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Summary

The Interior and Related Agencies Appropriations bill includes funding for agencies and programs in five separate federal departments as well as numerous smaller agencies and diverse programs.

On February 2, 1998, the President submitted his FY1999 budget to Congress. The request for Interior and Related Agencies totals $14.26 billion compared to the $13.79 billion enacted for FY1998 (P.L. 105-83), an increase of $470 million. The actual increase for Title I and Title II agencies in the FY1999 request is $1.17 billion, offset by a nonrecurring appropriation of $699 million for priority land acquisitions and exchanges in Title V of the FY1998 Interior Appropriations Act. However, the Emergency Supplemental (P.L. 105-174) increased the FY1998 enacted level to a total of $14.1 billion.

On June 25, 1998, the House and Senate Appropriations Committees reported versions of the FY1999 Interior Appropriations bill. On July 23, the House passed H.R. 4193 by a vote of 245-181, and increased funding by $60 million to $13.49 billion. The House-passed bill is $800 million below the President's request and $700 million below FY1998. During the debate on H.R. 4193, the House voted 253-173 to restore $98 million for the National Endowment for the Arts (NEA) following a point of order deleting the funds since NEA had no program authorization.

The House and Senate totals reflect scorekeeping adjustments (see **Table 3**). Before these adjustments, the Senate bill (S. 2237) is $168 million more than the House bill. Changes from the House bill include: $1.2 billion for the Bureau of Land Management (+ $20 million), $797.3 million for the Fish and Wildlife Service (+ $52.5 million), $1.66 billion for the National Park Service (+ $55.5 million), $1.71 billion for the Bureau of Indian Affairs (- $11.5 million), $2.62 billion for the Forest Service (+ $99.7 million), $1.25 billion for the Department of Energy (+ $18.4 million), and $2.25 billion for the Indian Health Service (- $94 million).

On September 8, the Senate began debate on S. 2237. On September 17, further action on the bill was suspended in favor of other legislative business. The Office of Management and Budget, in a Statement of Administration Policy, suggested the President might veto the bill in its then-current form.

On October 19, following a series of temporary continuing resolutions, a conference report (H.Rept. 105-825) was submitted on H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations for FY1999. The total for Interior and Related Agencies was $14.1 billion, matching FY1998 (including the Emergency Supplemental) and higher than passed the House or reported to the Senate. The conference report and the bill passed the House on October 20 and the Senate on October 21, and was signed as P.L. 105-277 by the President on October 21.

Contents

Abstract 1
Most Recent Developments 1
Introduction 1
Status 2
Major Funding Trends 4
Key Policy Issues 4
Title I: Department of the Interior 4
Bureau of Land Management 4
Fish and Wildlife Service 7
National Park Service 8
U.S. Geological Survey 10
Minerals Management Service 12
Office of Surface Mining Reclamation and Enforcement 14
Bureau of Indian Affairs 15
Departmental Offices 18
Title II: Related Agencies and Programs 21
Department of Agriculture: U.S. Forest Service 21
Department of Energy 24
Department of Health and Human Services: Indian Health Service 27
Office of Navajo and Hopi Indian Relocation 28
Other Related Agencies 29
For Additional Reading 32
CRS Products 32
Title I: Department of the Interior 32
Title II: Related Agencies 33
Other References 34
Selected World Wide Web Sites 34
Title I: Department of the Interior 34
Title II: Related Agencies and Programs 35

Tables

Table 1. Status of Department of the Interior and Related Agencies Appropriations, FY1999 2
Table 2. Interior and Related Agencies Appropriations,FY1994 to FY1998 3
Table 3. Department of the Interior and Related Agencies Appropriations 36
Table 4. Congressional Budget Recap 38
Table 5. Historical Appropriations Data from FY1993 to FY1998 39

Contacts

Author Information 40

Abstract

Appropriations are one part of a complex federal budget process that includes budget resolutions, appropriations (regular, supplemental, and continuing) bills, rescissions, and budget reconciliation bills. The process begins with the President's budget request and is bounded by the rules of the House and Senate, the Congressional Budget and Impoundment Control Act of 1974 (as amended), the Budget Enforcement Act of 1990, and current program authorizations. In addition, the line item veto took effect for the first time in 1997.

This report is a guide to one of the 13 regular appropriations bills that Congress passes each year. It is designed to supplement the information provided by the House and Senate Appropriations Subcommittees on Interior and Related Agencies Appropriations. It summarizes the current legislative status of the bill, its scope, major issues, funding levels, and related legislative activity. The report lists the key CRS staff relevant to the issues covered and related CRS products.

This report is updated as soon as possible after major legislative developments, especially following legislative action in the committees and on the floor of the House and Senate.

Most Recent Developments

On October 19, following a series of temporary continuing resolutions, a conference report (H.Rept. 105-825) was submitted on H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations for FY1999. The total for Interior and Related Agencies was $14.1 billion, matching FY1998 (including the Emergency Supplemental) and higher than passed the House or reported to the Senate. The conference report and the bill passed the House on October 20 and the Senate on October 21, and was signed as P.L. 105-277 by the President on October 21.

Introduction

The annual Interior and Related Agencies Appropriations bill includes funding for agencies and programs in five separate federal departments, as well as numerous smaller agencies and diverse programs. The President's FY1999 budget request for Interior and Related Agencies totals $14.23 billion compared to the $13.79 billion enacted by Congress for FY1998. Title I of the bill includes agencies within the Department of the Interior, which manage land and other natural resource programs, the Bureau of Indian Affairs, and Insular Affairs. Title II of the bill includes the Forest Service of the Department of Agriculture, research and development programs of the Department of Energy, the Naval Petroleum and Oil Shale Reserves, and the Strategic Petroleum Reserve, and the Indian Health Services in the Department of Health and Human Services. In addition, Title II includes a variety of related agencies, such as the Smithsonian Institution, National Gallery of Art, John F. Kennedy Center for the Performing Arts, the National Endowment for the Arts, the National Endowment for the Humanities, and the Holocaust Memorial Council.

Status

Table 1. Status of Department of the Interior and Related Agencies Appropriations, FY1999

Subcommittee Markup		House Report	House Passage	Senate Report	Senate Passage	Conference Report	Conference Report Approval		Public Law
House	Senate						House	Senate	
6/18/98	6/23/98	H.Rept. 105-609 7/8/98	7/23/98 (245-181)	S.Rept. 105-227 6/26/98	—	H.Rept. 105-825 10/19/98	10/20/98 (333-95)	10/21/98 (65-29)	P.L. 105-277

On February 2, 1998, the President submitted his FY1999 budget to Congress. The FY1999 request for Interior and Related Agencies totals $14.26 billion compared to the $13.79 billion enacted by Congress for FY1998 (P.L. 105-83), an increase of $470 million. The actual increase for Title I and Title II agencies in the FY1999 request is $1.17 billion, offset by a nonrecurring appropriation of $699 million for priority land acquisitions and exchanges in Title V of the FY1998 Interior and Related Agencies Appropriations Act. However, the Emergency Supplemental (P.L. 105-174) increased the FY1998 enacted level to a total of $14.1 billion.

Significant requested increases above the FY1998 enacted level include: the Department of Energy (+ $185.9 million), the Forest Service (+ $91.3 million), the Bureau of Indian Affairs (+ $140.9 million), the National Park Service (+ $98 million), the Bureau of Land Management (+ $97.7 million), the Fish and Wildlife Service (+ $49.6 million), the U.S. Geological Survey (+ $46.5 million), the National Endowment for the Arts (+ 38 million), the National Endowment for the Humanities (+ $25.3 million), the Smithsonian Institution (+ $17.5 million), and the Departmental Offices of the Department of the Interior (+ $6.7 million). The only significant decreases include: the Minerals Management Service (- $21.8 million), and the Institute of American Indian and Alaska Native Culture and Arts Development (- $1.1 million).

On June 18, 1998, the Interior Subcommittee of the House Appropriations Committee marked up the Interior Appropriations bill and reported the bill to the full committee. The Subcommittee recommended a $13.4 billion funding bill to include: $1.3 billion for operation of the National Park System, $246 million for National Wildlife Refuges, $940 million for wildland fire management, $80 million for Everglades restoration, $2.2 billion for the Indian Health Service, $772 million for Bureau of Indian Affair's (BIA) tribal priority allocations, $10 million increases for both BIA education and BIA law enforcement, and $398 million for the Smithsonian. Cuts included terminating the $98 million National Endowment for the Arts, $163 million less for energy programs, and termination of the $50 million timber purchasing road credit program in the Forest Service.

The Subcommittee also recommended extending the recreational fee demonstration program for 2 years allowing National Parks, Wildlife Refuges, and National Forests to keep 100% of the fees collected which would result in more than $400 million of added revenue to help reduce backlogs of maintenance and operational shortfalls. In response to public and congressional criticism of NPS construction spending, the Subcommittee also recommended imposing major reforms for the NPS Construction program, a 50% reduction of staff at the Denver Service Center and to require NPS to contract out 90% of construction projects.

On June 23, 1998, the Senate Interior Subcommittee marked up the Interior bill. The Subcommittee recommended $13.4 billion in funding, including: $1.2 billion for the Bureau of Land Management, $797.3 for the Fish and Wildlife Services, $1.66 billion for the National Park Service, $1.7 billion for the Bureau of Indian Affairs, $2.6 billion for the Forest Service, $1.25 billion for the Department of Energy, $2.1 billion for the Indian Health Service, $100 million for the National Endowment for the Arts, and $110.7 million for the National Endowment for the Humanities.

On June 25, 1998 the House and Senate Appropriations Committees met to mark up their respective versions of the FY1999 Interior Appropriations bill. The House Appropriations Committee approved total mandatory and discretionary funding of $13.43 billion and the Senate Appropriations Committee approved $13.46 billion. Both bills included mandatory funding of $58.5 million.

On July 23, 1998, the House passed H.R. 4193, the FY1999 Interior and Related Agencies Appropriations bill by a vote of 245-181 and increased funding by $60 million to $13.49 billion. The House-passed bill is $800 million below the President's request and $700 million below the FY1998 enacted level. It should be noted that during the consideration of H.R. 4193, the House voted 253-173 to restore $98 million for the National Endowment for the Arts (NEA) following a point of order which had deleted $98 million since NEA had no program authorization.

It should be noted that the House and Senate totals reflect scorekeeping adjustments (see **Table 3**). In the absence of these scorekeeping adjustments, the Senate bill (S. 2237) is $168 million more than the House bill (H.R. 4193). Changes from the House bill are included in parenthesis: $1.2 billion for the Bureau of Land Management (+ $20 million), $797.3 million for the Fish and Wildlife Service (+ $52.5 million), $1.66 billion for the National Park Service (+ $55.5 million), $1.71 billion for the Bureau of Indian Affairs (- $11.5 million), $2.62 billion for the Forest Service (+ $99.7 million), $1.25 billion for the Department of Energy (+ $18.4 million), and $2.25 billion for the Indian Health Service (+ $94 million).

On September 8, 1998, the Senate began debating S. 2237, but suspended action after September 17 in favor of other legislative business. The Office of Management and Budget in a September 8, 1998 Statement of Administration Policy suggested the possibility of a Presidential veto if the bill remained in its then-current form.

On October 19, following a series of temporary continuing resolutions, a conference report (H.Rept. 105-825) was submitted on H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999. The total included for the Department of the Interior and Related Agencies was $14.1 billion, matching FY1998 (including emergency supplemental appropriations) and higher than passed the House or reported to the Senate. The conference report and the bill passed the House on October 20 and the Senate on October 21, and was signed as P.L. 105-277 by the President on October 21.

Table 2. Interior and Related Agencies Appropriations,FY1994 to FY1998

(budget authority in billions of current dollars)[a]

FY1994	FY1995	FY1996	FY1997	FY1998
$13.4	$13.5	$12.5	$13.1	$13.8

[a]These figures exclude permanent budget authorities, and reflect rescissions.

Major Funding Trends

From FY1991 to FY1995, Department of the Interior and Related Agencies appropriations increased by 16%, from $11.7 billion to $13.5 billion, about 4% annually. Adjusting for inflation, Interior appropriations remained essentially flat during this period. However, the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134) provided funding of $12.54 billion reducing FY1996 budget authority 9% below the FY1995 level. FY1997 funding increased to $13.1 billion and FY1998 to $13.8 billion. (See **Table 3** for a comparison of FY1998 enacted and the FY1999 budget request for Interior Appropriations, and see **Table 5** for a budgetary history of each agency, bureau, and program from FY1993 to FY1998.)

Key Policy Issues

Title I: Department of the Interior

For further information on the budget of the Department of the Interior, see the World Wide Web site of *DOI's Office of the Budget* at

http://www.ios.doi.gov/budget

For further information on the *Department of the Interior*, see its World Wide Web site at http://www.doi.gov

For information on the Government Performance and Results Act for the DOI or any of its bureaus, see *DOI's Strategic Plan Overview FY1998-FY2002* World Wide Web site at http://www.doi.gov/fyst.html

Bureau of Land Management

The Bureau of Land Management (BLM) manages approximately 264 million acres of public land, primarily in the West. The agency manages an additional 300 million acres of minerals underlying federal and private lands throughout the country, and handles wildfire management and suppression on 388 million acres. The management of public lands has been controversial in recent years, particularly with respect to grazing, mining, logging, recreation, access across public lands, and wild horses and burros.

For FY1999, the Omnibus Consolidated Appropriations law (P.L. 105-277) contained a total of $1.191 billion for the Bureau of Land Management. This figure is $54.7 million higher than the amount appropriated for FY1998, but $43.0 million lower than the sum requested by the President for FY1999. The total BLM appropriation is divided among ten activities, as described below.

About half the total—$619.3 million—is provided for management of lands and resources. The appropriation funds BLM land activities including protection, use, improvement, development, disposal, cadastral survey, classification, acquisition of easements and other interests, as well as other activities such as maintenance of facilities, the assessment of the mineral potential of public lands, and the general administration of the agency. The figure is $37.2 million higher than the amount appropriated for FY1998, but $41.0 million lower than the amount requested by the President for FY1999.

Approximately another quarter of the BLM appropriation—$286.9 million—is provided for wildland fire management. This appropriation supports Interior's fire activities including preparedness, suppression, emergency rehabilitation, and hazardous fuels reduction. The

appropriation is $6.8 million higher than the appropriation for FY1998, but $11.5 million lower than the President's FY1999 request.

