminars were denied.

The conference report on the bill directs FEA to abolish its Office of Nuclear Affairs:

The managers on the part of the House and the Senate are disturbed at establishment of a nuclear energy office to act as a "government advocate for public acceptance" of nuclear power. The managers believe that the current debate over the acceptance of nuclear power should not be clouded by the insertion of a government advocate. This decision should be made by the people affected, with a minimum of

government interference. Therefore, the managers have not approved the funds requested in the budget amendment for the Nuclear Energy Office and direct that the office be abolished. The managers believe the existing resources within FEA are sufficient to assist the Administrator in developing nuclear energy policies.

While the language of the conference report is not legally binding, it does represent a strong Congressional policy directive. The abolition of the Office of Nuclear Affairs would not, however, prevent FEA from continuing to develop nuclear policies, analyze the impacts of nuclear moratoriums, expedite nuclear projects under the same constraints applicable to the expediting of non-nuclear projects, and testify before the Congress on nuclear issues. These functions would have to be performed, however, under the current project management program and not under a special nuclear energy office.

#### Forest Service

The enrolled bill increases your \$643 million request for activities of the Forest Service (Department of Agriculture) by \$48 million. Most of this increase (\$38 million) would provide additional support for forest insect and disease control, timber stand improvement, and reforestation.

Of the remaining increase, \$7 million is for the Youth Conservation Corps, a program that the upcoming budget will propose for termination within the next two years. This increase, combined with an unrequested \$10 million provided in the 1976 continuing resolution (Public Law 94-41) and an expected carryover balance from 1975 of \$7 million, will provide a level of funding for the Youth Conservation Corps approximately four times greater than the 1975 level.

#### Energy Research and Development Administration (ERDA)

The Congress considered your requests for the Energy Research and Development Administration (ERDA) in two 1976 appropriation bills--this enrolled bill and the Public Works bill, also enrolled and awaiting your action. Your \$617 million request considered in this enrolled bill would be decreased by \$45 million. This

net decrease is the result of the following specific increases and decreases:

- Funds for ERDA's coal program (fossil energy development) are reduced by \$57 million. Unobligated 1975 balances of more than \$100 million have been carried forward into 1976. Therefore, this reduction is not expected to diminish to any significant extent the program's overall effectiveness.
- ERDA's petroleum and natural gas enhanced recovery demonstration and research program is increased by \$8 million. Your budget request--which proposed substantial increases in this area--combined with the amount added by the Congress in this bill provides this program a level of funding approximately double that of 1975. It is doubtful that ERDA can effectively utilize these excessive increases.
- Other minor increases total \$3 million.

#### Interior

The enrolled bill contains increases to your requests for the Department of the Interior totaling a net \$35 million. As in past years, these increases can be characterized as "small pork" and are made up of many small funding increases for school construction projects of the Bureau of Indian Affairs, road construction projects of the National Park Service, several research and demonstration programs related to coal mining, and the acquisition of land in the National Park Service.

The mounting effort of the Congress to set personnel levels in appropriation bills is applied to the Park Service in the three Congressional reports--conference, House Appropriations Committee, and Senate Appropriations Committee--on the enrolled bill. The conference and House Appropriations Committee reports give the number of authorized permanent positions to be filled by certain of the appropriations, and the Senate report on the bill sharply challenges the Executive Branch on the issue of establishing personnel ceilings:

"In several instances, particularly in the programs of the National Park Service and the Fish and Wildlife Service, the Committee has funded program increases designed to correct glaring deficiencies in the budget requests. Where such program expansions require additional personnel it is the specific intent of the Committee that these needs be accommodated with the filling of authorized permanent positions without regard to personnel ceilings imposed by the Office of Management and Budget. Most particularly, the Committee does not intend the filling of vacancies in one agency to be at the expense of another simply to keep within an overall Departmental ceiling. To carry out this directive, the Committee will expect necessary adjustments in personnel ceilings. If this directive is not accomplished the Committee is prepared to recommend suitable provisions in a future appropriation bill to see that it is."

