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Divider Title: _____

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

DESCRIPTION: Established under the provisions of the Woodrow Wilson Memorial Act of 1968 to facilitate scholarship of the highest quality in the social sciences and humanities and communicate that scholarship to a wide audience within and beyond Washington.

FY 1996 BUDGET PROPOSAL: The FY 96 proposed budget authority provides \$10.070 million, an increase of \$92,000 from FY 95. FTE remain unchanged at 43.

AGENCY PROPOSAL: The Center submits two small cost-saving proposals which would produce only \$120,000 annual savings. One would eliminate staff-based housing assistance (\$40,000). The other would secure corporate underwriting for its radio production costs (\$80,000). The Center is also pursuing merging with another similar agency in anticipation of saving an additional \$3-5 million annually.

DECISION OPTIONS:

- A. Follow FY 96 budget recommendation adjusted for cost saving proposals to eliminate staff-based housing assistance and securing corporate underwriting for radio production costs.
- B. Require the Center to begin building its own capital endowment fund to eventually obviate the need for Federal support.
- C. Pursue the consolidation with other similar agency.
- D. Eliminate funding.

ADVISORY GROUP RECOMMENDATION: A, B, & C

RATIONALE: The Center should pursue merging with another similar program with projected savings of \$3-5 million. In addition, the Center raises 30 -50% of its budget from outside funds. It should begin placing a portion of the private monies received into a capital trust fund until the balance of that fund is sufficient to support a funding level comparable to the annual budget authority. At that point, the Federal contribution could cease. The Center could continue operating as a self-sufficient entity.

STEERING COMMITTEE DECISION



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

March 8, 1995

Memo to Peter Karounous, NPR

From: Memphis Norman, ESD/OMB

Subject: Small Agency NPR II Materials for Smithsonian and
Related Agencies

Attached is the NPR options paper for the Woodrow Wilson International Center for Scholars. We believe that it is responsive to the guidelines.

We want to draw your attention to the "Postscript" on page eight of the paper. It appears that some members of the Wilson Center Board of Trustees have initiated discussions with another similar small agency about a possible merger. They have a strong desire to keep the discussions and the name of the other agency confidential, but are very upset about the discussions to date. We have looked through the Budget Appendix to identify a small agency that has a mission and programs similar to the Wilson Center. There appear to be several candidates in the United States Information Agency (e.g., "Educational and Cultural Exchange Services"), and there is the United States Institute for Peace (USIP). The USIP seems to make sense as a possibility--the fax includes the USIP information from the Budget Appendix.

We recommend that, if this is the case, they be encouraged in this effort, but be allowed to pursue the discussions without outside pressure.

We are reviewing the options paper for the JFK Center for the Performing Arts, and expect the papers from the National Gallery of Art and the Smithsonian in the early afternoon.

MEMORANDUM

March 6, 1995

TO: NPR Phase II Steering Committee

FROM: Dean W. Anderson, Woodrow Wilson Center

SUBJ: "Putting It Together" Options Paper

General Overview

In 1961, a Joint Resolution of the Congress called upon President Kennedy to appoint a bipartisan commission for the purpose of proposing an appropriate memorial to Woodrow Wilson in the nation's capital. After eliciting numerous suggestions, holding extensive public hearings, and deliberating at length, the Commission recommended the creation of a living memorial -- an institution that would serve as a visible tribute to our 28th president, while also conducting activities that would symbolize and strengthen relations between the world of learning and the world of public affairs.

This recommendation led to the passage of the Woodrow Wilson Memorial Act of 1968 (P.L. 90-637), calling for the creation in the Smithsonian Institution, under an independent Board of Trustees, of an international center for advanced study, to be housed in an appropriate building on Pennsylvania Avenue.

During the ensuing quarter-century, the Wilson Center has fulfilled with considerable distinction its mandate to be a living institution. It has brought to its borrowed space in the Smithsonian Castle and other leased space in southwest Washington more than 1,300 Fellows and Guest Scholars, who pursued their basic research and subsequently published some 775 books written at the Center; it has organized innumerable meetings, ranging from small seminars to major international conferences, that have brought together the worlds of learning and of public affairs; its Press has published numerous books resulting from these meetings and from the work of its Fellows and Guest Scholars; it publishes The Wilson Quarterly, a journal of ideas received by more than 70,000 subscribers; its radio program, "Dialogue," is broadcast on more than 150 stations in the United States, is heard in Europe over the World Radio Network, and is available through the Internet; scores of undergraduates work as research assistants to distinguished scholars; and its staff and visiting scholars regularly brief high school students through the program of the Close Up Foundation.

Thanks to the support of the last three administrations and the Congress, the Center is now finally on the threshold of fulfilling the memorial part of its mandate. Late in FY 1996 the

Center plans to move from its present dysfunctional and invisible quarters into a distinctive and publically accessible wing of the Federal Triangle Building now under construction on Pennsylvania Avenue. (Legislation passed by Congress last year, P.L. 103-284, has already designated the area fronting this wing "Woodrow Wilson Plaza.") OMB's initial passback for FY1996 and the outyears 1997 - 2000 included funding necessary to support current levels of programming and cover GSA's proposed Federal Triangle Building rents. Prior to the release of the President's budget last month, however, the figures for FY1997 - 2000 were drastically revised downward by a cumulative \$16,551, as follows:

		<u>budget authority (\$000)</u>			
	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	
initial passback	12,844	13,337	13,850	14,383	
revised passback	9,768	9,566	9,365	9,164	

These reductions, together with the proposed recision of the Center's FY 1995 appropriation related to the Federal Triangle Building, threaten to waste years of effort on the part of the Center, GSA, and PADC; require costly redesign and reconstruction if the space in question is subsequently to be used by others; and destroy the last remaining chance of fulfilling the Woodrow Wilson Memorial Act of 1968. We are working to avoid the FY 1995 recision. The latter portion of this paper proposes a solution to the outyear problem of GSA rental charges (which if unabated, would consume over 60% of our entire Federal operating budget under the revised FY1997 passback).

National Performance Review to Date

Last year's report, "From Red Tape to Results", constitutes a far-reaching blueprint for converting Federal agencies into adaptive organizations that are responsive to their customers, administratively lean, innovative in problem-solving, and technologically adept. The following summary highlights the success with which a number of the report's central prescriptions have been put into standard practice at the Wilson Center.

Putting Customers First

The Center's "customers" comprise the international scholarly community and thoughtful practitioners in politics, government, business and the media throughout the world. The heart of the Woodrow Wilson Center's program, accordingly, is formed by the annually changing group of distinguished Fellows and Guest Scholars who gather here to complete their research and write their books. Selected through rigorous competition, these scholars and practitioners form the very particular "clientela" without whom the Center's mission would fail. Therefore, the opinions of our Fellows, in the form of candid, written, exit-interview critiques, have long been collected and studied for

their suggestions for change and improvement. Indeed, the views of these customers shape an annual agenda which, in turn, helps to drive both personnel and budget review processes. Within the last three years, management has engineered selective staff turnover, established a variety of less restrictive internal policies and procedures, and engaged in remedial electronic equipment replacement -- all on the basis of Fellow feedback. This attention to our most important public is now an integral management practice, which will continue to shape adaptive refinements to a variety of policies and procedures in the future.

Creating Market Dynamics

Unlike most other Federal agencies, the Woodrow Wilson Center has the authority to raise, maintain, and expend non-appropriated funds from a wide variety of sources. These include private foundations, individual members of the public, corporations, other government agencies, and our own proprietary activities. This simple fact has helped to create a management and staff which have considerable incentive to stay in close touch with prevailing trends in the Center's competitive external environment. There are not many federal agencies whose programs attract voluntary contributions from taxpayers. We are one of those -- in large part because the "products" we offer have been carefully crafted to fit important niches in the marketplace of intellectual programming. Similarly, corporate, foundation and government grants are forthcoming only in response to compelling proposals which stand the test of open competition with all other applicants. The fact that the Woodrow Wilson Center has financed from thirty to fifty percent of its expenditures each year with non-appropriated funds raised from this variety of sources indicates clearly that we are fully alert and responsive to the ebb and flow of both ideas and funding. Finally, it should be noted that The Wilson Quarterly, our magazine, enjoys the largest subscription of comparable serious journals in the United States. There is, perhaps, no more competitive business than publishing. Within this context, the Quarterly's success must speak for itself.

Empowering Staff

Competitiveness in outside arenas and responsiveness to our principal customers bespeaks a staff that has been unfettered and challenged to do their best. And indeed, that is the case. Each of the Woodrow Wilson Center's programs is in significant part a "tub on its own bottom." Because funds must be raised from a variety of sources before significant program activity can proceed, program staff are given wide latitude to create and problem-solve along lines of successful trial and error. Rules and regulations are kept to the minimum imposed by our respective funding sources. Thanks to recent budget initiatives, Wilson

Center staff now benefit, as well, from appropriate technology; each has access to a personal computer (linked where necessary to external databases) and a library of software to meet most needs. This combination of circumstances -- the challenge of competitive fund raising, a minimum of restrictive regulations, and modern office technology -- makes for a highly motivated and productive workforce.

Cutting Red Tape

Management's job in freeing Wilson Center staff to concentrate their energies along lines of creative, productive behavior is considerably eased by the fact that Wilson Center management is itself very lean. Using for illustrative purposes the Postal Service's definition of supervisory management as "anyone who doesn't personally handle the mail," the Wilson Center has only one supervisory management position -- that of the Deputy Director for Planning and Management, its chief operating officer. All other staff, supervisory and otherwise, are busy "carrying the mail." Although this is perhaps true as well in other organizations which are both small and young, this happy situation at the Wilson Center is not likely to change. This is because major portions of day-to-day administrative activity are contracted out to other government agencies (where resident expertise and economies of scale provide good service at low cost) -- with zero supervisory layering. The Department of Agriculture processes our payroll. The Smithsonian Institution handles our Federal fund accounting, legal and travel services, major procurement, and benefits administration. As a consequence, the Wilson Center is able to navigate Washington's sea of red tape with only one federal personnel officer and clerk, one federal financial officer and clerk, and one procurement officer -- all of whom are supervised only by the agency's chief operating officer. Contracting out has allowed us to avoid the proliferation of home-grown red tape and escape the creation of redundant layers of supervision. A further benefit of such contracting out is the reduction in expense required to fit out and furnish our new home on Pennsylvania Avenue. To the maximum extent, that space will be devoted to productive activity in direct fulfillment of our mission.

Phase II

Over the course of the planning period, 1997-2000, the Wilson Center's mission and goals are to continue sponsoring basic research and writing in the humanities and social sciences, in the process bringing together academicians and policy makers to learn from one another, and making the results of their efforts available to a wider public. With our move to the Federal Triangle Building, that mission will be greatly facilitated and President Wilson's public memorial will have appropriate accessibility and prominence in the nation's capital.

These objectives are interdependent. Furthermore, because we are a small and frugal agency we have only one appropriation account totalling less than \$10 million. Consequently, for the purposes of this paper, the Woodrow Wilson Center is considered to have a single program function. The following discussion of our program follows the prescribed "decision tree" format supplied by NPR staff.

A. Is this program or function critical to the agency's mission based on "customer input"?

Recent customer input is attached. It speaks for itself. Nonetheless, the Center could be abolished. Or its appropriation could be reduced below the amounts required for it to move into its permanent home. We have all seen similar things happen in other countries when regimes change. History is rewritten, monuments are torn down, and even the names of streets and cities are changed. This may be appropriate when the memorials are to Lenin or Stalin, but such behavior in this constitutional republic is surely unseemly. It is chilling to think that an official national memorial to an American president, a memorial that is utterly non-partisan and has enjoyed the support of Republican and Democratic administrations alike, might be denied its intended home at the eleventh hour simply because control of the Congress has change from one party to another, or because my old colleagues at OMB have misplaced their customary common sense. Even Lynne Cheney, no friend of recent governmental efforts in the humanities, was quoted in the February 3, 1995 Congressional Record as follows: "I do love now... knowing that this Center will soon be housed in a way that it should be in order to honor the memory of Woodrow Wilson...."

B. Can't it be done as well or better at the state or local level?

No. Wilson's memorial belongs in the Nation's Capital along with Washington's and Jefferson's, and Lincoln's and Kennedy's. Furthermore, our legislative charter specifies a location on Pennsylvania Avenue, into which we are trying to move. Finally, that same legislation calls on the Center to bring into closer contact the worlds of academia and public affairs. There is no better place than the capital city of the most powerful nation on earth for such interaction.

C. Is there any way to cut cost or improve performance by introducing competition?

As noted above, we already cut our cost to the taxpayer by 30 - 50% every year by raising outside funds. Over 70,000 individuals, corporations, foundations and other government agencies figure in that support; their critical review tests and retests our continuing value and relevance in the competitive

marketplace of basic research funding every year. But appropriated infrastructure is essential in achieving this result. It's the bottom of the bucket that permits success when we "go to the well."

Furthermore, the Center already is a very lean agency. We have no supervisory layering. We have no staff redundancy. An agency with ten personnel specialists could reasonably be expected to figure out how to make do with nine. We have one; she cannot be out in half. Furthermore, she also manages our commercial office space lease and oversees our administrative service agreement with the Agriculture Department's processing center in New Orleans. The pattern throughout the Center is similar: we do not have several people performing the same task; instead, each federal employee performs several functions. Similarly, none of our activities is duplicative; each is important in fulfilling our mandate and serving the nation.

Nonetheless, mindful of the need to find meaningful "re-invention" opportunities that simultaneously cut costs, we have identified two Phase II initiatives for FY1996 to stretch even further our already very considerable self-help efforts. Beginning with the arrival next fall of our 1995 - 96 academic year Fellows and Guest Scholars, we will no longer provide staff-based housing location assistance -- relying instead on local area realtors, self-guided advertising literature, and more leg work on the part of our scholars themselves (and their families). The staff person for whom these tasks comprised approximately 60% of official duties has just retired; the position will not be refilled; her other duties will be reassigned. This will save \$40,000 per year, and represents a further 2.3% reduction in our overall staffing.