The next largest portion of the BLM appropriation, $125.0 million, is for payments in lieu of taxes (PILT). Under the PILT program, local governments are paid under a complex formula for certain federally owned land because the federal government does not pay taxes on land it owns. The PILT money may be used for any local government purpose including schools, firefighting, and law enforcement. The appropriation is $5.0 million more than both the sum enacted for FY1998 and requested by the President for FY1999. (For more information on PILT appropriations issues, see CRS Report 98-574, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, June 24, 1998.)

For the Oregon and California grant lands, the law provides $97.0 million, which is $1.9 million lower than both the FY1998 enacted amount and the President's request for FY1999. The appropriation is used for activities on the revested Oregon and California Railroad grant lands and related areas, including for land improvements and the management, protection, and development of resources on these lands.

Smaller portions of the BLM appropriations support other activities. For land acquisition, a total of $14.6 million is provided. The funding is to be derived from the Land and Water Conservation Fund (LWCF), the principal source of funds for acquiring recreation lands. (For more information on the Fund, see CRS Report 97-792, *Land and Water Conservation Fund: Current Status and Issues*, March 6, 1998.) The sum is $3.4 million higher than that enacted for FY1998, but $0.4 million lower than the President's FY1999 request. The joint explanatory statement accompanying the conference report on the omnibus funding measure explains that most of the $14.6 million is to be distributed among 12 projects.

For construction, the law appropriates $11.0 million, which is more than double both the amount enacted for FY1998 ($5.1 million) and requested for FY1999 ($4.2 million). The law also specifies the portion of the BLM appropriation allocated for the central hazardous materials fund ($10.0 million); range improvements ($10.0 million); miscellaneous trust funds ($8.8 million); and service charges, deposits, and forfeitures ($8.1 million).

Some of the general provisions in the omnibus law affect BLM activities, with a handful pertaining to mining and mineral claims. For instance, the omnibus law continues the moratorium on patenting mining claims under the General Mining Law of 1872, with certain exceptions (Section 312). It postpones for one year the revision of hardrock mining regulations (43 CFR 3809), pending a study by the National Academy of Sciences (Section 120). The law reauthorizes through FY2001 the annual hardrock claim maintenance fee at $100 per claim or site, and provides for a 60-day period to correct any defects to small miner waiver applications (administrative provisions to the BLM section). General provisions also affect other issues. For instance, one provision directs the BLM to reauthorize grazing permits prior to completion of reviews under applicable laws, such as the National Environmental Policy Act (Section 124).

A number of provisions of the omnibus law cut across agency jurisdictions. One such provision prohibits the Interior Secretary from purchasing land in Alaska without first attempting to acquire such lands through exchange of unreserved public land (Section 127). Because it addresses land purchases by the Secretary of the Interior, the provision could affect the National Park Service (NPS) and the Fish and Wildlife Service (FWS), in addition to BLM, although it is likely that the lands involved in the exchange would be BLM lands. Other cross-cutting provisions affecting BLM, such as that extending the recreation fee demonstration program (Section 327), are included elsewhere in this report. (For further discussion of the recreation fee demonstration

program in particular, see the section on the National Park Service.) Site specific provisions, which do not deal with general policy issues, generally are not discussed in this report.

Still other cross-cutting provisions were dropped from the omnibus measure before enactment. For example, the law did not include earlier bill language that would have terminated the Interior Columbia Basin Ecosystem Management Project (ICBEMP), a joint BLM-Forest Service effort to provide coordinated, long-term management direction for 72 million acres of Forest Service and BLM land.

The development of the BLM appropriation for FY1999 began with the Administration's FY1999 request for $1.23 billion, $97.7 million more than enacted for FY1998 ($1.14 billion). The largest increases were for management of lands and resources ($78.2 million) and wildland fire management ($18.2 million).

The House Appropriations Committee recommended $1.16 billion for the BLM for FY1999, $78.1 million less than requested and $19.6 million more than enacted for FY1998. The House Committee recommended $596.4 million for the management of lands and resources; $63.9 million less than requested, but $14.3 million more than enacted for FY1998. For wildland fire management, the Committee recommended $286.9 million, $11.5 million less than requested but $6.8 million more than enacted for FY1998. For the Payments in Lieu of Taxes program (PILT), the Committee recommended $120 million; the same amount was requested for FY1999 and was appropriated for FY1998.

The Senate Appropriations Committee reported an appropriation of $1.20 billion for the BLM in FY1999, approximately $33 million less than requested, and $64.7 million more than enacted for FY1998. The Senate Committee recommended $633.1 million for the management of lands and resources; approximately $36.7 million more than the House bill. The Committee recommended approximately $289 million for wildland fire management; $9.4 million less than requested, but $8.9 million more than enacted for FY1998. The House and Senate committee-reported versions also addressed BLM policy issues in Title III, the General Provisions Title. For instance, sections in both bills continued the moratorium on patenting new mining claims under the General Mining Law of 1872 (with certain exceptions in the House bill), and limited the use of funds for continuation of the ICBEMP in the Pacific Northwest.

The House-passed bill contained $1.18 billion for BLM functions, $39.6 million more than enacted for FY1998 but $58.1 million less than requested. As passed, the measure retained the amounts recommended by the House Appropriations Committee except that a floor amendment increased the funding for PILT by $20 million to a total of $140 million. During House floor consideration, the House also considered but rejected several key amendments. These amendments proposed to 1) strike language terminating the ICBEMP, 2) strike language extending the recreational fee demonstration program for another 2 years, and 3) increase funding for the Land and Water Conservation Fund. As noted earlier in this report, the Senate did not pass a free-standing bill appropriating funds for BLM and other Interior agencies.

For further information on the *Bureau of Land Management*, see its World Wide Web site at http://www.blm.gov/.

Fish and Wildlife Service

The Administration recommended $818.2 million[1] for FWS—an increase of $45.7 million (5.9%) over FY1998. Congress appropriated $802.2 million, an increase of 3.8%. The increase falls almost entirely within Resource Management (which includes the endangered species program, fisheries, and refuge management, among other things) which would go from $594.6 million to $661.1 million.

The Endangered Species program increased overall from $96.2 million to $124.8 million, an amount close to the President's request. As the following table shows, the detailed distribution is quite different. Of the congressional increase, $20 million is for salmon and steelhead recovery in Washington state, and smaller increases were provided for programs to conserve candidate species (thereby obviating the need to list some of them), and for consultation with other federal agencies whose actions might affect listed species.

Funding for endangered species programs, FY1998-FY1999 (Millions of Dollars)

Program	FY1998	President's Request*	Omnibus Bill*
Candidate Conservation	5.7	8.2	6.7
Listing	5.2	7.5	5.8
Consultation	23.8	36.5	27.2
Recovery	42.5	60.8	71.1
Coop. End. Sp. Cons. Fund	14.0	17.0	14
Total	**91.2**	**130.0**	**124.8**

*The president proposed, and Congress approved, a $5 million Landowner Incentive Initiative in Recovery.

The Administration proposed continuing language that would cap the money spent on listing. Congress accepted this language and cap. The language limits the discretion of the agency to transfer funds for additional listings, e.g., if lawsuits mandate agency action on listing certain species. It exempts steps to de-list or down-list a species from the cap. Without a cap, funding would either have to be transferred away from ongoing listing activities to meet the additional requirements of a lawsuit, or from other programs within the agency's Resources Management function. With the cap, a court order to carry forward a listing decision on particular species makes listing into a zero sum game, at least at a fiscal level: the listing of some species or designation of their critical habitats would preclude the listing of others. FWS supported this change to protect the budgets of other programs. In a related subject, the Administration proposed transferring de-listing and down-listing activities from the Listing function to the Recovery function. The step did not require congressional action, but combined with the above limitation, only new listings or new designations of critical habitat will be affected by the limitation on the funds.

The Administration proposed $10.0 million (-7.2%) for the National Wildlife Refuge Fund, which provides payments to local governments in recognition of reduction of the local tax base due to the presence of federal land. Congress appropriated $10.779 million, the FY1998 level. The payment levels have been controversial, since the small additions of land to the National Wildlife

[1] The Administration's Budget Estimate also includes $8.1 million in reallocated funds for the Natural Resource Damage Assessment Fund. This reallocated funding will not be considered here.

Refuge System over the last several years mean that reduced dollars must be spread still further. The situation has produced calls for Congress to increase the appropriation, especially since local governments often (incorrectly) view the payments as entitlements, even though they are actually subject to annual appropriations.

Land acquisition was proposed to decrease to $60.5 million (-3.4%), relative to FY1998. Congress cut the amount still further, to $48.0 million, a decrease of 23.4%.

For further information on the *Fish and Wildlife Service*, see its World Wide Web site at http://www.fws.gov/

National Park Service

The National Park Service (NPS) currently manages the 376 units that comprise the National Park System, including 56 "full or actual" National Parks, the premier units of the System. In addition to the National Parks, the diverse Park System includes national preserves, recreation areas, reserves, monuments, battlefields, seashores and a number of other categories. The System has grown to more than 80 million acres, in 49 states and the District of Columbia. In recent years over 270 million visitors have visited the parks annually. The NPS has the often contradictory mission of facilitating access and serving Park System visitors while protecting and preserving the natural and cultural resources entrusted to it.

For nearly two decades the Park Service has operated with tight budgets. During this period, Congress restricted appropriations to operate and maintain the Park System while continuing to add new units to the System. Combined with increased visitation, the essentially static funding had stretched personnel, impaired operations, and generated a multibillion dollar backlog of deferred maintenance. However, spending for the NPS now appears to have a higher priority. Temporary closure of NPS units (part of a federal government-wide shutdown during the budget debates of late 1995 and early 1996) helped galvanize public support for increasing NPS operations and maintenance funding in FY1997, FY1998, and FY1999.

The Administration's Operations budget request for the NPS for FY1999 totals $1.321 billion. The House recommended $1.333 billion and the Senate recommended $1.288 billion. The conference agreement provides $1.286 billion for operation of the National Park System.

Deferred Maintenance

The Park System has a formidable maintenance burden, with thousands of permanent structures, roads, bridges, tunnels, employee housing units, water and waste systems, *etc*. The NPS has valued these assets at over $35 billion, but they would deteriorate without adequate care and maintenance. In FY1999, the Administration proposed attacking the deferred maintenance backlog with a $62 million increase in NPS maintenance from FY1998, with a total request for $446 million. The House Committee recommended a slightly larger increase ($64 million) and the Senate Committee recommended a smaller increase, but still $18 million (5%) above the FY1998 level. The conference agreement provides $412 million for maintenance.

Mounting concerns about the build-up of unmet maintenance needs has prompted Congress to seek new funding sources. Congress and the Administration have generally agreed to address problems and adequately fund the operation of the park system and to aggressively attack the maintenance backlog. In the FY1999 budget request, the Administration had a proposal that would add more than $25 million annually for NPS management purposes from Park concessioners franchise fees. (A number of large concession contracts are due for renewal and the trend has been for substantial increases.) The proposal is to keep the concession fees for the Park

System, rather than having them returned to the General Fund of the Treasury (as is current practice).

Recreation Fee Demonstration Program

The Administration's proposal for maintenance parallels the recreation fee demonstration program being tested by the NPS and three other federal land management agencies. The recreation fee program began in FY1996 to allow higher entrance and recreation user fees, with the added fees being retained by the unit where the money is collected. It was hoped that the additional fees would be incentives to agency managers to be more aggressive in pursuing "self-financing" for operating and maintaining their units. The NPS is expecting to collect $136.5 million under this program in FY1999. The Omnibus Appropriations bill extended the fee demonstration program for 2 additional years.

Urban Park and Recreation Fund

The House had approved an amendment to the bill to fund the Urban Park and Recreation Recovery (UPRR) program at $2 million (the Administration's request). Although the program was last funded in FY1994, previous appropriations were about $5 million annually, with communities competing for many more grants than there was money available for. The highly popular matching grant program had helped local governments rehabilitate playgrounds, recreation centers, ball courts, and playing fields in urban areas. The conference agreement did not provide the proposed $2 million, stating that the Committee determined that this effort could not be accommodated with the limited resources available this year.

Related Legislation

Congress approved a bill (S. 1693, the National Parks Omnibus Management Act of 1998) under expedited procedures at the end of 105th. The bill provides for long anticipated park criteria and management reforms and an overhaul of the park services concessions policy to allow revenue generated from concession contracts to be returned to appropriate National Park units without annual appropriations. Other provisions calling for new fee authorities and higher fees from film makers were dropped from the final version of this bill. In another "collateral initiative," National Park roads, considered an important maintenance priority, will receive a substantial boost ($31 million in FY1998 and $81 million annually for the next 5 fiscal years, nearly double previous funding) under the new surface transportation law (TEA-21, P.L. 105-178).

For further information on the *National Park Service*, see its World Wide Web site at http://www.nps.gov/

Historic Preservation

The Historic Preservation fund, established within the U.S. Treasury and administered by the National Park Service provides grants-in-aid to states and outlying areas for activities specified in the National Historic Preservation Act. These preservation grants are normally funded on a 60% federal-40% state matching share basis. The Administration's FY1999 budget estimate would have provided $100.61 million for the Historic Preservation Fund, $50.61 million for the Historic Preservation Fund grants-in-aid program (compared to $40.812 million total for the Fund in FY1998) and $50 million for a new initiative by the Administration, "Save America's Treasures," part of the proposed Environmental Resources Fund for America. This initiative would make preservation of "America's treasures" a priority including documents, artwork, manuscripts, photographs, sound recordings and historic structures. Twenty-five million dollars of "America's

treasures" funding would provide grants to states and Indian tribes who would receive funds based upon submission of proposals for preservation and subject to matching provisions (except to Indian tribes who are not required to match funds.) The remaining $25 million would be for priority preservation projects in federal agencies. The Administration's budget for the Historic preservation fund included $15.4 million in grants targeted to specified Historically Black Colleges and Universities (HBCUs) for the preservation and restoration of historic buildings and structures on their campuses. Funding in FY1998 ($4 million) provided preservation funds for the most needy historically black colleges including Knoxville College, (TN); Selma University, (AL), Allen University (SC); Tougaloo College (MS) and Fisk University (TN).

Chartered by Congress in 1949, the National Trust for Historic Preservation is responsible for encouraging the protection and preservation of historic American sites significant to the cultural heritage of the U.S. Although a private nonprofit corporation, the National Trust receives federal funding through the authority of the National Historic Preservation Act, Historic Preservation Fund. Federal assistance has enabled the National Trust to support historic preservation work in local communities. The Administration's FY1999 budget estimate does not specify funding for the National Trust, in keeping with Congress' plan to replace federal funds with private funding, and to help the Trust become self-supporting by FY1999. The National Trust received $3.5 million in FY1998, in keeping with the efforts to privatize funding, within a period of transition. There is no specific appropriation mentioned in the FY1999 Omnibus Appropriations Act for the National Trust.