#### Navajo and Hopi Relocation Commission

Your \$38 million request for the Navajo and Hopi Relocation Commission would be reduced by \$25 million. The funds appropriated, which will be used for the relocation of Navajo and Hopi families as well as for related property improvements, will not begin to be expended until the Court Order authorizing the partitioning of disputed land between the two tribes is issued. This is expected to occur early in calendar year 1976. Presently, there is no indication of how many people ultimately will have to move or of how many will actually move during 1976. The amount provided (\$13 million) will likely be sufficient to support whatever activity takes place during 1976, though it will not provide the affected tribes the assurance your budget request carried with it that all authorized funds would be available at an early date should tribe members opt for early and voluntary relocation.

#### Indian Health

The enrolled bill would provide \$20 million more than your \$395 million request for Indian health services and facilities. Most of this increase is for the phased

construction of three Indian hospitals and two health centers. The Senate report on the bill specifies--as does the conference report--that a "phased funding" approach is to be used for hospital construction rather than the traditional "full-funding" approach:

The Committee rejects the Department's long-standing policy of requiring the full appropriation for hospital construction before initiating work. This has tended to foster a one-project-at-a-time policy that has created an unacceptable backlog of medical facility needs. It is the Committee's intent that phased construction be initiated immediately on these facilities on the basis of phased appropriations. Continued funding needs will be addressed in future year appropriations.

We believe the Congressional directive for phased construction funding is unsound. In effect, it would require you to seek funding--in future years--for the follow-on costs of Congressional additions contained in this bill or, alternatively, to leave partially constructed facilities unfinished. For example, the construction projects funded through Congressional increases in this bill would require an estimated \$55 million in the out-years, based on current dollars.

Consistent with your budget decisions on the appropriate level of funding for Indian health services, we will recommend to you--at a later date--deferral proposals for these increases related to phased construction funding.

#### Indian Education

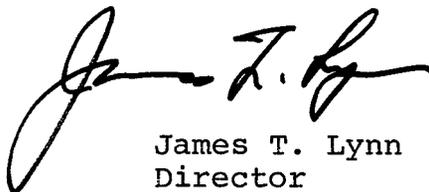
Increases totaling \$15 million to your \$43 million request for Indian education programs are distributed as follows:

- \$10 million is added to increase the level of funding for formula grants to local educational agencies.

- \$5 million is added for discretionary grants and special projects, primarily for adult education programs.

Recommendation

I recommend that you sign the enrolled bill.

A handwritten signature in black ink, appearing to read "James T. Lynn". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke.

James T. Lynn  
Director

Attachment

H.R. 8773--DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPROPRIATION  
ACT, 1976

Change in Level of Funding, 1975 to 1976  
(Budget authority in thousands of dollars)

<u>Agency and Item</u>	<u>Change from 1975</u>		<u>Congressional action on Administration request</u>
	<u>Administration request</u>	<u>Congressional action</u>	
Department of Interior:			
Land and water re- sources.....	+13,295	+15,591	+2,296
Fish and wildlife and parks.....	-22,676	+17,326	+40,002
Energy and minerals..	+50,280	+48,241	-2,039
Indian affaris.....	+40,613	+32,804	-7,809
Territorial affairs..	+22,500	+25,696	+3,196
Secretarial offices..	+7,618	+1,913	-5,705
Total, Interior...	(+111,630)	(+141,571)	(+29,941)
Department of Agri- culture:			
Forest Service.....	-147,468	-97,769	+49,699
Energy Research and Development Adminis- tration.....	+146,879	+110,473	-36,406
Federal Energy Administration.....	+130,060	+12,957	-117,103
Department of Health, Education, and Welfare:			
Indian health.....	+17,896	+37,098	+19,202
Other related agencies.	+63,720	+45,850	-17,870
Grand Total.....	+322,717	+250,180	-72,537*

\* Consisting of:

Increases denied by the Congress.....	-186,932
Decreases denied by the Congress.....	+72,375
Congressional initiatives.....	+42,020

## EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 20 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8773 - Department of the Interior and Related Agencies Appropriation Act, 1976, and the period ending September 30, 1976

Last Day for Action: December 24, 1975 - Wednesday

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1976.....	4,307	4,235	-73
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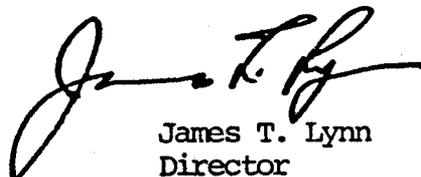
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Recommendation

I recommend that you sign the enrolled bill.



