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Appropriations for FY2005: Interior and Related Agencies

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Summary

The Interior and related agencies appropriations bill includes funds for the Department of the Interior (DOI), except for the Bureau of Reclamation, and for some agencies or programs within three other departments—Agriculture, Energy, and Health and Human Services. It also funds numerous related agencies. H.R. 4568, the Interior and Related Agencies Appropriations bill for FY2005, was passed by the House (334-86) on June 17, 2004. The bill contained $20.03 billion. The Senate companion bill, S. 2804, was reported by the Senate Committee on Appropriations (S.Rept. 108-341) on September 14, 2004 and would have provided $20.26 billion. Both the House passed and Senate committee-reported bills reflected an increase over the President's FY2005 request ($19.69 billion), but a decrease from the FY2004 enacted level ($20.51 billion). Both FY2005 bills included $500 million for emergency firefighting for FY2005, with emergency funds available if certain conditions are met.

FY2005 appropriations for Interior and related agencies ultimately were included in the Consolidated Appropriations Act for FY2005 (P.L. 108-447; December 8, 2004). The law contains a total of $20.09 billion for Interior and related agencies, including $493.1 million for emergency firefighting if certain conditions are met. These figures reflect two across-the-board rescissions in the law, of 0.594% and 0.80%. The FY2005 total is a decrease of $424.6 million (2%) from the FY2004 level, but an increase of $403.3 million (2%) over the FY2005 request. Also, the FY2005 total is more than ($59.4 million, 0.3%) the House passed level, but less than ($167.3 million, 0.8%) the amount reported by the Senate Committee on Appropriations. Prior to enactment of P.L. 108-447, a series of continuing resolutions were enacted to provide temporary funding for FY2005 for Interior and related agencies.

The House, Senate, and conference committee debated many controversial policy issues during consideration of FY2005 funding. They included the appropriate funding level for wildland fire fighting, land acquisition, and the arts; agency competitive sourcing activities; agency maintenance backlogs; Indian trust fund management; Outer Continental Shelf leasing; filling the Strategic Petroleum Reserve (SPR); alteration of the Abandoned Mine Lands fund; snowmobiling in Yellowstone National Park; management of wild horses and burros on federal lands; categorical exclusions for grazing on Forest Service lands; and Missouri River management. Other contentious provisions related to lands and resources in Alaska, such as development of roads in the Tongass National Forest (AK); challenges to logging projects in Alaska; and an exchange of lands in the Yukon Flats National Wildlife Refuge (AK). Some of the controversial provisions (both general and Alaska related) were not enacted into law.

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Most Recent Developments

H.R. 4568, the Consolidated Appropriations Act for FY2005, became the vehicle for appropriations for Interior and related agencies. The measure was enacted into law on December 8, 2004 (P.L. 108-447). The law contains a total of $20.09 billion for Interior and related agencies, including two across-the-board rescissions in the law.

Introduction

The annual Interior and related agencies appropriations bill includes funding for agencies and programs in four separate federal departments, as well as numerous related agencies and bureaus. The bill includes funding for the Department of the Interior (DOI), except for the Bureau of Reclamation (funded in Energy and Water Development Appropriations laws), and for some agencies or programs in three other departments—Agriculture, Energy, and Health and Human Services. Title I of the bill includes agencies within the Department of the Interior which manage land and other natural resource or regulatory programs, the Bureau of Indian Affairs, and insular areas. Title II of the bill includes the Forest Service of the Department of Agriculture; several activities within the Department of Energy, including research and development programs, the Naval Petroleum and Oil Shale Reserves, and the Strategic Petroleum Reserve; and the Indian Health Service 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.

In this report, appropriations levels enacted for FY2005 reflect two across-the-board rescissions contained in P.L. 108-447. In general, the term *appropriations* represents total funds available, including regular annual and supplemental appropriations, as well as rescissions, transfers, and deferrals, but excludes permanent budget authorities. Increases and decreases generally are calculated on comparisons between the funding levels appropriated for FY2004, requested by the President for FY2005, and recommended and appropriated by Congress for FY2005. The House Committee on Appropriations is the primary source of the funding figures used throughout the report. Other sources of information include the Senate Committee on Appropriations, agency budget justifications, and the *Congressional Record*. In the tables throughout this report, some columns of funding figures do not add to the precise totals provided due to rounding. Finally, some of the DOI websites provided throughout the report and listed at the end have not been consistently operational due to a court order regarding Indian trust funds litigation. Nevertheless, they are included herein for reference when the websites are operational.

FY2004 Budget and Appropriations

For FY2004, Congress enacted a total appropriation of $20.51 billion. This total was higher than the FY2003 funding level ($20.11 billion). It reflects an across-the-board cut of 0.646% in the FY2004 Interior and Related Agencies Appropriations Act (P.L. 108-108) and an additional across-the-board cut of 0.590% in the Consolidated Appropriations Act of 2004 (P.L. 108-199). It also reflects a supplemental appropriation of $500.0 million for urgent wildland fire suppression.

Many controversial issues arose during consideration of the FY2004 Interior and related agencies appropriations bill. Key funding issues included the appropriate levels of funding for wildland firefighting and land acquisition. In other controversial areas, the FY2004 law (1) continued the automatic renewal of expiring grazing permits and leases for FY2004—FY2008; (2) extended the

Recreational Fee Demonstration Program; (3) modified procedures for seeking judicial review of timber sales in Alaska, primarily in the Tongass National Forest; (4) capped funds for competitive sourcing efforts of agencies and required documentation on the initiative; and (5) led to a stay of a court decision requiring an accounting of Indian trust funds and trust asset transactions since 1887. However, the FY2004 law dropped language on other contentious issues, including barring funds from being used (1) to implement changes to BLM regulations on Recordable Disclaimers of Interest in Land, (2) for the Klamath Fishery Management Council, and (3) for Outer Continental Shelf leasing activities in the North Aleutian Basin planning area, which includes Bristol Bay, Alaska. For further information on these issues and FY2004 funding generally, see CRS Report RL31806, *Appropriations for FY2004: Interior and Related Agencies*, by Carol Hardy Vincent and Susan Boren.

FY2005 Budget and Appropriations

Current Overview

Annual appropriations for Interior and related agencies were included in P.L. 108-447, the Consolidated Appropriations Act for FY2005. The law contains a total of $20.09 billion for Interior and related agencies, including two across-the-board rescissions in the law, of 0.594% and 0.80%.

The law provides $2.97 billion for wildfire protection for FY2005, under the National Fire Plan. That plan comprises the Forest Service wildland fire program and firefighting on DOI lands. The total includes $493.1 million for emergency firefighting if certain conditions are met. The law also provides $255.5 million for the Land and Water Conservation Fund for federal land acquisition ($164.3 million) and grants to states ($91.2 million).

Earlier Action on Appropriations

The President's FY2005 budget request for Interior and related agencies totaled $19.69 billion. The House and Senate Appropriations Subcommittees on the Interior held a series of hearings on the FY2005 budget requests. Subsequently, on June 3, 2004, the House Subcommittee on Interior appropriations approved the draft Interior appropriations bill and on June 9, 2004, the House Committee on Appropriations marked up and ordered the bill reported with amendments. The Committee bill was reported on June 15, 2004 (H.Rept. 108-542). The bill contained a total of $20.03 billion for FY2005, including $500 million for emergency wildland firefighting. (The bill also contained $500 million for FY2004 for emergency wildland firefighting, which was enacted subsequently in other legislation.) A full committee amendment to the bill removed $227.0 million for the Weatherization Assistance Program with the expectation that the funds would be added to the appropriations bill for Labor, HHS, Education, and Related Agencies. H.R. 4568, the Interior and Related Agencies Appropriations bill for FY2005, was passed by the House (334-86) on June 17, 2004. The bill also contained $20.03 billion.

H.R. 4568 was referred to the Senate Committee on Appropriations on June 21, 2004. However, the Senate Appropriations Subcommittee on the Interior approved its own bill on June 23, 2004, reportedly containing $19.76 billion plus $1.0 billion for emergency firefighting for FY2004 and FY2005 if needed. On September 14, 2004, the Senate Committee on Appropriations reported its bill (S. 2804, S.Rept. 108-341) with $20.26 billion, including $500 million in supplemental fire funds. The Committee rejected a contentious amendment to strike language in the bill to change a trigger that requires the U.S. Army Corps of Engineers to implement drought conservation

measures on the Missouri River. The Committee also voted to reauthorize collection of the fee for the Abandoned Mine Land Fund through May 31, 2005.

Both the House-passed and Senate Committee-reported bills reflected an increase over the President's FY2005 request ($19.69 billion), but a decrease from the FY2004 enacted level ($20.51 billion). The FY2004 enacted level reflected $500 million in supplemental funding for emergency firefighting. Similarly, both the House-passed and Senate Committee-reported bills included $500 million for emergency firefighting for FY2005; emergency funds would become available if certain conditions are met. (The House bill also contained $500 million for emergency firefighting for FY2004, included prior to the enactment of supplemental funds for this purpose in P.L. 108-287).

The FY2005 House-passed bill contained higher funding than the Senate Committee-reported bill in areas including

- Fossil Energy Research and Development, +59.3 million
- Bureau of Indian Affairs, +$58.7 million
- Indian Health Service, +$35.6 million
- Clean Coal Technology, +20.0 million
- National Endowment for the Arts, +$10.0 million
- National Endowment for the Humanities, +6.7 million.

The FY2005 House-passed bill contained lower funding as compared to the Senate Committee-reported bill in areas including:

- Energy Conservation, -$198.2 million
- Federal Land Acquisition, -$168.6 million
- National Park Service, -$92.4 million
- U.S. Fish and Wildlife Service, -$46.3 million
- Bureau of Land Management, -$29.6 million
- Forest Service, -$24.8 million
- Smithsonian Institution, -$7.2 million.

P.L. 108-447 provides $2.97 billion for the National Fire Plan for FY2005. The House-passed bill contained $3.02 billion, and the Senate committee-reported bill included $2.98 billion. These figures include $500 million for emergency fire fighting for FY2005 that would become available if certain conditions are met ($493.1 million enacted, after rescissions). The President had requested $2.47 billion for the National Fire Plan for FY2005, and Congress had enacted $3.27 billion for FY2004, including supplemental funding.

For federal land acquisition and grants to states, under the Land and Water Conservation Fund, $255.5 million was enacted for FY2005. The House-passed bill included $140.0 million. An amendment to increase funding for land acquisition was defeated by the House Committee on Appropriations. The Senate committee-reported bill contained significantly higher funds—$311.1 million. The President had requested $314.0 million for FY2005.

Prior to enactment of P.L. 108-447, a series of continuing resolutions were enacted to provide temporary funding for FY2005 for Interior and related agencies. These resolutions were necessary because FY2005 began on October 1, 2004, without enactment of annual appropriations for Interior and related agencies (as well as for other departments and agencies).

Major Issues

Controversial policy and funding issues typically have been debated during consideration of the annual Interior and related agencies appropriations bills. Debate on FY2005 funding levels focused on a variety of issues, many of which have been controversial in the past, including the issues listed below.

- *Abandoned Mine Lands (AML) Fund*, including whether, as part of AML reauthorization, to change the program as sought by the Administration to address state and regional concerns, including a change to return unobligated state share balances in the fund to the states. (For more information, see the "Office of Surface Mining Reclamation and Enforcement" section in this report.)
- *Arts and Humanities*, including whether funding for the arts and humanities is an appropriate federal responsibility, and if so what should be the proper level of federal support for cultural activities. (For more information, see the "Smithsonian Institution" and "National Endowment for the Arts and National Endowment for the Humanities" sections in this report.)
- *Competitive Sourcing*, namely the extent to which government functions should be privatized, agency funds can and should be used for such "outsourcing," and agencies are communicating appropriately with Congress on their outsourcing activities. (For more information, see the section in this report on "Competitive Sourcing of Government Jobs.")
- *Grazing, Categorical Exclusions for*, particularly to allow decisions by the Secretary of Agriculture authorizing grazing on Forest Service lands to be categorically excluded from documentation under the National Environmental Policy Act of 1969 (NEPA). (For more information, see the "Department of Agriculture: Forest Service" section in this report.)
- *Indian Trust Funds*, especially the method by which an historical accounting will be conducted of tribal and Individual Indian Money (IIM) accounts to determine correct balances, and a class-action lawsuit against the government involving tribal and IIM accounts. (For more information, see the section in this report on the "Office of Special Trustee for American Indians.")
- *Land Acquisition*, including the appropriate level of funding for the Land and Water Conservation Fund for federal land acquisition and the state grant program, and extent to which the fund should be used for activities not involving land acquisition. (For more information, see "The Land and Water Conservation Fund (LWCF)" section in this report.)
- *Maintenance Backlogs*, primarily the adequacy of agency activities to determine the extent of their maintenance backlogs, the priority of the backlog relative to other agency responsibilities, and the appropriate level of funds to reduce the backlog. (For more information on the backlog of the National Park Service, which has been the focus of the Bush Administration, see the "National Park Service" section in this report.)
- *Missouri River Management*, essentially over the implementation of drought conservation measures on the Missouri River and water levels for upper and lower Missouri River Basin states. (For more information, see the "Missouri River Management" section in this report.)

- *Outer Continental Shelf Leasing*, particularly the moratorium on preleasing and leasing activities in the Eastern Gulf of Mexico; oil and gas leases in offshore California; and the possibility of opening to oil and gas development the North Aleutian Basin Planning Area, which includes Bristol Bay, AK. (For more information, see the "Minerals Management Service" section in this report.)
- *Roads and Timber Harvesting in the Tongass National Forest*, notably (1) whether to allow or prohibit the use of funds for roads for timber harvesting in the Tongass National Forest in Alaska, and (2) whether to extend standards for litigating timber sales in the Tongass. (For more information, see the "Department of Agriculture: Forest Service" section in this report.)
- *Snowmobiling in Park Units*, particularly whether to allow or prohibit the use of funds for snowmobiling in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway. (For more information, see the "National Park Service" section in this report.)
- *Strategic Petroleum Reserve (SPR)*, notably whether the SPR should continue to be filled to capacity as ordered by President Bush. (For more information, see the "Strategic Petroleum Reserve" section in this report.)
- *Wild Horse and Burro Management*, namely new authority for sale of excess wild horses and burros, and removal of provisions of law barring wild horses and burros and their remains from being sold for processing into commercial products. (For more information, see the "Bureau of Land Management" section in this report.)
- *Wildland Fire Fighting*, involving questions about the appropriate level of funding to fight fires on agency lands; advisability of borrowing funds from other agency programs to fight wildfires; implementation of a new program for wildland fire protection and locations for fire protection treatments; and impact of environmental analysis, public involvement, and challenges to agency decisions on fuel reduction activities. (For more information, see the "Bureau of Land Management" and "Forest Service" sections in this report.)
- *Yukon Flats Land Exchange*, involving funds for the Fish and Wildlife Service to acquire lands in the Yukon Flats National Wildlife Refuge (AK) and a related conveyance of federal lands and interests. (For more information, see the "Fish and Wildlife Service" section in this report.)

Status of Bill

Table 1 below contains information on congressional consideration of the FY2005 Interior appropriations bill.

Table 1. Status of Department of the Interior and Related Agencies Appropriations, FY2005

Subcommittee Markup		House Report	House Passage	Senate Report	Senate Passage	Conf. Report	Conference Report Approval		Public Law
House	Senate						House	Senate	
6/03/04	6/23/04	H.Rept. 108-542 6/15/04	6/17/04 (334-86)	S.Rept. 108-341 9/14/04	—	11/20/04 H.Rept. 108-792	11/20/04 (344-51)	11/20/04 (65-30)	12/08/04 P.L. 108-447

Major Funding Trends

During the 10-year period from FY1996 to FY2005, Interior and related agencies appropriations increased by 60% in current dollars, from $12.54 billion to $20.09 billion. See **Table 2** below. During the most recent five years, from FY2001 to FY2005, the rate of increase was much more modest—from $18.89 billion to $20.09 billion, or 6% in current dollars. The single biggest increase during the decade occurred from FY2000 to FY2001, when the total appropriation rose 27% in current dollars, from $14.91 billion to $18.89 billion. Much of the increase was provided to land management agencies for land conservation and wildland fire management. See **Table 22** below for a budgetary history of each agency, bureau, and program from FY2001 to FY2005.

Table 2. Interior and Related Agencies Appropriations, FY2001 to FY2005

(budget authority in billions of current dollars)

FY2001	FY2002	FY2003	FY2004	FY2005
$18.89	$19.16	$20.11	$20.51	$20.09

Note: These figures exclude permanent budget authorities, and generally do not reflect scorekeeping adjustments. However, they do reflect rescissions and supplemental appropriations to date.

Title I: Department of the Interior

Bureau of Land Management

The Bureau of Land Management (BLM) manages approximately 261 million acres of public land for diverse, and, at times, conflicting uses, such as energy and minerals development, livestock grazing, recreation, and preservation. The agency also is responsible for about 700 million acres of federal subsurface mineral resources throughout the nation, and supervises the mineral operations on an estimated 56 million acres of Indian Trust lands. Another key BLM function is wildland fire management on about 370 million acres of DOI, other federal, and certain non-federal land.

For FY2005, Congress enacted $1.82 billion for the BLM, an increase of $57.6 million (3%) over the President's FY2005 request. The enacted level is a decrease of $76.3 million (4%) from the FY2004 enacted level, $59.5 million (3%) from the Senate committee-reported level, and $16.4 million (1%) from the House-passed level. See **Table 3** below.

Management of Lands and Resources

For Management of Lands and Resources, Congress enacted $836.8 million for FY2005. This is a decrease from the FY2004 enacted level, and the levels requested by the President, passed by the

House, and recommended by the Senate Appropriations Committee for FY2005. This line item funds an array of BLM land programs, including protection, recreational use, improvement, development, disposal, and general BLM administration. Some programs would receive increased funds over FY2004, including management of wild horses and burros and management of wildlife. Others would decrease from FY2004, including range management; recreation; and transportation and facilities maintenance, which includes deferred maintenance. Still other programs would be funded at relatively flat levels, including energy and minerals (including Alaska minerals).

The FY2005 law would continue to bar funds from being used for energy leasing activities within the boundaries of national monuments, as they were on January 20, 2001, except where allowed by the presidential proclamations that created the monuments. The law also continues the moratorium on accepting and processing applications for patents for mining and mill site claims on federal lands. However, applications meeting certain requirements that were filed on or before September 30, 1994, would be allowed to proceed, and third party contractors would be authorized to process the mineral examinations on those applications.

The FY2005 law includes changes to wild horse and burro management on federal lands. It provides new authority for agencies to sell excess animals or their remains, and removes provisions of law that had barred wild horses and burros and their remains from being sold for processing into commercial products. Also, the law does not expressly prohibit BLM from slaughtering healthy wild horses and burros, as had past appropriations laws apparently starting in FY1988. These changes have been controversial.

Wildland Fire Management

For Wildland Fire Management for FY2005, Congress enacted $831.3 million, including $98.6 million for emergency firefighting during FY2005 that would become available if certain conditions are met. These contingent funds are intended to preclude borrowing from other BLM programs to fight wildfires; such borrowing has been typical in recent years. The FY2005 enacted level is an increase over the Administration's FY2005 request, but less than enacted for FY2004 and passed by the House and recommended by the Senate Appropriations Committee for FY2005.

For FY2005, Congress enacted a $17.5 million (10%) increase over FY2004 for BLM fuels reduction, particularly in the wildland-urban interface. The Administration, House, and Senate Appropriations Committee had all supported an increase in FY2005 to reduce fuel loads. In its report on the bill, the House Appropriations Committee required the BLM to report on the methods used to prioritize fuel projects, which are to be in common with the Forest Service, to ensure that funds are used for the highest priorities. (For additional information on wildland fires, see the "Department of Agriculture: Forest Service" section in this report.)

For FY2005, Congress enacted a decrease in funds for preparing for fires and for suppressing fires, relative to FY2004 levels. Conferees, in report language, expressed a need to control the cost of suppressing fires. They directed the Secretaries of Agriculture and the Interior to report to Congress by June 30, 2005, on performance measures planned to be used on an interagency basis to improve reporting on fire suppression costs. In earlier action, in its report on the bill, the House Committee on Appropriations expressed concern that fire funding for preparedness and suppression may not maintain the level of readiness needed for public safety that existed in FY2002 and FY2003 (H.Rept. 108-542, p. 17). The Committee directed the BLM to analyze current readiness levels, and adjust the level of funds for preparedness and suppression if the agency determines that maintaining preparedness funding at no less than the FY2003 level will result in lower overall firefighting costs.

The wildland fire funds appropriated to BLM are used for fire fighting on all Interior Department lands. Interior appropriations laws also provide funds for wildland fire management to the Forest Service (Department of Agriculture) for fire programs primarily on its lands. A focus of both departments is implementation of the Healthy Forests Restoration Act of 2003 (P.L. 108-148) and the National Fire Plan, which emphasize reducing hazardous fuels which can contribute to catastrophic fires, among other provisions.

Construction

Congress enacted $11.3 million for BLM construction for FY2005. This level is less than enacted for FY2004 and passed by the House for FY2005, but more than requested by the Administration and recommended by the Senate Committee on Appropriations for FY2005. In their report on the bill, conferees expressed concern about the low level of funding for BLM construction relative to other agencies. They urged the Administration to put more emphasis on funding for deferred maintenance construction projects on BLM lands.

Land Acquisition

For Land Acquisition for FY2005, Congress enacted $11.2 million. Ten acquisition projects would be funded through this appropriation and use of $10.0 million of unobligated balances. In earlier action, the House had not supported funding new acquisitions. Similarly, the House Appropriations Committee did not earmark funds for acquisitions, in contrast to past practice, calling new acquisitions a "low priority" (H.Rept. 108-542, p. 5). By contrast, the Senate Committee on Appropriations had recommended $22.9 million for land acquisition, primarily for 11 earmarked acquisitions. The FY2005 enacted level was a decrease from the President's FY2005 request and the FY2004 enacted level. The FY2004 enacted level of $18.4 million for land acquisition was itself a reduction of the FY2003 level of $33.2 million, due to "the unfocused direction" in agency land acquisition, according to the House Appropriations Committee (H.Rept. 108-195, p. 10). Money for land acquisition is appropriated from the Land and Water Conservation Fund. (For more information, see "The Land and Water Conservation Fund (LWCF)" section in this report.)

Oregon and California Grant Lands

For the (O&C) Grant Lands, which include highly productive timber lands, Congress enacted $107.5 million, an increase over FY2004, but a decrease from the FY2005 requested, House-passed, and Senate committee-reported levels. This activity funds programs related to revested Oregon and California Railroad grant lands and related areas, including for land improvements and managing, protecting, and developing resources on these lands.