On June 25, 1998 the House Appropriations Committee reported the FY1999 Interior Appropriations bill that would provide a total of $40.812 million for the Historic Preservation fund with $0 for the National Trust for Historic Preservation and $0 for the millennium initiative, "Save America's Treasures." A statement was included in House report language that priority would be given to cultural projects that are backlogged and that the committee would continue to keep in mind proposed millennium projects during consideration of the Interior bill. On June 25, 1998 the Senate Appropriations Committee ordered reported the Interior bill (S. 2237), providing $55.612 million for the Historic Preservation Fund; including $0 for the National Trust, $45.612 million for grants-in-aid, and $10 million for the "millennium program for historic preservation projects of national importance." On July 23, 1998, the full House approved its Appropriations Committee's recommendation. The Omnibus Appropriations Act for FY1999, P.L. 105-277 provides a total of $72,412,000 to the Historic Preservation Fund. Of that amount, $30 million would be provided to the "Save America's Treasures" program for priority preservation projects, with $3 million reserved for restoration of the Star Spangled Banner, $500,000 for the Sewall-Belmont House, and sufficient funds for restoration of the Declaration of Independence and the U.S. Constitution. From the total for the Historic Preservation Fund for FY1999, $7 million would remain available until expended for Section 507 (of P.L. 104-333), the Historically Black Colleges and Universities Historic Building Restoration and Preservation program.

U.S. Geological Survey

As the nation's natural science organization, the U.S. Geological Survey (USGS) conducts research and provides basic scientific information concerning natural hazards, biological, and environmental issues, as well as water, land, and mineral resources. After debate in 1995 about its future, the U.S. Geological Survey had its responsibilities increased with consolidation into it of activities formerly conducted by other agencies within DOI (National Biological Service and Bureau of Mines). This consolidation maintains programs for biological research and minerals surveys and information activities. Currently the USGS conducts surveys, investigations, and research through four major program activities. These include the National Mapping Program;

Geologic Hazards, Resources, and Processes; Water Resources Investigations; and Biological Research.

The Administration has requested $806.88 million for FY1999. This is an increase of $47.72 million over the 1998 enacted level, comprised of $30.23 million in program increases and $17.50 million in uncontrollable and related changes. Program increases include $14.26 million for Water Resources Investigations, $13.58 million for the National Mapping Program, and $9.73 for Biological Research. These increases will be partially offset by decreases in the Geologic Hazards, Resources, and Processes Program by $6.23 million and by $1.12 million in General Administration. No change in FTEs, which number 6,487, is requested.

The FY1999 Budget Request for the USGS Water Resources Investigations Program Activity includes two proposed program increases totaling $17.5 million and four proposed program decreases totaling $3.24 million. The major increases proposed for the FY1999 budget for the USGS Water Resources Programs are related to water quality information. Program increases are proposed of $10.5 million for the Administration's Clean Water and Watershed Restoration Initiative (with funds being added to four programs) and of $7.0 million for the Water Quality Information Initiative (with funds being added to three programs). Proposed program decreases include three reductions to the Hydrologic Networks and Analysis Program (totaling $2.71 million) and one reduction of $526,000 to the Toxic Substances Hydrology Program.

The FY1999 Budget Request for the National Mapping Program includes $18.5 million in three proposed program increases and $4.92 million in two proposed program decreases. The proposed increases are in the Earth Science Information Management and Delivery subactivity ($15 million for the Disaster Information Network and $2.5 million for Satellite Data Archive) and the Geographic Research and Applications subactivity ($1 million for the Clean Water and Watershed Restoration Initiative). The proposed decreases are in the Mapping Data Collection and Integration subactivity (a $3 million reduction to eliminate funds appropriated in FY1998 for high-performance computing and communications; a $1.92 million reduction to be achieved by planned savings from increased efficiencies). Additional program highlights for the USGS National Mapping Program include changes in how it carries out its efforts and an increased emphasis on the civilian applications of classified data.

The FY1999 Budget Request for Biological Research includes three proposed increases totaling $12 million and two proposed decreases totaling $2.27 million. The three program increases are proposed within the Biological Research and Monitoring subactivity for the Species and Habitat Initiative ($9 million), the Clean Water and Watershed Restoration Initiative ($2 million), and to replace two infectious waste incinerators that are not in compliance with state air quality regulations ($1 million). The two proposed decreases within the Biological Research and Monitoring subactivity reflect an across-the-board cut ($1.37 million) in research and monitoring, and elimination of USGS participation in a federal and state partnership program involving chemical and drug registration efforts ($899,000).

The FY1999 Budget Request for the Geologic Hazards, Resources and Processes Activity includes two program increases totaling $5.0 million and six program reductions totaling $11.23 million. Program increases are proposed for the Earth Surface Dynamics Program related to the Departmental Initiative regarding habitat restoration and species conservation ($2.0 million) and within the Mineral Resources Program in support of the Administration's Clean Water and Watershed Restoration Initiative ($3.0 million). Program reductions are proposed for the Minerals Resources Program ($5.0 million), Coastal and Marine Geology Program ($3.5 million), National Cooperative Geologic Mapping Program ($1.73 million), and Energy Resources Program ($1.0 million).

The House Appropriations Committee recommends $774.838 million for the U.S. Geological Survey, a decrease of $32.045 million from the Administration's request. This would be a decrease of $12.791 million below the budget request for the National Mapping Program; an increase of $1.811 million above the budget request for Geologic Hazards, Resources, and Processes; a decrease of $13.480 million below the request for Water Resources Investigations; a decrease of $7.441 million below the request for Biological Research; a decrease of $119,000 below the request for General Administration; and a decrease of $25,000 for Facilities.

The Senate Appropriations Committee recommended $772.115 million for the U.S. Geological Survey, a decrease of $34.768 million from the Administration's request. For the National Mapping Program, this would be a decrease of $16 million from the budget estimate; for Geologic Hazards, Resources, and Processes an increase of $1.976 million; a decrease of $17.013 million in Water Resources Investigations; and a decrease of $3.731 million for Biological Research.

The conference agreement provided $797.896 million for the U.S. Geologic Survey, more than the House or Senate proposed. Of this amount, $69.596 million shall be available for cooperation with states or municipalities for water resources investigations; $16.4 million shall be expended for conducting inquiries into economic conditions affecting mining and materials processing industries; $161.221 million for 2 years for biological research activity; and $6.6 million to the University of Alaska for marine research.

For further information on the *U.S. Geological Survey*, see its World Wide Web site at http://www.usgs.gov/

Minerals Management Service

The Minerals Management Service (MMS) administers two programs: Royalty and Offshore Minerals Management and Oil Spill Research. The Offshore Minerals Management Program administers competitive leasing on outer continental shelf lands and oversees production of offshore oil, gas and other minerals. The Royalty Management Program (RMP) seeks to ensure timely and accurate collection and disbursement of revenues from all mineral leases on federal and Indian lands (oil, gas, coal, etc.). MMS anticipates collecting about $5.5 billion in revenues in FY1999. Revenues from onshore leases are distributed to states in which they were collected, the General Fund of the U.S. Treasury and various designated programs. Revenues from the offshore leases are allocated among the coastal states, Land and Water Conservation Fund, the Historic Preservation Fund, and the U.S. Treasury.

The Administration's FY1999 request of $128.5 million would provide $122.4 million for Royalty and Offshore Management program and $6.1 million for oil spill research, $15 million less than the FY1998 appropriation, but use of offsetting receipts would grow from $65 million in FY1998 to $94 million in FY1999. The offsets would come from Outer Continental Shelf (OCS) revenues. Increased revenues from the recent record breaking lease sales in the Gulf of Mexico are expected to continue for the next several years. Exploration activity in the ultradeep waters (below 800 meters) has increased significantly. The House approved $122.5 million to include: $116.4 million for the Royalty and Offshore Management program and $6.1 million for oil spill research. The Senate Appropriations Committee approved $123.4 million to include: $117.3 million for Royalty and Offshore Management and $6.1 million for oil spill research. The conference agreement approved by both Houses allocates $117.9 million for royalty and offshore management and $6.1 million for oil spill research.

The Administration's request for supplemental funding of $6.7 million to oversee the surge of exploration and development activity in the Gulf of Mexico was approved by Congress (H.Rept. 105-504). Increased receipts from OCS activity will offset the supplemental funding.

For further information on the *Minerals Management Service*, see its World Wide Web site at http://www.mms.gov/

Royalty Issues

At issue in the 105th Congress is how well MMS carries out its functions, and whether some of its responsibilities should be vested with the states. Critics of the agency, pointing to reported discrepancies between posted prices and fair market value prices that are the basis for royalty valuation, argue that the U.S. Treasury is being underpaid. MMS has proposed a rule change for crude oil valuation that would rely less on posted prices and more on an index price to better reflect fair market value. Oil industry officials have criticized using index prices as a benchmark and have offered a number of other options for benchmarks. The MMS extended its comment period on the valuation rule twice in July (7/9 - 7/24 and 7/24 - 7/31) to allow for additional industry and congressional input. Industry representatives believe that the extension was necessary to make further improvements to the proposal while critics of the extension argue that enough has been said on the proposed rulemaking and that no extension is necessary. Details on the oil valuation rule were provided to House and Senate Committees on August 31, 1998. Language in the Senate appropriations report (S.Rept. 105-227) for FY1999 postpones the rules release until October 1, 1999. Further, they would like the MMS to use the royalty in kind (RIK) approach that would allow MMS to receive royalties in the form of oil produced, then resell the oil for cash. However, as part of the FY1999 Omnibus Appropriation Act (P.L. 105-277), Congress and the Administration reached a compromise which postpones the new oil valuation rule 8 months (June 1, 1999) instead of one year. House and Senate negotiators believe that the delay will allow for a rule that is fair to industry and the U.S. Government. However, critics argue that the delay will continue to cost taxpayers millions of dollars in underpaid royalties.

An RIK Feasibility Study concluded that RIK could be workable and generate positive revenue for the U.S. Treasury. The MMS is preparing to conduct a second pilot study on a RIK process that includes natural gas production in the Gulf of Mexico, oil production in Wyoming and Texas offshore (8g) natural gas. This pilot will take several years to complete.

Separate legislation enacted in the 104th Congress (P.L. 104-185), authorized interested states that demonstrate competence, to collect royalties from federal oil and gas leases. The MMS functions that could be delegated to the states include: reporting of production and royalties, error correction and automated verification.

OCS Moratoria

During FY1996, as the 104th Congress revisited many regulatory programs, the OCS (Outer Continental Shelf) moratorium on leasing activity was debated in some depth but was extended in several areas. The extension was continued through FY1998. In previous appropriations since the early 1980s, the moratoria had been approved annually, without extensive discussion. Each year, Congress banned the expenditure of appropriated funds for any leasing activity in environmentally sensitive areas of the OCS. In 1990, President Bush issued a directive which parallels the moratoria, essentially banning OCS leasing activity in places other than the Texas, Louisiana, and Alabama offshore. The executive branch ban remains in effect. The moratoria apply only to environmentally sensitive areas. With the exception of the California OCS, little hydrocarbon production has occurred in these regions.

Lease Sales in the Gulf of Mexico

Leasing continues in the Central and Western Gulf of Mexico, where recent lease sales have been quite robust. During 1996, the spring (Central Gulf) sale resulted in 606 tracts leased for total bonuses of $352 million. The fall (Western Gulf) sale resulted in 902 tracts leased for $512 million. And the Central Gulf auction held March 5, 1997 set an all time record, attracting 1790 bids for 1,032 tracts. High bids totaled $824 million.

This was the last sale under the 1992-1997 leasing plan. FY1996 and FY1997 included four record breaking sales which produced over $2.4 billion in bonuses. The OCS Leasing Plan for the 1997-2002 period included a Western Gulf auction that took place in August, 1997. This record breaking August sale ($680 million) was 33% larger than the Western Gulf sale held a year earlier. Two additional sales in the Gulf of Mexico were also record breakers. The new plan embodies the congressional moratoria, but envisions continued annual lease sales in Gulf Coast planning areas, where lease sales have attracted great interest during 1996 and 1997 as the nation's oil imports rose to half of total consumption.

In addition to the Central and Western Gulf, sales are planned in the Beaufort Sea, Chukchi Sea, Hope Basin, Cook Inlet/Shelik of Straight, and the Gulf of Alaska. The timing of these lease sales is several years off, and the level of interest and the amount of revenues that might accrue to the government are uncertain since these are relatively untested tracts.

The development of deep water wells is expanding rapidly, as several new deep water discoveries have been made over the past couple of years. MMS is proposing to increase its effort in technological needs and potential environmental issues associated with deep water drilling. Currently the Gulf of Mexico accounts for over half of the world's drilling rigs operating in deepwater.

Office of Surface Mining Reclamation and Enforcement

The Surface Mining Control and Reclamation Act of 1977 (SMCRA, P.L. 95-87) established the Office of Surface Mining Reclamation and Enforcement (OSM) to ensure that land mined for coal would be returned to a condition capable of supporting its pre-mining land use. SMCRA also established an Abandoned Mine Lands (AML) fund, with fees levied on coal production, to reclaim abandoned sites that pose serious health or safety hazards. Congress' intention was that individual states and Indian tribes would develop their own regulatory programs to enforce uniform minimum standards established by law and regulations. As reliance upon the state agencies has increased, the regulatory part of OSM's budget has decreased and the agency has been downsized. OSM is required to maintain oversight of state regulatory programs.

The Administration request for FY1999—at $276.6 million—is again essentially level with prior year funding. Of this total, $93.5 million is for Regulation and Technology programs—a decrease of $1.7 million from adjusted FY1998 levels. The Administration's AML request for FY1999 is $183.4 million, an increase of $2.6 million over adjusted FY1998 levels. A requested increase of $2.0 million for acid main drainage remediation and prevention partly accounts for the increase.

Senate appropriations reduced the request for the Abandoned Mine Land slightly ($360,000) while the House added $2 million to raise the authority for the Appalachian Clean Streams Initiative to $7 million and the total request for the AML to $185.4 million, which was the level approved in the omnibus spending package. Both House and Senate appropriations committees modestly reduced the request for Regulation and Technology. The House approved $278.8 million. The Senate Appropriations Committee recommended $276 million for the OSM for

FY1999. The final total approved by the 105th Congress was $278.8 million, including $93.4 million for Regulation and Technology.