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OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

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Agency Recommendations

Office of Management and Budget                      Approval

Interior    Approval (informally)

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- The mounting effort of the Congress to set personnel levels in appropriation bills is applied to the Park Service in the three Congressional reports--conference, House Appropriations Committee, and Senate Appropriations Committee--on the enrolled bill. The conference and House Appropriations Committee reports give the number of authorized permanent positions to be filled by certain of the appropriations, and the Senate report on the bill sharply challenges the Executive Branch on the issue of establishing personnel ceilings:

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Indian Education

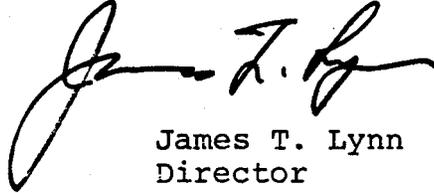
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Recommendation

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James T. Lynn  
Director

Attachment



H.R. 8773--DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPROPRIATION  
ACT, 1976

Change in Level of Funding, 1975 to 1976  
(Budget authority in thousands of dollars)

<u>Agency and Item</u>	<u>Change from 1975</u>		<u>Congressional action on Administration request</u>
	<u>Administration request</u>	<u>Congressional action</u>	
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Grand Total.....	+322,717	+250,180	-72,537*

\* Consisting of:

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Decreases denied by the Congress.....	+72,375
Congressional initiatives.....	+42,020

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1401

Date: December 22

Time: 1000am

FOR ACTION: George Humphreys  
Glenn Schleede  
Max Friedersdorf  
Ken Lazarus  
*Tea Man*

cc (for information): Jack Marsh  
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 22

Time: 200pm

SUBJECT:

H.R. 8773 - Department of the Interior and Related  
Agencies Appropriation Act, 1976, and the period ending  
September 30, 1976

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to JJudy Johnston, Cround Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a  
delay in submitting the required material, please  
telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President

Date: December 22

Time: 1000am

FOR ACTION: George Humphreys  
Glenn Schleede ✓  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 22

Time: 200pm

SUBJECT:

H.R. 8773 - Department of the Interior and Related  
Agencies Appropriation Act, 1976, and the period ending  
September 30, 1976

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*Recommended Approval*  
*Schleede*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

John...  
For the Secretary

Date: December 22

Time: 1000am

FOR ACTION: George Humphreys  
Glenn Schleede  
Max Friedersdorf  
Ken Lazarus ✓cc (for information): Jack Marsh  
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 22

Time: 200pm

## SUBJECT:

H.R. 8773 - Department of the Interior and Related  
Agencies Appropriation Act, 1976, and the period ending  
September 30, 1976

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

## REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection.

Ken Lazarus

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.If you have any questions or if you anticipate a  
delay in submitting the required material, please  
telephone the Staff Secretary immediately.Judy Johnston  
For the Staff Secretary

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1401

Date: December 22

Time: 1000am

FOR ACTION: George Humphreys ✓  
Glenn Schleede  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 22

Time: 200pm

SUBJECT:

H.R. 8773 - Department of the Interior and Related  
Agencies Appropriation Act, 1976, and the period ending  
September 30, 1976

ACTION REQUESTED:

- |   |   |
|---|---|
| <input type="checkbox"/> For Necessary Action         | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief     | <input type="checkbox"/> Draft Reply              |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks            |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*approved - GWH. 12.22*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

*Judy Johnston*  
For the Staff Secretary

THE WHITE HOUSE  
WASHINGTON

December 22, 1975

*Paul  
D. Hill  
- F.J.I.  
[Signature]*

MEMORANDUM FOR: The Domestic Council

FROM: Theodore C. Marrs *TCM*

SUBJECT: Enrolled Bill H.R. 8773 - Department of the Interior and Related Agencies Appropriation Act, 1976, and the period ending September 30, 1976.

Concur in signing recommendations of Office of Management and Budget.