Table 3. Appropriations for BLM, FY2004-FY2005

($ in millions)

Bureau of Land Management	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
Management of Lands and Resources	$839.8	$837.5	$840.4	$855.7	$836.8
Wildland Fire Management	883.6[b]	743.1	843.1[c]	843.1	831.3
Central Hazardous Materials Fund	9.9	9.9	9.9	9.9	9.9[d]
Construction	13.8	6.5	15.0	9.0	11.3

Bureau of Land Management	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
Land Acquisition	18.4	24.0	4.5	22.9	11.2
Oregon and California Grant Lands	105.4	116.1	111.6	113.6	107.5
Range Improvements	10.0	10.0	10.0	10.0	10.0
Service Charges, Deposits, and Forfeitures[a]	0.0	0.0	0.0	0.0	0.0
Miscellaneous Trust Funds	12.4	12.4	12.4	12.4	12.4
Total appropriations	**1,893.2**[b]	**1,759.4**	**1,846.8**[c]	**1,876.4**[c]	**1,816.9**[e]

a. The figures of "0" are a result of an appropriation matched by offsetting fees.

b. Includes $98.4 million to replace monies borrowed from other accounts in FY2003 for fire fighting, and $100.0 million for emergency firefighting enacted in P.L. 108-287.

c. Includes $100.0 million for emergency firefighting in FY2005.

d. A rescission of $-13.5 million is not reflected, but is included in the column total.

e. Includes $98.6 million for emergency firefighting in FY2005, and a rescission of $-13.5 million for the Central Hazardous Materials Fund.

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

For further information on the *Bureau of Land Management*, see its website at http://www.blm.gov/nhp/index.htm.

CRS Report RS21402, *Federal Lands, R.S. 2477, and "Disclaimers of Interest"*, by Pamela Baldwin.

CRS Report RL32244, *Grazing Regulations: Changes by the Bureau of Land Management*, by Carol Hardy Vincent.

CRS Report RS20902, *National Monument Issues*, by Carol Hardy Vincent. CRS Report RL32315, *Oil and Gas Exploration and Development on Public Lands*, by Marc Humphries.

CRS Issue Brief IB10076. *Public (BLM) Lands and National Forests*, by Ross W. Gorte and Carol Hardy Vincent, coordinators.

Fish and Wildlife Service

For FY2005, Congress approved $1.332 billion for the U.S. Fish and Wildlife Service (FWS), slightly more than the Administration requested ($1.326 billion) and more than enacted for FY2004 ($1.308 billion). By far the largest portion of the FWS annual appropriation is for the Resources Management account. The President's FY2005 request was $951.0 million, a slight decrease from the FY2004 level of $956.5 million. Congress enacted $962.9 million for FY2005. Among the programs included in Resources Management are the Endangered Species program, the Refuge System, and Law Enforcement.

Endangered Species Funding

Funding for the Endangered Species program is one of the perennially controversial portions of the FWS budget. The Administration proposed to reduce the program from $137.0 million in FY2004 to $129.4 million in FY2005. Congress enacted $143.2 million for FY2005. See **Table 4** below.

A number of related programs also benefit conservation of species that are listed, or proposed for listing, under the Endangered Species Act. The Landowner Incentive Program decreased from $29.6 million in FY2004 to $21.7 million for FY2005. Stewardship Grants fell from $7.4 million in FY2004 to $6.9 million for FY2005. The Cooperative Endangered Species Conservation Fund (for grants to states and territories to conserve threatened and endangered species) declined from $81.6 million in FY2004 to $80.5 million for FY2005. (See **Table 4**.)

Under the President's request, overall FY2005 funding for the endangered species program and related programs would have increased from FY2004 by $23.8 million (9%). As enacted, FY2005 funding for these programs as a group fell $3.4 million (1%).

While certain changes affecting endangered species were supported by some interest groups, they apparently were not offered as amendments during consideration of FY2005 Interior appropriations legislation. These changes reportedly related to species recovery and an exemption for pesticide use, according to the Center for Biological Diversity.

Table 4. Funding for Endangered Species and Related Programs, FY2004-FY2005

($ in thousands)

	FY2004 Approp.	FY2005 Request	FY2005 Approp.
Endangered Species Program			
—*Candidate Conservation*	*$9,808*	*$8,610*	*$9,255*
—*Listing*	*12,135*	*17,226*	*15,960*
—*Consultation*	*47,146*	*45,450*	*48,129*
—*Recovery*	*67,907*	*58,154*	*69,870*
Subtotal, Endangered Species Program	136,996	129,440	143,214
Related Programs			
—*Landowner Incentive Program*	*29,630*	*50,000*	*21,694*
—*Stewardship Grants*	*7,408*	*10,000*	*6,903*
—*Cooperative Endangered Species Conservation Fund*[a]	*81,596*	*90,000*	*80,462*
Subtotal, Related Programs	118,634	150,000	109,059
Total appropriations	**255,630**	**279,440**	**252,273**

a. In FY2004, $50 million of this fund was derived from the Land and Water Conservation Fund (LWCF). The President's FY2005 budget request called for the entire amount to be derived from LWCF. The House and the Senate Appropriations Committee kept the LWCF portion to $50 million. The FY2005 law limited the LWCF portion to $49.4 million.

National Wildlife Refuge System and Law Enforcement

On March 14, 2003, the Nation observed the centennial of the creation by President Theodore Roosevelt of the first National Wildlife Refuge on Pelican Island in Florida. Accordingly, Congress appropriated funding in FY2003 and FY2004 for various renovations, improvements, and activities to celebrate the centennial; it included all of this funding under operations and maintenance for the National Wildlife Refuge System (NWRS). For operations and maintenance in FY2005, the President proposed $387.7 million, a decrease from $391.5 million in FY2004. Of this amount, $66.5 million was earmarked for deferred maintenance in FY2004, which the

President also proposed for FY2005. Congress enacted $381.0 million for FY2005; the law contained no earmark for deferred maintenance.

The President proposed $51.3 million for Law Enforcement—a decrease of $2.4 million from the FY2004 level ($53.7 million). Congress enacted $55.6 million for FY2005.

Land Acquisition

For FY2005, the Administration proposed $45.0 million for Land Acquisition, a 5% increase from the FY2004 level of $43.1 million. The House approved significantly less—$12.5 million. The Senate Committee on Appropriations would have provided a higher level of funds—$49.9 million. In the end, Congress cut the program to $37.0 million for FY2005. This program is funded from appropriations from the Land and Water Conservation Fund. In the past, the bulk of this FWS program has been for acquisition of federal refuge land, but a portion is used for closely-related functions such as acquisition management, land exchanges, emergency acquisitions, purchase of inholdings, general overhead ("Cost Allocation Methodology"). Recently, less of the funding has been reserved for traditional land acquisition; the House bill continued this trend by allocating no funds for federal refuge lands. In contrast, the Senate committee-reported bill would have provided equal or greater funding for these programs, as well as allocating $34.7 million for federal refuge lands. The FY2005 law appropriated $22.6 million for the core acquisition program. (See **Table 5**; for more information, see "The Land and Water Conservation Fund (LWCF)" below.)

Yukon Flats Land Exchange

The appropriation for Land Acquisition provides funds to FWS for acquisition of lands for waterfowl habitat in the Yukon Flats National Wildlife Refuge in Alaska and the related conveyance of federal lands and interests in the Refuge to Doyon, Limited, an Alaska Native Corporation. The FY2005 law also gives the federal government a right to a portion of the proceeds from any resources leased or discovered on land *after* the exchange has occurred, a feature that is unusual in federal land trades. Revenues to the federal government from any oil and/or gas production from the lands and interests acquired by Doyon, Limited will be deposited in a special Treasury account, and available without further appropriation to FWS for specified purposes. Supporters held that the provision expedites the completion of the Yukon Flats land exchange, facilitates energy production, and provides federal protection for key waterfowl habitat. Opponents argued that the exchange was arranged without public input, will result in a loss to the government of potentially oil rich lands, will allow energy development in areas that provide important wildlife habitat, and might be viewed as setting a precedent for land trades in potentially oil-rich areas of the Arctic National Wildlife Refuge.

Table 5. Funding for FWS Land Acquisition Program, FY2004-FY2005

($ in thousands)

	FY2004 Approp.	FY2005 Request	FY2005 Approp.
Acquisitions—Federal Refuge Lands	$29,700	$29,176	$22,593
Inholdings	1,481	2,500	1,479
Emergencies & Hardships	988	2,000	986
Exchanges	494	1,000	1,726
Acquisition Management	8,395	8,365	8,249

	FY2004 Approp.	FY2005 Request	FY2005 Approp.
Cost Allocation Methodology	2,032	2,000	1,972
Total	**43,091**[a]	**45,041**	**37,005**

a. In FY2004, a transfer of $4,968,000 was made to the Bureau of Indian Affairs for purchase of a conservation easement on the Quinault reservation in Washington state. This transfer is not reflected in the table.

Wildlife Refuge Fund

The National Wildlife Refuge Fund (also called the Refuge Revenue Sharing Fund) compensates counties for the presence of the non-taxable federal lands of the NWRS. A portion of the fund is supported by the permanent appropriation of receipts from various activities carried out on the NWRS. However, these receipts are not sufficient for full funding of authorized amounts, and county governments have long urged additional appropriations to make up the difference. Congress generally provides additional funding. The Administration, House, and Senate Committee supported $14.4 million for FY2005. However, with rescissions, the FY2005 law matched the FY2004 level of $14.2 million. When combined with the estimated receipts, the FY2005 appropriation level would cover 46% of the authorized full payment, down marginally from the FY2004 level of 47%.

Multinational Species Conservation Fund (MSCF)

The MSCF has generated considerable constituent interest despite the small size of the program. It benefits Asian and African elephants, tigers, rhinoceroses, and great apes. The President's budget again proposes to move funding for the Neotropical Migratory Bird Conservation Fund (NMBCF) into the MSCF. Congress rejected the proposed transfer annually from FY2002 to FY2005. For FY2005, the President proposed $9.5 million for the MSCF (including the proposed transfer of the NMBCF to this program). The proposal included cuts in programs for great apes and African and Asian elephants, in contrast to increases in programs for rhinos, tigers, and neotropical migratory birds. The House approved $100,000 in increases over the President's request for each of these subprograms, and Senate Committee levels generally were between these two. The enacted levels for FY2005 represent modest cuts in all of the programs except that for tigers and rhinos. See **Table 6** below.

Table 6. Funding for Multinational Species Conservation Fund and Migratory Bird Fund, FY2004-FY2005

($ in thousands)

Multinational Species Conservation Fund	FY2004 Approp.	FY2005 Request	FY2005 Approp.
African elephant	$1,383	$1,350	$1,381
Tiger and Rhinos	1,383	1,450	1,477
Asian elephant	1,383	1,350	1,381
Great Apes	1,383	1,350	1,381
Marine turtles			99
(Neotropical Migratory Birds)	*(3,951)*	*(4,000)*	*(3,944)*
Total appropriations	**5,532**	**5,500**	**5,719**

Note: The Neotropical Migratory Bird program was first authorized in FY2002, and is not part of the MSCF, although the transfer was proposed in the President's budgets for FY2002-FY2005. Congress has rejected the transfer four times, and the program is not included in the column totals.

State and Tribal Wildlife Grants

The State and Tribal Wildlife Grants program helps fund efforts to conserve species (including non-game species) of concern to states and tribes. The program was created in the FY2001 Interior appropriations law (P.L. 106-291) and further detailed in subsequent Interior appropriations bills. It lacks any other authorizing statute. Funds may be used to develop conservation plans as well as support specific practical conservation projects. A portion of the funding is set aside for competitive grants to tribal governments or tribal wildlife agencies. The remaining state portion is for matching grants to states. A state's allocation is determined on a formula basis. The President proposed $80.0 million, an increase from $69.1 million in FY2004. The House bill would have cut the program to $67.5 million, while the Senate committee approved an increase smaller than that requested by the President. The final FY2005 appropriation is $69.0 billion. See **Table 7** below.

Table 7. Appropriations for State and Tribal Wildlife Grants, FY2004-FY2005

($ in millions)

State and Tribal Wildlife Grants	FY2004 Approp.	FY2005 Request	FY2005 Approp.[a]
State Grants	$61.1	$71.6	$63.0
Tribal Grants	5.9	6.0	6.0
Administration	2.1	2.4	[a]
Total appropriations	**69.1**	**80.0**	**69.0**

a. The FY2005 law, like the bill reported by the Senate Appropriations Committee, did not earmark a specific amount for administration, other than requiring that administrative expenses are to be deducted only after the $6.0 million set-aside for tribal grants.

Non-native Migratory Birds

Mute swans were introduced to Chesapeake Bay decades ago. Their population is now suspected of causing various types of ecological harm to the Bay, its aquatic plants, and other species of birds. Actions to reduce the population have been restricted on the grounds that the species is protected under the Migratory Bird Treaty Act (MBTA), even though it is not native to North America. Attempts were made in the 108th Congress to enact legislation to exclude non-native species from protections of the MBTA, but were not successful as the second session was drawing to a close. Advocates of control of this species of swan, who also did not wish to see the MBTA's protections afforded to other non-native species, amended the MBTA by adding §143 (Title I) to the FY2005 law, defining the term "native to the United States," directing the FWS to publish a list of those bird species which are not native, and specifying that the MBTA applies only to native species.[1] Since enactment, various animal welfare groups have objected to the provision and asked for its repeal.[2]

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

[1] For more information, see http://fire.mountain-prairie.fws.gov/pressrel/dc501.htm, viewed on Feb. 15, 2005.

[2] For example, see http://www.washingtonpost.com/wp-dyn/articles/A55677-2005Feb1.html, viewed on Feb. 15, 2005.

CRS Issue Brief IB10144. *Endangered Species Act in the 109th Congress: Conflicting Values and Difficult Choices*, by Eugene H. Buck, M. Lynne Corn, Pervaze Sheikh, Pamela Baldwin, and Robert Meltz.

CRS Report RS21157, *Multinational Species Conservation Fund*, by Pervaze A. Sheikh and M. Lynne Corn.

National Park Service

The National Park Service (NPS) is responsible for the National Park System, currently comprising 388 separate and diverse units with more than 84 million acres. The NPS protects, interprets, and administers the park system's diversity of natural and historic areas representing the cultural identity of the American people. The park system uses some 20 types of designations, including national park, to classify sites, and visits to these areas total close to 280 million annually. The NPS also supports some land conservation activities outside the park system.

The FY2005 NPS appropriations total $2.37 billion, $5.1 million more than the President's budget request ($2.36 billion), and $107.1 million above the FY2004 enacted level ($2.26 billion). The House-passed NPS total was $2.27 billion, while the Senate committee-reported bill matched the President's request ($2.36 billion). See **Table 8** below.

Several amendments affecting the NPS, but not tied to specific funding accounts, were considered. The law included a provision directing the NPS to implement recently-issued winter use rules for snowmobiles in Yellowstone and Grand Teton National Parks. The provision applies only to the 2004-2005 winter use season and was designed to prevent lawsuits from blocking snowmobile use this winter. Earlier, the House had rejected an amendment to reinstate a Clinton-era rule that would phase out use of private snowmobiles in Yellowstone and Grand Teton National Parks and on the John D. Rockefeller, Jr. Memorial Parkway which links them. The Bush Administration has sought to overturn the rule.

Another enacted provision adjusts the boundaries of the Cumberland Island Wilderness allowing use of an existing road through the wilderness portions of the Cumberland Island National Seashore and authorizing concession tours of the island.

Operation of the National Park System

The park operations line item accounts for more than two-thirds of the total NPS budget. It covers resource protection, visitors' services, facility operations, facility maintenance, and park support programs. The FY2005 enacted level for NPS operations is $1.68 billion, $5.4 million less than the Senate committee recommended, and $2.5 million less than the House-passed level and the President's request, but $74.0 million (5%) more than was appropriated for FY2004.

In its report on the bill, the House Appropriations Committee expressed concerns about the erosion of operating funds for core programs, attributed to "unbudgeted costs," including cost-of-living increases, storm damage, anti-terrorism activities, and management initiatives (e.g., competitive sourcing). The conference report also acknowledged budget shortfalls in recent years in core operating programs and visitor services across the park system, suggesting congressional intent to provide park base programmatic increases. For FY2005, Park advocacy groups estimate that the national parks operate, on average, with two-thirds of needed funding. As a visible symbol of the federal government and environmental protection, the condition, care, and operation of the national parks is considered politically potent.

Table 8. Appropriations for NPS, FY2004-FY2005

($ in millions)

National Park Service	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
Operation of the National Park System	$1,609.6	$1,686.1	$1,686.1	$1,689.0	$1,683.6
U.S. Park Police	77.9	81.2	81.2	81.2	80.1
National Recreation and Preservation	61.8	37.7	53.9	63.0	61.0
Urban Park and Recreation Fund	0.3	0.0	0.0	0.0	0.0
Historic Preservation Fund	73.6	77.5	71.5	71.3	71.7
Construction	329.9	329.9	297.6	330.0	353.0
Land and Water Conservation Fund[a]	-30.0	-30.0	-30.0	-30.0	-30.0
Land Acquisition and State Assistance					
—Assistance to States	*93.8*	*93.8*	*91.5*	*94.0*	*91.2*
—NPS Acquisition	*41.8*	*84.3*	*16.0*	*61.8*	*55.1*
Subtotal, Land Acquisition and State Assistance	135.6	178.1	107.5	155.8	146.3
Total appropriations	**2,258.6**	**2,360.5**	**2,267.8**	**2,360.2**	**2,365.7**

a. Figures reflect a rescission of contract authority.

United States Park Police (USPP)

This budget item supports law enforcement programs of the U.S. Park Police, primarily in the urban park areas of New York City, San Francisco, and Washington, DC. Core responsibilities include protecting historic monuments and memorials, maintaining order during special events and demonstrations, and providing presidential security and dignitary escort. The USPP also provides investigative, forensic, and other services to support law-enforcement trained and commissioned rangers working in park units system-wide. The FY2004 conference agreement was critical of USPP's failure to implement 2001 recommendations by the National Academy of Public Administration to address problems of budget accountability, management issues, and overtime. Language in the report on the House-passed FY2005 bill urges the NPS and DOI to resolve ongoing USPP fiscal and management problems before the end of the calendar year 2004. For FY2005, the Administration focused on terrorist threat preparedness, and the budget request included $1.0 million for non-recurring costs associated with the 2005 Presidential Inauguration and $2.0 million for enhanced security and anti-terrorism efforts. The House-passed bill and the Senate committee-reported bill matched the request ($81.2 million), $3.3 million above FY2004. The enacted level is $80.1 million, $2.2 million above FY2004. In a recent dispute, the former USPP Chief was suspended from duty in December 2003, and officially fired in July 2004, for talking to the press about agency funding issues. Rulings on this case by the U.S. Merit System Protection Board (a quasi-judicial agency that protects federal workers from management abuse) are reported to be under appeal.

National Recreation and Preservation

This line item funds a variety of park recreation and resource protection programs, as well as programs connected with state and local community efforts to preserve cultural and national heritage resources. The FY2005 law provides $61.0 million, a decrease of $0.8 million from

FY2004 and of $2.0 million from the Senate committee recommendation, and an increase of $7.1 million over the House-passed level and of $23.2 million over the FY2005 request. The Administration had proposed a substantial reduction to (1) discontinue statutory aid programs, and (2) curtail heritage area funding (from $14.3 million in FY2004 to $2.5 million in FY2005). In recent years, the Administration's requests for heritage areas have been significantly lower than the previous year's appropriation, but Congress has consistently restored or increased heritage area funding. The enacted level for the Heritage partnership program is $14.6 million for National Heritage Areas, between the House-passed level ($15.1 million) and the Senate committee recommended level ($14.3 million), and substantially above the $2.5 million requested by the Administration. Provisions in the FY2005 appropriations law created three new heritage areas. For Statutory or Contractual Aid, the enacted level is $11.2 million, $7.4 million more than the House-passed bill ($3.8 million), $0.9 million less than the Senate committee recommendation ($12.1 million), and $1.6 million below the FY2004 enacted level ($12.8 million). The Administration requested no funds for this program for FY2005.

Urban Park and Recreation Recovery (UPARR)

This matching grant program, created in 1978, was intended to help low-income inner city neighborhoods rehabilitate existing recreational facilities. Funding for new program grants was problematic (about $2 million annually) until the Conservation Spending Category (CSC) was created in the FY2001 Interior Appropriations Act, with $30.0 million for UPARR. In FY2001 and FY2002, Congress appropriated $30.0 million for UPARR. For FY2003, appropriations were $298,000 for program administrative costs, and the FY2004 appropriation was $301,000 to administer previously awarded grants. For FY2005, as in the preceding three budgets, the President requested no funds for UPARR and asked Congress to eliminate the separate UPARR line item and return program grant administration for previously awarded grants to the National Recreation and Preservation line item. The House-passed bill followed the request, with no funding for UPARR and allowing $316,000 under National Recreation and Preservation for urban park grant administration. The Senate committee also recommended eliminating the UPARR line item and transferring limited UPARR grant administration funding to the National Recreation and Preservation. The FY2005 law provides no funding for UPARR and is silent on grant administration.

Construction and Maintenance

The construction line item funds new construction, as well as rehabilitation and replacement of park facilities. For FY2005, the enacted level for NPS construction is $353.0 million, including $50.8 million in emergency funding for disaster response. This total is $23.0 million above the Senate committee recommendation ($330.0 million), $55.4 million above the House-passed bill ($297.6 million), and $23.1 million above the request and the FY2004 level ($329.9 million).

The FY2005 appropriations law includes $582.7 million for maintenance (in Operation of the National Park System line item, discussed above). This is $3.4 million less than the Administration's request, but is more than the House-passed level ($573.2 million), the Senate committee recommendation ($577.3 million), and the FY2004 appropriation ($559.2 million). In previous years, maintenance under NPS Operations was separated into facility operation and facility maintenance.

Total FY2005 NPS construction and maintenance funding is $935.7 million. This is more than the Senate committee recommendation ($907.4 million), the House-passed total ($870.8 million), the Administration's request ($916.0 million), and the FY2004 appropriations ($889.1 million). The Administration asserted that its total request for construction and facility maintenance ($724.7

million) would address the backlog of deferred maintenance, and with $78 million from recreation fees and $310 million from the Highway Trust Fund, total spending to reduce the maintenance backlog in FY2005 would be more than $1.1 billion. However, the estimate of deferred maintenance for the NPS is between $4.52 billion and $9.69 billion, with a mid-range figure of $7.11 billion. Further, other DOI sources estimate the FY2004 appropriation for deferred maintenance at $319.3 million, and the FY2005 request at $332.5 million. These figures may cause some to raise questions about the magnitude and effectiveness of funding for construction and facility maintenance in reducing the backlog.

The FY2005 law prohibits NPS funds in the law from being used for partnership construction projects (those undertaken by friends groups or corporate or foundation sponsorship) in excess of $5.0 million without the advance approval of the House and Senate Appropriations Committees. The joint explanatory statement of the conference report expressed concerns about the management of NPS partnership construction projects, and directed the NPS to provide a status report on such projects. Recently, the NPS developed interim guidance to govern such projects. In earlier action, the House-passed bill had sought to impose a temporary moratorium on partnership construction projects in excess of $5 million, unless approved by the Appropriations Committees. These provisions resulted from an effort to control relatively low priority, expensive construction projects outside the regular budget process that increase needs for operations and maintenance funding, thus possibly compounding operational shortfalls and delaying backlog projects and other service priorities. The Senate Appropriations Committee did not impose a blanket moratorium on partnership projects.