Appropriations for AML activities are based on states' current and historic coal production. "Minimum program states" are states with lower coal production that nevertheless have sites needing reclamation. The minimum funding level for each of these states was increased to $2 million in 1992. However, over the objection of these states, Congress appropriated $1.5 million to minimum program states in FY1996-FY1998. The Administration budget proposed to keep minimum program state funding at this level in FY1999, and the report from Senate Appropriations explicitly recommended keeping the current level as well.

For further information on the *Office of Surface Mining Reclamation and Enforcement*, see its World Wide Web site at http://www.osmre.gov/osm.htm

Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) provides a wide variety of services to federally recognized American Indian and Alaska Native tribes and their members, and has historically been the lead agency in federal dealings with tribes. Programs provided or funded through the BIA include government operations, courts, law enforcement, fire protection, social programs, education, roads, natural resource and real estate management, economic development, employment assistance, housing repair, dams, Indian rights protection, implementation of land and water settlements, and partial gaming oversight, among others.

The key issues for the BIA are reorganization and downsizing, the movement toward greater tribal influence on BIA programs and expenditures, and the equitable distribution of BIA funding among tribes. Additional significant issues raised by proposed provisions of previous Interior appropriations bills include taxation of certain Indian businesses and tribal sovereign immunity from suit.

The BIA is under intense pressure to reorganize, from tribes, the Administration, and Congress, but proposals from the three sources have not always been in agreement. Under the Administration's National Performance Review Reinventing Government initiative, the BIA had planned to pursue restructuring and downsizing through the "tribal shares" process (in which tribes and the BIA determine, first, which BIA functions are inherently federal and which are available for tribal management, and, second, what each tribe's share of funds is for the latter functions), but the BIA states the Interior solicitor has advised against that procedure. Appropriations committee reports for FY1997 and FY1998 directed the BIA to develop a reorganization plan and consolidate central, area, and agency offices, and the BIA states it is developing reorganization plans and consolidation options.

Greater tribal control over federal Indian programs has been the goal of Indian policy since the 1970s. In the BIA this policy has taken three forms: tribal *contracting* to run individual BIA programs under the Indian Self-Determination Act (P.L. 93-638, as amended); tribal *compacting* with the BIA to manage all or most of a tribe's BIA programs, under the Self-Governance program (P.L. 103-413); and shifting programs into a portion of the BIA budget called *Tribal Priority Allocations* (TPA), in which tribes have more influence in BIA budget planning and within which each tribe has authority to reprogram all its TPA funds. In FY1998 TPA accounts for 49.5% of the BIA's operation of Indian programs (including most of the BIA funding for tribal governments' operations, human services, courts and law enforcement, natural resources, and community development) and for 44.5% of total BIA direct appropriations.

The issue of the equitable distribution of BIA funding—often referred to as "means-testing"—has two aspects, one relating to how funds are distributed, the other relating to whether a tribe's other financial resources are taken into account. First, much if not most BIA funding, even while serving tribal needs, is not required to be distributed on a national per capita or other formula basis. Second, tribes' own non-BIA resources, especially business revenues, are not always required to be taken into account. Both the Senate Appropriations Committee and the House Interior Appropriations Committee take note of the issues. For both the FY1998 and FY1999 Interior appropriations bills, the Senate Appropriations Committee has proposed (1) requiring the BIA to develop several alternate formulas for distributing TPA funds on the basis of need, taking into account tribal business revenues including gaming, and (2) requiring tribes to submit tribal business revenue information to BIA, and in the FY1999 bill proposed implementing the new distribution formula in FY2000. In addition the Senate committee's FY1999 bill proposed reallocating half of TPA funds from tribes (outside Alaska) in the top 10% of per-capita tribal business revenues to tribes in the bottom 20% of per-capita tribal business revenues. The House Committee provided $250,000 in FY1999 to continue the FY1998 TPA-allocation work group (see below) to develop needs-measurement methods, directed the BIA to develop TPA allocation criteria that address equity in TPA funding, and included an administrative provision assuring tribes who return funds to the BIA that the federal trust responsibility to them, and the federal government-to-government relationship with the tribes, will not be diminished.

Supporters of the Senate committee's proposals claim that BIA funding is inequitably distributed, that poorer tribes do not receive adequate funding, that tribal TPA funds received per capita do not correspond with indicators of tribal need, that only 30 percent of TPA funding is based on formulas, and that a GAO study shows some rich tribes got more TPA funds in FY1998 than tribes with no outside revenues. Opponents respond that almost all tribes are in poverty, that BIA funding is insufficient to meet tribal needs, and that means-testing TPA funding would penalize tribes who still have severe needs, would violate the federal trust responsibility to tribes, has not been fully analyzed, and would be unfair since it is not required of state or local governments receiving federal assistance.

In considering similar proposals in the FY1998 appropriations bill, Congress had dropped the requirements for a formula and tribal income data, and instead had distributed some FY1998 TPA funds so that each tribe might receive the minimum funding recommended by the 1994 report of the Joint Tribal/BIA/DOI Task Force on BIA Reorganization ($160,000 per tribe, except $200,000 per tribe in Alaska), with allocation of any remaining TPA funds based on recommendation of a tribal/federal task force. In addition, several Senators had requested the GAO to report on TPA distribution issues. The tribal/federal TPA task force made its distribution recommendations January 29, 1998, and also recommended creating a long-term work group on TPA funding allocation, a recommendation the BIA supported. The GAO presented its TPA distribution study in April and July, 1998. Among the GAO findings were that two-thirds of FY1998 TPA funds were distributed based on historical levels and one-third was distributed based on formulas, that TPA distribution per capita varied widely across BIA areas, and that tribal governments' reporting of revenues were inconsistent in including or excluding non-federal revenues. The GAO results were used by the Senate Appropriations Committee in developing the FY1999 proposals described above.

Congress, in the Interior appropriations portion of the FY1999 omnibus appropriations act, dropped the Senate Appropriations Committee's proposed reallocation scheme and dropped the requirement that tribes submit revenue data, but retained the requirement that the BIA develop proposals for alternative TPA funding methods. Congress also retained the House provision of $250,000 for the TPA work group and the language concerning tribes returning funds to the BIA.

During congressional debates over FY1997 and FY1998 Interior appropriations, Congress considered but did not approve several additional controversial provisions. One proposal, considered in the House, would have prohibited the Interior Secretary from using his general authority to take land into trust for a tribe unless the tribe had agreed with state and local governments on the collection of state and local retail sales taxes from non-members of the tribe. (This proposal has also been put forward in the 105th Congress in H.R. 1168, on which hearings were held June 24, 1998.) The other provision, proposed by the Senate Appropriations Committee, would have waived tribal governments' sovereign immunity to civil suit in federal court if a tribe accepted TPA funding. The tribal immunity waiver provision was withdrawn on the Senate floor. The Senate Indian Affairs Committee held several hearings this year on a bill (S. 1691, introduced February 27, 1998) restricting tribal sovereign immunity. One of the issues raised at the hearings was the degree to which tribes are insured against torts and other liability claims. At the Committee's mark-up of S. 1691, consideration was postponed on the motion of the bill's sponsor, who later introduced five new, more specific bills. Neither of these proposals was offered during consideration of FY1999 Interior appropriations. In the Interior portion of the FY1999 omnibus appropriations act, however, Congress required the Interior Secretary to study tribal liability insurance coverage and make a report with legislative recommendations.

In considering the FY1999 bill, both the Senate Appropriations Committees and the House took note of several further issues. Congress addressed most of these issues in the FY1999 omnibus appropriations act. Both the House and the Senate committee supported placing BIA-funded law enforcement under centralized line authority and both made BIA law-enforcement funds unavailable for reprogramming; Congress approved these proposals. Concerning support costs for self-determination contracts and self-governance compacts, both forbade use of FY1999 funds to pay for unpaid contract support costs from earlier years, in spite of court decisions confirming federal responsibility for such costs; Congress again approved. The House recommended a one-year moratorium on self-determination contracts and self-governance compacts, so that BIA and tribes can address the contract support costs problem. The Senate committee directed the GAO to conduct a study of the issue. Congress approved both ideas. Both the House and the Senate committee also noted environmental penalties against BIA for violations regarding underground storage tanks and the Resource Conservation and Recovery Act (RCRA), and the House provided funds for environmental cleanup; Congress approved $3 million for this purpose. Only the Senate committee included bill language restricting the "Huron Cemetery" in Kansas to use as a cemetery (an Oklahoma tribe has at times proposed using it for gaming); Congress retained this provision. The Senate committee also prohibited taking lands into trust in Scott County in Minnesota, near Minneapolis-St. Paul, but Congress dropped the provision because the BIA asserted it would make no decision on such lands in FY1999. The Senate committee also directed the Interior Secretary to develop a five-year plan for the repair or reconstruction of all BIA school facilities, and to review Indian post-secondary institutions' current facility needs; Congress did not address this issue. The Senate during debate on the FY1999 Interior appropriations bill approved an amendment prohibiting the Interior Secretary from approving class III Indian gaming compacts without state approval and from promulgating during FY1999 proposed regulations for approving gaming compacts in situations where a state invokes its immunity from suit over compact negotiations. Congress chose only to prohibit promulgation of the regulations, and that only for the first half of FY1999. Finally, Congress amended the Tribal Self-Governance Act of 1994 (P.L. 103-413) to extend to self-governance compacts the same requirements for repaying misused funds that already cover self-determination contracts.

BIA's FY1998 direct appropriations enacted to date are $1.703 billion. For FY1999 the Administration proposed $1.84 billion—8.4% over FY1998—including increases of 4.5% in TPA (to $791.2 million), 5.8% in BIA school operations (to $486.9 million), 18.4% in aid under the

Tribally Controlled Community College Assistance Act (to $35.4 million), and 21.6% in total BIA construction (to $152.1 million, including $86.6 million in education construction, a 59% increase over FY1998). Among the new proposals in the FY1999 BIA budget were a law enforcement initiative, to meet the increasing rate of violent crime in Indian country, and an Indian land consolidation pilot program. The former would increase BIA law enforcement spending by 29% in FY1999, to $103 million, in conjunction with Department of Justice (DOJ) spending on Indian-country jail construction and law enforcement that would total $182 million. The land acquisition pilot program would provide $10 million to consolidate fractionated ownership of allotted Indian trust lands, thereby reducing the costs and problems of managing millions of acres broken up into tiny fractional interests.

The House approved $1.714 billion for the BIA for FY1999, an increase of 0.6%, while the Senate Appropriations Committee proposed $1.702 billion, a decrease of 0.1%. Compared to FY1998, the House recommendation for FY1999 included increases of $14.2 million (1.8%) in TPA, $9.6 million (2%) in BIA school operations, $0.4 million (1.3%) in aid to tribally-controlled community colleges, $4.2 million (7.7%) for BIA school construction (within a decrease of $3.6 million in total BIA construction), and $10 million for the joint BIA/Justice Department law enforcement initiative. The Senate committee recommended a decrease of $62.3 million (8%) in TPA (mostly from shifting $70.3 million in law enforcement funds to another part of the BIA budget); increases of $12.4 million (2.7%) in BIA school operations, $3 million (10%) in aid to tribal colleges, and $6 million (11%) for BIA school construction (within a decrease of $1.9 million in total BIA construction); and the transfer of $70.3 million to another part of the BIA budget for the joint BIA/Justice Department law enforcement initiative.

Congress in the Interior appropriations portion of the FY1999 omnibus appropriations act approved a total of $1.746 billion for the BIA, an increase of 2.5% from FY1998. Included is a *net* increase of $14 million in TPA (to $697.9 million) after transfer of law enforcement to another portion of the BIA budget. Also included are increases of $13.5 million (2.9%) in BIA school operations (to $473.9 million), $1.4 million (4.7%) in aid to tribal colleges (to $31.3 million), and $6 million (11%) in BIA school construction, to $60.4 million (within an overall decrease of $1.9 million in total BIA construction, to $123.4 million). For the proposed BIA/DOJ law enforcement initiative, Congress provided a $20 million increase to fund the BIA portion of the initiative, and it transferred BIA law enforcement out of TPA to another portion of the BIA budget, thereby reducing tribes' ability to reprogram these funds. For the land acquisition pilot project, Congress provided $5 million, half of the administration's request.

For further information on the *Bureau of Indian Affairs*, see its World Wide Web site at http://www.doi.gov/bureau-indian-affairs.html

Departmental Offices

National Indian Gaming Commission

The National Indian Gaming Commission (NIGC) was established by the Indian Gaming Regulatory Act of 1988 (P.L. 100-497) to oversee Indian tribal regulation of tribal bingo and other "Class II" operations, as well as aspects of "Class III" gaming (casinos, racing, etc.). The NIGC may receive federal appropriations but its budget authority has consisted chiefly of fee assessments on tribes' Class II operations. The FY1998 Interior Appropriations Act amended the Indian Gaming Regulatory Act to increase the amount of assessment fees the NIGC may collect (to $8 million), to make Class III as well as Class II operations subject to fees, and to increase the authorization of NIGC appropriations from $1 million to $2 million. The Act also prohibited the

Commission from amending its definitions of electronic gaming devices but allowed it to gather information on the issue.

For FY1998, NIGC appropriations were $1 million. The President proposed no appropriations for FY1999, recommending instead that all the NIGC's activities be funded from fees. The Senate Appropriations Committee and the House Interior Appropriations Subcommittee agreed with the President's recommendation, as did the full House. Likewise, the Interior appropriations portion of the FY1999 Omnibus Appropriations Act included no appropriations for the NIGC.

Office of Special Trustee for American Indians

The Office of Special Trustee for American Indians, in the Secretary of the Interior's office, was authorized by Title III of the American Indian Trust Fund Management Reform Act of 1994 (P.L. 103-412). The Office of Special Trustee (OST) is responsible for general oversight of Interior Department management of Indian trust assets, the direct management of Indian trust funds, establishment of an adequate trust fund management system, and support of department claims settlement activities related to the trust funds. Indian trust funds were formerly managed by the BIA, but numerous federal, tribal, and congressional reports had shown severely inadequate management, with probable losses to Indian tribal and individual beneficiaries. Indian trust funds comprise two sets of funds: (1) tribal funds owned by 338 tribes in approximately 1,500 accounts, with a total asset value of about $2.5 billion; and (2) individual Indians' funds, known as Individual Indian Money (IIM) accounts, in 345,356 accounts with a total asset value of $463.7 million. (Figures are from the OST FY1999 budget justifications.) The funds include monies received both from claims awards, land or water rights settlements, and other one-time payments, and from income from physical trust assets (e.g., land, timber, minerals), as well as investment income. In 1996, at Congress' direction, trust fund management was transferred from the BIA to the OST. The Special Trustee in 1996 estimated the eventual cost of recommended improvements in trust-fund management at $100 million.