However:

The phased construction method for Indian Health Services Hospitals proposed by the Congress for IHS facilities makes both political and economic sense for the President and the OMB proposal to defer should be rejected. The attached schedule of a series of deferrals shows cost impact. (attachment)

1. Support and promotion of Indian Self-determination. Both the Administration and the Congress have embraced this policy and the President, in signing P.L. 93-638, The Indian Self-determination and Education Assistance Act, pledged his Administration's commitment. Adequate health facilities are a fundamental requirement before an Indian tribe can realistically be expected to satisfactorily take over and operate their health program. The action of the Congress clearly reflects their commitment.

2. Support for a disadvantaged minority group. By almost all measures, the Indian and Alaska Native

population have suffered more through disparities in health, education, economic development and other socio-economic parameters than other population groups in the United States. Their plight is well-known to important segments of the general population, which has shown significant interest in improving Indian conditions, including health status. Again, Congress has responded to this interest.

3. Advancing Administration's leadership on Indian Affairs. Not only has the Congress made a commitment to Indian health progress through the present appropriation but they have also taken leadership in Indian health in general through the Senate passage of S. 522 and the House Subcommittee on Indian Affairs mark-up of HR 2525 (The Indian Health Care Improvement Act.) The Administration, in opposing these bills, has stressed its concern for fiscally responsible and orderly progress. Support of the Congressional appropriation for phased construction will reassert the Administration's position for realistic progress in Indian health.

4. Control of Indian health facilities construction costs over time. Experience has demonstrated that the Congress "works its will" when it comes to constructing Indian health facilities. Ultimately, the facilities are built but at much higher cost because of the inflationary rise of construction costs. By accepting the limited phased construction program proposed by the Congress, construction can begin in a timely manner and future increments of construction can be funded at the appropriate and least costly time.

5. Promotion of a proven cost effective method of facility construction. Analysis shows that construction project expenditures are actually made over a three to four year period. Under the phased construction method, funding is provided as needed. By permitting early initiation of several projects, the total construction costs will be lower. To the extent that these projects are completed within three years rather than stretched out for

6 - 10 years, the annual cost escalation of 12 - 15%/year will be avoided.

6. Investment in reasonable Indian progress. Indian tribal leadership is generally responsible, willing to work within the system, and understands that all problems cannot be solved overnight. However, for that type of leadership to be sustained, the tribes must be able to experience progress. The phased construction approach provides solid evidence of progress for more tribal groups than the "one-project-at-a-time policy" and encourages the development and strengthening of this type of tribal government. Failure to support this type of leadership can only prove to be more costly in the end.

To sum up the position in favor of supporting the FY '76 appropriation for Indian health facilities, the Administration has the opportunity to assume leadership in advancing a high national priority - Indian Self-determination - in a cost effective and realistic manner. Attempting to block the construction of Indian health facilities will not only reflect adversely on the Administration's leadership in Indian affairs as perceived by the Indian people and by the public but can be expected to be unsuccessful as well.

Attachment

Tuba City, Arizona

Chronology of Cost Estimates for Hospital

<u>Date Prepared</u>	<u>Area--Sq. Ft.</u>	<u>Description</u>	<u>Total Cost</u>
9/26/62	25,400	Addition & Alterations	\$1,140,000
8/16/63	65,200	Addition & Alterations	3,050,000
9/18/64	65,200	Addition & Alterations	3,050,000
<u>12/2/64</u>	<u>98,522</u>	<u>New Facility</u>	<u>3,347,000</u>
9/1/66	99,691	New Facility	4,231,000
4/18/67	99,700	New Facility	5,605,000
3/6/68	99,700	New Facility	6,046,000
11/26/68	78,669	New Facility	5,000,000
1/14/69	99,700	New Facility	5,886,000
8/4/69	99,700	New Facility	6,349,000
4/6/70	124,000	New Facility	8,400,000
11/25/70	124,000	New Facility	9,400,000
<u>12/18/71</u>	<u>99,000</u>	<u>New Facility</u>	<u>7,605,000</u>

THE WHITE HOUSE  
WASHINGTON

December 22, 1975

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *M.L.*  
SUBJECT: H. R. 8773 - Department of the Interior and Related  
Agencies Appropriation Act, 1976, and the period  
ending September 30, 1976

The Office of Legislative Affairs concurs with the agencies  
that the subject bill be signed.

Attachments