Land Acquisition and State Assistance

For FY2005, appropriations under the Land and Water Conservation Fund (LWCF) total $146.3 million, with $55.1 million for federal land acquisition and $91.2 million for state assistance. The state assistance is for park land acquisition and recreation planning and development by the states. The funds provided to the states are allocated through a formula, with states determining their spending priorities. The enacted level is slightly lower than (within 3% of) the House-passed level, the Senate committee-recommended level, the requested level, and the FY2004 appropriation.

Federal land acquisition—funds to acquire lands, or interests in lands, for inclusion within the National Park System—has been more controversial. FY2005 funding for acquisition management ($10.4 million) is between the House-passed ($10.0 million) and Senate committee-recommended and requested level ($10.5 million), and nearly matches FY2004 funding. However, acquisition funding (for purchases, emergencies, and inholdings) has differed widely. The enacted level is $44.8 million. This is below the Senate committee recommendation ($51.3 million) and the Administration's request ($73.8 million), but above the House-passed level ($6.0 million) and the FY2004 appropriation ($31.4 million).

Recreation Fee Program

The FY2005 appropriations law established a new 10-year recreation fee program to replace the recreational fee demonstration program. The law authorizes the four major federal land management agencies, plus the Bureau of Reclamation, to retain and spend receipts from entrance and user fees without further appropriation, primarily at the site where the fees are collected. A portion of fee receipts is distributed to other agency sites. The NPS estimates fee receipts of $124.7 million for FY2004 and $122.8 million for FY2005. The former program had been created and extended in appropriations laws, and had been controversial.

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

CRS Issue Brief IB10145, *National Park Management*, coordinated by Carol Hardy Vincent.

Historic Preservation

The Historic Preservation Fund (HPF), administered by the NPS, provides grants-in-aid to states (primarily through State Historic Preservation Offices), certified local governments, and territories and the Federated States of Micronesia for activities specified in the National Historic Preservation Act. These activities include protecting cultural resources and enhancing economic development by restoring historic districts, sites, buildings, and objects significant in American history and culture. Preservation grants are normally funded on a 60% federal/40% state matching share basis. In addition, the Historic Preservation Fund provides funding for cultural heritage projects for Indian tribes, Alaska Natives, and Native Hawaiians.

For FY2005, Congress provided $71.7 million for the Historic Preservation Fund, a slight increase from the House-passed ($71.5 million) and Senate committee-reported bills ($71.3 million). However, the enacted level is a decrease of 7% from the Administration's FY2005 request ($77.5 million) and of 3% from the FY2004 level ($73.6 million). See **Table 9** below.

A major issue that often reappears during the appropriations process is whether historic preservation programs should be funded by private money rather than the federal government. Congress eliminated permanent federal funding for the National Trust for Historic Preservation, but has provided appropriations under Save America's Treasures to preserve nationally significant intellectual and cultural artifacts and historic structures. Due to concerns that the program did not reflect geographic diversity, appropriations law now requires that project recommendations be subject to approval by the Appropriations Committees prior to distribution of funds. The FY2005 law allows the National Endowment for the Arts to award Save America's Treasures grants through the Save America's Treasures grants selection panel. The law provides $29.6 million for Save America's Treasures, 1% less than the FY2005 request, the House-passed bill, and the Senate committee-reported bill (all $30.0 million) and a decrease of 9% from the FY2004 level ($32.6 million). The FY2005 appropriation did not include funding for the Administration's initiative for "Preserve America" grants. These grants-in-aid, recommended by the President for funding at $10.0 million, would have supplemented Save America's Treasures in supporting community efforts to develop resource management strategies and to encourage heritage tourism. Preserve America grants were to be competitively awarded on a 50/50 matching basis, as one-time seed money grants.

In the past, the Historic Preservation Fund included funds for the preservation and restoration of historic buildings and structures on Historically Black Colleges and Universities (HBCU) campuses. An appropriation in FY2001 of $7.2 million represented the unused authorization remaining under law. There was no funding for HBCUs under HPF for FY2002 or FY2003, although in FY2004 funding of $3.0 million was provided with competitive grants administered by the NPS. The FY2005 law provides $3.5 million for HBCUs, slightly less than the House-passed bill ($4.0 million). The Senate committee-reported bill did not include funding for HBCUs.

There is no longer federal funding for the National Trust for Historic Preservation, previously funded as part of the Historic Preservation Fund Account. The National Trust was chartered by Congress in 1949 to "protect and preserve" historic American sites significant to our cultural heritage. It is technically a private non-profit corporation, but it received permanent federal funding until FY1998. Since that time, the National Trust generally has not received federal funding in keeping with Congress's plan to make it self-supporting. However, relatively small

appropriations were provided in FY2003 and FY2004, with $0.5 million in FY2004 for the National Trust's Endowment Fund for the care and maintenance of the most endangered historic places. The final FY2005 appropriation did not include funding for the National Trust's endowment fund.

Table 9. Appropriations for the Historic Preservation Fund, FY2004-FY2005

($ in thousands)

Historic Preservation	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
Grants-in-Aid to States and Territories[a]	$34,569	$34,570	$34,570	$38,000	$35,500
Tribal Grants	2,963	2,963	2,963	3,250	3,205
Save America's Treasures	32,594	30,000	30,000	30,000	29,583
Preserve America Grants-In-Aid	—	10,000	—	—	—
HBCU's	2,963	—	4,000	—	3,451
National Historic Trust Endowment Grant/Historic Sites Fund	494	—	—	—	—
Total appropriations	**73,583**	**77,533**	**71,533**	**71,250**	**71,739**

a. The term "Grants-in-Aid to States and Territories" is used in conjunction with the budget and refers to the same program as Grants-in-Aid to State Historic Preservation Offices.

For further information on *Historic Preservation*, see its website at http://www2.cr.nps.gov/.

CRS Report 96-123, *Historic Preservation: Background and Funding,* by Susan Boren.

U.S. Geological Survey

The U.S. Geological Survey (USGS) is the nation's premier science agency in providing physical and biological information related to natural hazards; certain aspects of the environment; and energy, mineral, water, and biological sciences. In addition, it is the federal government's principal civilian mapping agency and a primary source of data on the quality of the Nation's water resources. In 2004, the USGS celebrated the 125th anniversary of its creation.

Funds for the USGS are provided under the heading *Surveys, Investigations, and Research*, with six activities falling under that heading: the National Mapping Program; Geologic Hazards, Resources, and Processes; Water Resources Investigations; Biological Research; Science Support; and Facilities. For FY2005, total USGS appropriations are $936.5 million, $3.0 million less than the Senate committee-reported bill ($939.5 million), $8.0 million less than the House-passed bill ($944.5 million), $1.5 million less than FY2004 ($938.0 million), but $16.7 million more than the Administration's request ($919.8 million). See **Table 10** below. The FY2005 appropriations law, following the House-passed and Senate committee-reported bills and the Administration's request, would create a new line item in the USGS budget called Enterprise Information, yet with different funding amounts. (See below for details.) In its report on the FY2005 bill, the Senate Appropriations Committee directed reinstatement for most of the individual projects targeted for elimination in the Administration's request, and stated that there should be a stronger emphasis placed on the core programs of the USGS.

The enacted appropriations, as with both the Senate committee-reported and the House-passed bill and the Administration's request for FY2005, provides less funding in five of the six activities

traditionally conducted by the USGS compared to the FY2004 enacted levels. The decreases are roughly offset by funding for Enterprise Information.

Enterprise Information

The Administration proposed a new line item for funding within the USGS for FY2005—Enterprise Information—to consolidate funding of all USGS information needs including information technology, security, services, and resources management, as well as capital asset planning. Funding for these functions previously was distributed among several different USGS offices and budget sub-activities. The House-passed bill included this new line item and provide $44.1 million, $1.0 million less than requested. The Senate-reported bill included $45.2 million for this line item. The FY2005 enacted appropriations are $44.4 million, between the House and Senate levels.

There are three primary programs within Enterprise Information: (1) Enterprise Information Security and Technology, which supports management and operations of USGS telecommunications (e.g., computing infrastructure and email); (2) Enterprise Information Resources, which provides policy support, information management, and oversight over information services; and (3) Federal Geographic Data Coordination, which provides operational support and management for the Federal Geographic Data Committee (FGDC). The FGDC is an interagency, intergovernmental committee that encourages collaboration to make geospatial data available to state, local and tribal governments, as well as communities.

National Mapping Program

The National Mapping Program aims to provide access to high quality geospatial data and information to the public. The FY2005 appropriations are $118.8 million, $4.0 million less than the House-passed level ($122.8 million) and $1.1 million less than the Senate committee-reported bill ($119.8 million). The largest decrease within this program from FY2004 is for the Cooperative Topographic Mapping Program, with appropriations of $71.4 million—a decrease of $9.5 million from FY2004. The Land Remote Sensing and Geographic Analysis and Monitoring sub-activities would be funded at $32.7 million and $14.6 million, respectively, which are slightly less than the Administration's request and the FY2004 enacted levels.

In its report on the FY2005 bill, the House Appropriations Committee stated that no solutions to degraded satellite imagery in the Landsat 7 program have been proposed and that the Committee would not increase or reprogram funding for that program. In its report on the bill, the Senate Appropriations Committee also stated its concern about the program and that the USGS has no clear guidance on how to proceed. Landsat 7 is a satellite that takes remotely-sensed images of the Earth's land surface and surrounding coastal areas primarily for environmental monitoring. Last year, approximately 25% of the data from the Landsat 7 Satellite began showing signs of degradation. Nevertheless, an interagency panel concluded that the Landsat 7 Satellite data "continues to provide a unique, cost-effective solution to operational and scientific problems."[3] The House committee also stated that it supports the acquisition of long-term satellite data and that the USGS should collaborate with other agencies to place the next generation Landsat sensors in orbit. The Senate Appropriations Committee also has stated that the USGS is responsible for satellite operations and data collecting, and that the USGS, DOI, and

[3] U.S. Dept. of the Interior, Geological Survey, *Budget Justification and Performance Information: Fiscal Year 2005* (Reston, VA: 2004).

"administration officials at a higher policy level" should work towards a resolution on this issue (S.Rept. 108-341, p. 30).

Geologic Hazards, Resources, and Processes

For Geologic Hazards, Resources, and Processes activities, FY2005 appropriations are $229.2 million, between the House-passed level ($230.9 million) and the Senate committee-reported level ($228.2 million), and $8.5 million more than the Administration's request ($220.8 million). This line item covers programs in three activities: Hazard Assessments, Landscape and Coastal Assessments, and Resource Assessments.

The House-passed bill and the Senate-reported bill would have provided $21.6 million for the mineral resources program, $6.5 million more than the requested $15.1 million. This program conducts inquiries into the conditions affecting mining and materials processing industries. The FY2005 law provides $15.3 million, and the joint explanatory statement states that the funding level for this program will no longer be specified in committee reports.

Water Resources Investigations

For the Water Resources Investigations heading, FY2005 appropriations are $211.2 million, nearly matching the House-passed bill, $1.7 million less than the Senate committee-reported bill ($212.9 million), $8.5 million above the Administration's request ($202.7 million), and $4.5 million less than the FY2004 enacted level ($215.7 million).

All three programs within this line item received less funding for FY2005 than in FY2004. The appropriations for FY2005 are $142.5 million for the Hydrologic Monitoring, Assessments and Research activity; $62.3 million for the Cooperative Water Program; and $6.4 million for Water Resources Research Institutes.

As with the Bush Administration's FY2002-FY2004 budget requests, the FY2005 request had sought to discontinue USGS support for Water Resources Research Institutes because, it alleged, most institutes have succeeded in leveraging sufficient funding for program activities from non-USGS sources. Congress has restored funding for the institutes from FY2002 to FY2005.

Biological Research

For FY2005, appropriations are $171.7 million for Biological Research, $0.3 million less than the House-passed level ($172.0), $1.1 million less than the Senate Committee-recommended level ($172.8 million), $4.1 million above the Administration's request ($167.6 million), and $2.8 million below the FY2004 enacted level ($174.5 million).

The House Appropriations Committee expressed concern in its report on the bill about the growth of the National Biological Information Infrastructure (NBII), citing that the number of planned regional and thematic nodes is too high and not adequately justified. The Committee directed the USGS to locate all new "thematic" nodes in the same location as regional nodes to consolidate operational expenses. The NBII is a collaborative program that aims to provide increased access to data and information on the nation's biological resources. The Committee also directed the USGS to develop a long-term plan to address the number and location of new units in the Cooperative Fish and Wildlife Research Program. The Cooperative Fish and Wildlife Research Program is a partnership between federal and state governments and academia to provide research, management, and technical assistance to maintain DOI managed lands and waters.

For FY2005, the Administration and the House-passed bill proposed to continue work on reducing harmful invasive species and wildlife diseases. The conference agreement includes

language to maintain this work. The USGS expects to complete an assessment of invasive species threats in the National Wildlife Refuge System and to continue to research and map "hotspots" of invasive species impacts throughout the United States.

Science Support and Facilities

Science Support focuses on those costs associated with modernizing the infrastructure for management and dissemination of scientific information. For FY2005, appropriations are $65.6 million, $1.9 million less than the House-passed bill ($67.5 million), $0.1 million more than the Senate committee-reported bill ($65.4 million), $3.1 million less than the Administration's request ($68.7 million). All are significantly less than the $90.8 million enacted in FY2004. The Administration justified its proposed reduction by noting that funds historically provided in this account would be used for the Enterprise Information Program, which is expected to provide information support that previously was done by Science Support. Facilities focuses on the costs for maintenance and repair of facilities. FY2005 appropriations are $94.6 million, $1.3 million less than the House-passed bill and the Administration's request ($95.9 million), $0.4 million less than the Senate committee-reported bill($95.0 million), and $1.6 million more than the FY2004 level ($93.0 million). In addition, USGS was appropriated $1.0 million in emergency funds for disaster recovery in P.L. 108-324.

Table 10. Appropriations for the U.S. Geological Survey, FY2004-FY2005

($ in millions)

U.S. Geological Survey	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
Enterprise Information	$0.0	$45.1	$44.1	$45.2	$44.4
National Mapping Program	129.8	118.9	122.8	119.8	118.8
Geologic Hazards, Resources, and Processes	234.2	220.8	230.9	228.2	229.2
Water Resources Investigations	215.7	202.7	211.2	212.9	211.2
Biological Research	174.5	167.6	172.0	172.8	171.7
Science Support	90.8	68.7	67.5	65.4	65.6
Facilities	93.0	95.9	95.9	95.0	94.6
Emergency Appropriations	0.0	0.0	0.0	0.0	1.0
Total appropriations	**938.0**	**919.8**	**944.5**	**939.5**	**936.5**

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

Minerals Management Service

The Minerals Management Service (MMS) administers two programs: the Offshore Minerals Management (OMM) Program and the Minerals Revenue Management (MRM) Program. OMM administers competitive leasing on outer continental shelf lands and oversees production of offshore oil, gas, and other minerals. MRM collects and disburses bonuses, rents, and royalties paid on federal onshore and Outer Continental Shelf (OCS) leases and Indian mineral leases. Revenues from onshore leases are distributed to states in which they were collected, the General Fund of the U.S. Treasury, and 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.

Budget and Appropriations

The Administration's FY2005 budget request for MMS was $282.4 million. This included $7.1 million for Oil Spill Research, $275.3 million for Royalty and Offshore Minerals Management (comprised of $146.1 million for OMM, $81.9 million for MRM, and $47.3 million for General Administration). Of this total, $178.7 million would have derived from appropriations and $103.7 million from offsetting collections which MMS has been retaining from collections since 1994. The total FY2005 budget request was 4% over the $270.5 million provided for FY2004, with the appropriation increasing by 5%. For FY2005, Congress enacted overall funding for MMS of $277.6 million. Of that amount, $7.0 million is for oil spill research, $270.6 for Royalty and Offshore Minerals Management. Offsetting collections of $103.7 million are equal to the budget request. Congress enacted a total appropriation of $173.8 million for FY2005.

The MMS estimates that it collects and disburses over $6 billion in revenue annually. This amount fluctuates based primarily on the prices of oil and natural gas. Over the past decade, royalties from natural gas production have accounted for 40% to 45% of annual MMS receipts, while oil royalties accounted for not more than 25%.

Oil and Gas Leasing Offshore

Issues not directly tied to specific funding accounts were considered as part of the FY2005 appropriations process, as they were for FY2004. The FY2004 appropriations law continued the moratorium on preleasing and leasing activities in the Eastern Gulf of Mexico (GOM). Sales in the Eastern GOM have been especially controversial. Industry groups contend that the sales are too limited, given what they say is an enormous resource potential, while environmental groups and some state officials argue that the risks to the environment and local economies are too great. The FY2004 law continued leasing moratoria in other areas, including the Atlantic and Pacific Coasts.

However, in a controversial development, the law (P.L. 108-108) omitted language that would have prohibited funding for preleasing and leasing activity in the North Aleutian Basin Planning Area, currently under a leasing moratorium. There is some interest in eventually opening the area to oil and gas development as an offset to the depressed fishing industry in the Bristol Bay area. Environmentalists and others oppose this effort. The North Aleutian Basin Planning Area, containing Bristol Bay, is not in the MMS current five-year (2002-2007) leasing plan. Under the Outer Continental Shelf Lands Act of 1953 (OCSLA, 43 U.S.C. §1331), the Secretary of the Interior submits five-year leasing programs that specify the time, location, and size of lease sales to be held during that period.

The FY2005 law continues to support the moratoria on leasing and preleasing activity in certain sections of the OCS, including the Atlantic and Pacific Coasts and the Eastern GOM. However, like the FY2004 law, it does not prohibit funding for preleasing and leasing activity in the North Aleutian Basin Planning Area.

Controversy over MMS oil and gas leases in offshore California has drawn congressional interest. Under the Coastal Zone Management Act of 1972 (16 U.S.C. §1451), development of federal offshore leases must be consistent with state coastal zone management plans. In 1999, MMS extended 36 out of the 40 leases at issue in offshore California by granting lease suspensions, but the State of California contended that it should have first reviewed the suspensions for consistency with the state's coastal zone management plan. In June 2001 the U.S. Court for the

Northern District of California agreed with the State of California and struck down the MMS suspensions.

The Bush Administration appealed this decision January 9, 2002, to the U.S. Ninth Circuit Court of Appeals, after the state rejected a more limited lease development plan that involved 20 leases using existing drilling platforms. However, on December 2, 2002, a three-judge panel of the Ninth Circuit upheld the District Court decision.[4] The Department of the Interior did not appeal this decision and is currently working with lessees to resolve the issue. The breach-of-contract lawsuit that was filed against MMS by nine oil companies seeking $1.2 billion in compensation for their undeveloped leases is pending further action.

Several oil and gas lessees submitted a new round of suspension requests. The MMS has prepared six Environmental Assessments and found "no significant impact" for processing the applications for Suspension of Production or Operations. Under the Coastal Zone Management Act, a consistency review by the state will occur before a decision is made to grant or deny the requests.

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

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's intention was that individual states and Indian tribes would develop their own regulatory programs incorporating minimum standards established by law and regulations. Fee collections have been broken up into "federal" and "state" shares. Grants are awarded to the states after applying a distribution formula to the annual appropriation and drawing upon both the federal and state shares. In instances where states have no approved program, OSM directs reclamation in the state.

Several states have been pressing in recent years for increases in the AML appropriations, with a particular eye on the unappropriated balances in the state share accounts that now exceed $1 billion. The total unappropriated balance—including both federal and state share accounts in the AML fund—was nearly $1.7 billion by the end of FY2004. Western states are additionally critical of the program because, as coal production has shifted westward, these states are paying more into the fund. They argue that they are shouldering a disproportionate share of the reclamation burden as more of the sites requiring remediation are in the East.

The Administration submitted legislation in the 108th Congress that would have reauthorized fee collections and made a number of changes to the program to address state and regional concerns. Other legislative proposals for reauthorization of AML collections were introduced in the House and Senate. The 108th Congress was unable to reach a resolution of the issues surrounding the structure of the program. In light of the narrowing prospects that a bill would be enacted, the Senate Committee on Appropriations added a short-term extension to May 31, 2005 during its markup of the Interior appropriations bill. The House version of the bill had no comparable language. Before adjourning, authorization for collection of AML fees was extended nine months to the end of June 2005 by the Consolidated Appropriations Act for 2005 (P.L. 108-447).

[4] For further information, see *Platts Inside Energy*, December 16, 2002, p.7 (Washington, DC: The McGraw-Hill Companies, Inc., 2002).

A significant feature in the Administration reauthorization proposal with significant bearing on the budget request was a ten-year plan to return the unobligated state share balances to the states. The Administration asked for $53.0 million to carry out the plan in the first year. Consequently, the Administration's request for AML was $243.9 million, a large increase (28%) above the $190.6 million enacted in FY2004. Neither the House nor Senate Committees on Appropriations embraced the Administration's plan and the requested $53.0 million increase. The House committee recommended an appropriation of $194.1 million for the AML fund—$49.8 million less than the Administration request but $3.5 million above the FY2004 appropriation. The full House concurred with the Committee's recommendation. The Senate Committee on Appropriations recommended $190.9 million for AML grants distributions—a reduction of $3.2 million from the House level, and $53.0 million from the President's request. For FY2005, Congress enacted an appropriation of $188.2 from the AML fund.

"Minimum program states" are states with significant AML problems, but with insufficient levels of current coal production to generate significant fees to the AML fund. Currently, grants to the states from the AML fund are based on states' current and historic coal production. The minimum funding level for each of these states was increased to $2.0 million in 1992. However, over the objection of those states who would have preferred the full authorization, Congress has appropriated $1.5 million to minimum program states since FY1996. As part of its reauthorization plan, the Administration proposed to assure $2.0 million annually to minimum program states, but Congress maintained the $1.5 million level.

The other component of the OSM budget is for Regulation and Technology programs. For Regulation and Technology, Congress provided $105.4 million in FY2004, and the Administration requested $108.9 million for FY2005. Included in the FY2005 request was $10.0 million in funding for the Appalachian Clean Streams Initiative (ACSI), the same level as in FY2002-2004, and $10.0 million for the Small Operators Assistance Program (SOAP). The House Appropriations Committee and the full House agreed to these requested levels. The Senate Committee on Appropriations added $1.0 million to the House level for the Regulation and Technology budget, with instruction to OSM to contract with the National Research Council of the National Academy of Sciences to undertake a study of coal reserves and current technologies in mining. For these programs, Congress enacted $108.4 million for FY2005.

In total, the Administration requested $352.8 million for OSM, a 19% increase over the FY2004 level of $296.0 million. As detailed above, the House agreed to a total spending level of $303.0 million, and the Senate Committee on Appropriations supported $300.8 million. The FY2005 enacted level is $296.6 million for OSM programs and activities.

CRS Report RL32373, *Abandoned Mine Land Fund Reauthorization: Selected Issues*, by Robert Bamberger.

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

Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) provides a variety of services to federally-recognized American Indian and Alaska Native tribes and their members, and historically has 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, economic development, employment assistance, housing repair, dams, Indian rights protection, implementation of land and water settlements, management of trust assets (real estate and natural resources), and partial gaming oversight.