While a congressionally-required outside audit has been made of non-investment transactions—deposits and withdrawals—in *tribal* trust fund accounts (for the 20-year period 1973-1992), Congress did not require that the outside auditors examine transactions in the *IIM* accounts, so their reconciliation status has been in doubt. On June 11, 1996, a class-action suit was filed against the federal government on behalf of all IIM account owners. The suit sought an accounting of the IIM funds, establishment of adequate management systems, and full restitution of any money lost from the IIM accounts. The case was certified as a class action in February 1997, and is scheduled to go to trial on March 15, 1999.

In April 1997 the OST submitted its Strategic Plan for improving the management of Indian trust funds and trust assets. The plan recommended creation of a new federally chartered agency, to which trust funds and assets would be transferred, and management and investment of the funds and assets to assist Indian economic growth. While considering FY1998 Interior appropriations, Congress noted departmental and some tribal opposition to the Strategic Plan, especially to the proposed new agency. Congress directed the OST not to implement the proposed new agency but to pursue trust funds systems improvements and OST responsibilities relating to the settlement of financial claims made by tribal and individual beneficiaries, before Congress and in court, because of BIA trust-funds mismanagement. In August 1997 the Secretary of the Interior agreed to implement aspects of the Strategic Plan dealing with trust management systems, data cleanup, and trust asset processing backlogs.

FY1998 funding for the Office of Special Trustee was set at $33.9 million, which supplemental appropriations have increased to $38.6 million. The President proposed a FY1999 budget of $42

million, an increase of 8.9% over total FY1998 appropriations. Included in the FY1999 request were $17.7 million for trust systems improvements (an increase of 33.2% from the original FY1998 appropriation), $5 million for settlement and litigation support (up 129%), and $17.6 million for trust funds management (up 4.9%). The Senate Appropriations Committee recommended FY1999 appropriations of $38 million, a decrease of $0.557 million from total FY1998 appropriations. The House Interior Appropriations Subcommittee recommended $39.5 million, including $16.6 million for trust systems improvement and $4 million for settlement and litigation support. The House of Representatives agreed with its Appropriations Committee's recommendations. Congress, in the FY1999 omnibus appropriations act, approved the House figure of $39.5 million.

In the same act, Congress authorized the expenditure of current (or past unobligated) BIA and OST appropriations to meet unfunded costs of trust management improvement activities, and also authorized the OST to make fewer reports for, and allow account-holder withdrawals from, the thousands of trust accounts with balances of $1 or less and no activity for at least 18 months.

For further information on the *Office of Special Trustee for American Indians*, see its World Wide Web site at http://www.ost.doi.gov/

Insular Affairs

The Secretary of the Interior has primary federal responsibility for all U.S. territories except Puerto Rico, as well as certain responsibilities for the three freely associated states. The Secretary has delegated these responsibilities to the Office of Insular Affairs (OIA), under the general supervision of the department's Assistant Secretary-Policy, Management and Budget. OIA provides the insular areas with funding for various types of activities, including capital improvements and technical assistance.

The President requested $86.7 million in funding for insular affairs for FY1999; the FY1998 appropriation totaled $88.1 million. For FY1999 the President requested decreases in funding (compared to the amounts appropriated for FY1998) for several items including the general technical assistance program, while requesting an increase of $1.0 million for brown tree snake control. (The FY1998 appropriation for brown tree snake control was $1.6 million. For more information on this issue, see CRS Report 97-507 ENR, *Non-Indigenous Species: Government Responses to the Brown Tree Snake and Issues for Congress.*)

The House Appropriations Committee recommended $86.7 million in FY1999 insular affairs funding, the same amount as requested by the President. The committee allocated the funding differently, however, providing $0.5 million less than the President's request for brown tree snake control and $0.4 million more than the President's request for technical assistance. The committee also recommended that funding for the Enewetak support program, which provides food assistance to the people of Enewetak (in the Marshall Islands), remain at its FY1998 level (of $1.2 million) rather than being reduced to $1.1 million, as requested by the President. The FY1999 Interior Appropriations bill passed by the House contained $84.7 million in insular affairs funding, $2.0 million less than the House committee recommendation.

The Senate Appropriations Committee recommended $86.9 million in FY1999 insular affairs funding, $0.2 million more than requested by the President and recommended by the House committee. The Senate committee provided $0.2 million less for operations grants to American Samoa than either the President or the House committee. (The President's FY1999 request for these grants was $23.1 million, the same as the FY1998 appropriation.) The Senate committee also provided $1.5 million for the Enewetak support program, $0.4 million more than the President's request and $0.3 million more than the House committee's recommendation. This

proposed $1.5 million in funding for Enewetak support included $0.4 million to improve food self-sufficiency.

The conference report on the FY1999 Omnibus Appropriations bill provides $87.1 million in funding for insular affairs. The conference agreement generally follows the House Committee's recommended funding levels. It, however, provides $1.6 million in total funding for Enewetak support, more than the amount recommended by either the House Committee (and approved by the House) or the Senate Committee. That $1.6 million includes the $0.4 million in special funding recommended by the Senate Committee.

In its FY1999 budget justifications for OIA, the Interior Department described brown tree snake control as a major priority. The department believes that the brown tree snake is "a significant ecological threat" to Guam and "represents an increasing threat to other areas where it may migrate," including the Northern Mariana Islands and Hawaii. The department requested a FY1999 budget increase for brown tree snake control in order to more fully implement a plan for "a coordinated operational and research program involving control and eradication techniques." The House Appropriations Committee report noted that the committee provided a substantial increase for the brown tree snake program, although not as much as requested by the President.

Another key issue in FY1999 territorial appropriations is the financial condition of the American Samoa government. In recent years, the Interior Department and Members of Congress have expressed concerns about the failure of the territorial government to implement a financial recovery plan developed by representatives of the department and the American Samoa government. Both the House and Senate Appropriations Committees reiterated concerns about American Samoa's fiscal problems in their FY1999 reports. The Senate report noted, in particular, the territory's failure to pay for medical care provided to its people in Hawaii and called for aggressive action by the American Samoa government to pay these bills.

A third issue is the alien labor situation in the Commonwealth of the Northern Mariana Islands (CNMI). The Interior Department and other federal agencies participate in a joint federal-CNMI program established to address labor, immigration, and law enforcement problems in the CNMI. As requested by OIA to meet the needs identified by the joint program, the bills reported by the House and Senate Appropriations Committees earmarked $5.0 million, of the $11.0 million in Covenant grant funding provided to the CNMI, for a prison facility and $0.5 million for a crime laboratory. The House-passed bill also included these earmarks. The Senate report directed the Interior Department to use some of the funds provided for the joint federal-CNMI program to establish an ombudsman's office in the CNMI to assist workers. The conference agreement endorsed that proposal.

For further information on *Insular Affairs*, see its World Wide Web site at http://www.doi.gov/oia/index.html

Title II: Related Agencies and Programs

Department of Agriculture: U.S. Forest Service

The Administration requested $2.657 billion, $150 million (6%) more than was appropriated in FY1998. Most of the increase is $102 million in emergency contingency appropriations for wildland fire management, offset by a proposed $30 million decrease in annual appropriations for fire operations.

The House appropriated $2.523 billion, $43 million less than the FY1998 appropriation and $134 million less than the request, but with no contingent fire funds. The Senate Appropriations

Committee recommended $2.623 billion, $57 million more than FY1998 but $34 million less than the request; however, this included $102 million emergency contingent fire funds and several other major modifications. The Omnibus Consolidated Appropriations enacted $2.752 billion, including the $102 million contingent emergency fire funds. This is $95 million more than the Administration requested, $126 million more than the House passed, and $129 more than recommended by the Senate.

Increasing Forest Service fiscal accountability was the focus of much debate. The House shifted maintenance of trails and recreation facilities from the recreation account to the infrastructure account; and road maintenance from the infrastructure account to the reconstruction/construction account. The Senate Committee concurred with these changes.

The House Committee also recommended restricting "indirect support activities" to 25% of obligations from the Knutson-Vandenberg Fund, but this was striken by a floor amendment, 236-182, and replaced with language prohibiting the use of these funds for indirect support activities. The Senate Committee took a different approach, recommending $0 for general administration ($259 million was requested), $122 million allocated among the National Forest System accounts and $108 million among other Forest Service accounts for general administration, and details in the FY2000 budget request on overhead funding for each account. The Omnibus Consolidated Appropriations rejected both of these approaches, and instead required further reporting on "indirect expenditures" to the Committees and in the FY2000 budget request and restricting indirect expenditures from six specific trust funds and special accounts to not more than 20% in FY2000.

For further information on the *Department of Agriculture: U.S. Forest Service*, see its World Wide Web site at http://www.fs.fed.us/

For information on the Government Performance and Results Act for the U.S. Forest Service, see the *USDA Strategic Plan* World Wide Web site at http://www.usda.gov/ocfo/strat/index.htm

Timber Sales and Forest Health

Timber sales, especially salvage timber, and forest health are likely to continue to dominate debates over Forest Service budget and authorizing legislation. The FY1999 budget request proposed declines both in salvage sales (from 1.251 billion board feet, or BBF, to 1.083 BBF) and in new green sales (from 2.562 BBF to 2.356 BBF); the proposed sale program of 3.4 BBF would be the lowest level since FY1950. The House Committee recommended timber sales offered of 3.6 BBF, and the bill passed with no change in recommended funding; the Senate Committee recommended sales sold (not just offered) of 3.784 BBF. An amendment by Rep. Furse to transfer $80.5 million from the timber program to recreation and watershed improvements was offered and then withdrawn. Finally, in Section 334, the House expanded the authorized use of the 10% Roads and Trails Fund "to improve forest health conditions and repair or reconstruct roads, bridges and trails …," emphasizing the wildland-urban interface and areas with abnormally high risk from potential wildfires.

The Senate bill contains several additional provisions addressing timber sales. Section 338 would require the Forest Service to offer economically viable timber sales of at least 90% of the maximum allowable sale quantity (ASQ) under the 1997 Tongass Land Management Plan Revision; this could be enforced through civil suits by economically-dependent persons. In addition, Section 340 contains complicated directions on timber sales and western red cedar shipments, to the lower 48 states or for export, from the Tongass National Forest (continued from the FY1998 Interior Appropriations Act). Section 332 would prohibit prescribed burning until "every effort has been made to remove all economically viable, commercial wood products from

the proposed burn area;" the regional foresters could grant waivers on a site-by-site basis, but this could stifle efforts to improve forest health using prescribed fire to reduce undergrowth. Section 335 would authorize "Stewardship End Result Contracting Demonstration Projects" in each national forest in Idaho and Montana and in the Umatilla National Forest (WA and OR) through FY2002; contracts of up to 10 years can be used to "achieve land management goals … that meet local and rural community needs," with the value of the timber removed offsetting the costs of other services.

The Omnibus Appropriations bill enacted several (but not all) of these provisions. The complicated provision on timber sales and western red cedar shipments from the Tongass were enacted as Section 350, but the Tongass sale target and the prescribed burning provisions were deleted. The Stewardship End Results Contracting Demonstration was enacted as Section 347, but was modified to authorize 28 projects, including 9 in Montana and northern Idaho. Finally, Section 332 enacted the expanded use of the 10% Roads and Trails Fund to allow forest health improvements activities, as well as road, bridge, and trail repair and reconstruction.

Land Management Planning

Management of the federal lands has been controversial for decades. Increasing conflicts among users in the 1960s and early 1970s led Congress to enact the National Forest Management Act of 1976 (NFMA) and the Federal Land Policy and Management Act of 1976 (FLPMA) to establish and guide land and resource management planning for the national forests and BLM lands. Despite lofty goals, the public participatory planning processes have not led to harmonious land management. Bills to improve planning, some emphasizing forest health, have been introduced in both Houses, but none have been enacted.

Both the House and Senate Appropriations Committees recommended that the scientific findings of the Interior Columbia Basin Ecosystem Management Project be incorporated into the land and resource management plans and the project terminated. A House floor amendment to strike this section was defeated, 202-221. This provision was not enacted in the Omnibus Appropriations bill.

The Senate Committee recommended several other provisions addressing planning. Section 321 would prohibit new land management plans for the national forests until the planning regulations had been revised, except for forests which had begun revisions before October 1997 or which were operating under court orders, and except for the White Mountain National Forest. The report language indicates that plan revisions to incorporate ICBEMP findings (under Section 337) are also excepted, but the language in Section 321 includes no reference to the latter section. Section 329 would direct the agency to continue management under existing plans until the plans were revised under the new regulations, despite the provision in NFMA requiring revisions within 15 years. Finally, Section 322 would prohibit the Forest Service from spending to complete the RPA Program; the report language indicates that the RPA Program is to become part of the agency's strategic planning under GPRA. Two of these provisions were enacted in the Omnibus Appropriations: the prohibition on new plans (with noted exceptions) prior to the revision of the planning regulations was enacted as Section 321, and the prohibition on completing the RPA Program was enacted as Section 322.

The Omnibus Appropriations bill also contains two titles affecting specific areas. Title IV enacts the Herger-Feinstein Quincy Library Group Forest Recovery Act. This title directs a 5-year pilot project for managing 3 national forests in California under the plan devised by a local group of users, environmentalists, and others (known as the Quincy Library Group). The provision excludes certain areas, and specifies management activities, funding sources, and annual and final

reporting requirements. Title V enacts the Land Between the Lakes Protection Act, to transfer this area from the Tennessee Valley Authority to the Forest Service and manage it as a National Recreation Area; similar provisions had been recommended by the Senate Appropriations Committee and passed (contingent upon certain Energy and Water Development appropriations) by the House.

Forest Roads

Road construction in the national forests continues to be controversial. Some interests oppose new roads because roads increase access to areas they believe should be preserved in a pristine condition, because roads are a major source of erosion, stream sedimentation, and other environmental degradation, and because road funding is asserted to be a corporate subsidy for the timber industry. Supporters argue that access roads are needed for forest protection (*e.g.*, from wildfire) and for timber harvesting and other on-site uses, and maintain that roads can be built without causing significant environmental problems.