Also beginning in the fall, our radio staff will attempt to secure corporate underwriting for the \$80,000 in annual production costs involved in supplying 50 half-hour programs to stations world-wide each year. Simultaneously, we will explore charge-backs to the stations and networks that carry the program. Unfortunately, however, 95% of all radio programming nationwide is provided to stations (both commercial and not-for-profit) free of charge; and with CPB funding increasingly uncertain, competition for corporate underwriting will be at best severe. Nonetheless we will try, and try hard, to "privatize" this activity. These two economies, saving some \$120,000 per year, are the only ones remaining short of serious diminishment of necessary core activities. Should further reductions nonetheless be required, please be in direct touch (202/357-2842; FAX 202/357-4439).

D. How can NPR principles be applied to put customers first, cut red tape, and empower employees?

As alluded to above, GSA rental costs represent the principal outyear difficulty we face in living within the 3%, 5%, 7%, and 9% cuts OMB now projects for our appropriation from FY1997 - 2000. Those rents are based on "Federal Property Management Regulations" (FPMR), issued by GSA. The Wilson Center's prospective occupancy of space specially designed for us in the Federal Triangle Building provides a stark example of the kind of problem which FPMR red tape creates. Let me explain, very briefly.

GSA recently issued an RFP (GS-11P-AQC-0006) for a "fee service manager" to run the public, commercial, and retail spaces (approximately 500,000 square feet) provided within the overall envelope of the Federal Triangle Building. The RFP listed the market assumptions prospective managers should base their bids upon. These included the projection that food service and retail space would rent out at \$25 per square foot, averaged over the first five years of the building's occupancy (1996 - 2001), and that commercial office space would rent at an average of \$45 over the same period. The RFP was issued with appropriate sensitivity to the competitive non-federal marketplace.

When it comes to GSA's monopolist and regulatory functions, however, their dealings with prospective federal tenants -- like the Wilson Center -- show no such sensitivity. Instead of basing our prospective rents on marketplace considerations, GSA uses arcane formulas from the FPMR (which they themselves issue and maintain) which produce ridiculously different outcomes. GSA proposes to charge the Wilson Center \$98 per square foot for our food service space (390% more); \$65 per square foot for our office space (44% more); and projects that these figures will go up after each of the first five years, and forever after.

Our outyear allowances from OMB would present no problem if GSA charged us what they project the private sector should pay in the very same building. The budgetary impediment is their own regulations, which need marketplace reform. Until they are reformed, our future is held hostage: The Federal Triangle Building is the only site left on Pennsylvania Avenue where we can satisfy the requirements of our enabling statute, and GSA has monopolist control over the rents it chooses to charge for our space in it. Any assistance NPR staff can provide is cutting through this red tape dilemma would be greatly appreciated!

Postscript

Although only the most preliminary exploratory discussions have been held (as encouraged by the general tenor of the meeting in Jack Fellow's OMB office last week), the Wilson Center is actively pursuing the possibility of amicable merger with a sister independent agency of generally similar size, age and mission. Should these discussions continue to proceed with as much promise as they have begun, further savings between our two budgets of another \$3 to 5 million could be achieved from consolidation and streamlining.

attachments

The Wilson Center now provides a unique environment that I hope will be preserved long into the future. Virtually all of the "think tanks" and research centers in Washington now put more emphasis on immediate visibility than scholarship. Many push their scholars and fellows into courting the media, an endless series of meetings, and/or fundraising activities. The result has been to reduce sharply the ability to produce substantive work.

In contrast, the Wilson Center lives up to its title. It truly is a "Center for Scholars," and it provides a unique opportunity for substantive research and serious writing. I cannot think of any other center where I might have been able to finish two books that I had been thinking about for years, but had never had the time to write. I had outstanding support in my projects from everyone at the Center and from the community of scholars that is one of the Center's great strengths. My book on Iran and Iraq drew heavily on the discussions I had with other scholars, and I have no doubt that it is a far better book as a result. My book on the Gulf War drew on the unique resources in Washington for public policy and national security research—aided by the willingness of many officials and military officers to support a Fellow at the Center.

In short, I hope you will keep the Center just as it is. It is easy to talk about research and scholarship; it is another thing to create an environment where these activities actually take place.

Anthony H. Cordesman
National Security Assistant
Office of Senator John McCain
Fellow, 1981-1982 and 1993-1994

It was a remarkable time at a remarkable institution. As I all too well knew from my years as provost at Yale University, the academic world is today vexed and troubled. The Wilson Center provided a wonderful haven in which research and writing could be carried out with all of the library and other intellectual supports of the nation's capital. There was also an international exchange of ideas and concerns that can occur in very few places in the world. Furthermore, there are few institutions which draw together scholars both from America and from abroad in a genuinely interdisciplinary array.

Two other aspects of the culture of the Center deserve mention. First, it is a place where scholars actually work and expect each other to work. It is not a spot for idle conversation. It is a place for constructive scholarship. Second, I have rarely spent time in an institution so free of the political and academic ideological sparring that now marks so much of American academic life. You, your colleagues, and the Wilson Center Fellows create an atmosphere dedicated not only to scholarly quality but also to genuinely open and free exploration of ideas. The Center is an institution of which the nation can be proud and which as its Fellows return to their institutions serves the nation.

Frank M. Turner
Professor of History and former Provost
Yale University
Fellow, 1994

As the Congress quite rightly reexamines the scope of federal funding responsibilities, I trust that the distinctive nature and value of the Woodrow Wilson Center will be fully recognized.

Uniquely among the great nations of the world, the American democratic experiment has been built around ideas: thus it seems to me wholly appropriate that the nation's official memorial to a scholar-president be an institution of advanced research set in the national capital, where the world of ideas and the world of affairs ought to interact—but so rarely do. By fostering the scholarship of its Fellows, by making those intellectual resources available to the wider community, and by providing a model of ecumenical and civilized dialogue about serious matters, the Woodrow Wilson Center makes an invaluable contribution to the life of the nation's capital and, through that, to the nation and the world.

George Weigel

President

Ethics and Public Policy Center

Fellow, 1984–1985

The unforgettable atmosphere of scholarly fellowship, the chance to meet distinguished scholars from all over the world, and the continuous and untiring assistance the staff gave to my work have been extremely useful. My studies during my stay at the Center—on American federalism and federal problems in the process of European unification—have since been incorporated in statements that may have some influence on the ongoing European debate.

Ernst Benda

former President of the Constitutional Court

Federal Republic of Germany

Guest Scholar, 1993

The Woodrow Wilson Center has played a pivotal role in my life.

When I arrived in 1976, as the first-ever Romanian Fellow, I was a technocrat, devoted to the "world of knowledge" (science) and convinced that the "world of action" (politics) could be explained only through purely intellectual means. My personal experience in totalitarianism, (communist) Romania, substantiated this belief; as for democracy, I was convinced it would remain merely a dream.

The Wilson Center offered me a unique experience, combining direct contacts with people of extraordinary intellectual brilliance and exposure to a two-centuries-old working knowledge of democracy (it was the bicentennial year). I understood that the "world of knowledge" and the "world of action" were not reducible to each other and that, in Wilson's spirit, they had to be coaxed. In this context, I committed myself to the difficult task of transforming my communist country, through responsible criticism and promotion of a legal civil society, into a democratic one.

It would be preposterous to mention here how my deep immersion into American science stimulated professional productivity (in systems of science and policy science); but I feel obliged to recognize that the idea of anticommunist dissidence followed by a decade of promoting human rights issues was born and nurtured in my Woodrow Wilson Center experience. And the Romanian dissident, transformed so unexpectedly, after the miracle of the 1989 revolution, into the Romanian ambassador to the UN and now in Washington, will always remember that.

Mihai Botez

**Ambassador of Romania to the United States
Fellow, 1976**

As you know, I'm not a big fan of using taxpayers' money to subsidize elite culture. I don't trust the arbiters of taste to use those funds well. If painters want to produce art that is not art (by my definition, of course), fine, but not with my money. If the political biases of "Frontline" appeal to some viewers, that's okay, too—but not on my dime. The world of scholarship—and particularly that created within the Woodrow Wilson Center—seems to me quite a different matter. In the first place, politically trendy scholarship isn't as outrageous as p.c. art; more important, the Woodrow Wilson Center picks its visiting scholars by the highest standards. It has no political or other agenda. As a result, the Fellows whom I have known have been very special; in fact, they've all been true intellectuals—hard to find in academia.

The Center brings out the best in those that it gathers together. Most of us rarely talk to anyone outside our discipline; at the Center, we did so regularly, and I'm sure I'm not the only one who benefited from that cross-discipline contact. And most of us waste enormous amounts of time just dealing with finding books, photocopying material, doing college-level research. At the Center, those burdens are lifted from us. The whole place is organized to help scholars get work done. I can think of no other institution for which that is true; certainly, universities do not qualify. A fellowship at the Center is a wonderful gift; I look back at my months there with much nostalgia; they were enriching and productive. I'm sure the book that I am still working on will be better for my having been at the Center.

One last word: The place is run beautifully. The staff is just superb. And the seminars and other activities that are part of the Center experience are all of terrific quality. In fact, they're too good. Seductive. The only excuse the Center provides for not keeping to the scholarly grind.

Abigail Thernstrom
Senior Fellow
Manhattan Institute
Adjunct Professor
Boston University
Guest Scholar, 1993

The Woodrow Wilson Center is a remarkably congenial place in which to undertake research. The facilities are superb—an excellent library with access (very easy access) to the Library of Congress; wonderful research assistants; a terrific location, particularly for those of us doing work on subjects related to Washington, D.C.; and an encouraging and supportive atmosphere.

One's colleagues are interesting and stimulating without even a hint of the competitiveness that exists at some universities and research institutes. The staff go out of their way to be friendly, helpful, and leave one to do one's work.

I was able to gather an extraordinary amount of material for my work on the Executive Office of the President, as well as to interview scores of individuals who are in the Washington, D.C., area.

I enjoyed and benefited from Center activities such as the seminar by Bob Putnam on his work regarding civic culture in Italy and the Nathan Glazer presentation on New York City. In every way, the Center provides a sense of excitement and hospitality. The lunch conversations help to bring those at the Center together in a much more congenial way than at other institutes and universities where I have studied and worked.

In terms of providing an atmosphere for scholarship I know of no other center that provides so much for so many.

Roger Porter

**former Domestic Policy Adviser to President Bush
Guest Scholar, 1993**

Of all the institutions that the U.S. government sponsors in our nation's capital, the Woodrow Wilson International Center for Scholars is arguably the most cost-effective. For a pittance; it manages to attract to that city a wonderful collection of scholars in a great variety of fields—especially international affairs—to do their scholarly work and to serve as a resource for those who eke out their lives in government service. It goes without saying that the Wilson Center serves the cause of scholarship: it makes the resources of the Library of Congress, the greatest research library in the world, available to some of the world's finest scholars, and it throws them together in an environment designed to encourage them to stimulate and learn from one another. At the same time, by giving these scholars a public forum and by bringing others like them to Washington to deliver lectures and to participate in conferences, it serves as a source of inspiration, information, and expertise for those actively involved in making American foreign and domestic policy. Rarely in the annals of American government, has there been an institution that contributed so much at so little cost.

Paul A. Rahe

Jay P. Walker Professor of American History
and Chair, Department of History

University of Tulsa

Fellow, 1993–1994

At a moment when all publicly supported institutions are under review, I wanted to say a word about the Wilson Center and its place in American life. As a former Wilson Center Fellow and an occasional participant in Wilson Center activities since, I have a strong sense of the unique role the institution plays in the life of Washington and of the nation. It is the only scholarly institution in the United States that effectively bridges the gap between academia and government; one of the few places in which scholars and policymakers regularly interact; one of a very small number of research centers that

fund nonacademic writers and experts. The scholarship that has emerged—both in the books that Fellows write there and in the exchange of views that the Center's many activities produce—enriches our national intellectual life immeasurably. It also provides an invaluable source of ideas and discussion for people in Washington who, in other contexts, find it difficult to look beyond the immediate.

The Wilson Center is an indispensable part of American public life—and a fitting memorial to the president for whom it is named. I trust it will survive for many years to come as a focal point of the effort to understand the world and our nation's place in it.

Alan Brinkley
Professor of History
Columbia University
Fellow, 1985

The inestimable benefit of the Center was to permit me to devote myself entirely to research and writing without the normal distractions of teaching and administrative duties. Such distractions as were provided by the Center—the social occasions, colloquia, discussions, and the like—were stimulants to, rather than deterrents from, the work on which I was engaged. Indeed some of my discussions with my colleagues—and not only at the final colloquium but in the course of innumerable sherries and lunches—helped shape my thinking and gave me new perspectives on my work.

Gertrude Himmelstorf
Professor of History Emeritus
City University of New York
Fellow, 1976-1977

Absolutely indispensable for basic research—use of computer, fax, phones, and especially research assistants. Starting from scratch eight months ago, I've almost completed work for a book on the separation of powers. A second major benefit, equal to the first, is the association with leading scholars.

Mickey Edwards
former Chairman of the House Republican Policy
Committee
Guest Scholar, 1993

The three months that I spent at the Wilson Center were among the happiest and most fruitful of my whole professional career. It suited me ideally, providing time and opportunity for research while keeping me closely in touch with what was going on in the world, and enabling me to make many new friends. I went back to Oxford with my batteries recharged, and after ten years I am still running on them.

Sir Michael E. Howard
Regius Professor of Modern History
Oxford University
Fellow, 1984

I am proud to be an alumnus of the Wilson Center, and remember it gratefully as one of those rare institutions that is willing to give shelter and succor to independent scholars whose only security is their work. Would that more presidents were memorialized by such centers, rather than boring masses of stone.

Edmund Morris
Washington, D.C.
Fellow, 1982-1983

OTHER INDEPENDENT AGENCIES

Object Classification (in thousands of dollars)

Code 67-9971-0-7-154	1994 actual	1995 est.	1996 est.
Travel and transportation of persons	93	75	78
Transportation of things	35	28	29
Communications, utilities, and miscellaneous charges	7	6	6
Printing and reproduction	3	2	2
Other services	561	408	420
Supplies and materials	80	64	66
Equipment	1	1	1
Grants, subsidies, and contributions	1,709	985	1,014
Total obligations	1,929	1,569	1,616

UNITED STATES INSTITUTE OF PEACE

Federal Funds

General and special funds:

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace is authorized in the United States Institute of Peace Act, \$11,500,000. (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995.)