BIA's FY2004 direct appropriations were $2.301 billion. For FY2005, the Administration proposed $2.25 billion, a decrease of $47.0 million (-2%) below FY2004. The House approved $2.33 billion for FY2005, an increase of $34.0 million (1%) over FY2004 and $81.1 million (4%) over the Administration's request. The Senate Appropriations Committee recommended $2.28 billion, or $24.7 million (-1%) below FY2004 and $22.3 million (1%) above the request. The conference recommendation, enacted by Congress for FY2005, is $2.30 billion, or $5.1 million (0.2%) below FY2004 and $41.9 million (2%) above the request. For the BIA, its major budget components, and selected BIA programs (shown in italics), **Table 11** below presents FY2004 appropriations; FY2005 figures for the Administration's proposal, the House-passed bill, the Senate Committee recommendations, and the enacted level; and the percentages of change from FY2004 to the enacted FY2005 amounts. Decreases are shown with minuses.

Key issues for the BIA, discussed below, include the reorganization of the Bureau, especially its trust asset management functions, and problems in the BIA school system.

Table 11. Appropriations for the Bureau of Indian Affairs, FY2004-FY2005

($ in thousands)

	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.	FY2005: Percent Change From FY2004
Operation of Indian Programs						
—Tribal Priority Allocations	*$770,637*	*$775,631*	*$775,631*	*$780,631*	*$769,543*	*-<1%*
——Contract Support Costs	*133,648*	*133,314*	*133,314*	*136,314*	*134,420*	*1%*
—Other Recurring Programs	*614,136*	*600,611*	*612,103*	*616,340*	*612,919*	*-<1%*
——School Operations	*522,003*	*522,368*	*527,310*	*522,368*	*517,647*	*-1%*
——Tribally-Controlled Colleges	*48,600*	*43,390*	*43,390*	*55,890*	*53,141*	*9%*
—Non-Recurring Programs	*75,641*	*73,011*	*73,161*	*77,403*	*75,985*	*<1%*
—Central Office Operations	*88,506*	*134,444*	*145,021*	*123,444*	*140,021*	*58%*
——Office of Federal Acknowledgment	*1,350*	*1,307*	*1,307*	*1,307*	*N/A*	*N/A*
——Trust Services	*5,252*	*19,340*	*19,340*	*19,340*	*19,071*	*263%*
——Information Resources Technology	*38,233*	*67,205*	*59,910*	*57,205*	*58,092*	*52%*
—Regional Office Operations	*63,686*	*62,523*	*41,946*	*62,523*	*41,362*	*-35%*
—Special Programs and Pooled Overhead	*280,100*	*283,257*	*287,171*	*291,457*	*286,261*	*2%*
——Public Safety and Justice	*172,495*	*182,600*	*182,600*	*182,600*	*180,063*	*4%*
Subtotal, Operation of Indian Programs	1,892,706	1,929,477	1,935,033	1,951,798	1,926,091	2%
Construction	346,825	283,126	348,626	283,126	319,129	-8%
—Education Construction	*294,954*	*229,083*	*294,583*	*229,083*	*263,372*	*-11%*
Land and Water Claim Settlements and Miscellaneous Payments	54,866	34,771	44,771	34,771	44,150	-20%

	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.	FY2005: Percent Change From FY2004
Indian Guaranteed Loan Program	6,417	6,421	6,421	6,421	6,332	-<1%
Total appropriations	**2,300,814**	**2,253,795**	**2,334,851**	**2,276,116**	**2,295,702**	**-<1%**

BIA Reorganization

In April 2003, Secretary of the Interior Norton began implementing a reorganization of the BIA, the office of Assistant Secretary-Indian Affairs (AS-IA), and the Office of Special Trustee for American Indians (OST) in the Office of the Interior Secretary (see "Office of Special Trustee" section below). The reorganization arises from issues and events related to trust funds and trust assets management, and is integrally related to the reform and improvement of trust management. Historically, the BIA has been responsible for managing Indian tribes' and individuals' trust funds and trust assets. Trust assets include trust lands and the lands' surface and subsurface economic resources (e.g., timber, grazing lands, or minerals), and cover about 45 million acres of tribal trust land and 10 million acres of individual Indian trust land. Trust assets management includes real estate services, processing of transactions (e.g., sales and leases), surveys, appraisals, probate functions, land title records activities, and other functions.

The BIA, however, has been frequently charged with mismanaging Indian trust funds and trust assets. Investigations and audits in the 1980s and after supported these criticisms, especially in the areas of accounting, linkage of owners to assets, and retention of records. This led to a trust reform act in 1994 and the filing of an extensive court case in 1996 (see "Office of Special Trustee for American Indians" section below). The 1994 act created the OST, assigning it responsibility for oversight of trust management reform. In 1996 trust fund management was transferred to the OST from the BIA, but the BIA retained management of trust assets.

Unsuccessful efforts at trust management reform in the 1990s led DOI to contract in 2001 with a management-consultant firm. The firm's recommendations included both improvements in trust management and reorganization of the DOI agencies carrying out trust management and improvement. Following nearly a year of DOI consultation on reorganization with Indian tribes and individuals, DOI announced the reorganization in December 2002, even though the department and tribal leaders had not reached agreement on all aspects of reorganization. DOI, however, faced a deadline in the court case to file a plan for overall trust management reform, and reorganization was part of DOI's plan.

The current reorganization plan of BIA, AS-IA, and OST chiefly involves trust management structures and functions. Under the plan, the BIA's trust operations at regional and agency levels will remain in those offices but be split off from other BIA services. The OST will add trust officers to BIA regional and agency offices to oversee trust management and provide information to Indian trust beneficiaries. Certain tribes, however, that had been operating trust management reform pilot projects with their regional BIA offices under self-governance compacts were excluded from the reorganization, under the FY2004 appropriations act. The BIA, OST, and AS-IA, together with the Office of Historical Trust Accounting in the Secretary's office, also are implementing a separate trust management improvement project, announced in March 2003, which includes improvements in trust asset systems, policies, and procedures, historical accounting for trust accounts, reduction of backlogs, modernization of computer technology (the

court case led in 2001 to a continuing shutdown of BIA's World-Wide-Web connections), and maintenance of the improved system.

Many Indian tribes and tribal organizations, and the plaintiffs in the court case, have been critical of the new reorganization and have urgently asked that it be suspended. Tribes argue that the reorganization is premature, because new trust procedures and policies are still being developed; that it insufficiently defines new OST duties; and that other major BIA service programs are being limited or cut to pay for the reorganization. For FY2005, Congress responded to tribal concerns by continuing the FY2004 provision (dropped in the Administration's proposal) that excludes from BIA reorganization certain tribes that have been operating trust management reform pilot projects with their regional BIA offices. Congress did not, however, suspend or stop the reorganization.

BIA School System

The BIA funds 185 elementary and secondary schools and peripheral dormitories, with over 2,000 structures, educating about 48,000 students in 23 states. Tribes and tribal organizations, under self-determination contracts and other grants, operate 120 of these institutions; the BIA operates the remainder. BIA-funded schools' key problems are low student achievement and, especially, a large number of inadequate school facilities.

Some observers feel tribal operation of schools will improve student achievement. To encourage tribal boards to take over operation of current BIA-operated schools, for FY2004, Congress created an administrative cost fund of $2.9 million to pay tribal school boards' start-up administrative costs. The Administration proposal deleted this fund for FY2005, arguing that tribes were showing insufficient interest in operating BIA-funded schools. Congress retained the fund but reduced its appropriation to $1 million.

Many BIA school facilities are old and dilapidated, with health and safety deficiencies. BIA education construction covers both construction of new school facilities to replace facilities that cannot be repaired, and improvement and repair of existing facilities. Schools are replaced or repaired according to priority lists. The BIA has estimated the current backlog in education facility repairs at $942 million, but this figure changes as new repair needs appear each year. **Table 11** above shows FY2004 and FY2005 education construction appropriations. The Administration proposed reducing FY2005 appropriations for replacement-school construction by $61.0 million, because a number of school replacement projects funded in previous years are still under construction. The Administration also proposed adding appropriations language authorizing the BIA to reassume management of school construction projects that are under tribal self-determination contracts if the construction does not begin within 18 months of funding availability, arguing that some projects under self-determination contracts have been too slow in commencing. Congress appropriated $263.4 million in total education construction funds for FY2005—$31.6 million (11%) below FY2004 and $34.3 million (15%) over the request—and enacted the language authorizing BIA reassumption of construction projects.

Because construction appropriations are, in some tribes' view, not reducing construction needs fast enough, Indian tribes have urged Congress to explore additional sources of construction financing. In the FY2001-FY2004 Interior appropriations acts, Congress authorized a demonstration program that allows tribes to help fund construction of BIA-funded, tribally-controlled schools. The Administration proposed increasing the funding for this program by $4.0 million in FY2005, to a total of $9.9 million. Congress increased the funding even further, to $12.3 million, but earmarked all the funding for three projects.

For further information on education programs of the *Bureau of Indian Affairs*, see its website at http://www.doi.gov/bia/.

Departmental Offices

Insular Affairs

The Office of Insular Affairs (OIA) provides financial assistance to four insular areas (Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands), as well as three former insular areas (Republic of the Marshall Islands (RMI), Federated States of Micronesia (FSM), and Palau) formerly included in the Trust Territory of the Pacific Islands. OIA staff also manages relations between these jurisdictions and the federal government and works to build the fiscal and government capacity of units of local government. Funding for the OIA consists of two parts: (1) permanent and indefinite appropriations and (2) discretionary and current mandatory funding subject to the appropriations process.

Permanent and indefinite appropriations historically constitute roughly 70% to 80% of the OIA budget and consist of two parts. For FY2005 the Administration estimated that a total of roughly $305 million would be available, as follows:

- $196 million to three freely associated states (RMI, FSM, and Palau) under conditions set forth in the respective Compacts of Free Association;[5] and
- $109 million in fiscal assistance, divided between the U.S. Virgin Islands for estimated rum excise and income tax collections and Guam for income tax collections.

These funding levels represent a slight increase over FY2004 levels.

Discretionary and current mandatory funds that require annual appropriations constitute the balance (roughly 20% to 30%) of the OIA budget. Two accounts—Assistance to Territories (AT) and the Compact of Free Association (CFA)—comprise discretionary and current mandatory funding. Discretionary funding for FY2004 was set at $82.1 million, with AT funded at $75.7 million and CFA at $6.4 million. This constituted a 15% decrease from the amount appropriated for such payments in FY2003 ($96.8 million). The FY2005 request would have reduced AT funding to $73.0 million, and CFA assistance to $5.9 million, for a total of $78.9 million. The appropriation for AT in FY2005 ($75.6 million) exceeded the Administration proposal by about $2.6 million. The FY2005 appropriation for CFA ($5.5 million) was lower than that requested. In total, OIA discretionary funding for FY2005 is $81.0 million, a 1% decrease from FY2004.

Little debate has occurred in recent years on funding for the territories and the OIA. In general, Congress continues to monitor economic development and fiscal management by government officials in the insular areas. For example, the recently negotiated compacts with the FSM and RMI include accountability measures and performance review requirements.

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

[5] Portions of the Compacts of Free Association with the FSM and the RMI expired in the fall of 2001 and have been renegotiated. Legislation to approve the amended compacts has been enacted (P.L. 108-188). For background, see CRS Report RL31737, *The Marshall Islands and Micronesia: Amendments to the Compact of Free Association with the United States*, by Thomas Lum. The Compact with the Republic of Palau began in FY1994 and will terminate in FY2009.

Payments in Lieu of Taxes Program (PILT)

For FY2005, Congress enacted $226.8 million for PILT, a $2.1 million (1%) increase over FY2004, and a $0.8 million (0.4%) increase over the Administration's FY2005 request.

For FY2005, the Administration had proposed to fund the PILT program at $226.0 million, nearly level funding with the $224.7 million appropriated in FY2004. The House agreed with the President's request. A House floor amendment to add $15.0 million to PILT was defeated. Supporters of the amendment claimed that rural western areas need additional PILT funds to provide the kinds of services that counties with more private land are able to provide. Opposition to the amendment centered on proposed reductions in funding for the Smithsonian Institution and the National Endowment for the Humanities to offset the increase for PILT. The Senate committee-reported bill contained $230.0 million for PILT, an increase of $5.3 million over the FY2004 enacted level and $4.0 million over the Administration's request and House-passed level.

The PILT program compensates local governments for federal land within their jurisdictions because federally owned land is not taxed. Since the beginning of the program in 1976, payments of more than $3 billion have been made. However, the program has been controversial because in recent years appropriations have been substantially less than authorized amounts.

Beginning in FY2004, the Administration proposed, and Congress agreed, to shift the program from the BLM budget to Departmental Management in DOI because PILT payments are made for lands of the Fish and Wildlife Service, National Park Service, and Forest Service, and certain other federal lands, in addition to BLM lands.

For further information on the *Payments in Lieu of Taxes* program, see the BLM website at http://www.blm.gov/pilt/.

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) generally oversees the reform 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 formerly were managed by the BIA, but in 1996, at Congress's direction and as authorized by P.L. 103-412, the Secretary of the Interior transferred trust fund management from the BIA to the OST. (See "Bureau of Indian Affairs" section above.)

Indian trust funds managed by the OST comprise two sets of funds: (1) tribal funds owned by about 300 tribes in approximately 1,400 accounts, with a total asset value of about $2.9 billion; and (2) individual Indians' funds, known as Individual Indian Money (IIM) accounts, in about 260,000 accounts with a current total asset value of about $400 million. (Figures are from the OST FY2005 budget justifications.) The funds include monies received from claims awards, land or water rights settlements, and other one-time payments, and from income from land-based trust assets (e.g., land, timber, minerals), as well as from investment income.

The FY2005 budget proposal requested $317.7 million for the OST, $108.7 million (52%) over FY2004. The House approved $238.3 million for OST for FY2005, 14% over FY2004 but 25% below the Administration's proposal. The Senate Appropriations Committee recommended $246.3 million, 18% over FY2004 but 22% below the Administration proposal. The conference committee recommendation, enacted by Congress, was $228.1 million, or $19.0 million (9%)

over FY2004 and $89.6 million (28%) below the request. **Table 12** below presents figures for FY2004 and FY2005 for the OST.

Key issues for the OST are its current reorganization, an historical accounting for tribal and IIM accounts, and litigation involving tribal and IIM accounts.

Table 12. Appropriations for the Office of Special Trustee for American Indians, FY2004-FY2005

($ in thousands)

	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.	FY2005: Percent Change From FY2004
Federal Trust Programs	$187,305	$247,666	$196,267	$196,267	$193,540	3%
—Historical Accounting	*44,446*	*109,400*	*58,000*	*58,000*	*57,194*	*29%*
Indian Land Consolidation	21,709	70,000	42,000	50,000	34,514	59%
Total appropriations	**$209,014**	**$317,666**	**$238,267**	**$246,267**	**$228,054**	**9%**

Reorganization

Both OST and BIA began a reorganization in 2003 (see "Bureau of Indian Affairs" section above), one aspect of which is the creation of OST field operations. OST is installing fiduciary trust officers and administrators at the level of BIA agency and regional offices. Many Indian tribes disagree with parts of the OST and BIA reorganization and have asked Congress to put it on hold so that OST and BIA can conduct further consultation with the tribes.

Historical Accounting

The historical accounting effort seeks to assign correct balances to all tribal and IIM accounts, especially because of litigation. Because of the long historical period to be covered (some accounts may date from the 19th century), the large number of IIM accounts, and the large number of missing account documents, an historical accounting based on actual account transactions is expected to be large and time-consuming. The Interior Department has proposed an extensive, five-year, $335 million project to reconcile IIM accounts. Most of the increase that the Administration proposed for the OST for FY2005 was for historical accounting, which would have increased from $44.4 million in FY2004 to $109.4 million in FY2005. Of the proposed $109.4 million total for historical accounting, $80.0 million was for IIM accounts and $29.4 million for tribal accounts. The House and the Senate Appropriations Committee increased funds for historical accounting but capped the amount at $58.0 million in appropriations language. For FY2005, Congress approved the $58-million cap, which after rescissions in the law is $57.2 million, or $12.7 million (29%) over FY2004 and $52.2 million (48%) below the request. The House Appropriations Committee, in its report on the FY2005 bill, explained that the cap was related to ongoing mediation and settlement discussions in the trust-funds litigation and to the possibility of large future appropriations if these efforts failed.

Litigation

An IIM trust funds class-action lawsuit (*Cobell* v. *Norton*) was filed in 1996, in the federal district court for the District of Columbia, against the federal government by IIM account holders.[6] Many OST activities are related to the *Cobell* case, including litigation support activities, but the most significant issue for appropriations concerns the method by which the historical accounting will be conducted to estimate IIM accounts' proper balances. The DOI's proposed method was estimated by the Department to cost $335 million over five years and produce a relatively low total owed to IIM accounts; the plaintiffs' method, whose procedural cost is uncertain, was estimated to produce a figure of $176 *billion* owed to IIM accounts.

In 2003, the court conducted a lengthy trial to decide which historical accounting method to use in estimating the IIM accounts' proper balances. Previously, in the first phase of the *Cobell* case, in 1999 the court had found that DOI and the Treasury Department had breached trust duties regarding the necessary document retention and data gathering needed for an accounting, and regarding the business systems and staffing to fix trust management. The lawsuit's final phase will determine the amount of money owed to the plaintiffs, based on the historical accounting method chosen.

Congress has, for several years, been concerned about the current and potential costs of the *Cobell* lawsuit, although it has eliminated proposed appropriations language directing settlement of the case. The Appropriations Committees have expressed concern that the IIM lawsuit was jeopardizing DOI trust reform implementation and have required reports from DOI on the costs and benefits of historical accounting methods, including statistical sampling.

The court's decision on historical accounting was delivered on September 25, 2003. The court rejected both the plaintiffs' and DOI's proposed historical accounting plans and instead ordered DOI to account for all trust fund and asset transactions since 1887, without using statistical sampling. The Interior Department estimated that the court's choice for historical accounting would cost $6-12 billion.

The FY2004 Interior appropriations conference report added a controversial new provision aimed at the court's September 25, 2003, decision. The provision directed that no statute or trust law principle should be construed to require the Interior Department to conduct the historical accounting until either Congress had delineated the department's specific historical accounting obligations or December 31, 2004, whichever was earlier. The conferees asserted in the conference committee report that the court-ordered historical accounting was too expensive, beyond the intent of the 1994 Act, and likely to be appealed, and that Congress needed time to resolve the historical accounting question or settle the suit. Opponents in the House and Senate argued that the provision was of doubtful constitutionality, since it directed courts' interpretation of law and effectively suspended a court order in an ongoing case, and further was unjust to the plaintiffs and might undermine the Interior Department's incentives to negotiate a settlement.

The FY2004 conference report with this provision passed both the Senate and, narrowly, the House, and was enacted on November 10, 2003. Based on this provision, the DOI on the same day appealed the court's September 25, 2003, order. On November 12, 2003, the U.S. Court of Appeals for the District of Columbia temporarily stayed the September 25 order. During the stay, on April 5, 2004, the IIM plaintiffs and the federal government announced agreement on two

[6] *Cobell v. Norton* (Civil No. 96-1285) (D.D.C.). Updated information is available on the websites of the plaintiffs at http://www.indiantrust.com, the DOI at http://www.doi.gov/indiantrust/, and the Justice Department at http://www.usdoj.gov/civil/cases/cobell/index.htm.

mediators in their case.[7] The House Appropriations Committee's report on the FY2005 appropriations bill expressed encouragement at the mediation and at commitments by the House and Senate authorizing committees to develop a legislative solution. On December 10, 2004, the Appeals Court overturned much of the September 25 order, finding among other things that the congressional provision prevented the district court from requiring DOI to follow its directions for a historical accounting. The Appeals Court noted that the provision expired on December 31, 2004, but did not discuss the district court's possible reissue of the order. Meanwhile, no bill was introduced in the 108th Congress to delineate the government's historical accounting obligation, the mediation discussions continued, and the district court has not reissued an order on historical accounting.

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

CRS Report RS21738. *The Indian Trust Fund Litigation: An Overview of* Cobell *v.* Norton, by Nathan Brooks.

National Indian Gaming Commission

The National Indian Gaming Commission (NIGC) was established by the Indian Gaming Regulatory Act (IGRA) of 1988 (P.L. 100-497, as amended) to oversee Indian tribal regulation of tribal bingo and other "Class II" operations, as well as aspects of "Class III" gaming (e.g., casinos and racing). The chief appropriations issue for NIGC is whether its funding is adequate for its regulatory responsibilities.

The NIGC is authorized to receive annual appropriations of $2 million, but its budget authority consists chiefly of annual fees assessed on tribes' Class II and III operations. IGRA currently caps NIGC fees at $8 million per year. The NIGC in recent years has requested additional funding because it has experienced increased demand for its oversight resources, especially audits and field investigations. Congress, in the FY2003-FY2004 appropriations acts, increased the NIGC's fee ceiling to $12 million, but only for FY2004-FY2005.

In the FY2005 budget, the Administration proposed language amending IGRA to create an adjustable, formula-based ceiling for fees instead of the current fixed ceiling. The Administration argued that a formula-based fee ceiling would allow NIGC funding to grow as the Indian gaming industry grows. Gaming tribes did not support the increased fee ceiling or the proposed amendment of IGRA's fee ceiling, arguing that NIGC's budget should first be reviewed in the context of extensive tribal and state expenditures on regulation of Indian gaming, and that changes in NIGC's fees should be developed in consultation with tribes. The House bill, the Senate Committee recommendation, and the FY2005 law did not include the Administration's proposed amendment to IGRA and instead extended to FY2006 the increase in the NIGC fee ceiling to $12 million. Language in the Senate Committee report allowed the NIGC to use negotiated rulemaking with tribes in developing regulations.

During FY1999-FY2004, all NIGC activities were funded from fees, with no direct appropriations. The Administration proposed no direct appropriations for the NIGC for FY2005, and the House, the Senate Appropriations Committee, and the FY2005 law did likewise.

[7] For more information, see the joint press release of the Senate Committee on Indian Affairs and the House Committee on Resources at http://indian.senate.gov/108press/040504.htm.

Title II: Related Agencies and Programs

Department of Agriculture: Forest Service

The FY2005 appropriations for the Forest Service total $4.75 billion—$4.63 billion in the FY2005 Consolidated Appropriations Act (including $394.4 million in emergency FS wildfire funding that would become available if certain conditions are met), plus $113.1 million in P.L. 108-324 for emergency funding to address damages from natural disasters. This amount is $75.0 million (2%) more than recommended by the Senate Appropriations Committee recommended ($4.67 billion, including $400.0 million in emergency wildfire funding), and $99.8 million (2%) more than the House-passed level ($4.65 billion, including $400.0 million in emergency wildfire funding). The FY2005 funding is $508.1 million (12%) more than the President's request of $4.24 billion (with no emergency wildfire funding), and $193.7 million (4%) less than FY2004 appropriations of $4.98 billion (including supplemental funds).

Legislative Provisions

Various legislative provisions relating to the FS were discussed during consideration of Interior appropriations legislation, some of which were enacted. One provision included in the FY2005 law could affect timber harvesting in the Tongass National Forest. It extends a provision in the FY2004 Interior and Related Agencies Appropriations Act (P.L. 108-108) providing standards for timber sale litigation for an additional year's timber sale decisions.