The Administration has again proposed to end the use of purchaser road credits to finance road construction. This system, authorized in Section 4(2) of the 1964 National Forest Roads and Trails Act (P.L. 88-657), allows the Forest Service to build "forest development" roads through requirements on timber purchasers, and to compensate those purchasers with credits that can generally be used to pay for timber.[2] The House approved (in Section 332), and the Senate Appropriations Committee recommended (in Section 339), to end the use of road credits, make the specified road construction a contract requirement (to be paid like any other cost the purchaser must incur), and to continue the "Purchaser Elect Program" whereby small businesses may elect to have the Forest Service build the road and then pay the agency more for the timber (to cover the estimated road construction cost). Such a provision was enacted as Section 329 of the Omnibus Appropriations.

In separate action, the Administration has also issued an advance notice of proposed rulemaking to revise current regulations governing the management of the National Forest System transportation system (63 *Federal Register* 9980-9987, Feb. 27, 1998). At the same time, the Administration issued a proposed interim rule that would temporarily halt road construction into many roadless areas. Environmental groups objected to the limitations on areas covered by this road construction moratorium, while the timber industry and many Members of Congress decried the moratorium as needless national direction overriding locally agreed-upon plans for managing the national forests.

Department of Energy

For further information on the *Department of Energy*, see its World Wide Web site at http://www.doe.gov/

Fossil Energy Research, Development, and Demonstration

The Clinton Administration's FY1999 budget request for fossil fuel research and development (R&D) continues to reflect its energy and environmental priorities. Fossil fuel R&D efforts will focus on environmental issues associated with electric power, particularly global climate change concerns.

[2] The system is substantially more complicated than this statement suggests. For more information, see CRS Report 97-14 ENR, *The Forest Service Budget: Trust Funds and Special Accounts, Appendix E: Timber Purchaser Road Credits,* pp. 40-41.

Overall, the Administration's FY1999 request for fossil energy is $383.4 million, a 6% increase from the FY1998 appropriation of $362.4 million. Funding for coal R&D projects would rise by 21% and account for almost all of the increase from current FY1998 levels. Petroleum R&D would increase by 3.3% and natural gas R&D would decrease 1.5%. The Administration is requesting no new funding for the Clean Coal Technology Program. However, $14.9 million was allocated for administration of clean coal programs. The House approved $315.6 million and the Senate Appropriations Committee recommended $376.4 million for FY1999. The conference agreement appropriates $384 million for fossil energy research.

Natural gas research would decline by $47.6 million while coal research would increase by $6.4 million. The Senate Appropriations Committee differs significantly from the House on natural gas research by approving $112.2 million. However, the approved funding level of $117 million for coal research is much closer to the House Committee level. The difference between the House and Senate marks is largely in the Senate funding of the natural gas advanced turbine system while the House panel recommended to move and consolidate that program under energy conservation. The conference agreement keeps the natural gas advanced turbine system under fossil energy R&D.

The Administration's efforts are focused on new technology that would take advantage of natural gas as a clean fuel and would reduce or eliminate many environmental problems associated with coal. Critics question the extent to which fossil fuel R&D should be based on current trends and a view of natural gas as a "transition fuel" to non-fossil fuels. They question whether the Administration is taking too narrow a view of coal's potential for electric generation and technology exports and whether these changes will have a negative impact on jobs and the economy or will develop new markets and opportunities.

For further information on *Fossil Energy*, see its World Wide Web site at http://www.fe.doe.gov/

Strategic Petroleum Reserve

After purchases of oil for the Strategic Petroleum Reserve ended in FY1994, the program was largely funded using previously authorized but unspent balances in the petroleum acquisition account. When this was no longer a practical source for funding, the Administration and Congress approved sales of SPR oil to finance some program costs in FY1996, and all of them in FY1997. In its FY1998 budget request, the Administration asked for a conventional appropriation of $209 million to operate and maintain the SPR, but Congress again authorized a sale.

For FY1999, the Administration requested a conventional appropriation of $160.1 million. The lower level partly reflects completion of work at some storage sites for the SPR's Life Extension Program. Infrastructure is being replaced or updated to assure the integrity of the SPR system well into the next century. In the current budget climate, congressional authorization of another sale of SPR oil seemed unlikely, and neither the House or Senate appropriations committee proposed one. The House approved the Administration request. Senate appropriations, however, has proposed an appropriation of $155.1 million, a reduction of $5 million from the Administration request and House recommendation. The omnibus spending bill adopted the Administration-proposed and House-approved figure of $160.1 million.

For further information on the *Strategic Petroleum Reserve*, see its World Wide Web site at http://www.fe.doe.gov/programs/reserves/

Naval Petroleum Reserves

The National Defense Authorization Act for FY1996 (P.L. 104-106) authorized sale of the federal interest in the oil field at Elk Hills, CA (NPR-1), and established a 2 year timetable for completion of the sale. On Feb. 5, 1998, Occidental Petroleum Corporation took title to the site and wired $3.65 billion to the U.S. Treasury. In anticipation of operating Elk Hills for only part of 1998, the Administration had requested $117 million for FY1998 and Congress approved $107 million.

In settlement of a long-standing dispute between California and the federal government over the state's claim to Elk Hills as "school lands," the California Teachers' Retirement Fund will receive 9 % of the sale proceeds after the costs of sale have been deducted. The FY1999 budget enacted by Congress provides an initial appropriation of $36 million; the hope is that future payments of this settlement will be made directly from the proceeds of the sale rather than by appropriation.

The Administration requested $22.5 million for the balance of the NPR program for FY1999 for close-out activities at Elk Hills, and for well-plugging and environmental restoration activities at NPR-3 (Teapot Dome) that are prerequisite to shutting the field down. Congress has mandated the transfer of the Naval Oil Shale Reserves to the Department of the Interior for possible commercial leasing. The budget provides for routine management of these reserves until transfer is completed. Both the House and Senate appropriations committees reduced the recommended appropriation to $14 million through the use of unobligated balances in the Reserve's revolving fund. This is the figure that was approved by Congress in the omnibus spending bill.

For further information on *Naval Petroleum Reserves*, see its World Wide Web site at http://www.fe.doe.gov/programs/reserves/

Energy Conservation

The FY1999 request for DOE's Energy Efficiency Program seeks $808.5 million (including $35 million in oil overcharge funding), a $196.8 million, or 32% increase. R&D would increase by $160.8 million, or 35%, and grants would increase by $36 million, or 23%. For FY1998, P.L. 105-83 appropriated $611.7 million (including $20.6 million from oil overcharge funds).

The House approved $675.3 million for DOE's FY1999 Energy Efficiency Program (including $43 million for a proposed transfer of the Advanced Turbines Program from the Office of Energy Research). This mark includes $45 million added to the Appropriations Committee's recommendation in a floor amendment (Regula, Fox, Skaggs). The increase from the amendment includes $9 million more for Weatherization grants, $2 million more for State Energy grants, and $34 million that is not specified for particular programs. Excluding transfer of the Advanced Turbines Program (which the Administration did not request), the House mark totals $632.3 million, which is $176.2 million, or 22%, less than the Administration Request; and it is $45.4 million, or 7%, less than the Senate mark.

The Senate Appropriations Committee's mark for DOE's Energy Efficiency Program seeks $677.7 million. In contrast to the House, it does not propose to transfer the Advanced Turbines Program from the Office of Energy Research. Also, it seeks $130.8 million, or 16%, less than the Administration request. This difference from the request includes $31.5 million less for Transportation, $17.4 million less for Buildings R&D, $9.1 million less for FEMP, $23.4 million less for Industry, $25.1 million less for Weatherization grants, and $5.8 million less for State Energy grants.

In the Omnibus Appropriations bill, the conference mark is $692 million, an $80 million, or 13% increase over the FY1998 level. This includes $526 million for R&D, a $69 million increase; and

$166 million for grant programs, an $11 million increase. Further, the mark for R&D includes $202 million for Transportation, a $9 million increase; $96 million for Buildings, a $17 million increase; $24 million for FEMP, a $4 million increase; and $166 million for Industry, a $30 million increase.

(For more details, see CRS Issue Brief 97027, *Energy Efficiency: Key to Sustainable Energy Use*.)

For further information on *Energy Efficiency*, see its World Wide Web site at http://www.eren.doe.gov/

Department of Health and Human Services: Indian Health Service

The Indian Health Service (IHS) carries out the federal responsibility of assuring comprehensive preventive, curative, rehabilitative, and environmental health services for approximately 1.3 million American Indians and Alaska Natives who belong to more than 545 federally recognized tribes in 35 states. Care is provided through a system of federal, tribal, and urban operated programs and facilities that serves as the major source of health care for American Indians and Alaska natives. IHS funding is separated into two accounts: Indian Health Services and Indian Health Facilities. Included in Indian Health Services are such services as hospital and health clinic programs, dental health, and mental health, alcohol, and substance abuse programs, preventive health services, urban health projects, and funding for Indian health professions. The Indian Health Facilities account includes funds for maintenance and improvement, construction of facilities, sanitation facilities, and environmental health support. The IHS program is funded through a combination of federal appropriations and through collections of reimbursements from Medicare, Medicaid, and private insurance for services to eligible patients who have such insurance coverage.

The Omnibus Consolidated Appropriations bill provides for $2.239 billion budget for the Indian Health Service ($1.950 billion for the Indian Health Services and $289 million for Indian Health Facilities).

The Administration requested $2.118 billion for FY1999 budget appropriations to the IHS ($1.844 billion for Services and $274 million for Health Facilities). The Senate Committee on Appropriations recommended FY1999 funding of $2.152 billion to the IHS ($1.889 billion for Services and $264 million for Health Facilities). The House proposal recommended $2.246 billion for FY1999 for the IHS ($1.933 billion for Services and $313 million for Health Facilities).

The conference agreement does not include statutory language mandating a pro-rata distribution of contract support costs across all IHS self-determination contracts and self-governance compacts. Contract support costs are the costs awarded a tribe for the administration and management of a program—operation costs are awarded separately. This language was included in both the House and Senate bills but was dropped due to objections raised by tribal organizations and individual tribes.

The Committees have added more than $35 million to the Administration's budget request to address the inequity in the distribution of contract support cost funding in FY1999. Additionally, the Committees have instituted a one-year moratorium on new contracts and compacts.

The population served by the IHS bears a higher incidence of illness and premature mortality than other U.S. populations, although the differences in mortality rates have diminished in recent years in such areas as infant and maternal mortality, as well as mortality associated with alcoholism, injuries, tuberculosis, gastroenteritis, and other conditions. American Indians and Alaska Natives

also have less access to health care than does the general U.S. population, with the number of physicians and nurses per Indian beneficiary, already below that of the general population, dropping since the 1980's. In FY1996, the IHS per capita health expenditure was $1,578, compared to the U.S. civilian per capita expenditure of $3,920. The population eligible for IHS services is increasing at an approximate rate of 2.1% per year. According to the IHS, the increases in program funding over the past decade have failed to keep pace with inflation.

Many IHS health care providing facilities are reportedly in need of repair or replacement. Funding for the construction of new facilities has decreased in recent years while funding for the provision of health services has increased; a priority list has been established for new construction. The Omnibus FY1999 budget for IHS facilities allocates $289 million for facility construction, repair, maintenance, improvement and equipment of health and related auxiliary facilities, such as domestic and community sanitation facilities for Indians.

For further information on *Department of Health and Human Services: Indian Health Service*, see its World Wide Web site at http://www.ihs.gov/

Office of Navajo and Hopi Indian Relocation

The Office of Navajo and Hopi Indian Relocation (ONHIR) was reauthorized for FY1995-1997 by P.L. 104-15. The 1974 relocation legislation (P.L. 93-531, as amended) was the end result of a dispute between the Hopi and Navajo tribes involving land originally set aside by the federal government for a reservation in 1882. Pursuant to the 1974 act, lands were partitioned between the two tribes and members of one tribe who ended up on the other tribe's land were to be relocated. Most relocatees are Navajo. A large majority of the estimated 3,455 Navajo families formerly on the land partitioned to the Hopi have already relocated under the Act, but the House Appropriations Committee in 1998 estimates that 510 families (almost all Navajo) have yet to be relocated, including about 71 Navajo families still on Hopi partitioned land (many of whom refuse to relocate).

Negotiations had gone forward among the two tribes, the Navajo families on Hopi partitioned land, and the federal government, especially regarding Hopi Tribe claims against the United States. The United States and the Hopi Tribe reached a proposed settlement agreement on December 14, 1995. Attached to the settlement agreement was a separate accommodation agreement between the Hopi Tribe and the Navajo families, which provided for 75-year leases for Navajo families on Hopi partitioned land. The Navajo-Hopi Land Dispute Settlement Act of 1996 (P.L. 104-301) approved the settlement agreement between the United States and the Hopi Tribe. Not all issues have been resolved by these agreements, however, and opposition to the agreements and the leases is strong among some of the Navajo families. Navajo families with homesites on Hopi partitioned land faced a March 31, 1997, deadline for signing leases. An initial Hopi report said 60 of the 80 homesites affected had signed the leases.

The Hopi Tribe has called for enforcement of relocation against Navajo families without leases. Like the FY1997 and FY1998 Interior appropriations acts, the FY1999 Interior appropriations bill proposed by the President, and the bills reported by the Senate Appropriations Committee or approved by the full House, as well as the version enacted into law in the FY1999 omnibus appropriations act, all contained a proviso forbidding ONHIR from evicting any Navajo family from Hopi partitioned lands unless a replacement home is provided. This language appears to prevent ONHIR from forcibly relocating Navajo families, since ONHIR has a large backlog of other families that need homes. The settlement agreement approved by P.L. 104-301, however, allows the Hopi Tribe under certain circumstances to begin quiet-possession actions against the

United States in the year 2000 if Navajo families on Hopi partitioned land have not entered into leases with the Hopi Tribe.

Congress has for a long time been concerned by the slow pace of relocation and by relocatees' apparent low level of interest in moving to the "new lands" acquired for the Navajo reservation for relocatee use. Appropriations committee reports in 1995, 1996, and 1997 called on ONHIR to explore termination of the relocation program, and the Senate in the 104th Congress considered a bill phasing out ONHIR. The House FY1998 Appropriations Committee report directed ONHIR to stop further development work on the new lands beyond that required to meet relocatee demand.

For FY1998, ONHIR received appropriations of $15 million. For FY1999 the Administration proposed the same amount. The Senate Appropriations Committee agreed with the Administration figure, while the House of Representatives approved $13 million, a 13% reduction from FY1998. In the Interior appropriations portion of the FY1999 omnibus appropriations act, Congress approved $13 million for the ONHIR.