Program and Financing (in thousands of dollars)

Identification code 95-1300-0-1-153	1994 actual	1995 est.	1996 est.
Program by activities:			
200 Total obligations	11,065	11,604	11,500
Financing:			
100 Recovery of prior year obligations	-78		
140 Unobligated balance available, start of year: Treasury balance	-179	-104	
140 Unobligated balance available, end of year: Treasury balance	104		
80 Budget authority (appropriation)	10,912	11,500	11,500
Relation of obligations to outlays:			
700 Total obligations	11,065	11,604	11,500
740 Obligated balance, start of year: Unpaid obligations: Treasury balance	456	651	
740 Obligated balance, end of year: Unpaid obligations: Treasury balance	-651		
740 Adjustments in unexpired accounts	-78		
800 Outlays (gross)	10,794	12,255	11,500

The United States Institute of Peace (USIP) was established by Congress to conduct and support research and scholarship in the fields of international peace and conflict resolution. Program activity includes grants and fellowships, publishing research and educational materials, preparing educational video materials, presenting public workshops, developing a research library network, and sponsoring a national student essay contest.

Object Classification (in thousands of dollars)

Identification code 95-1300-0-1-153	1994 actual	1995 est.	1996 est.
Personnel compensation:			
11 Full-time permanent	2,622	3,257	3,252
11 Other than full-time permanent	327	251	224
13 Total personnel compensation	2,949	3,508	3,476
21 Civilian personnel benefits	669	827	827
20 Travel and transportation of persons	654	781	781
20 Transportation of things	43	49	49
20 Rental payments to others	15	8	8
23 Communications, utilities, and miscellaneous charges	149	133	133
23 Printing and reproduction	311	455	405
23 Advisory and assistance services	175	75	25
23 Other services	759	942	834
23 Supplies and materials	211	178	164
23 Equipment	370	98	98
23 Grants, subsidies, and contributions	4,810	4,600	4,600

99.9 Total obligations 11,065 11,604 11,500

Personnel Summary

Identification code 95-1300-0-1-153	1994 actual	1995 est.	1996 est.
1001 Total compensable workyears: Full-time equivalent employment	46	53	53

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Federal Funds

General and special funds:

INTEREST PAYMENTS AND REPAYMENTS OF PRINCIPAL

[For payment of obligations incurred pursuant to Public Law 98-184 and the Initial Bond Repayment Participation Agreement, \$664,666,667, to remain available until expended, which shall be used only to repay principal to the Federal Financing Bank for the Washington Metropolitan construction loan; and in addition, such amounts as are necessary for payment to the Federal Financing Bank; of accrued interest and premium, if any, for such loan.] (Department of Transportation and Related Agencies Appropriations Act, 1995.)

Program and Financing (in thousands of dollars)

Identification code 45-0300-0-1-401	1994 actual	1995 est.	1996 est.
Program by activities:			
10.00 Total obligations (object class 41.0)	45,465	12,651	
Financing:			
21.40 Unobligated balance available, start of year: Treasury balance		-6,199	
24.40 Unobligated balance available, end of year: Treasury balance	6,199		
39.00 Budget authority (gross)	51,664	6,452	
Budget authority:			
Current:			
40.00 Appropriation	51,664	664,667	
40.05 Appropriation (indefinite)		6,452	
40.47 Portion applied to debt reduction		-664,667	
43.00 Appropriation (total)	51,664	6,452	
Permanent:			
68.00 Spending authority from offsetting collections	59,000		
68.47 Portion applied to debt reduction	-59,000		
68.90 Spending authority from offsetting collections (total)			
Relation of obligations to outlays:			
71.00 Total obligations	45,465	12,651	
72.40 Obligated balance, start of year: Unpaid obligations: Treasury balance	75,130	25,246	25,246
74.40 Obligated balance, end of year: Unpaid obligations: Treasury balance	-25,246	-25,246	-25,246
87.00 Outlays (gross)	45,349	12,651	
Adjustments to gross budget authority and outlays:			
88.40 Offsetting collections from: Non-Federal sources	-59,000		
89.00 Budget authority (net)	-7,336	6,452	
90.00 Outlays (net)	-13,651	12,651	

Status of Direct Loans (in thousands of dollars)

Identification code 45-0300-0-1-401	1994 actual	1995 est.	1996 est.
Cumulative balance of direct loans outstanding:			
1210 Outstanding, start of year	177,000		
1251 Repayments: Repayments and prepayments	-177,000		
1290 Outstanding, end of year			

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I

Divider Title: _____

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

DESCRIPTION: An independent non-profit corporation administered by a board of trustees, the Institute provides Native Americans with an opportunity to obtain a post-secondary education (Associate of Arts Degree) in various fields of Indian art and culture, including creative writing, museum studies, three-dimensional and two-dimensional art, traditional arts, and contemporary techniques. Of the total student body (240), approximately 5% are Alaskan natives and approximately 20% are non-Indians. The ratio of students to staff/faculty is approximately 1:1.

FY 1996 BUDGET PROPOSAL: The FY 96 proposed budget authority is \$11.312 million; an increase of \$99,000 from FY 95. In both years \$1.5 million was provided for Federal matching contributions to the Institute's Capital Endowment Fund. No FTE.

AGENCY PROPOSAL: The Institute proposes no changes. It argues that, if federal funding were terminated, the activities of the Institute would cease. The Institute reports that shifting responsibility to the Bureau of Indian Affairs is not a viable option, as, "BIA has had over 100 years to prove its inability to act in the best interests of its constituents." With over 556 Indian tribes and bands nationwide, the Institute claims that devolution is not a realistic option, and that states and localities would not be interested in a program of national scope. It argues that dealings with American Indians and Alaska Natives is a federal responsibility.

DECISION OPTIONS:

- A. Terminate funding before construction of the campus begins.
- B. Direct the Institute to develop a plan to transition from special payments to self-sufficiency with "caps" on the Federal funding stream.
- C. No change; follow FY 96 budget recommendation.

ADVISORY GROUP RECOMMENDATION: B

RATIONALE: The Federal Government in 1986 made the commitment to establish the Institute. The campus has not yet been built, although land has been donated and the road has been paved. The Institute is presently entering into construction agreements for gas services, water, power, and telecommunications. Space is now being leased from the College of Santa Fe and the Santa Fe High School. The Institute needs to develop a plan for the long term that is based on economic self-sufficiency.

If federal funding is going to be terminated or significantly curtailed, it should be done prior to construction of the campus begins.

STEERING COMMITTEE DECISION

OFFICE OF THE PRESIDENT
DR. PERRY G. HORSE

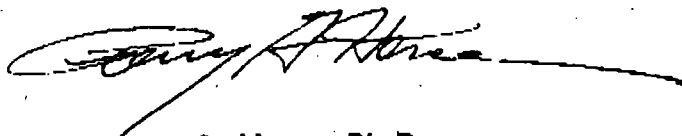
February 22, 1995

The National Performance Review
750 17th Street, N.W.
Suite 200
Washington, D. C. 20006

Dear Sir:

Attached is the report requested regarding the Institute of American Indian Arts. Please contact me if you have any questions.

Sincerely,



Perry G. Horse, Ph.D.
President

Attachment (1)

HISTORY OF THE INSTITUTE

The Institute of American Indian Arts (still the colloquial name for the Institute) was established and operated by the Bureau of Indian Affairs. However, in 1986, the United States Congress, in a bi-partisan and unanimous decision, determined that "current Federal initiatives in the area of Indian art and culture ... are fragmented and inadequate" (20 U.S.C. 4401(6)). The Congress decided to create a more coordinated and expanded arts and cultural entity, under a unique governance system. The Congress determined that, for the first time, Indian people should control a Federal program instituted for their benefit. The Institute of American Indian and Alaska Native Cultural and Arts Development (Institute) was established with a majority American Indian and Alaska Native Board of Directors, appointed by the U.S. President and confirmed by the Senate. All authority for policy and procedure was vested in this Federal corporation and the Board of Trustees.

MISSION OF THE INSTITUTE OF AMERICAN INDIAN ARTS

The Institute of American Indian and Alaska Native Culture and Arts Development is founded on the premise that the arts are primary expressions of continuing Indian and Alaska Native cultures. The Institute offers, in a culturally diverse educational environment, accredited associate of arts degree programs in fine arts and related disciplines. The Institute also offers courses in cultural studies and Indian languages which support those degree programs, and provide further cultural awareness and enrichment. Also, the mission of the Institute is to foster, through teaching, research and creative work, the enhancement and preservation of American Indian and Alaska Native art forms and cultural life, throughout the country.

MAJOR PROGRAMS

The Institute is comprised of three major programs which support the college's Mission Statement. These programs are mandated by our enabling legislation (see 20 U.S.C. 4417(a)). They provide unique opportunities for students and scholars to enhance their artistic talents, as well as providing Indian people throughout the country with opportunities to learn and share their cultures. The Museum provides thousands of Americans with access to one of the world's finest collections of contemporary Indian art. All of the activities also provide opportunities for preserving and strengthening native arts, cultures and languages.

Center for Art and Cultural Studies

This program offers students the opportunity to obtain an Associate of Arts Degree. Major fields of study include creative writing, museum studies, three-dimensional and two dimensional art. Traditional arts as well as contemporary techniques form the basis for the curriculum. The program is fully accredited by the North Central Association of Colleges and Schools (NCA) and the National Association of Schools of Art and Design (NASAD).

The Institute is widely credited with the creation of the school of art known as contemporary Indian art. Under such guiding lights as Alan Houser and Lloyd Klva New, traditional forms of expression and modern patterns and situations were combined to create a new and unique way of expressing modern Indian and Alaska Native thought and life. This new school of artistic expression is still growing and evolving at the Institute.

Center for Research and Cultural Exchange

The Center provides cultural research and resources to Native communities, artists, scholars and organizations. Outreach programs and technical assistance concerning language and culture are the focus of this program. Participation with and documentation of traditional native experts in both language and culture is a major activity of this Center. Much of this research is coordinated and integrated into the academic offerings of the Institute.

Institute of American Indian Arts Museum

The National Collections of Contemporary Indian Art is housed in the museum. Many of the over 8,000 artistic items were created by former students and validate the successful programs of the Institute. The collection is the most comprehensive presentation of contemporary Indian art in the world. The museum supports the artistic endeavors of the student body by providing them with visual images for study and research. The museum program provides training in museum studies, exhibition design, construction and installation, collections management and conservation. The IAlA Museum is open to the public and has provided enrichment and enjoyment since its opening in July, 1992.

WHO ARE OUR CONSTITUENTS?

Our most obvious constituents are the more than 240 students who study in our Center for Arts and Cultural Studies. The over 3,000 graduates of our Fine Arts program loudly attest to its success. Many of the brightest stars in contemporary Indian art are graduates of the Institute. Other obvious beneficiaries are the scholars and researchers who avail themselves of our programs each year.

Of equal importance as our constituents are the American Indian and Alaska Native peoples who look to the Institute for art which speaks to their needs, their life and their aspirations. Indigenous people look to the Institute as the only resource, Federal or otherwise, which understands their artistic heritage. They also look to the Center for Research and Cultural Exchange for programs of study and conservation. This Center has provided many tribes and scholars with the resources and technical assistance to conduct ethnographic and linguistic studies of tribal histories and concepts. Finally, the Museum provides a resource for study of tribal history and its relationship to the modern world. It is a source of pride and hope to many who struggle to find meaning in today's different settings.

Finally, as was determined by the Congress in the 1986 Act, the American people are our constituents. As was said at the time, "Indian art and culture ... have contributed greatly to the artistic and cultural richness of the Nation" and "occupy the unique position in American history as being our only native art form and cultural heritage" (20 U.S.C. 4401(1) and (2)). If we are truly a pluralistic society who honors the strength in the American spirit created by diversity, "...it is appropriate and necessary for the Federal government to support research and scholarship in Indian art and culture..." (20 U.S.C. 4401(5)). It is true that past is prologue, and that our continued strength and world leadership is based upon how effectively our generation advances all of our different ways of thought and expression.

BUDGET

Our Federal appropriation for last year was a total of \$11,213,000, including funds for construction of a new campus. We augmented these funds through local fund raising, thereby increasing the amount of return on the Federal dollar.

GOALS

- 1) To continue to graduate American Indian and Alaska Native students.
- 2) To continue to provide technical assistance to tribes and Indian organizations and individuals for cultural and linguistic activities and research (our Cultural Center is currently undertaking long-term research in 5 different Indian cultural groups and recently hosted over 1000 linguists at the Native American Language Issues Conference).
- 3) To continue to provide museum services education outreach through traveling exhibitions and planned exhibitions (25 planned for rest of 1995 and 1996), to continue to work on conservation and to continue to be open for the visitors who come to our museum (averaging over 70,000 per year), to continue outreach to other countries and entities (visit of a delegation from China to study techniques this year, outreach to other States and tribal museums.)

NPR QUESTIONS

- 1) *If your agency were eliminated, how would the goals or programs of your agency be undertaken - by other agencies, by states or localities, by the private sector or not at all?*

If the Institute is terminated, the activities it undertakes would cease, period. The Bureau of Indian Affairs has had over 100 years to prove its inability to act in the best interests of its constituents. Its failure to do so is the prime reason for the creation of the separate Institute in 1986.

States and localities, while they may see the benefit of Institute provided services have never shown a desire to fund such endeavors. They are not in a position to deal effectively with small and scattered groups of Indians who make up small percentages of their overall population. Our student body represents 95 tribes, from all over the country and ranging in size from the largest to very small. IAIA is truly a National Institution. There are over 556 Indian tribes and bands in the United States. If States or localities had any interest in providing artistic services, they would only desire to do so for the very particular tribes within their boundaries. There needs to be a program of national scope to represent all tribes.

Also, states and localities have historically exhibited an antipathy towards their Indian citizens. In cases where water, land, fish, minerals, timber or other resources have been involved, this has grown to outright hostility. Depending on such entities to provide services is a contradiction in terms.

Private involvement in this area has been nil and probably should remain so. Private interests have only shown a desire to exploit Indian arts. Other art schools may have some classes in traditional Indian arts, but none have a program of study specifically geared to this area. Their nets are cast too wide for them to worry about indigenous arts and culture. Additionally, such involvement would negate a central concept of the Institute - Indian control of facets central to Indian life.