Another provision in the FY2005 law pertains to categorical exclusions for grazing. For FY2005 through FY2007, decisions by the Secretary of Agriculture authorizing grazing on FS lands would be categorically excluded from documentation under the National Environmental Policy Act of 1969 (NEPA), under certain circumstances. Supporters of the language contend that it makes the environmental review process more efficient by reducing the documentation and expense required for reviewing grazing allotments where the level of complexity of environmental issues is relatively low. Opponents are concerned that the provision could eliminate NEPA-associated opportunities for public comment and continue grazing at levels that damage the environment.

A third provision included in the law pertains to the forest land enhancement program (FLEP). The program was enacted in the 2002 Farm Bill (P.L. 107-171, §8002) with $100.0 million in mandatory spending for financial assistance to private landowners for forestry practices. FY2003 funds of $20.0 million were spent on the program. Then, in the summer of 2003, the Administration borrowed $50.0 million of FLEP funds for firefighting, and $10.0 million was repaid in the FY2004 Interior Appropriations Act. For FY2005, the Administration had proposed cancelling the remaining $40.0 million (after the $20.0 million spent and $40.0 million borrowed and not repaid). The House and Senate Appropriations Committees had included language in their bills as reported to cancel the remaining $40.0 million of FLEP, but the provision was removed on the House floor on a point of order. The FY2005 law includes a provision cancelling $20.0 million of FLEP funding, leaving $20.0 million available for FLEP funding through FY2006.

Other provisions were considered but not enacted. The House had agreed to the Chabot amendment to prohibit funding for forest development roads to remove timber from the Tongass National Forest (AK). This amendment would have prevented new timber harvesting roads paid by taxpayers, but would not have prevented road building by private timber companies or by the government for other purposes. It would likely have constrained timber harvesting in the Tongass during FY2005, but would not have prevented maintenance of existing roads. The Senate committee-reported bill and the FY2005 law do not include such a provision.

In addition, the House rejected a Udall amendment to prevent completion of new NFMA planning regulations. The amendment was supported because the draft regulations would eliminate the NEPA analysis of plans, end population viability standards for native species, and otherwise alter existing planning processes and standards. Opponents contended that the 1982 regulations are outdated and cumbersome and the 2000 Clinton regulations (which have not been implemented) are unworkable. The Bush Administration has since issued new NFMA planning regulations (70 *Fed. Reg.* 1023, Jan. 5, 2005).

Forest Fires and Forest Health

Fire funding and fire protection programs have been controversial. The ongoing discussion includes questions about funding levels and locations for various fire protection treatments, such as thinning and prescribed burning to reduce fuel loads and clearing around structures to protect them during fires. Another focus is whether, and to what extent, environmental analysis, public involvement, and challenges to decisions hinder fuel reduction activities. (For historical background and descriptions of funded activities, see CRS Report RL33990, *Wildfire Funding*, by Ross W. Gorte.)

The National Fire Plan comprises the FS wildland fire program (including fire programs funded under other line items) and fire fighting on DOI lands; the DOI wildland fire monies are appropriated to the BLM. Congress does not fund the National Fire Plan in any one place in Interior appropriations acts. The total can be derived by combining the several accounts which the agencies identify as National Fire Plan funding. This shows FY2005 appropriations of $2.97 billion, $14.4 million (0.5%) less than recommended by the Senate Appropriations Committee and $51.2 million (2%) less that the House provided. The amount is $500.3 million (20%) above the FY2005 budget request, and $325.3 million (10%) less than FY2004 appropriations. See

Table 13 below.

The BLM appropriations are $831.3 million for FY2005, $11.8 million (1%) less that the Senate committee recommendation and the House-passed level, $88.2 million (12%) more than the request, and $52.3 million (6%) less than the FY2004 appropriation. The FS level is $2.14 billion, $2.6 million (0.1%) less than the Senate Committee recommended, $39.4 million (2%) less than the House-passed level, $412.1 million (24%) more than the request, and $273.0 million (11%) less than FY2004 funding.

Table 13. National Fire Plan Funding, FY2001-FY2005

($ in millions)

	FY2001 Approp.	FY2002 Approp.	FY2003[b] Approp.	FY2004[c] Approp.	FY2005[d] Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005[e] Approp.
Forest Service								
—Wildfire Suppression	*$319.3*	*$255.3*	*$418.0*	*$597.1*	*$685.4*	*$658.0*	*$658.4*	*$648.9*
—Emergency Funding[a]	*425.1*	*266.0*	*919.0*	*748.9*	*0.0*	*400.0*	*400.0*	*395.5*
—Preparedness	*611.1*	*622.6*	*612.0*	*671.6*	*666.2*	*693.6*	*686.0*	*676.5*
—Other Operations	*557.2*	*446.8*	*371.5*	*392.6*	*373.6*	*425.1*	*395.5*	*416.5*
Subtotal, Forest Service	1,912.7	1,590.7	2,320.5	2,410.3	1,725.2	2,176.7	2,139.9	2,137.3
BLM								
—Wildfire Suppression	*153.1*	*127.4*	*159.3*	*192.9*	*221.5*	*221.5*	*221.5*	*218.4*

	FY2001 Approp.	FY2002 Approp.	FY2003[b] Approp.	FY2004[c] Approp.	FY2005[d] Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005[e] Approp.
—Emergency Funding[a]	*199.6*	*54.0*	*225.0*	*198.4*	*0.0*	*100.0*	*100.0*	*98.6*
—Preparedness	*314.7*	*280.8*	*275.4*	*274.3*	*283.0*	*262.6*	*262.6*	*258.9*
—Other Operations	*309.7*	*216.2*	*215.4*	*218.0*	*238.6*	*258.9*	*258.9*	*255.3*
Subtotal, BLM	977.1	678.4	875.2	883.6	743.1	843.1	843.1	831.3
Total National Fire Plan								
—Wildfire Suppression	472.4	382.7	577.3	790.0	906.9	879.5	879.9	867.3
—Emergency Funding[a]	624.6	320.0	1,144.0	947.3	0.0	500.0	500.0	494.1
—Preparedness	925.9	903.4	887.4	945.9	949.2	956.3	948.6	935.4
—Other Operations	866.9	663.0	586.9	610.6	612.2	684.0	654.4	671.8
Total appropriations	**2,889.8**	**2,269.1**	**3,195.6**	**3,293.9**	**2,468.3**	**3,019.8**	**2,983.0**	**2,968.6**

Notes: Includes funding from BLM and FS Wildland Fire Management accounts, from FS State and Private Forestry (Cooperative Fire Protection), and for FY2005, from FS National Forest System (Hazardous Fuels Reduction). Excludes $30.0 million of FY2005 funds for fuel reduction, hazard mitigation, and rehabilitation in the San Bernardino (CA) National Forest and $10.0 million for a wildfire training facility in San Bernardino County, CA, transferred to the Forest Service under P.L. 108-287.

This table differs from the more detailed tables in CRS Report RL33990, *Wildfire Funding*, by Ross W. Gorte, because that report rearranges data to distinguish funding for protecting federal lands, for assisting in nonfederal land protection, and for fire research and other activities.

a. Emergency supplemental and contingent appropriations are included in agency totals.

b. Includes supplemental of $636.0 million for the FS and $189.0 million for the BLM ($825.0 million total) in P.L. 108-7 and of $283.0 million for the FS and $36.0 million for the BLM ($319.0 million total) in P.L. 108-83.

c. Includes repayment of $299.2 million for the FS and $98.4 million for the BLM ($397.6 million total) of earlier borrowings for fire suppression in P.L. 108-108, and a supplemental of $49.7 million for the FS in P.L. 108-199. Also includes $400.0 million for the FS and $100.0 million for the BLM ($500.0 million total), included in the Department of Defense Appropriations Act for FY2005 (P.L. 108-287), for emergency firefighting in FY2004.

d. Fire research and fuel reduction funds are included under Other Operations. The BLM traditionally has included fire research funding under Preparedness, and the FS proposed to move fire research from Other Operations to Preparedness in its FY2005 budget request. The FS also proposed to move fuel reduction funds from Other Operations to the National Forest System.

e. Includes emergency funding of $1.03 million for the FS in P.L. 108-324.

The FS and BLM wildland fire line items include funds for fire suppression (fighting fires), preparedness (equipment, training, baseline personnel, prevention, and detection), and other operations (rehabilitation, fuel reduction, research, and state and private assistance). For more information on these activities, see CRS Report RL33990, *Wildfire Funding*, by Ross W. Gorte.

The FY2005 appropriations for wildfire suppression are $867.3 million, $12.6 million (1%) less than the Senate committee recommended, $12.2 million (1%) less than the House provided, $39.6 million (4%) less than the budget request, and $77.3 million (10%) more than FY2004 appropriations. The increase above FY2004 is slightly greater for the BLM (13%) than for the FS (9%). The request was based on an average fire year, and contained no contingent or emergency funding ($947.3 million enacted for FY2004). If the fire season is worse than average, the agencies have the authority to borrow unobligated funds from any other account to pay for firefighting. Such borrowings typically are repaid in subsequent appropriations (commonly emergency appropriations bills), although to date, FY2003 borrowings have not been fully repaid.

Supplemental emergency firefighting funds for FY2004 were enacted in the FY2005 DOD appropriations (P.L. 108-287). In their FY2005 bills, the House had included, and the Senate committee had recommended, $500.0 million in emergency funding ($100.0 million for the BLM and $400.0 million for the FS), if needed, for FY2005, to preclude borrowing from other accounts to fight wildfires. P.L. 108-324 included $1.0 million of emergency FY2005 FS funds for disaster recovery. The FY2005 appropriations law includes $493.1 million in emergency funding ($98.6 million for the BLM and $394.4 million for the FS), if needed.

The FY2005 Consolidated Appropriations Act includes $935.4 million for fire preparedness, $13.2 million (1%) less than the Senate Appropriations Committee recommended, $20.9 million (2%) less than the House, $13.8 million (1%) less than the request, and $10.5 million (1%) less than FY2004.

FY2005 funding for other fire operations totals $671.8 million, $17.4 million (3%) more than the Senate Appropriations Committee recommended, and $12.2 million (2%) less than the House-passed level. Other fire operations include fuel reduction funding under the President's Healthy Forests Initiative and the Healthy Forests Restoration Act of 2003 (P.L. 108-148), and other authorities. FY2005 fuel reduction funding totals $463.9 million, $6.6 million (1%) less than the Senate Committee recommended, $11.6 million (2%) less than the House-passed level and the FY2005 request, and $46.6 million (11%) more than in FY2004. The increase from FY2004 is slightly greater for the FS (12%) than for the BLM (10%). In addition, §8098 of P.L. 108-287, the FY2005 DOD appropriations act, transferred $30.0 million of DOD funds to the FS for fuel reduction, hazard mitigation, and rehabilitation in the San Bernardino NF (CA) and $10.0 million for a wildfire training facility in San Bernardino County (CA).

Finally, the House directed $8.0 million from two State and Private Forestry accounts (discussed below)—$5.0 million from state fire assistance and $3.0 million from forest stewardship—to be used to support community wildfire protection planning. The Senate Committee and conference reports are silent on the issue.

State and Private Forestry

While funding for wildfires has been the center of debate, many changes have occurred in State and Private Forestry (S&PF)—programs that provide financial and technical assistance to states and to private forest owners. Total S&PF funding enacted in the FY2005 Consolidated Appropriations Act is $292.5 million (excluding $49.1 million enacted for disaster recovery in P.L. 108-324). This is $1.3 million (0.5%) more than recommended by the Senate Appropriations Committee, $10.1 million (4%) more than the House passed, $1.8 million (1%) less than the budget request, and $11.8 million (4%) less than FY2004 appropriations (excluding $24.9 million of emergency S&PF funding included under National Fire Plan emergency funding, above). Large shifts in funding within S&PF—in forest health management, in cooperative fire assistance, in cooperative forestry, and in international programs—were proposed and some were included in the FY2005 law.

The FY2005 law includes $101.9 million for forest health management (insect and disease control on federal and cooperative [nonfederal] lands), $20.6 million (25%) more than recommended by the Senate committee and requested by the Administration, $1.1 million (1%) less than the House passed, and $3.3 million (3%) more than FY2004 appropriations. The President proposed $10.0 million for a new Emerging Pest and Pathogens Fund to rapidly address invasive species problems, although similar proposals in the previous two budget requests have been rejected by Congress. The House, Senate committee, and FY2005 law again rejected this proposal. In addition, funds for forest health management are included in National Fire Plan

Other Operations (see above). For FY2005, these funds total $24.6 million, $12.0 million (95%) more than the Senate Committee recommended and the Administration requested, $0.3 million (1%) less than the House passed, and $39,000 less than FY2004.

For S&PF Cooperative Fire Assistance to states and volunteer fire departments, the FY2005 law includes $38.8 million, $2.8 million (8%) more than the Senate Committee recommended, $3.0 million (7%) less than the House passed, $8.7 million (29%) more than the FY2005 request, and $0.4 million (1%) more than FY2004 (excluding the $24.9 million of FY2004 emergency S&PF funding included under National Fire Plan Emergency Funding, above). In addition, funds for cooperative fire assistance are included in National Fire Plan Other Operations (see above). Enacted FY2005 funding for such programs total $48.1 million, $0.7 million (2%) less than the Senate committee recommended, $0.1 million (0.1%) more than the House passed, $5.8 million (14%) more than the FY2005 budget request, and $11.1 million (19%) less than FY2004 funding.

The FY2005 law contains $145.4 million for Cooperative Forestry programs (assistance for forestry activities on state and private lands). This is $22.0 million (13%) less than the Senate committee recommended, $14.3 million (11%) more than the House passed, $32.3 million (18%) less than the FY2005 budget request, and $16.0 million (10%) more than FY2004. Most of the differences are in two programs: Forest Legacy, for purchasing title or easements for lands threatened with conversion to nonforest uses, such as for residences; and Economic Action Programs (EAP), for rural community assistance, wood recycling, and Pacific Northwest economic assistance. The enacted level for Forest Legacy is $57.1 million, $14.0 million (33%) more than the House, $19.2 million (25%) less than the Senate Committee recommended, and substantially ($42.9 million, 43%) below the $100.0 million proposed by the Administration for FY2005. The enacted level for EAP is $19.0 million, $0.9 million (5%) less than the Senate Appropriations Committee recommended, nearly double the House-passed level of $10.0 million, and down $6.6 million (26%) from FY2004. The Administration again proposed to terminate funding for this program. Other program changes are more modest.

For international programs (technical forestry assistance to other nations), FY2005 appropriations total $6.4 million, slightly ($91,000) less than the Senate committee recommended and the House passed, $1.1 million (20%) more than the FY2005 request, and $0.5 million (8%) more than FY2004 appropriations.

In addition, P.L. 108-324 contained $49.1 million in emergency appropriations for FS assistance to private landowners for recovery from natural resource disasters.

Table 14. FS State & Private Forestry Funding, FY2004-FY2005

($ in millions)

	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
Forest Health Management	$98.6	$81.2	$103.0	$81.2	$101.9
—*Federal Lands*[a]	*53.8*	*46.0*	*55.0*	*46.0*	*54.2*
—*Cooperative Lands*[a]	*44.7*	*25.2*	*48.0*	*35.2*	*47.6*
—Emerging Pests & Pathogens Fund	*0.0*	*10.0*	*0.0*	*0.0*	*0.0*
Cooperative Fire Assistance[a]	38.4	30.1	41.8	36.0	38.8
—*State Assistance*[ab]	*33.4*	*25.1*	*36.4*	*30.0*	*32.9*
—*Volunteer Asst.*[a]	*5.0*	*5.0*	*5.4*	*6.0*	*5.9*

	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
Cooperative Forestry[a]	161.4	177.7	131.1	167.4	145.4
—Forest Stewardship	*31.9*	*40.7*	*37.0*	*33.0*	*32.3*
—Forest Legacy	*64.1*	*100.0*	*43.1*	*76.3*	*57.1*
—Urban & Community Forestry	*34.9*	*32.0*	*32.0*	*33.1*	*32.0*
—Economic Action[a]	*25.6*	*0.0*	*10.0*	*20.0*	*19.0*
—Forest Resource Info. & Analysis	*4.9*	*5.0*	*9.0*	*5.0*	*5.0*
International Programs	5.9	5.4	6.5	6.5	6.4
Emergency Appropriations	0.0	0.0	0.0	0.0	49.1
Total State & Private Forestry	**304.3**[b]	**294.4**	**282.4**	**291.2**	**341.6**

a. Excludes funding provided under the Wildland Fire Management account.

b. The FY2004 figure excludes emergency funding of $24.9 million, enacted in P.L. 108-199, and shown in National Fire Plan funding, above.

Infrastructure

The FY2005 law includes $514.7 million for FS Capital Improvement and Maintenance, and P.L. 108-324 added $50.8 million in infrastructure funding for disaster recovery. Thus, total FY2005 funding for FS Capital Improvement and Maintenance is $565.5 million. This is $49.3 million (10%) more than the Senate Appropriations Committee recommended, $42.6 million (8%) more than the House passed, $64.5 million (13%) more than requested, and $10.3 million (2%) more than FY2004. The FY2005 funding levels for facilities ($198.8 million), roads ($226.4 million), and trails ($75.7 million) are generally similar to (within 5% of) the requested, House-passed, and Senate committee-recommended levels. The largest differences are for disaster recovery ($50.8 million enacted) and for deferred maintenance and infrastructure improvement. The latter account is to reduce the agency's backlog of deferred maintenance, estimated at $6.54 billion. The FY2005 law includes $13.8 million, $3.8 million (38%) more than recommended by the Senate committee and requested by the Administration, $8.1 million (37%) less than the House-passed level, and $17.8 million (56%) less than FY2004 funding.

Land Acquisition

The FY2005 law includes $61.0 million for FS Land Acquisition from the Land and Water Conservation Fund, with $12.8 million for acquisition management and $48.2 million for land purchases. This is significantly less ($21.5 million, 26%) than the $82.5 million recommended by the Senate Appropriations Committee, but substantially more ($45.5 million, 294%) than the House-passed level of $15.5 million. It is $5.9 million (9%) less than requested and $5.4 million (8%) less than FY2004 appropriations. The differences are almost entirely for land purchases, with modest differences for acquisition management.

Other Accounts

FY2005 appropriations for FS research are $276.4 million, $3.5 million (1%) less than the Senate committee recommended, $4.3 million (2%) less than the House-passed level and the budget request, and $10.0 million (4%) above FY2004. National Forest System (NFS) appropriations are $1.39 billion (including $12.2 million in P.L. 108-324 for disaster recovery), $5.8 million (0.4%)

more than the Senate committee recommended, $6.6 million (0.5%) less than the House-passed level, $3.4 million (0.2%) more than the request—excluding the proposed transfer of fuel reduction from wildfire management to NFS—and $27.1 million (2%) more than FY2004. (Fuel reduction funding is discussed under the National Fire Plan, above.) The House also included $10.0 million for a *Centennial of Service Challenge* to fund cost-share projects in celebration of the agency's 100th birthday in February 2005; the FY2005 law provided $9.9 million.

For information on the *Department of Agriculture,* see its website at http://www.usda.gov/.

For further information on the *U.S. Forest Service*, see its website at http://www.fs.fed.us/.

CRS Report RL30755, *Forest Fire/Wildfire Protection*, by Ross W. Gorte.

CRS Report RL30647, *National Forest System Roadless Area Initiatives*, by Kristina Alexander and Ross W. Gorte.

CRS Issue Brief IB10076. *Public (BLM) Lands and National Forests*, by Ross W. Gorte and Carol Hardy Vincent, coordinators.

CRS Report RL33990, *Wildfire Funding*, by Ross W. Gorte.

CRS Report RS22024, *Wildfire Protection in the 108th Congress*, by Ross W. Gorte.

CRS Report RS21880, *Wildfire Protection in the Wildland-Urban Interface*, by Ross W. Gorte.

Department of Energy

Fossil Energy Research, Development, and Demonstration

The Bush Administration's FY2005 budget request of $635.8 million for fossil energy research and development was 5% less than the amount enacted for FY2004 ($672.8 million) but 2% higher than the enacted amount for FY2003 ($620.8 million). Major funding categories and amounts included Coal and Other Power Systems ($470.0 million), Natural Gas Technologies ($26.0 million), Petroleum Technology ($15.0 million), and Program Direction and Management Support ($106.0 million).

The FY2005 appropriations law which funded fossil energy R&D programs at $571.9 million has significant differences with the Administration's request. For example, within the category of Coal and Other Power Systems, the FY2005 law supported FutureGen at $17.8 million versus $237.0 million contained in the budget request. The FY2005 law supported increases in Advanced Systems, Fuels, and Fuel Cells research over the Administration's request. Natural Gas ($44.8 million) and Petroleum Technologies ($33.9 million) also were funded at higher levels than the Administration's request. A key difference for Natural Gas programs was in infrastructure projects. The Administration sought zero funding in FY2005, while the FY2005 law includes $8.4 million in infrastructure funding. In the Petroleum programs, the Administration sought $3.0 million in Petroleum Exploration and Production while the FY2005 law provides $18.7 million. The Administration's request also would have reduced funding for the fuels program by nearly half, providing $16.0 million for transportation fuels and chemicals and zero funding for solid and advanced fuels research. For FY2005, Congress enacted funding of $32.1 million for these programs, higher than FY2004 funding of $31.2 million.

The Administration requested $287.0 million for the Clean Coal Power Initiative (CCPI) for FY2005, as part of a $2 billion, 10-year commitment. The program is designed for "funding advanced research and development and a limited number of joint government-industry-funded demonstrations of new technologies that can enhance the reliability and environmental

performance of coal-fired power generators," according to DOE. The Administration wanted to incorporate the FutureGen program within the CCPI and would fund it at $237.0 million. Other CCPI programs would have received $50.0 million. The FutureGen project is a Bush Administration initiative designed to establish the feasibility of producing electricity and hydrogen from a coal-fired plant yielding no emissions. The CCPI is along the lines of the Clean Coal Technology Program (CCTP), which has completed most of its projects and has been subject to rescissions and deferrals since the mid-1990s. The Administration sought $237.0 million in rescissions in the CCTP program for FY2005, which would have offset the request for FutureGen. The FY2005 law deferred spending $257.0 million of remaining Clean Coal Technology funds, previously appropriated, rather than rescind the money as requested by the Administration. The CCTP eventually will be phased out. In addition to the $17.8 million for FutureGen, the FY2005 law provides $49.3 million for the CCPI.

Earlier, the House had not supported FutureGen as a separate account or the amount requested, but rather supported it using $18.0 million of previously appropriated CCTP money for FutureGen in FY2005. The House also deferred $237.0 million of CCTP funds for future FutureGen requirements. In its report on the FY2005 bill, the House Appropriations Committee expressed disappointment with the emphasis of the request on funding major, new, long-term energy research efforts, such as FutureGen, at the expense of ongoing energy programs that are expected to yield energy savings and emissions reductions over the next decade (H.Rept. 108-542, p. 7). The House approved $105.0 million for the CCPI. In its report, the House Appropriations Committee recommended restoring many of the proposed reductions for research to improve fossil energy technologies. The House Committee stated that it would be "fiscally irresponsible" to discontinue research in which major investments have been made before that research is concluded (H.Rept. 108-542, p. 8).