Other Related Agencies

One of the pervasive issues for the programs and agencies delineated below is whether federal government support for the arts and culture is an appropriate federal role, and if it is, what should be the shape of that support. If the continued federal role is not appropriate, might the federal commitment be scaled back such that greater private support or state support would be encouraged? Each program has its own unique relationship to this overarching issue.

Smithsonian

The Smithsonian Institution (SI) is a museum, education and research complex of 16 museums and galleries and the National Zoo. Nine of its museums and galleries are located on the Mall between the U.S. Capitol and the Washington monument, and counted over 30 million visitors in FY1997. The Smithsonian is estimated to be 70+ percent federally funded. A federal commitment was established by initial legislation in 1846. In addition to receiving federal appropriations, the Smithsonian has private trust funds, which include endowments, donations, and other revenues from its sales stores and magazine.

The FY1999 Clinton Administration budget would have provided $419.8 million to the Smithsonian, and $357.3 million of that amount would be for salaries and expenses. Of the total for the Smithsonian, $16 million (and a request for an advance appropriation of $19 million for FY 2000) would be provided to complete construction of the National Museum of the American Indian (NMAI) on the Mall. The NMAI was controversial; opponents of the new museum argued that the current Smithsonian museums need renovation and repair, and maintenance of the collection with over 140 million items, more than the public needs another museum on the Mall. Proponents felt that there had been too long a delay in providing a museum "in Washington" to house the Indian collection. Private donations to the Smithsonian and a fund-raising campaign totaled $37 million, required to meet the non-appropriated portion of project funding. Of this amount, $15 million came from the Indian community directly. However, the total cost of the American Indian museum was estimated at $110 million; Congress asked that there be an attempt to "scale down" the plans and cost. The final FY1998 Interior appropriations provided $29 million for the construction of the American Indian Museum.

The FY1999 budget would have included $40 million for repair and renovation of the Smithsonian. Four of the Smithsonian's buildings account for approximately 30% of the SI's public space: the National Museum of Natural History (built in 1910), the American Art and

Portrait Gallery (built between 1836 and 1860), the Castle building (built 1846), and the Arts and Industries building (1849). The cost to renew these four buildings is approximately $200 million. The Smithsonian contends that funding for repair and renewal of SI's facilities has not kept pace with need, resulting in accelerated deterioration of the physical plant.

The Smithsonian has indicated that it has completed a 5 year strategic plan and an associated performance plan for FY1999 under the Government Performance and Results Act of 1993 and in keeping with the Smithsonian's mission. On another matter, the final report of the Latino Oversight committee, *Toward a Shared Vision: U.S. Latinos and the Smithsonian Institution*, was released in October 1997. It indicates that although there is a significant change in commitment at the top (SI management) toward including Latinos in all aspects of the Smithsonian, some of the implementation of the plan has lagged. Latinos accounted for only 2% of senior Smithsonian personnel and 4% as members of Smithsonian boards and commissions. Those critical of the Smithsonian urge that Latino representation be addressed in this budget cycle.

The Smithsonian marked its 150th anniversary in FY1997 and generated public programs associated with it including "America's Smithsonian," a traveling exhibit. The Smithsonian indicated that the traveling exhibit (free to the public) was too costly, and to offset the cost, SI might institute admission charges for special exhibits in the Smithsonian buildings on the Mall. In view of the trend toward diminished federal support, the Smithsonian has also begun to use bond issues for some construction projects including the renovation of the National Museum of Natural History and the Dulles National Air and Space Museum extension.

On June 18, 1998, the House Interior Appropriations Subcommittee marked up the FY1999 Interior appropriations bill, allowing $397.5 million for the Smithsonian. On June 25, the House Appropriations Committee concurred with the earlier estimate that would provide $397.449 million, (allowing $346.449 million for salaries and expenses). Also, on June 25, the Senate Appropriations Committee ordered reported the Interior bill providing $404.554 million for the Smithsonian (allowing $352.154 million for salaries and expenses, and providing $16 million for construction of the National Museum of the American Indian.) The full House approved its Appropriations Committee's recommendation. The FY1999 Omnibus Appropriations Act provides $347.154 million for salaries and expenses of the Smithsonian; with $16 million for construction, primarily for the National Museum of the American Indian; and $40 million for repair and restoration of Smithsonian buildings.

For further information on the *Smithsonian*, see its World Wide Web site at http://www.si.edu/

National Endowment for the Arts, National Endowment for the Humanities, and Institute of Museum Services

One of the primary vehicles for federal support for arts, humanities and museums is the National Foundation on the Arts and the Humanities, composed of the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), and the Institute of Museum Services (IMS, now a newly constituted Institute of Museum and Library Services (IMLS) with an Office of Museum Services (OMS)). The authorizing act, the National Foundation on the Arts and the Humanities Act, has expired but has been operating on temporary authority through appropriations law. The last reauthorization for the National Foundation on the Arts and the Humanities occurred in 1990 and expired in FY1993. Authority has been carried through appropriations language since that time. The 104th Congress established the Institute of Museum and Library Services (IMLS) under P.L. 104-208.

Among the questions Congress is considering is whether funding for the arts, humanities, and museums is an appropriate federal role and responsibility. The current climate of budget

constraints raises questions about the need for such support. Some argue that NEA and NEH should be abolished altogether, contending that the federal government should not be in the business of supporting arts and humanities. They also argue that culture can and does flourish on its own through private support. Proponents of federal support for arts and humanities argue that the federal government has a long tradition of such support, beginning with congressional appropriation of funds for works of art to adorn the U.S. Capitol in 1817. Spokesmen for the private sector say that they are unable to make up the gap that would be left by the loss of federal funds for the arts. Some argue that abolishing or any significant reduction to NEA, NEH and IMLS will curtail or eliminate the programs that have national purposes (such as touring theater and dance companies, radio and television shows, etc.)

The Administration's FY1999 budget would provide $136 million for NEA and NEH and $26 million for OMS within the Institute of Museum and Library Services. For the NEA this would include a $15 million increase in state Partnership funds to allow NEA to work with state arts agencies by investing in arts education activities. For the NEH, $5 million in start-up funds would support regional humanities centers as part of a new special initiative *Rediscovering America: the Humanities and the Millennium*. For the IMLS, OMS would receive $17 million for General Operating support to help museums improve the quality of their services to the public—they are already popular, serving over 600 million visitors annually.

In the 105th Congress, elimination of the NEA was once again on a list of priorities for some House members. Among the House Republican leadership, a small group was formed called the "values action team," to coordinate legislative action with conservative groups (e.g., Christian Coalition, Focus on the Family and the Family Research Council). In contrast, the Congressional Member Organization for the Arts (CMO) testified in favor of full support for the arts at the FY1999 Administration budget request level. The President's Committee on the Arts released a publication, *Creative America* that recommends that federal funding be restored for NEA, NEH and IMLS to levels "adequate to fulfill their national roles." The goal expressed was for appropriations to equal $2.00 per person by the year 2000 for all three agencies.

The controversy involving charges of obscenity concerning a small number of NEA individual grants remains an issue despite attempts to resolve these problems through statutory provisions. To date, no NEA projects have been judged obscene by the courts. In addition, a federal appeals court (Nov. 5, 1996) upheld an earlier decision, ruling that applying the "general standards of decency" clause to NEA grants was "unconstitutional." Prior to the federal appeals court decision, Congress eliminated funding for most grants to individual artists; and in anticipation of the Congress's action, NEA had already eliminated grants to individuals by arts discipline except to maintain Literature fellowships, Jazz masters and National Heritage fellowships in the Folk and Traditional Arts. On June 25, 1998, the Supreme Court reversed the federal appeals court decision for ***NEA v. Finley*** by a vote of 8 to 1, stating that the NEA can consider "general standards of decency" when judging grants for artistic merit, and that the decency provision does not "inherently interfere with First amendment rights nor violate constitutional vagueness principles."

On November 14, 1997, the FY1998 Interior Appropriations bill was enacted as P.L. 105-83. In spite of attempts by the House to eliminate funding for NEA, the Congress approved $98 million for NEA, $110.7 million for NEH, and $23.280 million for the OMS, IMLS, with reform language included for NEA. The NEA reform measures included an increase in the percentage of funding to states for basic state arts grants and for grants to underserved populations from 35% to 40%. In addition, language emphasizing arts education was included. There would be a 15% cap on funds allocated to each state, exempting only those grants with a national impact. It was recommended that three members of the House and three members of the Senate serve on the

National Council on the Arts, and that the size of the National Council be reduced to 20 from 26. Both NEA and NEH were given specific authority to solicit funding and to invest those funds.

On June 18, 1998, the House Interior Appropriations Subcommittee marked up the FY1999 Interior Appropriations bill, allowing $23 million for the IMLS-OMS, $110 million for NEH, and recommending "termination of $98 million for the National Endowment for the Arts." On June 25, the House Appropriations Committee restored $98 million for NEA (an amendment to restore funding was adopted by a vote of 31-27) under the FY1999 Interior appropriations bill. Also, on June 25, the Senate Appropriations Committee ordered reported the FY1999 Interior appropriations, providing $100.060 million for NEA, and $110.7 million for NEH, and $23.280 million for the OMS, IMLS.

On July 21, 1998, during consideration of the FY1999 Interior Appropriations bill, the House voted (253-173) to approve an amendment to restore $98 million for the NEA in FY1999. Prior to this vote the House, on a point of order, had removed $98 million for NEA, stating that there was no program authorization. On July 23, the full House approved H.R. 4193, which included the above noted House figures. The FY1999 Omnibus Appropriations Act provided $98 million for the NEA, $110.7 million for NEH, and $23.405 million for the OMS.

(**Notes on reauthorization:** The authorization has expired for the National Foundation on the Arts and the Humanities Act. The 104th Congress considered but did not enact legislation to reauthorize the National Foundation on the Arts and the Humanities. However, the Institute of Museum and Library Services (IMLS) was authorized through the Omnibus Consolidated Appropriations Act of 1997, merging the previous Institute of Museum Services with library resources programs. On July 23, 1997, the Senate Labor and Human Resources Committee ordered reported S. 1020, a bill to reauthorize for 5 years the National Foundation on the Arts and the Humanities Act of 1965. There was no further action on the arts reauthorization; although some of the reforms placed in the Interior appropriations bill for FY1998 (P.L. 105-83) were similar to provisions in S. 1020.)

For further information on the *National Endowment for the Arts*, see its site at http://arts.endow.gov/

For further information on the *Institute of Museum Services*, see its site at http://www.imls.fed.us/

For Additional Reading

CRS Products

CRS Report 97-206 ENR. *Appropriations for FY1998: Interior and Related Agencies*, by Alfred R. Greenwood, 45 p.

CRS Report 97-904 GOV. *Fiscal Year 1998 Continuing Resolution*, by Sandy Streeter, 6 p.

Title I: Department of the Interior

CRS Report 98-479 ENR. *Department of the Interior Budget Request for FY1999: An Overview*, by Alfred R. Greenwood, 53 p.

CRS Report 97-332 ENR. *Department of the Interior Budget Request for FY1998*, by Alfred R. Greenwood, 34 p.

CRS Report 96-514 ENR. *Department of the Interior Budget Request for FY1997*, by Alfred R. Greenwood, 31 p.

CRS Issue Brief 95003. *Endangered Species: Continuing Controversy*, by M. Lynne Corn. (Updated regularly)

CRS Report 97-851 A. *Federal Indian Law: Background and Current Issues*, by M. Maureen Murphy, 29 p.

CRS Report 98-36 ENR. *Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention*, by Ross W. Gorte and Pamela Baldwin, 12 p.

CRS Report 90-192 ENR. *Fish and Wildlife Service: Compensation to Local Governments*, by M. Lynne Corn, 37 p.

CRS Report 96-450 ENR. *Grazing Fees: An Overview*, by Betsy A. Cody, 6 p.

CRS Issue Brief 96006. *Grazing Fees and Rangeland Management*, by Betsy A. Cody. (Updated Regularly)

CRS Report 96-123 EPW. *Historic Preservation: Background and Funding*, by Susan Boren, 5 p. (Updated regularly)

CRS Report 93-793 A. *Indian Gaming Regulatory Act: Judicial and Administrative Interpretations*, by M. Maureen Murphy, 28 p.

CRS General Distribution Memorandum. *Indian Issues in the 105th Congress*, by Roger Walke, 5 p.

CRS Report 97-792 ENR. *Land and Water Conservation Fund: Current Status and Issues*, by Jeffrey Zinn, 6 p.

CRS Report 95-599 ENR. *The Major Federal Land Management Agencies: Management of Our Nation's Lands and Resources*, Coordinated by Betsy A. Cody, 45 p.

CRS Report 94-438 ENR. *Mining Law Reform: the Impact of a Royalty*, by Marc Humphries, 14 p.

CRS report 95-259 ENR. *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by M. Lynne Corn, 10 p.

CRS Report 95-145 SPR. *U.S. Geological Survey: Its Mission and Its Future*, by James E. Mielke, 6 p.

Title II: Related Agencies

CRS Report 97-539 EPW. *Arts and Humanities: Funding and Reauthorization in the 105th Congress*, by Susan Boren, 15 p.

CRS Report 95-15 ENR. *Below-Cost Timber Sales: Overview*, by Ross W. Gorte, 20 p.

CRS Issue Brief 96020. *The Department of Energy's FY1997 Budget*, Coordinated by Marc Humphries. (Updated regularly)

CRS Report 90-275 SPR. *Energy Conservation and Electric Utilities: Developments and Issues in Regulating Program Profitability*, by Fred Sissine, 25 p.

CRS Issue Brief 95085. *Energy Efficiency: A New National Outlook?*, by Fred Sissine. (Updated regularly)

CRS Report 98-233 ENR. *Federal Timber Harvests: Implications for U.S. Timber Supply*, by Ross W. Gorte, 6 p.

CRS Report 95-548 ENR. *Forest Health: Overview*, by Ross W. Gorte, 5 p.

CRS Report 97-706 ENR. *Forest Roads: Construction and Financing*, by Ross W. Gorte, 6 p.

CRS Report 97-14 ENR. *The Forest Service Budget: Trust Funds and Special Accounts*, by Ross W. Gorte and M. Lynne Corn, 43 p.

CRS Report 94-866 EPW. *Health Care Fact Sheet: Indian Health Service*, by Jennifer A. Neisner, 2 p.

CRS Report 96-191 SPR. *The Partnership for a New Generation of Vehicles (PNGV)*, by Fred Sissine, 24 p.

CRS Report 95-364 ENR. *Salvage Sales and Forest Health*, by Ross W. Gorte, 5 p.