Finally, this is not a state or local responsibility. Under the Commerce clause of the Constitution, dealings with American Indians and Alaska Natives is a Federal responsibility. Congress, the Executive Branch and the Courts have characterized this as a "trust responsibility" carrying with it the highest duty to act in the best interests of our Indian constituencies. Termination of the Institute's programs would be an abrogation of that trust responsibility.

2) How do your customers (not just interest groups) feel about the possible eliminations or changes?

Indian Nations would view the termination of the Institute as an abrogation of the trust responsibility and solemn guarantees. They view the Institute as their own, and they feel strongly that control of their artistic and cultural past and future should be in American Indian and Alaska Native hands. They would be particularly disturbed if the rationale was that another entity could do it as well, since they know this is not true.

With respect to our students, they have dedicated their young lives to art and cultural endeavors. The over 3,000 alumni of the Institute and the long waiting list to get in (two applications for every available slot, with the gap growing) shows their vote of confidence in the Institute and substantiates its need. They know that at the Institute, they will receive a good education in a caring, nurturing and culturally sensitive environment which increases

their chance of success. As Vice President Gore said, in quoting Alan Houser on the Institute, "This is where you can practice and be proud of yourself and your heritage. Be yourself, look back, see who you are, be proud of it and stand tall."

Finally, the thousands of visitors to the Institute museum, and the scholars and organizations who use its resources, would be deprived of an opportunity to see American Indian and Alaska Native arts displayed as their creators would have desired. The potential for the loss of this collection would be devastating.

- Is this critical to the agency's mission, based upon consumer input?

As we have tried to present, the three major functions of the Institute represent a seamless whole, each supporting and reinforcing the others. IAIA teaches young artists and provides a laboratory for the use of products of the Center for Research and Cultural Exchange (CRCE). The CRCE provides needed curriculum and opportunities for expanded learning for the school, as well as providing needed resources and technical assistance for tribes and scholastic entities throughout the country. The Museum provides a repository for the finest collection of modern American Indian and Alaska Native art in the world, giving the students study and visual opportunities available nowhere else and providing viewing opportunities for thousands of citizens.

- if yes, can it be done as well or better at the state or local level?

As we have shown above, it would not be done at any other level. The coordination of studies involving so many tribes and groups would be impossible.

With respect to cost-cutting, competition does not fit in. However, the Institute has been very successful in making a Federal/private partnership through support it has received from the private and corporate sector. An investment in the Institute is a good investment.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

Federal Funds

General and special funds:

PAYMENT TO THE INSTITUTE

— For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99-498, as amended (20 U.S.C. 56, Part A), [\$11,213,000] \$11,312,000, of which \$1,500,000 is provided for fiscal year 1996 only as a Federal matching contribution to the Capital Endowment Fund: Provided, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further*, That the Institute shall act as its own certifying officer. (Department of the Interior and Related Agencies Appropriations Act, 1995.)

Program and Financing (in thousands of dollars)

Identification code 95-2900-0-1-502	1994 actual	1995 est.	1996 est.
Program by activities:			
00.01 Payment to the Institute	12,213	9,713	9,812
00.02 Contribution to the Institute Endowment Fund	350		
00.03 Contribution to the Capital Endowment Fund		1,500	1,500
10.00 Total obligations (object class 41.0)	12,563	11,213	11,312
Financing:			
40.00 Budget authority (appropriation)	12,563	11,213	11,312
Relation of obligations to outlays:			
71.00 Total obligations	12,563	11,213	11,312
72.40 Obligated balance, start of year: Unpaid obligations: Treasury balance		350	
74.40 Obligated balance, end of year: Unpaid obligations: Treasury balance	-350		
90.00 Outlays	12,213	11,563	11,312

Title XV of Public Law 99-498 established the Institute of American Indian and Alaska Native Culture and Arts Development as an independent non-profit corporation administered by a Board of Trustees. The Institute provides Native Americans with an opportunity to obtain a postsecondary education in various fields of Indian art and culture.

Payment to the Institute.—This activity supports the operations of the Institute.

Contribution to Endowment fund.—This activity provides for Federal matching contributions to the Institute's Endowment fund, pursuant to section 1518 of Public Law 99-498.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

Federal Funds

General and special funds:

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account; [\$92,684,000: *Provided*, That of the funds appropriated in this paragraph, no more than \$2,000,000 may be available for the purchase of information system upgrades at the Department of State Bureau of Intelligence and Research] \$93,283,000. *Further*, for the foregoing purposes, \$90,485,000, to become available on October 1, 1996. (Department of Defense Appropriations Act, 1995.)

Program and Financing (in thousands of dollars)

Identification code 95-0401-0-1-054	1994 actual	1995 est.	1996 est.	1997 est.
Program by activities:				
10.00 Total obligations	136,377	105,472	93,283	90,485

Financing:

21.40 Unobligated balance available, start of year: Treasury balance	-14,910	-2,122	-2,122	
24.40 Unobligated balance available, end of year: Treasury balance	14,910	2,122	2,122	2,122
40.00 Budget authority (appropriation)	151,288	92,684	93,283	90,485

Relation of obligations to outlays:

71.00 Total obligations	136,377	105,472	93,283	90,485
72.40 Obligated balance, start of year: Unpaid obligations: Treasury balance	61,572	132,396	131,534	127,376
74.40 Obligated balance, end of year: Unpaid obligations: Treasury balance	-132,396	-131,534	-127,376	-125,187
90.00 Outlays	65,553	106,334	97,441	92,674

Since the establishment of the Community Management Staff (CMS) in 1992, additional programs and responsibilities have been added to it for budgetary oversight. To improve oversight, the Intelligence Community Management Account (ICMA) replaces the CMS as the umbrella account to hold those programs that directly support the Director of Central Intelligence (DCI) and the Intelligence Community as a whole. The ICMA now includes the CMS, the Environmental Task Force, the National Intelligence Council, the Center for Security Evaluations, the Information Systems Secretariat and the National Counterintelligence Center. The CMS is the DCI's principal source of advice and assistance in planning and executing his intelligence community management responsibilities. These include: developing the National Foreign Intelligence Program budget; developing intelligence plans and requirements; and overseeing research and development activities. The Environmental Task Force evaluates the application of Intelligence Community archived information and current and future imaging capabilities to the study of the environment. The National Intelligence Council provides analytical support to the DCI and national policy makers. The Center for Security Evaluation is responsible for evaluating and improving security capabilities at United States embassies. The Information Systems Secretariat will support technical activities and services of common Community concern regarding interoperability between national intelligence systems and consumers. The National Counterintelligence Center was established as the primary mechanism to coordinate U.S. government national-level counterintelligence policy and activities.

Object Classification (in thousands of dollars)

Identification code 95-0401-0-1-054	1994 actual	1995 est.	1996 est.	1997 est.
Personnel compensation:				
11.3 Other than full-time permanent	26,127	16,691	17,224	17,736
11.5 Other personnel compensation	1,145	676	780	809
11.9 Total personnel compensation	27,272	17,367	18,004	18,545
12.1 Civilian personnel benefits	6,484	3,462	4,536	4,638
21.0 Travel and transportation of persons ..	4,223	1,735	2,075	2,071
23.2 Rental payments to others	2,222	133	306	307
23.3 Communications, utilities, and miscellaneous charges	100	93	149	157
25.2 Other services	89,392	80,110	63,628	59,833
26.0 Supplies and materials	3,002	724	675	688
31.0 Equipment	3,682	1,848	3,910	4,246
99.9 Total obligations	136,377	105,472	93,283	90,485

Personnel Summary

Identification code 95-0401-0-1-054	1994 actual	1995 est.	1996 est.	1997 est.
1001 Total compensable workyears: Full-time equivalent employment	223	241	247	247

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Divider Title: _____

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

DESCRIPTION: ONHIR is mandated by statute to carry out a program of providing replacement housing and arranging for the physical relocation of members of the Hopi Indian Tribe from lands which were partitioned by a mediator pursuant to Public Law 93-531 to the Navajo Nation, and members of the Navajo Nation from the lands partitioned to the Hopi.

FY 1996 BUDGET PROPOSAL: Proposed FY 1996 budget authority is \$26.345 million, an increase of \$1.457 million from FY 1995. Estimated FY 1996 FTE is 92, a decrease of 1 FTE from FY 1995 levels.

AGENCY PROPOSAL: ONHIR has not submitted a full Option Paper. The Navajo Nation leadership has recently been replaced through tribal elections. A transition period of 3 to 4 months for the new Navajo leadership is expected. A settlement to the Navajo - Hopi dispute is not expected in the foreseeable future. According to a contact at Department of Interior, no new information regarding the tribal negotiations will be available before June 1st. The ONHIR phase-out plan released on February 28, 1995, states that five to seven years (FY 2000 - FY 2002) are still required to complete the relocation work of the agency. An additional two years (FY 2004) will be required for post-move counseling as well as regular administrative closeout procedures. The phase-out plan provides for a transfer of function to the Department of Interior. ONHIR requests that the agency have its own budget and administrative authority during the five to seven year period. ONHIR states that legislation will be required to carry out its phase-out plan.

DECISION OPTIONS:

- A. No change; follow FY 1996 budget recommendation. Support DoJ settlement negotiations with pressure to bring the conflict to settlement.
- B. Terminate agency.

ADVISORY GROUP RECOMMENDATION: A

RATIONALE: At this time, there does not appear to be any hope of a timely resolution to the Navajo - Hopi dispute. ONHIR is required to carry out its defined mission in the tribal dispute.

When the dispute is resolved, ONHIR should be terminated.

STEERING COMMITTEE DECISION



UNITED STATES GOVERNMENT
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

Carl J. Kunasek
Commissioner

February 14, 1995

Christopher J. Bavasi
Executive Director

Memorandum To: Paul Wester, Small Agency Liaison, NPR

From: Michael J. McAlister, Deputy Executive Director

Subject: OMB/NPR Review

This is in response to the information you sent via telefax regarding the Office's OMB/NPR review referred to in the Vice President's January 3 memorandum. We want to make clear that we first received this information on January 14, 1995, and we consequently feel somewhat pressed to provide the information you require for the review. In future, calling to verify our receipt of the information or to alert us to a reporting requirement will be greatly appreciated. I am the contact person for the agency.

1. Is the program/function critical to the agency's mission based on "customer" input?
The Office of Navajo and Hopi Indian Relocation is mandated by statute to carry out a program of providing replacement housing and arranging for the physical relocation of members of the Hopi Indian Tribe from lands which were partitioned by a mediator pursuant to Public Law 93-531 to the Navajo Nation, and members of the Navajo Nation from lands partitioned to the Hopi. The basis for this program is Public Law 93-531, enacted to implement a decision of the United States Supreme Court (*Healing v. Jones*, 210 F. Supp. 125, D. Ariz., 1962 aff'd 363 U.S. 758, 1963). This function constitutes the agency mission, and is therefore critical based on both the published court decision and public law.
2. Can this function be done as well or better at the state or local level? This function cannot be performed at the state or local level, since no entity other than the Federal government has the authority to implement the public law which mandates the program.
3. Is there any way to cut cost or improve performance by introducing competition?
There is no basis to introduce competition into administering the relocation program. First, there are no similar services available commercially. The relocation program is a complex one, involving: 1) Providing social services before and after the physical relocation, to assure mitigation of adverse effects of relocation to the extent possible; 2) Facilitating contractual agreement for construction/acquisition of replacement housing (third party to the contract); 3) Assuring decent, safe and sanitary housing is provided through inspection and repair; 4) Administering 400,000+ acres of land held in trust for relocated members of the Navajo Nation; 5) Developing range and cluster community sites

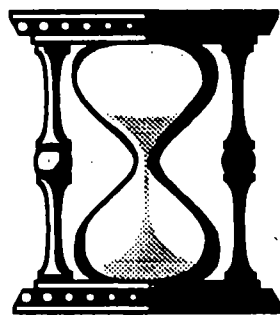
on the trust lands. Providing competition would entail lengthy analyses and studies to develop comprehensive statements of work and initiating competition with a wide variety of firms, if any could be found, to provide the greatly varied services provided by the organization. Finally, contracting for services could be accomplished in only a very limited number of situations, because of the mandate that the Office administer the program and the trust lands.

4. How can NPR principles be applied to put customers first, cut red tape, and empower employees? The Office has already started the reinvention process, and anticipates continuing into the foreseeable future. The process started with inquiries into the process, and beginning to formulate a reinvention plan in late 1993. In early 1994, the Executive Director formed a reinvention team led by the Deputy Executive Director to oversee and facilitate the process. In April, 1994, the Commissioner (agency head) resigned, but the reinvention team has continued to meet and carry out the process. A series of meetings was held with all staff, and suggestions were solicited to be more responsive to customers, improve operations, cut red tape, and empower employees. Work groups were formed from among employees, and the suggestions derived were examined and determinations made by employees as to which could be immediately implemented, which should be implemented, and which would require some other process to change first. A number of suggestions were thus implemented immediately, and others are pending completion of a customer survey. A survey instrument design proposal and focus groups to implement the proposal are under consideration, and should be accomplished by June, 1995.

In August of 1994, the Congress directed the Office to prepare a plan to reduce administrative costs, streamline and eventually phase out, anticipating the completion of the relocation program. The agency has meshed its reinvention process with this reporting direction, and prepared a phase-out plan which also aims at down-sizing the agency and simplifying some relocation processes. The phase-out plan will be presented to the Congress February 28, and copies will be provided to OMB and the NPR at that time.