The Senate Appropriations Committee agreed with the House in its level of funding for Future Gen ($18.0 million), while providing a separate line item for that purpose. The Committee also deferred (rather than rescinded) $257.0 million for CCTP. The Senate Committee did agree with the Administration in supporting $50.0 million for the CCPI.

For further information on the *Department of Energy (DOE),* see its website at http://www.doe.gov/engine/content.do.

For further information on Fossil Energy, see its website at http://www.fe.doe.gov/.

Strategic Petroleum Reserve

The Strategic Petroleum Reserve (SPR), authorized by the Energy Policy and Conservation Act (P.L. 94-163) in late 1975, consists of caverns formed out of naturally occurring salt domes in Louisiana and Texas in which more than 650 million barrels of crude oil are stored. The purpose of the SPR is to provide an emergency source of crude oil which may be tapped in the event of a presidential finding that an interruption in oil supply, or an interruption threatening adverse economic effects, warrants a drawdown from the reserve.

In mid-November 2001, President Bush ordered that the SPR be filled to capacity (700 million barrels) using royalty-in-kind (RIK) oil. This is oil turned over to the federal government as payment for production from federal leases. Acquiring oil for the SPR by RIK avoids the necessity for Congress to make outlays to finance direct purchase of oil; however, it also means a loss of revenues to the Treasury in so far as the royalties are paid in wet barrels rather than in cash. Deliveries of RIK oil began in the spring of 2002 and in early 2005 were scheduled to continue through April. Additional deliveries are highly likely until the SPR is filled.

Deliveries that were scheduled for late 2002 and the first months of 2003 were delayed due to tightness in world oil markets. Some policymakers in the 108th Congress urged the Administration to suspend RIK deliveries once again so that RIK oil could be released to tight markets. The administration argued that the 100,000-200,000 barrels per day of deliveries to the SPR are marginal volumes too small to have any discernible effect on crude and product prices.

There were three attempts during the second session of the 108th Congress to temporarily suspend deliveries of RIK oil to the SPR. On March 11, 2004, during debate on the FY2005 budget resolution, the Senate agreed to another suspension of deliveries of RIK oil, and sale of this oil instead. Several members of the House also have voiced support for deferral of deliveries. During House floor debate on the Interior appropriations bill, Representative Sanders offered an amendment to suspend RIK deliveries and forbid the expenditure of funds in the bill to maintain the SPR above 647 million barrels, the level at which the SPR was when the Senate passed its budget resolution. The amendment was rejected. The most recent attempt to suspend fill occurred on September 14, 2004, during debate on H.R. 4567, the FY2005 Department of Homeland Security appropriations bill. Senator Byrd proposed suspension of RIK fill in order to provide $470 million in additional funding for homeland security purposes. The amendment fell on a point of order.

The current program costs for the SPR are almost exclusively dedicated to maintaining SPR facilities and keeping the SPR in readiness should it be needed. The costs of transporting RIK oil to SPR sites are now borne by the contractors, so no new money was requested for the SPR petroleum account beginning with FY2004.

The request for SPR for FY2005 was $177.1 million—$172.1 million for the SPR and $5.0 million for the Northeast Home Heating Oil Reserve (NHOR). Congress agreed to a funding level of $175.9 million for the program in FY2004, including $4.9 million for the NHOR. The NHOR, established by the Clinton Administration, houses 2 million barrels of home heating oil in above-ground facilities in Connecticut, New Jersey, and Rhode Island. The House agreed to the requested levels, as did the Senate Committee on Appropriations. The enacted appropriation for FY2005, including the NHOR, is $174.6 million.

Comprehensive energy legislation (H.R. 6) reported from conference during the 108th Congress would have permanently authorized the SPR and NHOR, and would have required that the SPR be filled to its authorized capacity of 1 billion barrels (its current capacity is roughly 700 million barrels) as soon as practicable. The legislation was not enacted.

For further information on the *Strategic Petroleum Reserve*, see its website at http://fossil.energy.gov/programs/reserves/spr/.

CRS Issue Brief IB87050, *The Strategic Petroleum Reserve*, by Robert Bamberger.

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 (Naval Petroleum Reserve -1 (NPR-1)). On February 5, 1998, Occidental Petroleum Corporation took title to the site and wired $3.65 billion to the U.S. Treasury. P.L. 104-106 also transferred most of two Naval Oil Shale Reserves (NOSR) to DOI; the balance of the second was transferred to DOI in the spring of 1999. On January 14, 2000, the Department of Energy (DOE) returned the undeveloped Naval Oil Shale Reserve-2 (NOSR-2) to the Ute Indian Tribe; the FY2001 National Defense Authorization (P.L. 106-398) provided for the transfer. The United States retains a 9% royalty interest in NOSR-2, with any proceeds to be applied to the costs of remediating a uranium mill tailings site near Moab, UT. In 1999, NOSR-3

was transferred to the Department of the Interior in 1999). Conditions of the transfer of NOSR-3—and the prior sale of the Elk Hills field—were that DOE remained responsible for environmental remediation activities.

This leaves in the Naval Petroleum Reserves program two small oil fields in California and Wyoming, which were estimated to generate revenue to the government of roughly $7.2 million during FY2005. Congress provided $18.0 million to maintain the Naval Petroleum Reserves (NPR) during FY2004. Similarly, the House agreed to the Administration's recommendation to maintain spending at $18.0 million in FY2005. The Senate Committee on Appropriations recommended the same level. The final appropriation for FY2005 is $17.8 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 (CTRF) is to receive 9% of the Elk Hills sale proceeds after the costs of sale have been deducted. The agreement between DOE and California provided for five annual payments of $36.0 million beginning in FY1999, with the balance due to be paid in equal installments in FY2004 and FY2005. The FY2004 budget provided $72.0 million, including an advance appropriation of $36.0 million for the Elk Hills School Lands Fund, to be paid on October 1 of the following fiscal year. For FY2005, the Administration also requested $72.0 million, and the House agreed to $72.0 million pending a final determination of how much additional money is due to the CTRF. The Senate Committee on Appropriations also recommended $72.0 million, including an advance appropriation of $36.0 million, payable on October 1, 2005. The FY2005 enacted level is $71.5 million, consisting of a $35.5 million advance appropriation from previous years and a $36.0 million advance appropriation for FY2006.

For further information on *Naval Petroleum and Oil Shale Reserves*, see its website at http://fossil.energy.gov/programs/reserves/npr/.

Energy Conservation

The FY2005 budget request (*Budget Appendix*, p. 397) notes that the "Administration's energy efficiency programs have the potential to produce substantial benefits for the Nation—both now and in the future—in terms of economic growth, increased energy security and a cleaner environment." In particular, the request "continues the Hydrogen Fuel Initiative to accelerate the worldwide availability and affordability of hydrogen-powered fuel cell vehicles."

The Administration's request sought $875.9 million ($584.7 million, excluding Weatherization) for energy efficiency, which is $2.1 million, or 0.2%, less than the FY2004 appropriation. Compared with the FY2004 appropriation, the request would have cut R&D funding from $606.9 million to $543.9 million, a decrease of $62.9 million, or 10%. The request originally included $291.2 million for Weatherization, which is $64.0 million more than the FY2004 appropriation. See **Table 15** below.

The House Appropriations Committee's report (p. 123) stated that "the jurisdiction for the Weatherization Program has been moved to the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies (LHE), which has jurisdiction for the Low Income Home Energy Assistance Program (LIHEAP) that also includes funding for weatherization." The House-passed LHE bill (H.R. 5006, H.Rept. 108-636) had $238.0 million for Weatherization, which included $11.0 million added by H.Amdt. 721. This is $10.8 million more than the FY2004 appropriation and is $53.2 million less than the DOE request. Also, the report (p. 128) "encourages" DOE to conduct "an up-to-date assessment" of the Weatherization program comparable to the benefit-cost evaluation conducted by Oak Ridge National Laboratory in 1994.

In the Interior bill, the House approved $656.1 million for DOE energy conservation funding in FY2005, excluding the Weatherization program. Combined with $238.0 million for Weatherization funding in the LHE bill, the House approved a total of $894.0 million for FY2005. Thus, compared with the Administration's request, the House sought an increase of $18.1 million, or 2%. This is comprised of $67.1 million more for R&D and $48.9 million less for grants.

Table 15. Appropriations for DOE Energy Conservation, FY2004-FY2005

($ in millions)

DOE Energy Conservation	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.	FY2005: Percent Change From FY2004
Vehicle Technologies	$178.0	$156.7	167.4	168.5	166.9	-6%
Fuel Cell Technologies	65.2	77.5	71.0	75.0	74.9	15%
Intergovernmental	308.6	72.9	84.7	310.4	81.5	-74%
—*Weatherization Grants*[a]	*227.2*	—	—	*230.0*	—	—
Distrib. Energy Resources	61.0	53.1	62.5	58.1	60.6	-1%
Building Technologies	59.9	58.3	64.9	67.3	67.1	12%
Industrial Technologies	93.1	58.1	84.9	66.9	75.3	-19%
Biomass/Biorefinery	7.5	8.7	12.7	7.7	7.6	1%
Federal Energy Management	19.7	17.9	17.9	18.9	18.1	-8%
Program Management	85.0	81.7	90.2	81.7	87.9	3%
R&D Subtotal	606.9	543.9	611.0	580.5	593.6	-2%
Grants Subtotal	271.1	40.8	45.1	273.8	46.5	-83%
Total appropriations[a]	**$878.0**	**$584.7**	**$656.1**	**$854.3**	**$640.1**	**-27%**

a. Differences in column totals are largely attributable to a change in jurisdiction over the Weatherization program. For the Weatherization program, the Administration originally requested $291.2 million under Interior Appropriations. The House proposed, and the conference committee approved, moving the jurisdiction for the Weatherization Program to the Labor, Health and Human Services, Education, and Related Agencies (LHE) Appropriations bill. In the LHE appropriation bill (H.R. 5006, H.Rept. 108-636), the House approved $238.0 million for Weatherization (including $11.0 million added by H.Amdt. 721), and the FY2005 law provided $228.2 million.

The House Appropriations Committee's report (p. 7) noted "disappointment" that the request emphasized funding for "long-term" efforts such as FreedomCAR, at the expense of ongoing programs that will yield energy and emissions savings "over the next ten years." Thus, the report recommended (p. 8) "restoring many of the reductions proposed in the budget request for energy conservation research ... [because] it would be fiscally irresponsible to discontinue research in which we have made major investments without bringing that research to a logical conclusion." Also, the report explained (p. 7) that R&D funding needs to be higher than the request to "... achieve the goals of energy independence, dramatically lower energy consumption, and significantly reduced emissions." To this end, the House Committee recommended, and the House approved, an R&D increase of $67.0 million over the request. (For more information, see CRS Issue Brief IB10020, Energy Efficiency: Budget, Oil Conservation, and Electricity Conservation Issues, by Fred Sissine.)

The House Appropriations Committee's report contained a number of provisions affecting energy conservation. They are: (1) DOE should implement all recommendations by the National Academy for Public Administration to eliminate positions and achieve administrative cost savings; (2) the DOE budget document for FY2006 should include sub-activities in the program table; (3) DOE should invest more in stationary fuel cells; (4) research on fuel cell start-ups in freezing weather should get "sufficient" funding; (5) DOE should do a new solicitation for off-highway research; (6) the Vulcan Beam Line shall receive a $1.0 million earmark; (7) performance assessments should be conducted for the Building America program; (8) staffing and program funding for Industries of the Future should not be reduced further; (9) competitive grants for the metal casting industry should go to consortia focused on small business participation; (10) DOE should supplement funding for the State Technologies Advancement Collaborative (STAC) program; (11) the Cooperative Program with States should be closely coordinated with DOE's Fossil Energy Program; (12) funding for the review of programs by the National Academy of Science should be fixed as a permanent annual expense line; and (13) DOE is encouraged to contract with Oak Ridge National Laboratory to perform another in-depth evaluation of the Weatherization Program.

The Senate Appropriations Committee reported the FY2005 Interior Appropriations bill with $854.3 million for DOE's Energy Efficiency Program. It included $580.5 million for R&D, which is $30.4 million less than the House bill. Also, the Senate committee-reported bill includes $230.0 million for Weatherization grants, which is $8.0 million less than the House approved in the LHE bill. (For more information, see CRS Issue Brief IB10020, Energy Efficiency: Budget, Oil Conservation, and Electricity Conservation Issues, by Fred Sissine.)

Congress enacted $640.1 million for DOE's Energy Efficiency Program. Compared with the FY2004 appropriation, the FY2005 law has $13.3 million less for R&D. This difference includes $17.7 million less for Industrial Technologies and $11.1 million less for Vehicle Technologies, but also $9.8 million more for Fuel Cells and $7.3 million more for Buildings. The LHE appropriation law has $228.2 million for Weatherization grants, which is $1.0 million more than the FY2004 appropriation. (For more information, see CRS Issue Brief IB10020, Energy Efficiency: Budget, Oil Conservation, and Electricity Conservation Issues, by Fred Sissine.)

For further information on *energy conservation*, see the DOE website at http://www.eere.energy.gov/.

CRS Issue Brief IB10020. *Energy Efficiency: Budget, Oil Conservation, and Electricity Conservation Issues*, by Fred Sissine.

CRS Report RS21442, *Hydrogen and Fuel Cell Vehicle R&D: FreedomCAR and the President's Hydrogen Fuel Initiative*, by Brent D. Yacobucci.

CRS Report RL32543, *Energy Savings Performance Contracts: Reauthorization Issues*, by Anthony Andrews.

Department of Health and Human Services: Indian Health Service

The Indian Health Service (IHS) is responsible for providing comprehensive medical and environmental health services for approximately 1.5 million to 1.7 million American Indians and Alaska Natives who belong to 562 federally recognized tribes located in 35 states. Health care is provided through a system of federal, tribal, and urban Indian-operated programs and facilities. IHS provides direct health care services through 36 hospitals, 59 health centers, 2 school health centers, 49 health stations, and 5 residential treatment centers. Tribes and tribal groups, through IHS contracts and compacts, operate another 13 hospitals, 172 health centers, 3 school health

centers, 260 health stations (including 176 Alaska Native village clinics), and 28 residential treatment centers. IHS, tribes, and tribal groups also operate 9 regional youth substance abuse treatment centers and 2,252 units of residential quarters for staff working in the clinics.

IHS funding is separated into two Indian Health budget categories: Health Services, and Facilities. The enacted IHS appropriation for FY2005 is $2.99 billion, $17.8 million or 0.6% increase from the President's FY2005 request for $2.97 billion, and a 2% increase from the FY2004 final appropriation of $2.92 billion. The IHS FY2005 appropriation is 2% below the House-passed total of $3.03 billion, and 0.4% below from the Senate Appropriations Committee reported amount of $3.0 billion (see **Table 16** below). Of the total IHS appropriation enacted for FY2005, 87% will be used for health services and 13% for the health facilities program.

Health Services

IHS Health Services are funded not only through congressional appropriations, but also from money reimbursed from private health insurance and federal programs such as Medicare, Medicaid, and the State Children's Health Insurance Program (SCHIP). The final estimated total reimbursement in FY2005 is $598.7 million, an increase of about $31.0 million or 5% over the FY2004 estimate of $567.6 million.

The IHS Health Services appropriation for FY2005 is $2.60 billion, 0.6% below the President's request of $2.61 billion, but 3% above the FY2004 final appropriation of $2.53 billion. The Services budget has several subcategories: clinical services, preventive health services, and other services.

The Clinical Services budget includes by far the most program funding. The enacted Clinical Services budget of $2.09 billion is $9.7 million less than the requested budget of $2.10 billion, but $65.6 million over the FY2004 appropriation of $2.02 billion. Clinical Services include primary care at IHS and tribally run hospitals and clinics. Hospital and health clinic programs make up the bulk or 62% of the Clinical Services budget. For FY2005, the hospitals and clinic programs will receive $1.29 billion, about 0.5% less than the President's request but 3% more than the appropriation of $1.25 billion for FY2004. For other programs within Clinical Services, dental programs will get $108.7 million, mental health programs $55.0 million, alcohol and substance abuse programs $139.7 million, and the catastrophic emergency fund $17.8 million. Contract care, another Clinical Services budget item, refers to health services purchased from local and community health care providers when IHS cannot provide medical care and specific services through its own system. The enacted appropriation for FY2005 for contract care is $480.3 million, up $1.2 million from FY2004 and the President's request of $479.1 million.

For Preventive Health Services, the final FY2005 appropriation is $110.6 million, a reduction of $1.6 million from the President's request of $112.2 million, but an increase of $3.7 million, or 3%, from the $106.9 million appropriated in FY2004. Funding for each program within preventive health services will increase over FY2004 levels. Program totals will be $44.9 million for public health nursing, $12.5 million for health education in schools and communities, $1.6 million for immunizations in Alaska, and $51.7 million for the tribally administered community health representatives program that supports tribal community members who work to prevent illness and disease in their communities.

For other health services, the enacted appropriation for FY2005 is $395.4 million, a decrease of $3.1 million from the FY2004 appropriation of $398.5 million. Programs with decreased appropriations include $30.4 million for scholarships to health care professionals (down $399,000), $2.3 million for tribal management grants to tribes (down $33,000), and $263.7 million for contract support costs (down $3.7 million). Contract support costs are awarded to

tribes for administering programs under contracts or compacts authorized by the Indian Self-Determination Act (P.L. 93-638, as amended). They pay for costs tribes incur for financial management, accounting, training, and program start up. Most tribes and tribal organizations are participating in new and expanded self-determination contracts and self-governing compacts. The appropriation increased slightly ($340,000) to $32.0 million for health-related activities in off-reservation urban health projects from an FY2004 total of $31.6 million. Funding for IHS administration and management costs for programs IHS operates directly increased by $714,000 to $61.4 million. According to IHS, the increase is to pay for IHS headquarters staffing because staff decreases over the past several years have hampered the agency's capability to perform oversight and outreach activities. The final appropriation includes $5.6 million for self-governance, the same as in FY2004.

Facilities

The IHS's Facilities category includes money for the construction, maintenance, and improvement of both health and sanitation facilities. The total FY2005 appropriation is $388.6 million, an increase of $34.1 million (10%) over the President's request of $354.4 million, but a $2.8 million (0.7%) decrease from the FY2004 appropriation of $391.4 million.

Diabetes

In the Balanced Budget Act of 1997 (P.L. 105-33), Congress created two programs for diabetes: the IHS Special Diabetes Program for Indians, and the National Institutes of Health (NIH) Special Research Program for Type 1 Diabetes. The law required that the SCHIP appropriation for FY1998 through FY2002 be reduced by $60 million each year, with $30 million going to the NIH Type 1 research program and $30 million allocated to the IHS diabetes program. In 2000, the Benefits Improvement and Protection Act (part of P.L. 106-534) increased funding for each of these diabetes programs and extended authority for grants to be made under both. For each grant program, total funding was increased to $100 million for FY2001, FY2002, and FY2003. For FY2001 and FY2002, $30 million of the $100 million came from the SCHIP program appropriation and $70 million came from the general Treasury. In FY2003, the whole $100 million was drawn from the general Treasury out of funds not otherwise appropriated.

In December 2002, Congress extended the funding for these special diabetes programs, through amendments to the Public Health Service Act (P.L. 107-360), authorizing $150 million for each of the programs each year for FY2004 through FY2008. This funding from the general Treasury is separate from regular IHS and NIH appropriations.

Table 16. Appropriations for IHS, FY2004-FY2005

($ in millions)

Indian Health Service	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
Indian Health Services					
Clinical Services					
—Hospital and Health Clinic Programs	*$1,249.8*	*$1,295.4*	*$1,310.4*	*$1,303.7*	*$1,288.9*
—Dental Health	*104.5*	*110.3*	*110.3*	*110.3*	*108.7*
—Mental Health	*53.3*	*55.8*	*55.8*	*55.8*	*55.0*
—Alcohol and Substance Abuse	*138.3*	*141.7*	*141.7*	*141.7*	*139.7*

Indian Health Service	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
—Contract Care	*479.1*	*479.1*	*479.1*	*491.1*	*480.3*
—Catastrophic Health Emergency Fund	*—*	*18.0*	*18.0*	*18.0*	*17.8*
Subtotal, Clinical Services	*2,024.9*	*2,100.2*	*2,115.2*	*2,120.5*	*2,090.5*
Preventive Health Services					
—Public Health Nursing	*42.6*	*45.6*	*45.6*	*45.6*	*44.9*
—Health Education	*11.8*	*12.6*	*12.6*	*12.6*	*12.5*
—Community Health Reps.	*51.0*	*52.4*	*52.4*	*52.4*	*51.7*
—Immunization (Alaska)	*1.6*	*1.6*	*1.6*	*1.6*	*1.6*
Subtotal, Preventive Health	*106.9*	*112.2*	*112.2*	*112.2*	*110.6*
Other Services					
—Urban Health Projects	*31.6*	*32.4*	*32.4*	*32.4*	*32.0*
—Indian Health Professions	*30.8*	*30.8*	*30.8*	*30.8*	*30.4*
—Tribal Management	*2.4*	*2.4*	*2.4*	*2.4*	*2.3*
—Direct Operations	*60.7*	*61.8*	*62.3*	*62.3*	*61.4*
—Self-Governance	*5.6*	*5.7*	*5.7*	*5.7*	*5.6*
—Contract Support Costs	*267.4*	*267.4*	*267.4*	*267.4*	*263.7*
Subtotal, Other Services	*398.5*	*400.5*	*401.0*	*401.0*	*395.4*
Subtotal, Indian Health Services	2,530.4	2,612.8	2,628.3	2,633.6	2,596.5
Indian Health Facilities					
—Maintenance and Improvement	*48.9*	*48.9*	*50.9*	*48.9*	*49.2*
—Sanitation Facilities	*93.0*	*103.2*	*93.2*	*99.2*	*91.9*
—Construction Facilities	*94.6*	*41.7*	*99.3*	*55.4*	*88.6*
—Facilities and Environmental Health Support	*137.8*	*143.6*	*143.6*	*143.6*	*141.6*
—Equipment	*17.1*	*17.1*	*18.1*	*17.1*	*17.3*
Subtotal, Indian Health Facilities	391.4	354.4	405.0	364.1	388.6
Total appropriations	**2,921.7**	**2,967.3**	**3,033.4**	**2,997.8**	**2,985.1**
Medicare/Medicaid Reimbursements	(567.6)	(598.7)	(598.7)	(598.7)	(598.7)
Special Diabetes Program for Indians[a]	150.0	150.0	150.0	150.0	150.0

a. The Special Diabetes Program for Indians has an authorization of $150 million for each of the fiscal years FY2004 through FY2008 (P.L. 107-360) but the program is funded through the General Treasury, not through the IHS appropriation.

For further information on the Indian Health Service, see its website at http://www.ihs.gov/.

Office of Navajo and Hopi Indian Relocation

The Office of Navajo and Hopi Indian Relocation (ONHIR) and its predecessor were created pursuant to a 1974 act (P.L. 93-531, as amended) to resolve a lengthy dispute between the Hopi and Navajo tribes involving lands originally set aside by the federal government for a reservation

in 1882. Pursuant to the 1974 act, the lands were partitioned between the two tribes. Members of one tribe living on land partitioned to the other tribe were to be relocated and provided new homes, and bonuses, at federal expense. Relocation is to be voluntary.