CRS Report 96-569 ENR. *The Salvage Timber Sale Rider: Overview and Policy Issues*, by Ross W. Gorte, 6 p.

CRS Issue Brief IB87050. *The Strategic Petroleum Reserve*, by Robert Bamberger. (Updated regularly)

Other References

Report of the Joint Tribal/BIA/DOI Advisory Task Force on Reorganization of the Bureau of Indian Affairs to the Secretary of the Interior and the Appropriations Committees of the United States Congress. [Washington: The Task Force]. August 1994.

Selected World Wide Web Sites

Information regarding the budget, supporting documents, and related departments, agencies and programs is available at the following web or gopher sites.

House Committee on Appropriations.

http://www.house.gov/appropriations

Senate Committee on Appropriations.

http://www.senate.gov/~appropriations/

CRS Appropriations Products Guide.

http://www.loc.gov/crs/products/apppage.html

Congressional Budget Office.

http://www.cbo.gov/

General Accounting Office.

http://www.gao.gov

Office of Management and Budget.

http://www.whitehouse.gov/WH/EOP/OMB/html/ombhome.html

Title I: Department of the Interior

Department of the Interior (DOI).

http://www.doi.gov/

Department of the Interior's Office of the Budget.

http://www.doi.gov/budget/

Bureau of Land Management (BLM).

http://www.blm.gov/

Fish and Wildlife Service (FWS).

http://www.fws.gov/

National Park Service (NPS).

http://www.nps.gov/parks.html

U.S. Geological Survey (USGS).

http://www.usgs.gov/

Minerals Management Service (MMS).

http://www.mms.gov/

Office of Surface Mining Reclamation and Enforcement (OSM).

http://www.osmre.gov/osm.htm

Bureau of Indian Affairs (BIA).

http://www.doi.gov/bureau-indian-affairs.html

Office of Special Trustee for American Indians.

http://www.ost.doi.gov/

Insular Affairs.

http://www.doi.gov/oia/index.html

Title II: Related Agencies and Programs

Department of Agriculture (USDA).

http://www.usda.gov/

Department of Agriculture: U.S. Forest Service.

http://www.fs.fed.us/

USDA Strategic Plan.

http://www.usda.gov/ocfo/strat/index.htm

Department of Energy (DOE).

http://www.doe.gov/

Fossil Energy.

http://www.fe.doe.gov/

Strategic Petroleum Reserve/Naval Petroleum Reserve.

http://www.fe.doe.gov/programs/reserves

Energy Efficiency.

http://www.eren.doe.gov/

Department of Health and Human Services.

http://www.dhhs.gov

Indian Health Service (IHS).

http://www.ihs.gov/

Smithsonian.

http://www.si.edu/

National Endowment for the Arts.

http://arts.endow.gov/

Institute of Museum Services.

http://www.imls.fed.us/

Table 3. Department of the Interior and Related Agencies Appropriations

(in thousands of dollars)

Bureau or Agency	FY1998[b] Enacted	FY1999 Request	House Bill[c]	Senate Bill[d]	P.L. 105-277
Title I: Department of the Interior					
Bureau of Land Management	1,136,001	1,233,659	1,175,557	1,200,697	1,190,695
U.S. Fish and Wildlife Service	772,539	818,228	744,885	797,352	802,192
National Park Service	1,655,134	1,753,102	1,606,079	1,661,531	1,748,224
U.S. Geological Survey	760,358	806,883	774,838	772,115	797,896
Minerals Management Service	150,314	128,520	122,520	123,393	124,020
Office of Surface Mining Reclamation and Enforcement	273,061	276,956	278,765	275,966	278,769
Bureau of Indian Affairs	1,703,269	1,844,136	1,713,517	1,701,999	1,746,428
Departmental Offices	250,073	260,679	248,800	252,549	266,052
Total, Title I	**6,700,749**	**7,122,163**	**6,664,961**	**6,785,602**	**6,954,276**
Title II: Related Agencies					
Forest Service	2,565,550	2,656,809	2,522,884	2,622,534	2,751,853
Department of Energy	1,255,651	1,441,529	1,233,429	1,251,809	1,316,878
Clean Coal Technology	-101,000	-40,000	—	- 40,000	- 40,000
Fossil Energy	362,403	383,408	315,558	376,431	384,056
Alternative Fuels Production	-1,500	-1,300	-1,300	-1,300	-1,300
Naval Petroleum and Oil Shale Reserves	107,000	22,500	14,000	14,056	14,000
Energy Conservation	611,723	808,500	675,250	677,701	691,701
Economic Regulation	2,725	1,801	1,801	1,801	1,801
Strategic Petroleum Reserve	207,500	160,120	160,120	155,120	160,120

Bureau or Agency	FY1998[b] Enacted	FY1999 Request	House Bill[c]	Senate Bill[d]	P.L. 105-277
(SPR)					
(By Transfer)	207,500	0	—	—	—
Energy Information Administration	66,800	70,500	68,000	68,000	70,500
Indian Health	2,098,712	2,118,349	2,246,128	2,152,118	2,239,787
Indian Education[a]	0	0	0	0	0
Office of Navajo and Hopi Indian Relocation	15,000	15,000	13,000	15,000	13,000
Institute of American Indian and Alaska Native Culture and Arts Development	4,250	3,188	—	3,188	4,250
Smithsonian	402,258	419,800	397,449	404,554	407,554
National Gallery of Art	62,029	64,249	64,249	64,249	64,249
John F. Kennedy Center for the Performing Arts	20,375	33,000	21,187	33,000	32,187
Woodrow Wilson International Center for Scholars	5,840	6,040	5,840	5,840	5,840
National Endowment for the Arts	98,000	136,000	98,000	100,060	98,000
National Endowment for the Humanities	110,700	136,000	110,700	110,700	110,700
Institute of Museum Services	23,280	26,000	23,405	23,280	23,405
Commission of Fine Arts	907	898	898	898	898
National Capital Arts and Cultural Affairs	7,000	7,500	7,000	7,000	7,000
Advisory Council on Historic Preservation	2,745	3,000	2,800	2,800	2,800
National Capital Planning Commission	5,740	6,212	5,954	5,954	5,954
Holocaust Memorial Council	31,707	32,607	31,707	32,607	32,107
Presidio Trust	—	39,913	39,913	29,913	34,913
Total, Title II: Related Agencies	**6,709,744**	**7,146,094**	**6,824,543**	**6,865,504**	**7,151,375**
Title V: Priority Land Acquisitions and Exchanges					
Priority Land Acquisitions and Exchanges	699,000	0	—	—	—
Title VI: Department of Commerce					
National Oceanic and Atmospheric Administration	—	—	—	6,600	—
Grand Total (Amounts in Bill)	**14,109,493**	**14,268,257**	**13,489,504**	**13,657,706**	**14,105,651**
Scorekeeping Adjustments	**(- 255,665)**	**(- 145,000)**	**(- 61,000)**	**(- 195,000)**	**—**

Bureau or Agency	FY1998[b] Enacted	FY1999 Request	House Bill[c]	Senate Bill[d]	P.L. 105-277
Total Mandatory and Discretionary	**13,853,828**	**14,123,257**	**13,428,504**	**13,462,706**	**—**
Mandatory	55,633	58,520	58,520	58,520	—
Total Discretionary	13,798,195	14,064,737	13,369,984	13,404,186	—

Source: House Appropriations Committee.

a. No longer funded in the Interior Appropriations bill. Beginning in FY1998, Indian Education was funded in the Labor, Health and Human Services, and Education Appropriations.

b. Includes Emergency Supplemental (P.L. 105-174) netted into accounts.

c As passed by the House on 7/23/98.

d As reported by the Senate Appropriations Committee on 6/25/98.

Table 4. Congressional Budget Recap

(in thousands of dollars)

Bureau or Agency	FY1998[a] Enacted	FY1999 Estimates	FY1999 compared with FY1998
Scorekeeping adjustments			
Energy Conservation	- 20,000	- 4,000	+ 16,000
Range Improvements (Indefinite)	- 2,000	—	+ 2,000
MMS spending from offsetting collections	3,000	—	- 3,000
NPR spending of additional receipts	2,000	—	- 2,000
Recreation fees (P.L. 105-18)	15,000	—	- 15,000
Recreation fees direct spending (this bill)	55,000	—	- 55,000
Denali National Park mining claims	12,000	—	- 12,000
Indian Gaming Commission - Assessment of fees	- 2,000	—	+ 2,000
Conveyance of mineral rights to Montana	1,000	—	- 1,000
Hard rock mining fees	—	- 39,000	- 39,000
Emergency appropriations	- 314,385	- 102,000	+ 212,385
Bureau of Mines rescission (P.L. 105-174)	- 1,605	—	+ 1,605
MMS offset (P.L 105-174)	- 3,675	—	+ 3,675
Total, adjustments	**- 255,665**	**- 145,000**	**+ 110,665**
Total (including adjustments)	**13,853,828**	**14,123,344**	**+ 269,516**
Amounts in this bill	(14,109,493)	(14,268,344)	(+ 158,851)
Scorekeeping adjustments	(- 255,665)	(- 145,000)	(+ 110,665)
Total mandatory and discretionary	**13,853,828**	**14,123,344**	**+ 269,516**
Mandatory	(55,633)	(58,520)	(+ 2,887)
Discretionary	(13,798,195)	(14,064,824)	(+ 266,629)

Source: House Appropriations Committee.

a. Includes Emergency Supplemental (P.L. 105-174) netted into accounts.

Table 5. Historical Appropriations Data from FY1993 to FY1998

(in thousands of dollars)

Agency or Bureau	FY1993	FY1994	FY1995[a]	FY1996	FY1997	FY1998 Enacted
Department of the Interior						
Bureau of Land Management	1,028,261	1,069,388	1,099,005	1,105,955	1,195,648	1,137,852
U.S. Fish and Wildlife Service	750,288	679,712	671,038	645,831	670,596	745,387
National Biological Survey	—	167,209	162,041	—	—	—
National Park Service	1,385,963	1,416,632	1,387,329	1,367,667	1,425,858	1,646,926
U.S. Geological Survey	578,187	584,585	571,462	732,163	740,051	759,160
Minerals Management Service	200,670	198,526	194,621	188,995	163,395	143,639
Bureau of Mines	174,235	169,436	152,427	64,000	—	—
Office of Surface Mining/Rec	300,836	301,849	293,407	269,857	271,757	273,061
Bureau of Indian Affairs	1,569,967	1,777,653	1,730,970	1,588,412	1,618,274	1,701,991
Territorial and Int'l Affairs	124,622	127,847	124,679	—	—	—
Departmental Offices	122,300	132,147	124,022	236,242	240,020	241,195
Total for Department	6,235,369	6,625,086	6,507,897	6,199,122	6,325,599	6,649,211
Related Agencies						
U.S. Forest Service	2,345,207	2,372,770	2,803,602	2,363,173	2,919,564	2,506,568
Department of Energy	808,318	1,471,261	1,265,887	1,179,156	1,020,097	1,048,151
Indian Health	1,858,419	1,942,859	1,963,062	1,986,800	2,054,000	2,098,612
Indian Education[b]	80,583	83,500	81,341	52,500	61,000	—
Office of Navajo and Hopi	24,698	26,936	24,888	20,345	19,345	15,000
Inst. of Amer. Indian and Alaska	9,312	12,563	11,213	5,500	5,500	4,250
Smithsonian	344,273	342,149	362,706	376,092	371,342	402,258
National Gallery of Art	54,719	54,739	56,918	58,286	60,223	62,029
JFK Center for Performing Arts	20,629	20,629	19,306	19,306	24,875	20,375
W. Wilson Center for Scholars	6,252	6,352	8,878	5,840	5,840	5,840

Agency or Bureau	FY1993	FY1994	FY1995[a]	FY1996	FY1997	FY1998 Enacted
National Endowment for the Arts	174,460	170,228	162,358	99,494	99,494	98,000
National Endowment Humanities	177,413	177,491	172,044	110,000	110,000	110,700
Institute of Museum Services	28,454	28,777	28,715	21,000	22,000	23,280
Commission of Fine Arts	791	805	834	834	867	907
Nat. Cap. Arts and Cultural Aff.	7,000	7,500	7,500	6,000	6,000	7,000
Advisory Council on Hist. Preserv.	2,757	2,959	2,947	2,500	2,500	2,745
Nat. Cap. Planning Commission	5,750	5,868	5,655	5,090	5,390	5,740
FDR Memorial Commission	535	49	48	147	500	—
Penn Ave Development Corp.	14,078	14,220	6,822	—	—	—
Holocaust Memorial Council	21,268	21,679	26,609	28,707	31,707	31,707
Total for Related Agencies	**5,964,587**	**6,763,354**	**7,011,333**	**6,340,770**	**6,820,244**	**6,443,162**
Grand Total for All Agencies[c]	**12,199,956**	**13,388,440**	**13,519,230**	**12,539,892**	**13,145,843**	**13,791,373**

[a]Incorporates reductions included in the FY1995 Rescissions Bill, H.R. 1944 (P.L. 104-19).

[b]Beginning in FY1998, Indian Education will be funded in the Labor, Health and Human Services, and Education Appropriations.

[c]The FY1997 enacted amount totals $13,514,435 with funding of $386,592 included in the Emergency Supplemental Appropriations bill, (P.L. 105-18).

Author Information

Alfred R. Greenwood, Coordinator
Senior Analyst in Natural Resources Policy

Key Policy Staff

Area of Expertise	Name	CRS Division
Arts, Humanities, Cultural Affairs	Susan Boren	EPW
Bureau of Land Management	Carol Hardy-Vincent	ENR
Energy Conservation	Fred Sissine	STM
Fish and Wildlife Service	M. Lynne Corn	ENR
Forest Service	Ross. W. Gorte	ENR
Fossil Energy	Marc Humphries	ENR
Indian Affairs	Roger Walke	GOV
Indian Health Service	Cecilia Echeverria	EPW
Insular Affairs	Andorra Bruno	GOV
Interior Budget Data/Coordinator	Alfred R. Greenwood	ENR
Minerals Management Service	Marc Humphries	ENR
National Park Service	David Whiteman	ENR
Naval/Strategic Petroleum Reserve	Robert Bamberger	ENR
Surface Mining and Reclamation	Robert Bamberger	ENR
U.S. Geological Survey	James Mielke	STM
Report Preparation and Support	Carol Canada	ENR

Division abbreviations: ENR = Environment and Natural Resources; EPW = Education and Public Welfare; GOV = Government; STM = Science, Technology, and Medicine.

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