**Office of Navajo & Hopi
Indian Relocation**

**Relocation Completion
And
Agency Phase-Out Plan**



February 28, 1995

SECTION 1: INTRODUCTION

1-1: ORGANIZATION OF THE DOCUMENT	1
1-2: BACKGROUND OF THE RELOCATION PROGRAM	2

SECTION 2: RELOCATION COMPLETION/PHASE-OUT PLAN

2-1: EXECUTIVE SUMMARY	7
2-2: FUTURE WORKLOAD FACTORS	9
2-3: IMPEDIMENTS TO RELOCATION	12
2-4: PROGRAM CHANGES AND INCENTIVES	20
2-5: TIME SEQUENCING OF THE PLAN	28
2-6: BUDGETARY PROJECTION	32
2-7: PERSONNEL ISSUES IN PHASE-OUT PLANNING	34
2-8: SUMMARY OF LEGISLATIVE AND REGULATORY CHANGES NEEDED	39

SECTION 3: PROGRAM ACTIVITIES

3-1: ELIGIBILITY FOR RELOCATION BENEFITS	41
3-2: RELOCATION BENEFITS	46
3-3: RELOCATION OPTIONS	50
3-4: HOUSING PROGRAM	57
3-5: RELOCATION PROCESS	63
3-6: DISCRETIONARY FUNDS	72
3-7: ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES	76
3-8: PARTICIPATION IN THE RELOCATION PROGRAM	78
3-9: PROGRAM STATISTICS	81
3-10: LITIGATION	85

SECTION 4: ON-RESERVATION RELOCATION

4-1: ELIGIBILITY FOR ON-RESERVATION RELOCATION	91
4-2: ON-RESERVATION RELOCATION STATISTICS	91
4-3: GROUP MOVES	92
4-4: TUBA CITY SUBDIVISION	92
4-5: INFRASTRUCTURE PROJECTS	95
4-6: ECONOMIC DEVELOPMENT	97
4-7: COMMUNITY SERVICES	99

CONTENTS

SECTION 2: RELOCATION COMPLETION/PHASE-OUT PLAN

SECTION 2 contains all the components of the phase-out plan requested by the Committee. All of the subsequent sections are background information on the various major program activities. All of the statistics reflected in **Sections 2** through **6** are as of September 30, 1994 (the end of fiscal year 1994), unless otherwise noted. Since its inception, the ONHIR, has submitted periodic updates to the Report and Plan of 1981. The Office was in the process of updating its plan when the request from the Committee for a phase-out plan was received. The Office determined that making the regular Plan Update an integral part of the phase-out plan to provide general background information and more current statistics was the best approach to satisfying the Committee's request for a phase-out plan.

2-1: EXECUTIVE SUMMARY

This **Executive Summary** provides an overview of **Section 2**, which deals with relocation completion and agency phase-out. Hereafter, this section will be referred to in the narrative as "the plan".

The general approach to, and specific elements of, the plan were developed in consultation with GAO staff and with input from ONHIR supervisors and staff. During the last 10 years, there have been a variety of external initiatives affecting the operation of the ONHIR. They have consisted of, but not been limited to, proposed legislation, enacted legislation, court ordered mediation, court decisions and a presidential mission. This is the first time that the Office itself has been directed to prepare a plan that includes actions and initiatives that the Office believes have the best potential for ultimately completing relocation and phasing out its operation. The task of the ONHIR is unique in the history of the United States and management believes that the combined knowledge and experience of the Office staff places it in an excellent position to propose alternatives and solutions which should lead to the completion of this project. It is noteworthy

that the combined experience of ONHIR staff is in excess of 1,000 person-years dealing directly with this unique and difficult problem.

The most logical place to begin this plan is with a discussion of the actual workload remaining to be accomplished in order to complete relocation. Therefore, **Section 2-2** deals with the number of families remaining to be relocated. There are two primary categories of future workload factors. The known workload factors consist of those families who have been certified eligible for relocation and have not yet received their benefits, as well as additional individuals in various categories who the Office can accurately predict will become eligible for relocation benefits. The second category consists of those families who might become eligible through further new litigation.

Section 2-3 deals with the various impediments to relocation. The Office understands the Committee's frustration with the apparent slow progress of relocation because it has experienced this same frustration over the years. Reports to, and testimony before, the Committee over the years have contained general reference to these impediments. This section seeks to supply more specific details of these impediments in order to provide the Committee with a better understanding of them as they consider the Office's plan. These impediments are broken into two primary groups: client related impediments, and program related impediments.

Section 2-4 discusses a variety of solutions to these impediments. These solutions take two principal forms: legislative, regulatory and procedural changes, and as new incentives to those affected by relocation.

Section 2-5 discusses the sequencing of events that will take place during the completion of the relocation program. The various elements discussed in **Section 2-4** would be proposed to take effect at different stages of the completion process.

Section 2-6 is a discussion of the personnel and budgetary resources needed to accomplish the completion of the relocation effort.

Section 2-7 deals with the personnel issues involved in phasing out the program.

Section 2-8 summarizes the proposed legislative changes to accomplish the ONHIR plan for completion of relocation and phase-out of the Office.

2-2: FUTURE WORKLOAD FACTORS

The GAO staff worked extensively on establishing the quantity and nature of the Office's future workload factors. The workload factors reflected herein are those developed by the Office and GAO staff utilizing agency records and augmented by both Hopi Tribe and Navajo Nation input. In order to be consistent throughout this document, the figures reflected here are as of the end of fiscal year 1994. It is the understanding of the Office that GAO intends to update its figures through the end of calendar year 1994 for its report to the Committee.

Future workload factors are divided into two major categories: the known or accurately estimable families remaining to relocate, and the potential additional eligible heads of household based on possible litigation.

As of the end of fiscal year 1994, there were approximately 913 to 963 heads of household in the first category.

This number is comprised of four basic groups as reflected below:

- 748 certified heads of household awaiting relocation;
- 25 additional heads of household who will be certified as a result of court decisions;
- 90 additional heads of household who will be certified as a result of the agency administrative appeal process; and

- 50 to 100 additional heads of household who are currently residents of the Hopi Partitioned Lands who have never applied for benefits. (The Federal Mediator's estimate is approximately 150).

It is important to note that the individuals in this category either already have received, or will receive a written notice of eligibility for relocation benefits. These are individuals who are already, or will become, vested in a government entitlement.

The second category is much more difficult to quantify. They fall into two main groups.

The first of these is comprised of those individuals who have not yet received an agency final determination, and who upon receiving a final denial, will still have six years in which to file in federal court for a reconsideration of their eligibility. There could be as many as one hundred additional eligible heads of household derived from this group.

The second group consists of all of those individuals who were notified of their denial and personally signed for their notification, and as a result, were excluded from reconsideration under the case of Sands v. NHIRC, CIV 85-1961-PCT-RCD (Sands). Recently, the Navajo-Hopi Legal Services Program has repeatedly requested that the Office reconsider some of these cases because there is sufficient prima facie evidence of their eligibility. The only basis on which their denial was upheld by the court in Sands v. NHIRC was that they failed to provide adequate documentation and had been notified of this fact and had personally signed for their own certified letter of denial. The Navajo-Hopi Legal Services Program contends that this should not alter the facts of the case and they may well bring additional litigation to have these previously excluded members of the Sands v. NHIRC case included in the original order for reconsideration. This could result in an additional 600 to 700 certifications, according to the Navajo-Hopi Legal Services Program.

This analysis provides a best and worst case scenario ranging from a low of approximately 900 to a high of up to 1,700 individuals to whom the Federal Government would have a responsibility to provide relocation benefits.

For the purposes of this plan, the ONHIR is only considering the approximately 900-950 heads of household whom it can presently accurately predict are, or will become, entitled to benefits.

Of these heads of household, there are a certain number of whom for a variety of reasons that will be discussed later in the report, will never actually receive a replacement home. Using a variety of predictive factors such as age, education, English fluency, relocation site preference, household size and case status, the Office predicts that approximately 725-775 households will receive a new relocation home. The others will, in all likelihood, have to be dealt with in some other manner such as cash payment. Based on historical averages and recent experience (100-150 relocations per year), this extrapolates to a period of five to seven years to complete the actual physical relocations of those families who the Office predicts will eventually receive replacement housing. Following completion of all of the voluntary physical relocations the workload would consist of the following elements:

- Construction of homes for Navajo residents remaining on the HPL, who have not made timely arrangements for relocation, at a prescribed site (the New Lands);
- Payment of monetary compensation in lieu of replacement housing for those Navajos not residing on the HPL who have been unable to receive a replacement home for a variety of reasons;
- Two year post-move services, as provided to all previous relocation families, consisting of home warranty, post-move counseling, etc.; and

- Preparation for records retention and transfer, and other administrative shut-down procedures.

It is estimated that all of these activities could be accomplished during the two year post-move services period.

Based on the above, it is estimated that a minimum of seven to nine years will be necessary in order to complete relocation.

2-3: IMPEDIMENTS TO RELOCATION

To an outside observer, the issue of relocation would appear to be a relatively simple and straightforward one. To the average non-Native American, the prospect of receiving a new home free of charge would seem to be an overriding incentive to cooperate with the relocation program. This attitude among non-Native Americans stems from a vastly different cultural perspective represented by issues such as: the relative value placed on modern home ownership; the high mobility of the majority of the American population; possession of economic skills which are in demand; relative unimportance of close extended family ties; familiarity with non-reservation institutional requirements (taxes, utility payments, etc.); fluency in the English language; and the relative ease with which they are able to assimilate into a new community. To understand the many impediments to relocation, one must be fully aware that the majority of the Native American population still remaining to be relocated do not place the same relative value on modern home ownership, and do not possess the various coping skills mentioned.

These impediments fall into two principal categories: legal, regulatory and administrative restrictions; and personal impediments specific to the individual client.

The full array of legal, regulatory and administrative impediments are too numerous to mention in this report, and in point of fact, any governmental program should be expected to deal as efficiently as possible with the majority of them. There are, however, some impediments unique to this program which should be examined and could be removed through legislative action. These impediments are enumerated below and specific remedial action to each is proposed in the following section.

- No involuntary component to the relocation program.

The ONHIR is charged with accomplishing voluntary relocations. There is nothing within the enabling legislation which authorizes the Office to enforce any action of an involuntary nature. When District Six was awarded exclusively to the Hopi Tribe, the Navajo Nation and the BIA oversaw, and participated in, the removal of Navajo residents from that geographic area. The Navajo residents of the HPL observed this activity and are acutely aware of the fact that throughout the entire history of the relocation program, no official mention of involuntary relocation has ever been made. This is clearly a policy issue which is beyond the authority or responsibility of the Office. However, it must be understood that if the relocation process is ever to be completed and full control returned to the Hopi Tribe over their portion of the disputed lands, the issue of involuntary relocation must be addressed, unless some form of mediated settlement is reached.

- Lack of Hopi presence on the HPL.

The Hopi Tribe has been unable to put forth any real effort to establish their presence on the HPL even though many geographic areas have been totally cleared of any Navajo residents.

The Navajo residents of the HPL are aware of this fact and are convinced that the Hopis will never use the land and have no need for the land. Parenthetically, it should be noted that the major publications dealing with this issue have pointed out this same fact. As long as the Navajos are convinced that the Hopis will not use the HPL and have no need for the HPL, there is no real pressure for them to consider relocation and it strengthens their belief that the whole process is unneeded and unfair.

- Lack of grazing enforcement on the HPL.

Currently, there is little or no enforcement of illegal grazing or grazing permit levels on the HPL. Because of the drastically reduced number of residents on the HPL, some of the remaining residents are grazing far in excess of their legally permitted level. Many graze with no permits at all. As a result, even the offer of 80-120 sheep units is not attractive to these existing HPL grazers because they are able to graze far more where they are currently located than they would be able to on the New Lands. Even those who are not exceeding their permit levels have the strong feeling that it is extremely unfair for them to be required to move, when they see no evidence of the Hopis using those parts of the HPL that have been vacated.

- Unwillingness of border chapters to grant homesite leases.

The chapters which lie along the partition line border have been called upon to accept a large increase in their population and a corresponding increase in the burden on their already limited infrastructure in order to grant homesite leases to those individuals who are members of the chapter, but who are residing on the HPL side of the partition line. These host chapters have

become understandably reluctant to grant further homesite leases to those individuals either still living full time on the HPL or those individuals who have left the HPL but have not yet received their relocation benefits.

- Bennett Freeze development.

Related to the item above is the issue of the Bennett Freeze area which has recently been opened up for development by the federal courts. The majority of the land in the Bennett Freeze area was awarded to the Navajo Nation by the court decision (this decision is currently under appeal by the Hopi Tribe). This area has received almost no funding for infrastructure improvements since the freeze was put into effect decades ago and requires a great deal of development in order to provide sites for relocatees as well as for non-relocatees. Congress recognized this court decision by funding the Navajo Nation for the construction of 100 homes in the area last year.

- Lack of grazing regulations on the NPL.

There are currently no grazing regulations in effect on the NPL. This further complicates the problem of persuading border chapters to grant homesite leases to relocatees. The existing residents of the border chapters are understandably reluctant to grant homesite leases to individuals who have a tradition of grazing, when there is no formal legal method by which they can protect their own grazing rights. Additionally, the NPL is in serious need of range improvement to support the existing livestock, let alone any new grazing permits.

- Ineligible HPL extended family members.

While there are a relatively small number of eligible households still residing on the HPL (approximately 150-200), their families have additional extended family members who have reached head of household status since the July 7, 1986 application deadline. Obviously, those heads of household remaining on the HPL are among the staunchest resisters to relocation. They observed during past years, the children of their neighbors attaining head of household status before the application deadline and now feel that an arbitrary deadline excluding their children from relocation benefits is unfair. They believe it is the time at which an extended family decides to relocate that should control the determination of eligibility rather than the deadline established by legislation and regulation. Recently, a substantial number of these households have indicated that they would be willing to relocate if their children were also provided for.

Appendix 1 provides a number of actual case contact reports reflecting this fact. They have been redacted for privacy.

- Lack of authority to grant discretionary homesite leases.

Because of the amount of time that has passed since the Office began relocating families to the New Lands, many families have children who have married and become heads of household themselves. In the traditional Navajo way these family members would build their own homes close to their parents. Since the children are not eligible for relocation, they cannot be granted a homesite lease on the New Lands, under current procedures. There are also a fairly large number of eligible heads of household who have not yet relocated, and who have extended family members who are not eligible for benefits but have indicated they would move to the New lands if their children could, at a minimum, get a homesite lease.

- Lack of authority to grant discretionary New Lands Grazing Permits.

The Office originally established two priority levels for eligibility for grazing permits on the New Lands. Priority one actually was utilized to determine the number of sheep units to be granted to each grazer. This was accomplished by dividing the total number of individuals in priority one into the total livestock carrying capacity of the New Lands. Currently, approximately two-thirds of the grazing permits on the New Lands are not being utilized. On April 2, 1991 the Office published regulations which would have given the priority one individuals until June 1, 1992 to take advantage of their entitlement to a grazing permit. Following that date the Commissioner would have had the discretion to issue permits that facilitated the relocation effort to individuals in the lower priority category. The Justice Department, as a result of the mediation process, requested that the Office postpone indefinitely the effective date of that regulation. The Office complied with that request.