ONHIR's chief activities consist of land acquisition, housing acquisition or construction, infrastructure construction, and post-move support, all for families being relocated, as well as certification of families' eligibility for relocation benefits. Congress has been concerned, at times, about the speed of the relocation process and about avoiding forced relocations or evictions.

For FY2004, ONHIR received an appropriation of $13.4 million. For FY2005, the Administration proposed $11.0 million, an 18% decrease, to which the House agreed. The Senate Appropriations Committee recommended $5 million, a reduction of 63% from the FY2004 appropriation, arguing that carryover funds from previous fiscal years would offset the reduction. The conference committee agreed with the Senate, so the FY2005 appropriation for ONHIR was $4.9 million, a 63% reduction from FY2004.

Relocation began in 1977 and is not yet complete. ONHIR has a backlog of relocatees who are approved for replacement homes but have not yet received them. Most families subject to relocation were Navajo—an estimated 3,485 Navajo families had resided on land partitioned (or judicially confirmed) to the Hopi, while 27 Hopi families had lived on Navajo partitioned land, according to ONHIR data. While 95% of the Navajo families have been relocated to replacement homes, ONHIR estimates that 163 Navajo families as of the end of FY2003 have yet to complete relocation. Most of these remaining 163 Navajo families are not currently living on Hopi partitioned land, but a majority have not reached the stage of seeking a replacement home. Fourteen of the 163 Navajo families are still residing on Hopi partitioned land, according to ONHIR, and some of them refuse to relocate. All but one of the 27 Hopi families on Navajo partitioned land had completed relocation by the end of FY2003, according to ONHIR.

ONHIR estimated in its FY2004 strategic plan that it would complete relocation moves by the end of FY2006 and post-move assistance by the end of FY2008, but stated that this schedule depended on infrastructure needs and relocatees' decisions. Congressional committees have in the past expressed impatience with the speed of relocation but have not recently criticized the current pace.

A long-standing proviso in ONHIR appropriations language, retained in the FY2005 act, prohibits ONHIR from evicting any Navajo family from Hopi partitioned lands unless a replacement home were provided. This language appears to prevent ONHIR from forcibly relocating Navajo families in the near future, because of ONHIR's backlog of approved relocatees awaiting replacement homes. As the backlog is reduced, however, forced eviction may become an issue, if any remaining Navajo families refuse relocation and if the Hopi Tribe were to exercise a right under P.L. 104-301 (a 1996 settlement of related Hopi-U.S. issues) to begin legal action against the United States for failure to give the Hopi "quiet possession" of all Hopi partitioned lands.

Smithsonian Institution

The Smithsonian Institution (SI) is a museum, education, and research complex of 17 museums and galleries, the National Zoo, and research facilities throughout the United States and around the world. Nine of its museums and galleries are located on the National Mall between the U.S. Capitol and the Washington Monument. The SI is responsible for over 400 buildings with approximately 8 million square feet of space. It is estimated to be 70% federally funded, and also is supported by various types of trust funds. A federal commitment to fund the Smithsonian Institution had been established by legislation in 1846.

FY2005 Budget

The Bush Administration proposed $628.0 million for the Smithsonian, a 5.0% increase over the enacted FY2004 level ($596.3 million). See **Table 17** below. For Salaries and Expenses, the Smithsonian would have received $499.1 million, a 2.0% increase over the FY2004 amount of $488.7 million. Salaries and Expenses cover administration of all of the museums and research institutions that are part of the Smithsonian Institution. In addition, it includes program support and outreach, and facilities services (security and maintenance).

FY2005 House-Passed Appropriations

The House-passed appropriation for the Smithsonian ($619.8 million) reflected a 4% increase over the FY2004 law with a 1% decrease from the Administration's request. The Smithsonian Institution's Salaries and Expenses account would have received $496.9 million, an increase of $8.3 million over the FY2004 law but a decrease of $2.2 million from the Administration's request.

FY2005 Senate Committee-Reported Appropriations

The Senate committee-reported appropriations bill for the Smithsonian Institutions (627.0 million) reflected an increase of $7.2 million over the House level and of $30.7 million over the FY2004 level. The Smithsonian's Salaries and Expenses account would receive $490.1 million, a decrease of $9.0 million from the Administration's request and a decrease of $6.8 million from the House-passed level.

FY2005 Enacted Appropriations

The FY2005 final appropriation provides $615.2 million for the Smithsonian, reflecting a decrease of $4.7 million from the House-passed bill and $11.9 million from the Senate committee-reported bill. The Smithsonian's Salaries and Expenses account will receive $489.0 million, a $1.1 million decrease from the Senate committee-reported bill, and a $7.9 million decrease from the House-passed bill.

Facilities Capital

Beginning in FY2004, a new account title—Facilities Capital—"is being used; it is comprised of revitalization, construction, and facilities planning and design. The FY2004 law provided $107.6 million and the FY2005 budget would have provided $128.9 million for Facilities Capital. The House-passed FY2005 bill would have provided $122.9 million, and the Senate committee reported bill would have provided $136.9 million for Facilities Capital. For FY2005, Congress enacted $126.1 million for Facilities Capital, $110.4 million for revitalization, $7.9 million for construction, and $7.9 million for facilities planning and design. Revitalization funds are for addressing advanced deterioration in SI buildings, helping with routine maintenance and repair in Smithsonian Institution facilities, and making critical repairs.

National Museum of the American Indian (NMAI)

The Administration request, the House-passed bill, and the Senate committee-reported bill would have provided $32.2 million for operating expenses for the NMAI, a decrease from the FY2004 law of $38.1 million. For FY2005, Congress enacted $31.7 million for NMAI. In the past the NMAI was controversial. Opponents of constructing a new museum argued that the current Smithsonian Institution museums needed renovation, repair, and maintenance more than the

public needed another museum on the National Mall. Proponents argued that there had been too long a delay in providing a museum in Washington to house the Indian collection. Based on an estimate of $219.3 million for construction of the Indian museum, the Smithsonian Institution indicated that some of its trust funds in addition to SI's Salaries and Expenses funds could be used to cover opening costs. The groundbreaking ceremony for the NMAI took place September 28, 1999 and the grand opening ceremony was September 21, 2004, beginning with a celebration called the "First Americans Festival."

Smithsonian Institution Center for Materials Research and Education (SCMRE)

The direction of SI's research priorities is of concern to Congress. A past controversy involved the proposed closing of the Smithsonian Institution Center for Materials Research and Education (SCMRE), which the Smithsonian Institution decided to retain. The FY2002 Interior Appropriations law provided that an independent, "blue ribbon" science commission be established to deal with this and other decisions. The commission's report of January 2003 noted that science programs of the Smithsonian Institution have eroded over time due to a "long-term trend in declining support for mandatory annual salary increases." Of the 76 recommendations in the Science Commission report, according to the SI, more than three quarters of them have been addressed in their attempts to revitalize science. The FY2004 law provided $3.5 million for the SCMRE, and the FY2005 appropriation provides $3.5 million.

National Museum of African American History and Culture

A new National Museum of African American History and culture (NMAAHC) has been established within the Smithsonian Institution through P.L. 108-184. The museum will collect, preserve, study and exhibit African American historical and cultural material and will focus on periods of history including the time of slavery, Reconstruction, the Harlem Renaissance, and the civil rights movement. The FY2005 budget and the Senate committee-reported bill would have provided $5.0 million whereas the House-passed bill would have provided $4.0 million for the NMAAHC for selection of personnel for planning, site selection, and capital fund raising. The FY2005 appropriation provides $3.9 million for the NMAAHC. The opening of the National Museum of the American Indian brings with it the question of space left on the Mall for the NMAAHC, and whether or not another space will be offered and approved by the National Capital Planning Commission (NCPC), the Commission of Fine Arts, and the National Capital Memorial Commission.

National Zoo

The FY2005 request, the House-passed bill, and the Senate committee-reported bill would have provided $17.8 million for salaries and expenses at the National Zoo. The final FY2005 appropriation provides $17.6 million for the National Zoo. Recently, Congress and the public have been concerned about the National Zoo's facilities and the care and health of its animals. The Smithsonian Institution has a plan to revitalize the zoo, making the facilities safer for the public and healthier for the animals. The Administration's request specified an estimated $19 million (under the Facilities Capital account) to begin the National Zoo's revitalization, to include construction of a new elephant facility to be completed by 2007. According to SI, the National Zoo is 110 years old and the physical environment is deteriorating—many of the largest animals (e.g., lions, tigers, and elephants) are housed in the oldest areas. Space is a major health concern. The new construction, designed to provide ample space for elephants and other animals, will put the National Zoo in compliance with the U.S. Department of Agriculture and American Zoo and

Aquarium Association standards, and will help to correct the "infrastructure deficiencies" found throughout the National Zoo. The estimated total cost of the National Zoo revitalization is $68.3 million, including future years' funding for completing construction in FY2006. This figure does not include an estimated $12 million expected to be raised from private funds.

Trust Funds

In addition to federal appropriations, the Smithsonian Institution receives income from trust funds to expand its programs. The SI trust fund includes general trust funds, contributions from private sources, and government grants and contracts from other agencies. General trust funds include investment income and revenue from "business ventures" such as the *Smithsonian* magazine, and retail shops. There are also trust funds that are private donor-designated funds that specify and direct the purpose of funds. Finally, government grants and contracts are provided by various government agencies for projects specific to the Smithsonian Institution, and they were estimated to total $104.1 million in FY2004.

Of concern to Congress is the extent to which the Smithsonian Institution has control when donor and sponsor designated funds put restrictions on the use of that funding. Designated funds in FY2004 were estimated to total $84.5 million. There is concern that donor designated funding may require a building to be renamed for that individual or corporate donor, even if an appropriate name is already being used. In addition, there is debate over whether companies who are allowed to advertise at cultural events might in some way compromise the integrity of the Smithsonian Institution. The Congress has been considering these issues as part of the fiscal year appropriations debates for the past few years in order to help maintain the strength of the Smithsonian Institution.

Table 17. Smithsonian Institution Appropriations, FY2004-FY2005

($ in thousands)

Smithsonian Institution (SI)	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
Salaries and Expenses	$488,653	$499,125	$496,925	$490,125	$489,035
Facilities Capital					
—Revitalization	*89,553*	*111,910*	*106,910*	*119,910*	*110,355*
—Construction	*9,876*	*8,990*	*7,990*	*8,990*	*7,879*
—Facilities Planning and Design	*8,197*	*8,000*	*8,000*	*8,000*	*7,888*
Subtotal, Facilities Capital	107,626	128,900	122,900	136,900	126,122
Total appropriations	**596,279**	**628,025**	**619,825**	**627,025**	**615,157**

For further information on the Smithsonian Institution, see its website at http://www.si.edu/.

National Endowment for the Arts and National Endowment for the Humanities

One of the primary vehicles for federal support for the arts and the humanities is the National Foundation on the Arts and the Humanities (NFAH), composed of the National Endowment for the Arts (NEA); the National Endowment for the Humanities (NEH); and the Institute of Museum

Services (IMS), now constituted as the Institute of Museum and Library Services (IMLS) with an Office of Museum Services (OMS). The NEA and NEH authorization expired at the end of FY1993, but they have been operating on temporary authority through appropriations law. The Institute of Museum and Library Services and the Office of Museum Services were created by P.L. 104-208, and reauthorized by P.L. 108-81.

Among the questions Congress continually considers is whether funding for the arts and humanities is an appropriate federal role and responsibility. Some opponents of federal arts funding argue that NEA and NEH should be abolished altogether. Other opponents argue that culture can and does flourish on its own through private support. Proponents of federal support for arts and humanities contend that the federal government has a long tradition of support for culture and that abolishing NEA and NEH could curtail or eliminate programs that have national significance and purpose (such as national touring theater and dance companies). Some representatives of 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.

NEA

NEA's direct grant program for the arts currently supports approximately 1,600 grants. State arts agencies are now receiving over 40% of grant funds, with 1,000 communities participating nationwide, particularly from under-represented areas that lack cultural facilities and programs.

For FY2005, Congress enacted $121.3 million for NEA, $9.7 million less than the House-passed bill ($131.0 million), slightly higher than the Senate committee-reported bill and FY2004 appropriation ($121.0 million), but a decrease of 13% from the Administration's budget ($139.4 million). See **Table 18** below. The FY2005 House-passed bill contained a floor amendment that added $10.0 million to the American Masterpieces program for NEA and $3.5 million to NEH's We the People program, while offsetting these amounts through cuts to DOI's departmental management. The FY2005 budget had proposed the American Masterpieces program to be funded under NEA grants and state partnerships. This national initiative would include touring programs, local presentations and arts education in the fields of dance, visual, arts and music. The Senate committee-reported bill did not provide additional funds for the American Masterpieces program, although the Committee, stated that the program "has merit" (S.Rept. 108-341, p. 77). During consideration of the bill in committee, some members of the Senate Appropriations Committee urged that when the bill went to the floor or to conference, that the House-passed level for NEA be accepted—$131.0 million. For FY2005, Congress enacted $2.0 million for American Masterpieces and $121.3 million for NEA.

The FY2005 law provides $21.4 million to the Challenge America Arts fund, a program of matching grants for arts education, outreach, and community arts activities for rural and under-served areas. The NEA is required to submit a detailed report to the House and Senate Appropriations Committees describing the use of funds for the Challenge America program.

Although there appears to be an increase in congressional support for the NEA, debate often recurs on previous questionable NEA grants when appropriations are considered.[8] Congress continues to restate the language of NEA reforms in appropriations laws. For example, both the FY2004 and FY2005 appropriations laws retain language on funding priorities and restrictions on

[8] The debate involved whether or not some of the grants given were for artwork that might be deemed obscene, culminating in a 1998 Supreme Court decision (*NEA v. Finley (CA9,100F.3d 671))* 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." No NEA projects have been judged obscene by the courts. Also, NEA eliminated grants to individuals by arts discipline with some exceptions.

grants, including that no grant may be used generally for seasonal support to a group, and no grants may be for individuals except for literature fellowships, National Heritage fellowships, or American Jazz Master fellowships.

NEH

The NEH generally supports grants for humanities education, research, preservation and public humanities programs; the creation of regional humanities centers; and development of humanities programs under the jurisdiction of the 56 state humanities councils. NEH also supports a Challenge Grant program to stimulate and match private donations in support of humanities institutions.

For FY2005, Congress enacted $138.1 million for NEH, a decrease of (3%) from the House-passed bill ($142.0 million) and of 15% from the FY2005 budget ($162.0 million), but an increase of 2% over the FY2004 appropriation and the Senate committee-reported bill (both $135.3 million). The FY2005 appropriation includes $15.9 million for NEH matching grants and $122.2 million for grants and administration. A floor amendment to the House-passed bill increased funding for the We the People initiative. The final appropriation for FY2005 provides $11.2 million for the We the People initiative, an increase over the FY2004 appropriation and Senate committee-reported amount of $9.9 million, but a significant decrease (66%) from the Administration's request of $33.0 million. These grants include model curriculum projects for schools to improve course offerings in the humanities—American history, culture, and civics.

Office of Museum Services

The Office of Museum Services provides grants-in-aid to museums in the form of leadership grants, museum conservation, conservation project support, museum assessment, and General Operating Support (GOS) to help over 400 museums annually to improve the quality of their services to the public. Effective with FY2003, the appropriation for the Office of Museum Services (OMS) was moved from the Interior and related agencies appropriations bill to the appropriations bill for the Departments of Labor, Health and Human Services, and Education, and related agencies. For further information on FY2005 appropriations, see CRS Report RL32303, *Appropriations for FY2005: Labor, Health and Human Services, and Education*, by Paul M. Irwin.

Table 18. Arts and Humanities Funding, FY2004-FY2005

($ in thousands)

Arts/Humanities Funding[a]	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
NEA					
—Challenge America Arts Fund[b]	*$21,729*	*$22,000*	*$21,729*	*$21,729*	*$21,427*
—National Initiative: American Masterpieces[b]	—	*15,000*	*10,000*	—	*1,972*
Subtotal Grants	99,297	115,535	109,297	99,297	99,452
Program support	1,288	1,515	1,288	1,288	1,270
Administration	20,387	22,350	20,387	20,387	20,542
Total, NEA	120,972	139,400	130,972	120,972	121,264
NEH					

Arts/Humanities Funding[a]	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
—NEH Grants and Administration	*119,386*	*145,878*	*125,877*	*119,386*	*122,156*
—NEH Matching Grants	*15,924*	*16,122*	*16,122*	*15,924*	*15,898*
Total, NEH	135,310	162,000	141,999	135,310	138,054
Total appropriations NFAH	**256,282**	**301,400**	**272,971**	**256,282**	**259,318**

a. Beginning with FY2003, the Office of Museum Services as part of IMLS is included in the appropriations bill for the Departments of Labor-HHS-Ed and Related Agencies.

b. Included in the NEA total.

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

For further information on the *National Endowment for the Humanities*, see its website at http://www.neh.gov/.

For further information on the *Institute of Museum and Library Services*, see its website at http://www.imls.gov/.

CRS Report RS20287, *Arts and Humanities: Background on Funding*, by Susan Boren.

Cross-Cutting Topics

The Land and Water Conservation Fund (LWCF)

The LWCF is authorized at $900 million annually through FY2015. However, these funds may not be spent without an appropriation. The LWCF is used for three purposes. First, the four principal federal land management agencies—Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service—draw primarily on the LWCF to acquire lands. The sections on those agencies earlier in this report identify funding levels for their land acquisition activities. Second, the LWCF funds acquisition and recreational development by state and local governments through a grant program administered by the NPS. Third, Presidents have requested, and Congress has appropriated, money from the LWCF to fund some related activities that do not involve land acquisition. This third use is a recent addition, starting with the FY1998 appropriation. Programs funded have varied from year to year. Most of the appropriations for federal acquisitions generally are earmarked to management units, such as a specific National Wildlife Refuge, while the state grant program rarely is earmarked.

Through FY2005, the total authorized amount that could have been appropriated from the LWCF since its inception was $28.1 billion. Actual appropriations have been $14.2 billion. **Table 19** shows appropriations since FY2002 and the Administration request and congressional actions for FY2005. For the five years ending in FY2001, appropriators had provided generally increasing amounts from the fund for federal land acquisition. The total had more than quadrupled, rising from a low of $138.0 million in FY1996 to $453.2 million in FY2001. However, since then appropriations have declined significantly.

Table 19. Appropriations from the LWCF, FY2002-FY2005

($ in millions)

Agency	FY2002 Approp.	FY2003 Approp.	FY2004 Approp.	FY2005 Request	FY2005 House Passed	FY2005 Senate Comm.	FY2005 Approp.
Federal Acquisition							
—BLM	*$49.9*	*$33.2*	*$18.4*	*$24.0*	*$4.5*	*$22.9*	*$11.2*
—FWS	*99.1*	*72.9*	*43.1*	*45.0*	*12.5*	*49.9*	*37.0*
—NPS	*130.1*	*74.0*	*41.8*	*84.3*	*16.0*	*61.8*	*55.1*
—FS	*149.7*	*132.9*	*66.4*	*66.9*	*15.5*	*82.5*	*61.0*
Subtotal, Federal Acquisition	428.8	313.0	169.7	220.2	48.5	217.1	164.3
Grants to States	144.0	97.4	93.8	93.8	91.5	94.0	91.2
Other Programs	110.0	166.5	433.2	586.2	92.5	237.8	203.4
Total appropriations	**682.8**	**576.9**	**696.7**	**900.2**	**232.5**	**549.0**	**458.9**

Source: Data for FY2001compiled by the Department of the Interior Budget Office; data for FY2002 from Interior Appropriations Conference Report (H.Rept. 107-234); data for FY2003-FY2005 from Appropriations Committees' documents.

Reductions of the magnitude that occurred in FY2003 and again in FY2004 for federal land acquisition and state grants were last seen in the early and mid-1990s as part of efforts to address the federal budget deficit. Not only did the total for federal land acquisition and grants to states (excluding other programs) decline in FY2003 and again in FY2004, but each of the five component accounts also declined each year. Currently, the federal budget deficit has drawn increased attention, as it did during the early and mid-1990s. Also, there has been enhanced interest in funding other priorities, mostly tied to the war on terrorism.

FY2005 Appropriations

The Administration requested a total of $900.2 million for FY2005, of which a total of $314.0 million would have gone to federal land acquisition and state grants. The remainder, $586.2 million, was the largest amount requested in the program's history for purposes other than land acquisition and stateside grants. The programs and amounts, listed on page DH-48 of the *FY2005 Interior Budget in Brief,* included Forest Service's Forest Stewardship Program ($40.7 million), Forest Legacy Program ($100.0 million), and Urban and Community Forestry Program ($32.0 million); and the Fish and Wildlife Service's State and Tribal Wildlife Grants ($80.0 million), Landowner Incentive Grants ($50.0 million), Private Stewardship Grants ($10.0 million), Cooperative Endangered Species Grants ($90.0 million), and North American Wetlands Conservation Fund Grants ($54.0 million).

The House-passed legislation provided no new funding for earmarked acquisitions. The report of the House Committee on Appropriations characterizes these acquisitions as "a low priority" (H.Rept. 108-542, p. 5). Funds in the House bill either mirrored, or were reductions from, the Administration's request and would have gone largely to acquisition management. State grants would have remained almost unchanged from FY2004. The largest change was that the House-passed bill would have provided $92.5 million for only two other programs—the Forest Legacy Program and the Habitat Conservation Program portion of the Cooperative Endangered Species Conservation Fund. This was nearly $500 million less than the Administration's request for

funding for other programs. In the minority views attached to the report, Representatives Obey and Dicks stated that they "disagree with the illogically-driven opposition to land acquisition," but did not comment on LWCF funding for other programs (H.Rept. 108-542, p. 180).

The total for LWCF in Senate legislation was $549.0 million, which would have been less of a reduction from funding in past years than the House-passed bill. This legislation provided almost the same total as the Administration requested for federal land acquisition, although the amount for the NPS was more than $22 million less than the request, while the amount for the FS more than $15 million than the Administration request. More specifically, the Senate legislation earmarked $17.9 million for 11 BLM sites, $34.7 million for 36 FWS sites, $45.3 million for 19 NPS sites, and $66.5 million for 37 FS sites. State grants were almost the same as the House bill. The Senate bill provided more than $237 million to 5 other programs, 4 of which are administered by the Fish and Wildlife Service.

The FY2005 law provides more than the House had allocated, but less than the Senate for each of the four federal land management agencies for acquisition. The total for state grants is little changed from the request and the amounts in the House and Senate bills. The FY2005 appropriation for other purposes totals $203.4 million for four FWS programs and one FS program, which is less than half the Administration request but more than double the amount that the House bill would have provided. The enacted levels and overall consideration of LWCF funding appeared to be somewhat less contentious this year.