- Archaeological delays.

Increasingly, the ONHIR's fulfillment of responsibilities of the National Historic Preservation Act and other related legislation, has added to the delay and expense of the program. The archaeological clearance process applies to every activity this agency undertakes. The Office first became aware of and involved in this process when it began to develop the New Lands. Until that time, the Office had no Cultural Resource Manager or archaeological staff. With the inception of the development of the New Lands and the inclusion of an archaeology component within the agency, it was realized that the property disposal on the Hopi Partitioned Lands was also subject to the archaeological clearance process. Most recently, the agency's Cultural Resource Manager has determined that

this process even applies to acquisitions off of the reservation (purchase of resale homes anywhere off the reservation.) The expense and time delay of this requirement cannot be over-emphasized.

- Impediments related to individual relocatees.

Impediments related to the specific circumstances of individual relocatees are not correctable by legislative action. However, an awareness and understanding of them is critical to appreciating the slowing pace of relocation as the Office nears the end of the program. Families who were unaffected or minimally affected by impediments relocated earlier in the program. Increasingly, with the passage of time, the remaining relocatee population are those who have many impediments to relocation. A partial list of the more common problems is stated below:

- Client is unable to obtain a homesite lease in desired relocation area;
- Client's health is poor and must remain near Indian Health Service Hospital and no relocation site is available;
- Client has employment related restrictions (i.e. no site available close to present employment or unable to support him or herself at new site because of lack of employment);
- Client possesses livestock and is unable to obtain a grazing permit in any location on the existing reservation and is ineligible for New Lands permit;

- Client is unable to obtain a site on-reservation and does not qualify for an off-reservation move;
- Client has credit problems;
- Client has no transportation, severely restricting the suitability of alternative living sites;
- Client is able to obtain homesite lease, but no utilities are available at the new site;
- Client incarcerated at some point in time following certification;
- Client is incompetent, can't live alone, and has no relative willing to become guardian (under the terms of the Disabled Americans Act, these individuals are still eligible for benefits);
- Client has severe problem with substance abuse;
- Client is estranged from his or her spouse and unable to obtain cooperation from them in accomplishing relocation;
- Client has severe psychological problems;
- Client is waiting for the outcome of mediation; and
- Client wishes to move, but is subject to severe pressure from family members and other resisters in his geographic area;

COMPLETION/PHASE-OUT

This is only a partial listing of the personal, client related difficulties which impeded relocation. **Appendix 2** is a compendium of casefile summaries which will provide the reader a more personalized understanding of the problems which may affect many of our families who have not yet relocated. These casefile summaries have no casefile numbers or names in order to protect the privacy of the clients.

2-4: PROGRAM CHANGES AND INCENTIVES

Section 2-3 outlined the principal impediments to completing the relocation program and this section will enumerate proposed program changes to address those impediments. The Office believes that the elements put forth in this plan provide the highest degree of likelihood possible for achieving completion of the relocation program. The proposed program changes are presented in the same order as the impediments were presented in the previous section, for ease of reference.

- No involuntary component to the relocation program.

This is probably the largest, single impediment to completion of the relocation program. The Committee has indicated its frustration with the slow pace of relocation. Since the ONHIR only has authority for voluntary relocations, the pace of the activity is of necessity largely dictated by the willingness of the Office's clients to cooperate with the program. Obviously, the only way to address this impediment is through legislative action which would result in a definite deadline for relocation beyond which the program would become involuntary. This is clearly a national policy issue beyond the purview of the ONHIR. The Office does not, therefore, presume to take a position either for, or against, such legislative action. However, we would be remiss if such an alternative were not discussed in the plan to complete relocation and phase out the Office. The relocation

program as envisioned by Congress and executed by the Office, has been a thorough and generous one. Included in the relocation completion plan are additional incentives which would enhance this spirit of thoroughness and generosity, if no mediated solution is achieved. If Congress elects to implement the incentives contained in this plan and no mediated solution is achieved, it might also wish to consider setting a definite date for the end of voluntary relocation followed by a phase-out period during which the Office would construct homes, probably on the New Lands, for those few remaining on the HPL, who had failed to make timely arrangements for relocation. The fact that these are trust lands would place the United States Government, through the Justice Department, in a position to take the necessary actions to return full control of the HPL to the Hopi Tribe. It would also appear that the Hopi Tribe has standing with the courts to initiate such an action. Whether or not any language addressing involuntary relocation is included in any amendments to the Relocation Act resulting from this plan is beyond the control of the Office. If no such provision is included, however, Congress must understand that the Office would continue to rely only upon the willing participation of the remaining heads of household to be relocated.

- Lack of Hopi presence on the HPL.

The Hopi Tribe has been unable to re-establish their presence on the HPL largely as a result of a lack of resources to develop it. Assisting the Hopi Tribe to re-establish their presence on the HPL is one of the most critical elements of the Office's plan to complete relocation. Three important objectives would be accomplished through this approach. First, it would begin to establish Hopi presence on the HPL, making clear to the remaining Navajo residents that in fact this land is needed and will be used by members of the Hopi Tribe. Second, within a

short period of time, it would provide a logical and reasonable basis for reinstituting the enforcement of livestock permitting for both Hopis and Navajos on the HPL. Third, it should be noted that the Hopi Tribe has long believed that it was unfair that so little development money was provided to them as a result of relocation and that the vast majority of the funding for this program has and will go to either individual members of the Navajo Nation, or to the tribal government for certain activities and improvements. The funding needed to accomplish the Office's proposed objectives in the Hopi Partitioned Lands would still only be a small percentage of the total cost when this program is completed. It is also noteworthy that many Hopi families who resided in what eventually became the Hopi Partitioned Lands had left that land as a result of conflicts with their Navajo neighbors before the Relocation Act was passed. Therefore, a case can be made that many of the individuals who might receive some benefits under this expanded authority would actually have been eligible for such benefits had they not succumbed to the pressures of the increasing Navajo population, shortly before the Relocation Act was passed. Authority would be needed for the Office to provide range management and improvement, infrastructure development and Hopi residences and ranching activities on the HPL in order to accomplish this element of the plan.

- Lack of grazing enforcement on the HPL.

The Bureau of Indian Affairs should develop a plan for phasing in enforcement of grazing permit limits on the HPL. The Office does not advocate immediate impoundment of livestock which is in excess of permitted levels. However, it should be made clear to Navajo residents of the HPL who are grazing illegally or

in excess of their permitted levels, that they have a certain amount of time to reduce their herds, or face impoundment. In the absence of such enforcement, those individuals remaining on the HPL who have expanded their herds far beyond their permitted levels have absolutely no incentive to apply for a permit on the New Lands where they are allowed to graze 80-120 sheep units. Last year, for example the Office issued one grazing permit and constructed three homes on a New Lands grazing unit for an extended family from the HPL. This extended family had one permit for 30 sheep units on the HPL. When Office staff did an actual head count of the livestock, preparatory to moving them to the New Lands, the family was found to be in possession of a herd equivalent to 650 sheep units.

- Unwillingness of border chapters to grant homesite leases.

In order to address this impediment, the Office would recommend that it be provided with expanded authority for infrastructure development (i.e. roads, water, sewer, electricity, subdivisions, etc.) in these border chapters. This would help remove the current barriers to the Office finding relocation sites for the remaining relocatees for whom the New Lands are not an alternative. It would allow the Office to give the surrounding chapters on the NPL good reason to again consider granting homesite leases to relocatees and address the tremendous infrastructure needs in those chapters.

- Bennett Freeze development.

Providing the Office with expanded authority to assist in the infrastructure development on the Bennett Freeze would have the same effect as the item above. We have recently had

inquiries from many "resisters" who are willing to move to the Bennett Freeze area, if sufficient infrastructure can be provided for them at their relocation site. Last year, Congress recognized the need to develop the Bennett Freeze area by appropriating sufficient funding to the Navajo Nation to construct up to 100 homes for individual Navajos residing in that area.

- Lack of grazing regulations on the NPL.

It is critical that the Bureau of Indian Affairs expedite the implementation of grazing regulations on the Navajo Partitioned Lands. The Office has been informed that regulations had been finalized and had passed tribal approval and OMB approval, but that they have been placed on hold by the new Navajo administration. The Office's current Range Management Supervisor was previously an employee of the Bureau of Indian Affairs and personally worked on the grazing regulations which were drafted in 1987. The Office would be more than willing to assist or facilitate the finalization of NPL grazing regulations and the services of our Range Management Supervisor could be very helpful in this regard.

- Ineligible extended family members.

In order to address this impediment, the Office would recommend that it be granted the authority to extend benefits to heads of household who are currently ineligible under the Office's regulations, but who are members of the extended household of certified, eligible HPL residents. The Office would further recommend that this authority be at the discretion of the Commissioner and that no specific eligibility criteria be developed. This authority would be used exclusively as a negotiating

feature and would be exercised judiciously. The Office would recommend against developing eligibility criteria for this group as it would establish equal treatment concerns for families no longer residing on the HPL. The Office would further recommend that language be developed to limit the total number of such "incentive" relocations and/or the number of additional relocations per certified family on the HPL. The Office estimates that less than 100 such "incentive" relocations would be utilized.

- Authority to grant discretionary homesite leases.

The New Lands, as currently planned, has a total of 982 homesite leases available. To date, 329 sites have been selected leaving 653 sites available for selection. With a potential maximum of 725-775 physical relocations remaining, the Office believes that less than half of these sites will be utilized under the current plan and authority. In 1993, the Office requested authority to issue discretionary homesite leases to non-relocatees. The Committee, however, was concerned this would result in a potential shortage of sites on the New Lands for remaining relocatees. Since this is apparently not the case, the Office would strongly urge that authority to grant homesite leases to non-relocatees be approved. Some families on the New Lands have spoken negatively to potential New Lands relocatees about the fact that they are unable to obtain homesites for their children who get married and begin their families. Allowing some reasonable number of leases to individuals in this category would remove a disincentive for choosing the New Lands. Additionally, the Office believes that we could work with the Navajo Housing Authority to obtain housing for these individuals. NHA requires that there be utilities, full archaeological clearances, etc. before it can utilize HUD funding for housing. There is a shortage of qualified sites

on the Navajo reservation. Therefore, the Office has been very successful in co-sponsoring construction projects with the Navajo Housing Authority. Finally, if Congress decides to allow the Office a certain number of incentive relocations for ineligible extended family members of HPL residents, these New Lands homesite leases could be used to accommodate those individuals as well.

- Authority to grant discretionary New Lands Grazing Permits.

The total number of permits available on the New Lands is 158. To date, the Office has issued 64 grazing permits. There are 94 permits remaining, and there are only 78 individuals remaining on the priority one list. To date, 16 individuals who were on the priority one list have either moved to a site other than the New Lands or have died before relocating. The Office currently has 16 uncommitted permits and it is very likely that more will become available as choices are made by priority one list individuals to relocate somewhere other than the New Lands. Therefore, the Office would propose to activate the regulations that were previously published allowing discretion to issue grazing permits to individuals who are not on the priority one list. There are currently several HPL residents (who are not on the priority one list) who have indicated that they would move to the New Lands if they could be granted a grazing permit.

- Archaeological delays.

The Office would recommend that Congress consider exempting it from the fulfillment of consultation and reporting requirements under the National Historic Preservation Act and related legislation. The agency's authorizing legislation currently exempts it

from the provisions of the National Environmental Protection Act on the New Lands. Approximately three years ago, the Office discussed with Congress such an exemption, especially in light of the NEPA exemption, however, the National Historic Preservation Council disagreed with such an action. The Office would propose to maintain its cultural resource management section and would continue in an entirely responsible manner with regard to protection and curation of archaeological finds. However, it would be relieved of the time consuming, expensive and cumbersome reporting requirements under Section 106. If it is again determined that it is inappropriate to exempt the Office from the provisions of Section 106, the attendant cost and time delay to the relocation effort must be acknowledged.

- Individual impediments to relocation.

The vast majority of the individual impediments to relocation cannot be addressed through legislation, regulation, or procedural change within the Office. These elements were outlined in an attempt to give the readers of this document a better understanding of the kinds of individual problems encountered by the Office' clients. There are two elements of the plan, however, which address several of the more serious individual impediments. First, increased emphasis on subdivision development, not only on the NPL and Bennett Freeze area, but also throughout the reservation, should provide locations for many of those individuals currently unable to relocate. Second, authority for cash payments at the end of the program to individuals unable to find a relocation site should allow the Government to complete relocation without actually providing homes for those whose personal circumstances simply will not allow it.

2-5: TIME SEQUENCING OF THE PLAN

As indicated in **Section 2-2**, the Office projects a period of five to seven years to accomplish the actual physical relocation of those individuals who will voluntarily relocate to a site of their choosing. The major program changes suggested by the plan in **Section 2-4**, would be implemented in the manner and order indicated below.

The Office would propose that there be a one year window of opportunity, following passage of new legislation, during which permanent full-time residents of the HPL could negotiate with the Office for inclusion of additional extended family members for relocation eligibility. These additional eligibilities would not be an entitlement but would rather be a negotiated incentive between the HPL residents in question and the ONHIR. At the end of one year, this authority for additional incentive relocations would lapse and individuals still residing on the HPL who had not entered into an agreement with the ONHIR to relocate, in exchange for a negotiated number of additional family member relocations, would lose this opportunity. The ONHIR believes that this would provide a very strong incentive for many of the individuals still residing on the HPL.

The ONHIR would develop procedures for, and begin the implementation of, issuance of homesite leases on the New Lands to non-relocatee extended family members of those already residing on the New Lands or planning to relocate to the New Lands.

The regulations implementing the existing authority of the Office to issue grazing permits on the New Lands to individuals in priority two would be activated (these regulations were published in 1992, however, at the request of the Justice Department, they were extended indefinitely before they took effect).

Infrastructure and range improvement on the HPL, as well as infrastructure improvement on the NPL and the Bennett Freeze, would begin to be implemented.

A program placing much greater emphasis on small subdivision development on the NPL and Bennett Freeze and other appropriate areas of the existing Navajo reservation would be implemented. This element is critically needed in order to provide relocation sites for those individuals still remaining to be relocated who do not qualify for off-reservation moves and for one reason or another are not appropriate candidates for relocation to the New Lands.

The Office's Intensified Outreach Program, which was developed more than three years ago, but placed on hold as a result of the mediation, would be implemented.

The Committee Report instructed the Office to make recommendations in its plan for a transition of authority to a successor entity by the year 2000. The Office reviewed this issue with GAO staff, and all parties involved concluded that they could see no advantage to be gained by this transfer of function, either in terms of total dollars spent, or time required to complete the relocation effort. It was also concluded that, depending on the manner in which a transfer of function is accomplished, it could cost considerably more money and take considerably more time to complete the relocation effort. Further, the GAO staff stated, and the Office certainly agrees, that ONHIR staff are the experts in this matter and this expertise should be utilized to complete relocation. Based on these conclusions, the Office developed the following proposal for transfer of function.

The Office should be attached to the Office of the Secretary, Department of Interior in as much as possible the same manner as it originally functioned prior to the passage of P.L. 100-666. A review of the legislative history of the relocation effort makes clear the fact that members of Congress felt it was essential that the

relocation effort be handled by an independent agency. For that reason, the original Navajo and Hopi Indian Relocation was established with three Commissioners appointed by the Secretary of Interior and with its own independent lines of communication to the Office of Management and Budget and the appropriate Committees of Congress. In 1980, the Office was given its own in-house administrative authority and currently performs all of its own administrative functions. It would be essential that this situation be perpetuated in the future in order to avoid serious delays to the program as a result of budgeting, contracting, payment, and other functions. It would, therefore, have to be made very clear that the Office retained its own separate budget authority and administrative authority as it previously did even though attached to the Department of Interior.

The Office believes that if Congress does determine that a transfer of function to a successor entity is necessary, as opposed to allowing the Office to continue in its current configuration, that the transfer to Interior should take effect upon the passage of any other amendments to the Relocation Act that result from this plan. Making the Office a part of the Department of the Interior (while retaining separate budget and administrative authority) would have an additional added benefit. It would provide an opportunity for Office employees to be placed within other agencies within the Department of the Interior during the phase-out period, and would potentially greatly lessen the problems associated with final RIF and close down of the agency. This is especially true since more than 65 percent of the Office's employees are Native Americans and placement of the agency within the Department of Interior would provide them with placement guarantees in the Bureau of Indian Affairs. Additionally, it should be noted that amending legislation on this issue could specify that the independent budget and administrative authority would cease at the end of the actual physical relocation period (five to seven years) and that during the final two years of the program phase-out the Office would be under the more direct administration of the Department of Interior.

The final phase of relocation would be a two-year period of time following the five to seven years needed to accomplish all of the physical relocations. The Office would propose to accomplish the following principal activities during that two-year period of time:

COMPLETION/PHASE-OUT

- Notify all remaining HPL residents that they have a certain time (i.e. 30-60 days) in which to indicate that they are now willing to cooperate with voluntary relocation and choose a relocation site, house plan, and contractor. If they do not do so within that specified period of time, the Office would proceed to select a site and construct the home for such individuals. These homes would be located on the New Lands, most likely in a rural community setting;
- Notify non-HPL residents that they had a certain time (i.e. 30-60 days) during which to choose a relocation site, house plan and contractor. Individuals in this category who failed to proceed with the necessary elements of their relocation, would be paid an amount equal to their housing replacement benefit. Individuals in this category would not receive moving expenses, infrastructure costs, or a moving bonus as the bonus specifically states it is for relocating;
- The Office would continue to perform its normal post-move counseling function for all of the individuals who had relocated during the last two years of actual physical relocation. This consists of ongoing counseling, home warranty, etc. and is a service that was extended to all previous relocatees; and
- During this final two-year period, the Office would also prepare for conducting its final RIF, seek placement for employees still remaining, deal with early retirement incentives for those choosing not to continue their Federal career, and perform all of the other records retention, and administrative shutdown activities necessary.

2-6: BUDGETARY PROJECTION

There is little need for narrative in this section as the enclosed table of budget projections (Table 1) clearly delineates the Office's plan for staff and administrative cost reduction through the end of the phase out period. There are a few issues that require noting or clarifying however, in order for the reader to fully understand the enclosed budget projection table.

The plan proposed by the Office for completion of relocation and phase-out can be accomplished within historical budgetary authorities. No increase in the amount of total annual funding will be necessary in order to accomplish the changes to the program outlined in the plan. In fact, the budget projections reflect decreasing administrative costs and total program costs beginning with fiscal year 1997. The budget projection begins with fiscal year 1992, as that is the year in which the number of relocations accomplished began to decrease from an Office high of 205 in one year. The Office is already at an actual employment level, as of fiscal year 1994, of ninety-one. This is six positions below the authorized FTE ceiling and is a result of the fact that the Office has been under a self-imposed hiring freeze since fiscal year 1992. The presentation begins with fiscal year 1992 in order that prior years of reduction in output of workload factors can be compared to prior year reductions in staffing. It would be inappropriate to disregard the approximately 10 percent staffing reduction which has already been accomplished as the number of relocations have decreased. The Office proposes to accomplish a reduction of almost 25 percent of staff by fiscal year 1998, and subsequently, staff will be reduced another 20 percent by the end of the program. Since the Office is very small to begin with and because there is such a wide diversity of specialties required to meet our statutory responsibilities, it is felt that the FTE projected in 2003 is the absolute minimum with which the agency could function prior to being completely phased out.

The projections do not include the cost of incentive relocations for non-eligible extended family members of HPL residents. However, this figure should not exceed \$10,000,000 and can be partially absorbed within the existing budget should Congress decide to grant this authority.

COMPLETION/PHASE-OUT

TABLE 1
BUDGET & STAFFING PROJECTIONS

	-----APPROPRIATED-----				-----PROJECTED-----							
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
FTE Ceiling	97	97	97	93	92	90	79	75	58	56	55	54
Families Moved	205	130	106	150	100	100	100	100	100	100	100	100
(In Thousands of Dollars)												
OPERATIONS	4,800	5,000 ¹	6,730 ¹	6,524	6,470	6,567	6,208	6,134	4,684	4,695	4,666	4,580
LAND & STRUCTURES:												
Housing	9,358	8,419	9,850	8,150 ²	8,500	8,500	8,500	8,500	8,500	8,500	8,500	8,500
Roads, Archy	6,984	8,344	7,450	7,850	9,025	3,500	1,750	1,750	1,750	1,750	1,750	1,750
NPL/HPL Development						5,300	6,250	6,250	6,250	5,000	5,000	5,000
BONUSES	1,400	1,400	--- ³	---	---	---	100	400	300	195	---	---
DISCRETIONARY	3,300	4,535	2,906	2,364 ⁴	2,350 ⁴	2,415	3,212	2,548	2,338	2,160	2,050	1,941
TOTAL BUDGET	25,842	27,698	26,936	24,888	26,345	26,282	26,020	25,582	23,822	22,300	21,966	21,771

Note: Inflation is not considered in these figures.

¹ An additional \$1,400,000 in 1993 & \$1,200,000 in 1994 were BIA funds (PL100-666) used to fund the Range project. After 1994, Range costs are included in the ONHIR Operations budget.

² In 1995, there is a carryover of \$10,196,000. Of this amount, \$4,600,000 will be used for housing, and \$5,000,000 for IHS projects.

³ We have bonus carryover money of \$1,806,000, which should all be used up by FY1998.

⁴ If authority is granted, the Office plans to use \$2,000,000 in 1995, and \$3,000,000 in 1996 out of Discretionary Funds carryover for NPL/HPL development.

TABLE 1
BUDGET & STAFFING PROJECTIONS

2-7: PERSONNEL ISSUES IN PHASE-OUT PLANNING

ONHIR is committed to achieving a substantial reduction of administrative costs and staffing associated with the relocation program. To be effective, staff reductions must be structured in such a way as to strive for minimal disruption of relocation processes and guarantee employees' due process and placement rights. A variety of issues and concerns must be addressed, and a number of options will be explored to minimize disruption of critical services to relocation clients, and adverse impact to staff. Staffing allocations authorized by the Office of Management and Budget reached a high of 97.0 in 1992. This is the base figure used to predicate future reduced allocations by OMB, and is the base from which this agency has already realized reductions.

Staffing Levels - Current and Proposed

Staffing levels are dependent on the workload of the organization, which is in large part based on the number of families awaiting relocation. This number will continue to decline, notwithstanding successful appeals from denial of relocation benefits, and reversal decisions stemming from litigation. Also affecting workload are developments on the New Lands. A reasonable assumption can be made that construction and maintenance work will reduce in future years, and some reduction in staff may be made from this component.

As of January 1995, the total number of positions filled is 91 (the Commissioner position was vacated in April 1994, and no successor has been appointed). For the past three years, the Office has operated under a self-imposed hiring freeze, and will continue this freeze in the future. With normal attrition, reduction in workload resulting in a reduction-in-force (RIF), the possibility of staff taking advantage of a voluntary separation incentive, retirements, and completion of some developmental activities, it is reasonable to anticipate further reductions in staffing of as much as 40 percent by the year 2000.

Additional reductions in years beyond 2000 will be accomplished through attrition and outplacement within a successor agency. There may be a need for an additional RIF in approximately 2002 or 2003, depending on the rate at which the number of clients eligible for benefits declines, and the rate at which staff is placed in other bureaus or retires.

Reduction-in-Force (RIF) Considerations

Between 1995 and late 1997, approximately 18 positions will be eliminated, many of which are located in the range maintenance and construction function. Of these, only three are eligible for discontinued service or optional retirement. The remainder of staff in that function would be separated from the federal service unless placement efforts are successful. An additional eight members of staff not in the range program are eligible for discontinued service, and four more for optional retirement, by this date. It is reasonable to assume that some may avail themselves of an opportunity to obtain a voluntary separation incentive payment, and/or enhanced annuity computations if such are available and/or if their positions are affected by those in the range program exercising bump/retreat rights.

It is expected there will be some disruption of program activities because of the need to conduct a RIF under the provisions of Title 5, Code of Federal Regulations, Part 351. It is important that the number of times a RIF is conducted be held to a minimum because of the disruption of the program. As a result of the complexity of the regulations governing RIF processes, there will be a lengthy planning process to determine the structure of the organization, total number of employees remaining after the RIF, and the types of positions which will remain. As the scope of the RIF is determined, the number of staff affected will change and significant disruption can be expected. It is conceivable, and even probable, that not all those whose positions are affected and who are eligible for discontinued service retirement, will avail themselves of the opportunity to leave the federal service. It is likely that at least some will exercise their bump and retreat rights under RIF, and some staff in critical functions may be displaced, resulting in a further disruption of the program. In addition, it must be assumed that some employees will appeal the RIF to the Merit Systems Protection Board (MSPB), which will require significant amounts of support staff time to respond and which will further affect daily operations of the Office.

To be equitable, a number of options need to be explored to minimize adverse impact on staff, which in turn lessens adverse impact on program operations, and may reduce the amount of appeal activity to the MSPB. Among these options are:

- Priority placement consideration in other agencies in the federal sector. Priority placement can be linked to a reduction as a result of a formal transfer of function accomplished through legislative action.

COMPLETION/PHASE-OUT

Under this scenario, employees of the Office would be considered as status employees of the gaining successor agency. An additional option is to negotiate placement possibilities with other federal agencies, such as Bureau of Indian Affairs, Bureau of Land Management, etc. It is not likely that the latter would enjoy a great deal of success, given that many agencies are in the process of down-sizing. Such placement efforts stand a better chance of success if the placement gave to the gaining bureau both the FTE allocation and funding for the employee's position at the time of transfer;

- Retraining staff to make career changes. This is an option already available to agencies at such time as positions are identified to be affected under RIF. The agency is ready to make an intensive effort to cross-train, retrain or arrange for detail of staff to prepare for transfer to other federal agencies. The process will require careful consideration of anticipated skills needs in selected career paths, which will require additional staff time to analyze and project. Such retraining, cross-training or detail assignments will also take effort away from the relocation process;
- Affirmative placement efforts in Tribal, State or municipal entities. Similar to number 2 above, with the possibility of detail assignments for staff under authority of the Intergovernmental Personnel Act (IPA). One factor working against successful use of the IPA is the limited potential for placement of current staff under a Tribal, State or municipal system which is separate from current retirement systems, and the loss or perception of loss of benefits. This may work to dissuade employees from actively seeking such placement.

Enhance Retirement and/or Voluntary Separation Opportunities

In addition to placement efforts, retirement opportunities may be sufficiently attractive to realize a reduction in staffing if (1) an early retirement authority is granted/extended for the next two or more years, and (2) the manner of computing annuities for Office employees is changed.

The agency was successful in obtaining early retirement authority from the Office of Personnel Management (OPM) for a one-year period ending September, 1995, and will request an extension of this authority to September, 1996. To date, no staff have taken advantage of the opportunity, even though the voluntary separation incentive payment (buy-out) was made available agency-wide in conjunction with the early retirement authority. It is believed the reluctance of staff to take advantage of this opportunity was based on (a) lack of eligibility for annuity under OPM's retirement regulations, and/or (b) substantial reductions in annuity based on age under 55 years at time of retirement.

At the time the predecessor agency (the Commission) was established, relocation was envisioned as a reactively short-term program. Many staff joined the agency during the early years, and now have a substantial investment in the federal system, both in terms of career and retirement eligibility. The Congress realized that the nature of the program had changed substantially, and in 1990 extended the full protection and benefits of competitive civil service status to all staff of the Office (P.L. 102-180, December 2, 1990). At present, staff have invested much of their working lives in the Office, and if subjected to a RIF, will be left literally without means to continue their federal careers. This comes at a time when staff are beyond their optimum age to start a new career and the protections of competitive civil service status become nominal.

One method to overcome the reluctance of staff to leave would be to increase the percentage of high-three average salary used in the annuity computation formula, for all service with the Office past a certain date. The Office suggests the current retirement annuity computation formula for those employees under the Civil Service Retirement System be modified to provide for a final step of computing 2.5 percent rather than 2 percent of the high-three average salary, and extending this percentage to cover all retirement system covered service with this Office after 1985. The advantage is that this increase will work to off-set annuity reductions for those under age 55, but still eligible for early retirement, which in turn reduces the need for formal RIF activity and the attendant disruption of relocation programs. A change would need to be made in the annuity formula of the Federal Employees Retirement System (FERS) for employees of the Office, to provide a comparable enhanced retirement benefit for those under this system. There is precedent for instituting such a change in annuity computation, as was provided for certain employees of the Indian Health Service and Bureau of Indian Affairs by P.L. 96-135 (December 5, 1979).

Another option for consideration is to provide a voluntary separation incentive payment (VSIP or buyout) similar to that provided by the Federal Workforce Restructuring Act of 1994 (P.L. 103-226). Based on interviews with staff, the reason that so few came forward expressing interest in the VSIP was because of the "either/or" provision of determining the payment amount. The buyout cap was an amount equal to severance pay entitlement, but not to exceed \$25,000.00. Many of our staff had sufficient years of service (more than 10) to feel a significant investment in the retirement/benefits of the system, which they believed was not adequately off-set by the relatively low level of buyout provided by the formula; i.e., 10+ weeks' pay equivalent with no annuity eligibility wasn't sufficient enticement for voluntary separation, especially when this same amount would be available to them under a RIF at some unspecified future year.

Using a specific dollar amount rather than an amount constructed under the severance pay formula, and with such amount sufficient to induce staff to take voluntary separation, the need for some RIF activities may be lessened. The staggered dates of eligibility for retirement would tend to avoid a disruption in work caused by a mass exodus of staff from any one function. Any option affecting total creditable service, voluntary separation incentive, or altering the annuity computation formula would require legislative action to implement, since it involves a departure from current regulations.

By the year 2000, additional members of staff will be eligible for discontinued service or optional retirement. If the agency is successful in encouraging staff to take advantage of retirement opportunities, significant reductions in staffing may be realized with minimal program disruption. However, if no early retirement authority and/or voluntary separation incentive is provided, a second RIF may need to be conducted. This could result in program disruption, and the conclusion of the relocation process could be further delayed.

Assuming the Office can realize a reduction of 45 percent by the end of the program, a transfer of function to a successor agency would result in placement of a maximum of 54 employees. Given the nature of the program and the history of the organization, a transfer of function most logically would place the office as an independent entity in the Office of the Secretary of the Interior. As such, the Office could continue to function with independent budget authority (as the Congress intended by the manner in which the original agency was established). As the program continued to reduce in activity, employees would logically exercise placement eligibility - departmentwide. Mobility restrictions and personal preference would limit the number of transfers actually

COMPLETION/PHASE-OUT

accomplished, and it is reasonable to assume that no more than half of those eligible would actually be placed within the Department.

2-8: SUMMARY OF LEGISLATIVE AND REGULATORY CHANGES NEEDED

This final section of the plan provides a brief summary of the legislative and regulatory changes which would be needed to accomplish all of the elements of the plan.

- 25 U.S.C. 640d-14, (P.L. 93-531 Sec. 15) needs to be amended to provide the Office discretionary authority for incentive eligibilities to Navajos on the HPL;
- 25 U.S.C. 640-9, (P.L. 93-531 Sec. 10) needs to be amended to provide the Office authority to develop infrastructure such as water, power, roads, range improvements, housing, health facilities and such other facilities to be determined by the Office on the Hopi Partitioned Lands and the Navajo Partitioned Lands and the former Bennett Freeze area;
- 25 U.S.C. 640d-11, (P.L. 93-531 Sec. 12) needs to be amended to transfer the organization, staff, budget and functions of the Office to the Office of the Secretary of the Interior;
- 25 U.S.C. 640d-11 (P.L. 93-531 Sec. 12) needs to be amended to provide a different method of computing retirement annuities for ONHIR staff than that which is at 5 U.S.C. Sec. 8339.
- 25 U.S.C. 640d-24, (P.L. 93-531 Sec. 25) needs to be amended to extend authorization for appropriations for the Office until the year 2000 and thereafter to transfer such authority to the Secretary of the Interior;
- 25 U.S.C. 640d-13, (P.L. 93-531 Sec. 14) needs to be amended to provide a definitive deadline for voluntary relocation beyond which the

COMPLETION/PHASE-OUT

program would become involuntary and enforcement action would be taken;

- 25 U.S.C. 640-d-10(h), (P.L. 93-531 Sec. 11) needs to be amended to authorize the Office to grant homesite leases on the New Lands to individuals who are ineligible to receive relocation assistance but are extended family members of New Lands residents and affected by relocation; and
- 25 U.S.C. 640d-26, (P.L. 93-531 Sec. 28(a)) needs to be amended to provide that the ONHIR's development activities are exempt from PL 101-601, the Native American Grave Protection and Repatriation Act, PL 89-665, the National Historic Preservation Act, as amended, and PL 96-95, the Archaeological Resources Protection Act of 1979.
- 25 CFR, Part 700, (the Office's regulations) need to be amended to establish a new date for close of receipt of applications for New Lands grazing permits. After such date, certain persons listed as eligible to receive grazing permits would lose their priority and the Office could issue discretionary New Lands grazing permits.

COMPLETION/PHASE-OUT

General and special funds—Continued

SALARIES AND EXPENSES—Continued

Object Classification (in thousands of dollars)—Continued

Identification code 95-1100-0-1-805	1994 actual	1995 est.	1996 est.
23.2 Rental payments to others	11		
23.3 Communications, utilities, and miscellaneous charges	73	80	71
24.0 Printing and reproduction	43	55	58
25.2 Other services	177	843	253
25.3 Purchases of goods and services from Government accounts	44	47	84
26.0 Supplies and materials	152	115	125
31.0 Equipment	55	11	49
99.0 Subtotal, direct obligations	7,462	8,529	8,328
99.0 Reimbursable obligations	88	90	98
99.9 Total obligations	7,550	8,619	8,426

Personnel Summary

Identification code 95-1100-0-1-805	1994 actual	1995 est.	1996 est.
1001 Total compensable workyears: Full-time equivalent employment	86	91	91

OFFICE OF NAVAJO AND HOPI INDIAN
RELOCATION

Federal Funds

General and special funds:

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, [\$24,936,000] \$26,345,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly sub-standard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10. (*Department of the Interior and Related Agencies Appropriations Act, 1995.*)

Program and Financing (in thousands of dollars)

Identification code 48-1100-0-1-808	1994 actual	1995 est.	1996 est.
Program by activities:			
00.01 Operation of relocation office	7,130	6,524	6,470
00.02 Assistance payments (bonus)	600	600	500
00.03 Relocation payments (housing)	26,300	20,100	18,925
00.04 Discretionary fund payments	2,906	2,364	2,350
10.00 Total obligations	36,936	29,588	28,245
Financing:			
21.40 Unobligated balance available, start of year: Treasury balance	-19,840	-9,840	-5,140
24.40 Unobligated balance available, end of year: Treasury balance	9,840	5,140	3,240
40.00 Budget authority (appropriation)	26,936	24,936	26,345
40.78 Reduction pursuant to P.L. 103-332		-48	
43.00 Appropriation (total)	26,936	24,888	26,345
Relation of obligations to outlays:			
71.00 Total obligations	36,936	29,588	28,245

72.40 Obligated balance, start of year: Unpaid obligations:			
Treasury balance	12,528	19,459	17,703
74.40 Obligated balance, end of year: Unpaid obligations:			
Treasury balance	-19,459	-17,703	-20,113
90.00 Outlays	30,005	31,344	25,835

The Office of Navajo and Hopi Indian Relocation was established by Public Law 93-531 to plan and conduct relocation activities associated with the settlement of a land dispute in northern Arizona between the two tribes.

Bonuses are paid to clients who volunteered for relocation prior to July 7, 1982. Relocation of clients includes such activities as certification, housing acquisition and construction, and land acquisition. Discretionary funds will be used for activities which will facilitate and expedite the overall relocation effort.

Object Classification (in thousands of dollars)

Identification code 48-1100-0-1-808	1994 actual	1995 est.	1996 est.
11.1 Personnel compensation: Full-time permanent	3,600	3,780	3,795
12.1 Civilian personnel benefits	775	849	835
21.0 Travel and transportation of persons	380	275	275
23.2 Rental payments to others	320	330	310
23.3 Communications, utilities, and miscellaneous charges	260	150	200
24.0 Printing and reproduction	50	35	20
25.2 Other services	1,240	695	685
26.0 Supplies and materials	355	310	300
31.0 Equipment	150	100	50
32.0 Land and structures	26,300	20,100	18,925
41.0 Grants, subsidies, and contributions	3,506	2,964	2,850
99.9 Total obligations	36,936	29,588	28,245

Personnel Summary

Identification code 48-1100-0-1-808	1994 actual	1995 est.	1996 est.
1001 Total compensable workyears: Full-time equivalent employment	91	93	92

OFFICE OF SPECIAL COUNSEL

Federal Funds

General and special funds:

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), [and] the Whistleblower Protection Act of 1989 (Public Law 101-12), *Public Law 103-424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103-353)*, including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; [\$7,955,000] \$8,566,279. (*Independent Agencies Appropriations Act, 1995.*)

Program and Financing (in thousands of dollars)

Identification code 62-0100-0-1-808	1994 actual	1995 est.	1996 est.
Program by activities:			
00.01 Investigation and prosecution of reprisals for whistle blowing	7,717	8,092	8,566
10.00 Total obligations	7,717	8,092	8,566
Financing:			
25.00 Unobligated balance expiring	275		
39.00 Budget authority	7,992	8,092	8,566
Budget authority:			
40.00 Appropriation	7,992	7,955	8,566
50.00 Reappropriation		137	
Relation of obligations to outlays:			
71.00 Total obligations	7,717	8,092	8,566

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Divider Title: _____

COMMISSION ON AGRICULTURAL WORKERS

(Informational)

DESCRIPTION: The Immigration and Control Act of 1986 established the Commission to review the impact of the Act on the agricultural industry. The Commission reported its findings to the Congress and terminated its activities in February, 1993.

FY 1996 BUDGET PROPOSAL: None. An estimated \$25,000 unobligated balance will be available at the end of the year.

AGENCY PROPOSAL: n/a

STATUS: No "clean-up" legislation is required to eliminate Commission.

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19	11	17
		-3
	10	14

and its activities through members.

NE ARTS

SES

establishing a Commission \$879,000. (Department of Justice Act, 1995.)

ids of dollars)

1994 actual	1995 est.	1996 est.
798	834	879
7		
805	834	879
798	834	879
3	128	83
28	-83	-88
38		
781	879	874

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s of dollars)

1994 actual	1995 est.	1996 est.
436	468	509
8	12	12
444	480	521
77	75	79
18	19	17
145	136	139
10	8	8
2	14	12
2		
87	42	43
	45	45
6	7	7
7	8	8
798	834	879

1995 est.	1996 est.
7	7

OTHER INDEPENDENT AGENCIES

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, [\$7,500,000] \$6,941,000. (Department of the Interior and Related Agencies Appropriations Act, 1995.)

Program and Financing (in thousands of dollars)

Identification code 95-2602-0-1-503	1994 actual	1995 est.	1996 est.
Program by activities:			
10.00 Total obligations (object class 41.0)	7,500	7,500	6,941
Financing:			
40.00 Budget authority (appropriation)	7,500	7,500	6,941
Relation of obligations to outlays:			
71.00 Total obligations	7,500	7,500	6,941
90.00 Outlays	7,500	7,500	6,941

This program provides payments for general operating support to Washington, D.C. arts and other cultural organizations.

COMMISSION ON AGRICULTURAL WORKERS

Federal Funds

General and special funds:

SALARIES AND EXPENSES

Program and Financing (in thousands of dollars)

Identification code 48-0057-0-1-352	1994 actual	1995 est.	1996 est.
Program by activities:			
10.00 Total obligations	5		
Financing:			
21.40 Unobligated balance available, start of year: Treasury balance	-530	-25	-25
24.40 Unobligated balance available, end of year: Treasury balance	25	25	25
41.00 Budget authority (transferred to other accounts)	-500		
Relation of obligations to outlays:			
71.00 Total obligations	5		
77.00 Adjustments in expired accounts	-1		
90.00 Outlays	4		

The Commission terminated its activities in February 1993.

Object Classification (in thousands of dollars)

Identification code 48-0057-0-1-352	1994 actual	1995 est.	1996 est.
11.1 Personnel compensation: Full-time permanent	2		
24.0 Printing and reproduction	3		
99.9 Total obligations	5		

COMMISSION ON CIVIL RIGHTS

Federal Funds

General and special funds:

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, [\$9,000,000] \$11,400,000: *Provided*, That not to exceed \$50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse

Commissioners for more than 75 billab of the [Chairman] Chairperson who is (Department of Justice and Related A 1995.)

Program and Financing (in thou.

Identification code 95-1900-0-1-751

Program by activities:	
10.00 Total obligations	
Financing:	
25.00 Unobligated balance expiring	
40.00 Budget authority (appropriation)	
Relation of obligations to outlays:	
71.00 Total obligations	
72.40 Obligated balance, start of year: Unpaid obligation: Treasury balance	
74.40 Obligated balance, end of year: Unpaid obligation: Treasury balance	
90.00 Outlays	

The Commission engages in stu which there may be denials of ci these matters to the President and by the Commissioners are held to in mation about denials of civil right meetings are held by staff and St to gather data and issue reports pr civil rights problems. In addition, and reports on Federal agencies e laws. Complaints alleging discrimi proper Federal agencies.

The Commission provides liaison lic groups, and the media to provi to Government officials, organizati is accomplished through the issuan tions. In accordance with the 1994 the Commission, the Commission w announcements to discourage disc equal protection of the laws. The a library resource to support civil hearings, and other Commi on information available to the general

Object Classification (in thou.

Identification code 95-1900-0-1-751

Personnel compensation:	
11.1 Full-time permanent	
11.3 Other than full-time permanent	
11.5 Other personnel compensation	
11.9 Total personnel compensation	
12.1 Civilian personnel benefits	
13.0 Benefits for former personnel	
21.0 Travel and transportation of persons	
22.0 Transportation of things	
23.1 Rental payments to GSA	
23.2 Rental payments to others	
23.3 Communications, utilities, and miscellaneous char	
24.0 Printing and reproduction	
25.2 Other services	
26.0 Supplies and materials	
31.0 Equipment	
99.9 Total obligations	

Pers 1 1 T

Identification code 95-1900-0-1-751

1001 Total compensable workyears: Full- et employment	
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