Conservation Spending Category

Congress created the Conservation Spending Category (CSC), as an amendment to the Balanced Budget and Emergency Deficit Control Act of 1985, in the FY2001 Interior appropriations law. The CSC, which is also being called the Conservation Trust Fund by some, combines funding for more than two dozen resource protection programs including the LWCF. (It also includes some coastal and marine programs funded through Commerce appropriations). This action was in response to both the Clinton Administration request for substantial funding increases in these programs under its Lands Legacy Initiative, and congressional interest in increasing conservation funding through legislation known as the Conservation and Reinvestment Act (CARA), which passed the House in the 106th Congress. The FY2001 Interior appropriations law authorized that total spending for CSC would grow each year by $160.0 million, from $1.6 billion in FY2001 (of which $1.2 billion would be through Interior Appropriations laws) to $2.4 billion in FY2006. All CSC funding is subject to the appropriations process. (Also, how programs are categorized, or "scored," matters—the Administration and the Appropriations Committees disagree on whether all or portions of funding for some programs should be credited to the CSC.) The appropriations history through FY2005 is as follows.

- The FY2001 laws exceeded the target of $1.6 billion by appropriating a total of $1.68 billion; $1.20 billion for Interior appropriations programs and $0.48 billion for Commerce appropriations programs. (Totals for Interior and Commerce funding were both increases from the preceding year of $566 and $160 million, respectively.)
- The FY2002 request totaled $1.54 billion for this group of programs, and Congress appropriated $1.75 billion, thus almost reaching the target of $1.76 billion. The appropriation for the Interior portion was $1.32 billion, reaching the authorized target amount.
- The FY2003 request totaled $1.67 billion for this group of programs, a decrease from FY2002 funding, and below the target of $1.92 billion. Congress

appropriated a total of $1.51 billion. For the Interior portion, Congress provided $1.03 billion, about $410 million less than the authorized target of $1.44 billion.

- The FY2004 request totaled $1.33 billion, according to estimates compiled by Interior and Commerce Appropriations subcommittee staffs. This amount is below the target of $2.08 billion. For the Interior portion, the request was $1.00 billion, and the target is $1.56 billion. (The Administration had an alternative estimate that increases the total FY2004 request to $1.22 billion for Interior programs, but it is based on some different assumptions about which programs to include.) The total appropriated is not specified in congressional documents.
- The FY2005 request from the Department of the Interior included $1.05 billion for the CSC, an increase of $140 million over the FY2004 appropriation for the same group of programs, according to the Department. However, this total did not include requests from the Forest Service or Department of Commerce. Neither the Forest Service nor the Department of Commerce used the CSC as a structure for organizing or tabulating their requests. In any case, these requests, in total, are likely to be well below the target of $2.24 billion. The total appropriated is unclear.

None of the FY2005 bills or accompanying committee reports identified funding levels for the CSC, with one exception. The House Appropriations Committee's report accompanying the FY2005 House-passed bill mentions the CSC only in the minority views, where Representatives Obey and Dicks state that the bill would fund the CSC at $850 million below the $1.7 billion target for FY2005. The report does not include other funding levels or broader discussions of the CSC. The Senate Appropriations Committee's report accompanying the FY2005 appropriations bill did not mention the CSC by name in a discussion of conservation funding (S.Rept. 108-341, p.5). It stated that the committee "remains concerned" about proposals to create "direct entitlement funding" for selected conservation programs, thereby removing them from the annual oversight of the appropriations process. It noted that the Committee continues to provide funding for many of these programs.

CRS Report RL30444, *Conservation and Reinvestment Act (CARA) (H.R. 701) and a Related Initiative in the 106th Congress*, by Jeffrey A. Zinn and M. Lynne Corn.

CRS Report RS20471. *The Conservation Spending Category: Funding for Natural Resource Protection*, by Jeffrey Zinn.

CRS Report RL33531, *Land and Water Conservation Fund: Overview, Funding History, and Current Issues*, by Carol Hardy Vincent.

Everglades Restoration

The alterations of the natural flow of water by a series of canals, levees, and pumping stations, combined with agricultural and urban development, are thought to be the leading causes of environmental deterioration in the South Florida ecosystem. In 1996, Congress authorized the U.S. Army Corps of Engineers to create a comprehensive plan to restore, protect, and preserve the entire South Florida ecosystem, which includes the Everglades (P.L. 104-303). A portion of this plan, the Comprehensive Everglades Restoration Plan (CERP), completed in 1999, provides for federal involvement in the restoration of the ecosystem. Congress authorized the Corps to implement CERP in Title IV of the Water Resources Development Act of 2000 (WRDA 2000, P.L. 106-541). While restoration activities in the South Florida ecosystem are conducted under several federal laws, WRDA 2000 is considered the seminal law for Everglades restoration.

Based on CERP and other previously authorized restoration projects, the federal government, along with state, local, and tribal entities, is currently engaged in a collaborative effort to restore the South Florida ecosystem. The principal objective of CERP is to redirect and store "excess" freshwater currently being discharged to the ocean via canals, and use it to restore the natural hydrological functions of the South Florida ecosystem. CERP seeks to deliver sufficient water to the natural system without impinging on the water needs of agricultural and urban areas. The federal government is responsible for half the cost of implementing CERP, and the other half is borne by the State of Florida, and to a lesser extent, local tribes and other stakeholders. CERP consists of 68 projects that are expected to be implemented over approximately 36 years, with an estimated total cost of $7.8 billion; the total federal share is estimated at $3.9 billion.[9]

Overview of Appropriations

Appropriations for restoration projects in the South Florida ecosystem have been provided as part of several annual appropriations bills. The Department of the Interior and Related Agencies Appropriations laws have provided funds to several DOI agencies for restoration projects. Specifically, DOI conducts CERP and non-CERP activities in Southern Florida through the National Park Service, U.S. Fish and Wildlife Service, U.S. Geological Survey, and Bureau of Indian Affairs.

Appropriations for other restoration projects in the South Florida ecosystem have been provided to the Corps (Energy and Water Development Appropriations); National Oceanic and Atmospheric Administration (NOAA), (Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations); U.S. Environmental Protection Agency (EPA), (VA, HUD, and Related Agencies Appropriations); and U.S. Department of Agriculture (Department of Agriculture and Related Agencies Appropriations). (For information on other Everglades funding, see CRS Report RS22048, *Everglades Restoration: The Federal Role in Funding*, by Pervaze A. Sheikh and Nicole T. Carter.)

From FY1993 to FY2004, federal appropriations for projects and services related to the restoration of the South Florida ecosystem exceeded $2.3 billion dollars, and state funding topped $3.6 billion.[10] The average annual federal cost for restoration activities in Southern Florida in the next 10 years is expected to be approximately $286 million per year.[11] For FY2005, the Administration requested $231.0 million for the Department of the Interior and the Army Corps of Engineers for restoration efforts in the Everglades. Of this total, $67.0 million was for the implementation of CERP.

FY2005 Appropriations to DOI

For FY2005, the DOI was appropriated $65.5 million for CERP and non-CERP restoration activities, over $40 million less than the requested amount of $105.9 million, and $3.6 million less than the enacted level of $69.1 million in FY2004. For the implementation of CERP, the DOI was appropriated $8.5 million. See **Table 20**.

Of the FY2005 enacted funding level of $65.5 million, the NPS received $45.1 million for land acquisition, construction, and research activities; the FWS received $12.1 million for land

[9] CERP is the first stage in a three stage process to restore the Everglades. The estimated total cost of the entire restoration effort in the Everglades (i.e., all three stages) is $14.8 billion.

[10] These figures represent an estimated cost of all CERP and non-CERP related costs for restoration in the South Florida ecosystem.

[11] This figure is based on CERP and non-CERP related restoration activities in South Florida.

acquisition, refuges, ecological services, and other activities; the USGS received $7.7 million for research, planning, and modeling; and the BIA received $0.5 million for water projects and restoration on tribal lands. See **Table 20** below.

Table 20. Appropriations for Everglades Restoration in the DOI Budget, FY2004-FY2005

($ in thousands)

Agencies Requesting Funding for Everglades Restoration	FY2004 Approp.	FY2005 Request	FY2005 Approp.
National Park Service			
—*CERP*	*$5,463*	*$5,463*	*$5,213*
—*Park Operations*[a]	*23,991*	*24,780*	*25,266*
—*Land Acquisition*	*-5,000*[b]	*40,000*	*0*
—*Everglades Acquisitions Management*	*1,800*	*1,800*	*1,500*
—*Modified Water Delivery*	*12,830*	*8,077*	*7,965*
—*Everglades Research*	*3,937*	*3,937*	*3,882*
—*South Florida Ecosystem Task Force*	*1,308*	*1,308*	*1,290*
Subtotal, NPS	44,329	85,365	45,116
Fish and Wildlife Service			
—*CERP*	*3,309*	*3,351*	*3,304*
—*Land Acquisition*	*0*	*750*	*740*
—*Ecological Services*	*2,523*	*2,554*	*2,518*
—*Refuges and Wildlife*	*9,784*	*4,906*	*4,787*
—*Law Enforcement*	*628*	*636*	*627*
—*Fisheries*	*98*	*100*	*99*
Subtotal, FWS	16,342	12,297	12,075
U.S. Geological Survey			
—*Research, Planning and Coordination*	*7,847*	*7,847*	*7,738*
Subtotal, USGS	7,847	7,847	7,738
Bureau of Indian Affairs			
—*Seminole, Miccosukee Tribe Water Studies and Restoration.*	*539*	*396*	536
Subtotal, BIA	539	396	536
Total appropriations	**69,057**	**105,905**	**65,465**

Source: U.S. Department of the Interior, *Fiscal Year 2006, The Interior Budget in Brief*, (Washington, DC: February 2005) and Consolidated Appropriations Act for FY2005.

a. This includes total funding for park operations in Everglades National Park, Dry Tortugas National Park, Biscayne National Park, and Big Cypress National Preserve.

b. This reflects a transfer of $5.0 million to FWS for water quality monitoring and mitigating invasive species.

The FY2005 enacted level of funding was less than the FY2005 Administration's request due to the omission of one proposed land acquisition project under the NPS. The request for $40.0 million to acquire mineral rights underlying Big Cypress National Preserve was not granted. The

Collier Resources Company has mineral rights in the preserve and reached an *agreement in principle* to sell them to the DOI.[12] Forty million dollars would have covered a portion of the cost of the mineral rights, estimated at $120 million. Appropriators did not include this funding in FY2004 appropriations because the agreement had not been formally approved and a DOI inquiry assessing the value of the mineral rights had been initiated.[13] The House-passed and the Senate committee-reported bills do not explicitly provide funds for these mineral rights.

In its report on the FY2005 bill, the House Appropriations Committee expressed concerns over the coordination and research towards restoring the South Florida ecosystem. The House Committee directed DOI to submit, by November 2004, a report describing the research projects to be funded by the NPS and USGS with FY2005 appropriations. Further, the Committee directed DOI to submit a report describing how it is implementing recommendations made by the General Accounting Office and National Academy of Sciences regarding coordination and management of Everglades research. The Senate committee report did not explicitly state this concern. However, a provision in the Senate committee bill provided that NPS construction funds for implementation of modified water deliveries to ENP are to be spent in accordance with the FY2004 Interior Appropriations law, which placed conditions on appropriations based on the monitoring of phosphorus pollution. This provision was enacted; see below for details.

Concerns Over Phosphorus Mitigation

The enacted FY2005 appropriations provides $8.0 million for the Modified Water Deliveries Project, which is $4.8 million below the FY2004 enacted level of $12.8 million.[14] According to the FY2005 law, funds appropriated in this act and any prior acts for this project will be provided *unless* administrators of four federal departments/agencies (Secretary of the Interior, Secretary of the Army, Administrator of the EPA, and the Attorney General) indicate in their joint report (to be filed annually until December 31, 2006) that water entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet state water quality standards, and the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds. These provisions also were included in the House-passed and Senate committee-reported bills for FY2005 appropriations.

These provisions were enacted based on concerns regarding a Florida State Law (Chapter 2003-12, enacted on May 20, 2003) that amended the Everglades Forever Act of 1994 (Florida Statutes §373.4592) by authorizing a new plan to mitigate phosphorus pollution in the Everglades. Phosphorus is one of the primary water pollutants in the Everglades and a primary cause for ecosystem alteration in the Everglades. Provisions conditioning funds on the achievement of water quality standards were not requested in the Administration's budget for FY2005. (For more information see CRS Report RL32131, *Phosphorus Mitigation in the Everglades*, by Pervaze A. Sheikh and Barbara A. Johnson.)

For further information on *Everglades Restoration*, see the website of the South Florida Ecosystem Restoration Program at http://www.sfrestore.org and the website of the Corps of Engineers at http://www.evergladesplan.org/.

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[12] The Collier family is the primary holder of mineral rights under the Big Cypress Preserve, and their mineral rights were established before the creation of the preserve. It is estimated that there are 40 million barrels of recoverable oil under the Big Cypress Preserve.

[13] J. Eskovitz, "Everglades Mineral Assets," *Naples Daily News*, Jan. 31, 2004.

[14] The Modified Water Deliveries Project was authorized by the Everglades National Park Protection and Expansion Act of 1989 (P.L. 101-229; 16 U.S.C. 410) to improve water deliveries to Everglades National Park and, to the extent possible, restore the natural hydrological conditions within the Park.

CRS Report RS22048, *Everglades Restoration: The Federal Role in Funding*, by Pervaze A. Sheikh and Nicole T. Carter.

CRS Report RL31621, *Florida Everglades Restoration: Background on Implementation and Early Lessons*, by Pervaze A. Sheikh.

CRS Report RS21331, *Everglades Restoration: Modified Water Deliveries Project*, by Pervaze A. Sheikh.

CRS Report RS20702, *South Florida Ecosystem Restoration and the Comprehensive Everglades Restoration Plan*, by Pervaze A. Sheikh and Nicole T. Carter.

CRS Report RL32131, *Phosphorus Mitigation in the Everglades*, by Pervaze A. Sheikh and Barbara A. Johnson.

Competitive Sourcing of Government Jobs

The Bush Administration's Competitive Sourcing Initiative would subject diverse commercial activities to public-private competition. The goal of this government-wide effort, first outlined in 2001, is to save money through competition between government and private businesses in areas where private businesses might provide better commercial services, for instance, law enforcement, maintenance, and administration. The initiative has been controversial, with concerns including whether it would save the government money and whether the private sector could provide the same quality of service in certain areas.

For agencies funded by the Interior appropriations bill, concern has centered on the National Park Service, the Forest Service, and agencies and activities in the Department of Energy (DOE) that are funded through the bill. The Consolidated Appropriations Act for FY2005 placed spending limits on DOI and DOE competitive sourcing studies during FY2005, unless Congress approves the reprogramming of additional funds under revised reprogramming guidelines printed in H.Rept. 108-330. For DOI, the cap is $3.25 million, and DOE agencies in the bill are limited to $0.5 million. Forest Service spending is limited to no more than $2.0 million. The law also specifies that agencies include, in any reports to Congress on competitive sourcing, information on the full costs associated with sourcing studies and related activities. The FY2005 House-passed bill sought to require the Secretaries of DOI, DOE, and Agriculture (for the Forest Service) to report annually to the House and Senate Appropriations Committees on competitive sourcing activities during the previous year. This language was not enacted.

The FY2004 Interior appropriations law (P.L. 108-108) also contained spending limits for competitive sourcing studies of agencies and required agencies to report annually to Congress on their competitive sourcing activities. These reporting requirements were repealed by P.L. 108-447. P.L. 108-108 further required agencies to specify in their annual budget submissions the level of funding requested for such studies. In adopting the language, conferees expressed support for the "underlying principle" of the Administration's initiative, but concern that the effort was being conducted too fast for its costs and implications to be understood and "in violation" of guidelines on reprogramming funds. In particular, there was concern that the Forest Service was reprogramming money without approval. Language in the FY2004 House-passed bill sought to bar agencies from using funds in the bill to begin new competitive sourcing studies. The President threatened to veto the bill if this language was included, and it was not enacted. (For more information on competitive sourcing generally, see CRS Report RL32017, *Office of Management and Budget Circular A-76: Selected Issues*, by L. Elaine Halchin, and CRS Report RL32079, *Federal Contracting of Commercial Activities: Competitive Sourcing Targets*, by L. Elaine Halchin.)

Missouri River Management

An ongoing controversy over conflicting water levels for upper and lower Missouri River Basin states was an issue during the markup of the Senate Committee on Appropriations of the FY2005 Interior appropriations bill. A provision to change a trigger that requires the U.S. Army Corps of Engineers (Corps) to implement drought conservation measures on the Missouri River remained in S. 2804 after a debate to have it removed during committee markup, but was not enacted into law. No similar language had been included in the House-passed bill.

The drought conservation measures would suspend navigational releases from Missouri River reservoirs if storage at the reservoirs falls below a defined level. For the last few years, upper basin reservoirs have experienced low water levels during an ongoing drought in the basin, and navigation has continued in the lower basin although at a minimum service level and with a shortened navigation season. The current trigger to implement drought conservation measures established by the Corps' 2004 Missouri River Master Water Control Manual is 31 million acre-feet (MAF) of storage at a March 15 storage check.[15] The trigger in S. 2804 was for the suspension of navigation if the system storage level was at or below 40 MAF at any time during the year (not just on March 15). The current storage level is 35.7 MAF; storage on March 15, 2005 is estimated to be between 34.9 MAF and 36.5 MAF. For more information on the Missouri River management debate, see CRS Issue Brief IB10120, *Army Corps of Engineers Civil Works Program: Issues for the 109th Congress*, by Nicole T. Carter and Pervaze A. Sheikh.

Table 21. Department of the Interior and Related Agencies Appropriations, FY2004-FY2005

($ in thousands)

Bureau or Agency	FY2004 Approp.[c]	FY2005 Request	FY2005 House-passed	FY2005 Senate Comm.	FY2005 Approp.[f]
Title I: Department of the Interior					
Bureau of Land Management	$1,893,233	$1,759,355	$1,833,317	$1,876,432	$1,816,910
U.S. Fish and Wildlife Service	1,308,405	1,326,053	1,263,204	1,309,479	1,332,591
National Park Service	2,258,581	2,360,544	2,267,809	2,360,242	2,365,683
U.S. Geological Survey	937,985	919,788	944,498	939,486	936,464
Minerals Management Service	170,297	178,680	178,680	178,280	173,826
Office of Surface Mining Reclamation and Enforcement	295,975	352,768	303,011	300,768	296,573
Bureau of Indian Affairs	2,300,814	2,253,795	2,334,851	2,276,116	2,295,702
Departmental Offices[a]	682,674	820,316	719,081	734,501	726,379
Total, Title I	**9,847,964**	**9,971,299**	**9,844,451**	**9,975,304**	**9,944,128**
Title II: Related Agencies					
U.S. Forest Service	4,939,899	4,238,103	4,646,398	4,671,185	4,746,207
Department of Energy					

[15] The manual is available at http://www.nwd-mr.usace.army.mil/rcc/reports/mmanual/MasterManual.pdf. Even when drought conservation measures are in effect, the Corps is required to maintain releases for other lower basin purposes, such as water intakes for drinking water and thermal power plant cooling water.

Bureau or Agency	FY2004 Approp.[c]	FY2005 Request	FY2005 House-passed	FY2005 Senate Comm.	FY2005 Approp.[f]
—Clean Coal Technology	*-185,000*	*-237,000*	*-237,000*	*-257,000*	*-257,000*
—Fossil Energy R & D	*672,770*	*635,799*	*601,875*	*542,529*	*571,852*
—Naval Petroleum and Oil Shale Reserves	*17,995*	*18,000*	*18,000*	*18,000*	*17,750*
—Elk Hills School Lands Fund	*72,000*	*72,000*	*72,000*	*72,000*	*71,500*
—Energy Conservation	*877,985*	*584,733*	*656,071*	*854,299*	*640,076*
—Economic Regulation	*1,034*	—	—	—	—
—Strategic Petroleum Reserve (SPR)	*170,949*	*172,100*	*172,100*	*172,100*	*169,710*
—SPR Petroleum Account	—	—	—	—	—
—Northeast Home Heating Oil Reserve	*4,939*	*5,000*	*5,000*	*5,000*	*4,930*
—Energy Information Administration	*81,100*	*85,000*	*85,000*	*84,000*	*83,819*
Subtotal, DOE	1,713,772	1,335,632	1,373,046	1,490,928	1,302,637
Indian Health Service	2,921,715	2,967,272	3,033,370	2,997,772	2,985,065
Office of Navajo and Hopi Indian Relocation	13,366	11,000	11,000	5,000	4,930
Institute of American Indian and Alaska Native Culture and Arts Development	6,173	6,000	6,000	6,000	5,916
Smithsonian Institution	596,279	628,025	619,825	627,025	615,157
National Gallery of Art	98,225	104,100	104,100	103,119	102,653
John F. Kennedy Center for the Performing Arts	32,159	33,486	27,152	33,486	33,021
Woodrow Wilson International Center for Scholars	8,498	8,987	8,987	8,987	8,863
National Endowment for the Arts	120,972	139,400	130,972	120,972	121,264
National Endowment for the Humanities	135,310	162,000	141,999	135,310	138,054
Commission of Fine Arts	1,405	1,793	1,793	1,793	1,768
National Capital Arts and Cultural Affairs	6,914	5,000	7,000	6,000	6,902
Advisory Council on Historic Preservation	3,951	4,600	4,600	4,600	4,536
National Capital Planning Commission	7,635	8,155	7,999	8,000	7,888
U.S. Holocaust Memorial Museum	39,505	41,433	41,433	41,433	40,858
Presidio Trust	20,445	20,000	20,000	20,000	19,722
Total, Title II: Related Agencies	**10,666,223**	**9,714,986**	**10,185,674**	**10,281,610**	**10,145,441**
Grand Total (in Bill)[b]	**20,514,187**	**19,686,285**	**20,030,125[d]**	**20,256,914[d]**	**20,089,569[e]**

Source: House Appropriations Committee and *Congressional Record*.

a. Departmental Offices includes Insular Affairs, the Payments in Lieu of Taxes Program (PILT), and the Office of the Special Trustee for American Indians

b. Figures do not reflect scorekeeping adjustments. Figures reflect two across-the-board cuts, of 0.594% and 0.80%, in the Consolidated Appropriations Act for FY2005 (P.L. 108-447).

c. Figures reflect an across-the-board cut of 0.646% in the FY2004 Interior and Related Agencies Appropriations law (P.L. 108-108) and an across-the-board cut of 0.59% in the Consolidated Appropriations Act of 2004 (P.L. 108-199). They include $500.0 million for emergency firefighting contained in P.L. 108-287.

d. Column total reflects $500.0 million for emergency firefighting that would become available if certain conditions are met. Specifically, the BLM portion is $100.0 million and the FS portion is $400.0 million.

e. Column total includes money for emergency firefighting that would become available if certain conditions are met. Specifically, the BLM portion is $98.6 million and the FS portion is $394.4 million.

f. Figures reflect two across-the-board cuts, of 0.594% and 0.80%, in the Consolidated Appropriations Act for FY2005 (P.L. 108-447).

Table 22. Historical Appropriations Data, from FY2001 to FY2005

($ in thousands)

Agency or Bureau	FY2001	FY2002	FY2003	FY2004	FY2005
Department of the Interior					
Bureau of Land Management	$2,147,182	$1,872,597	$1,877,892	$1,893,233	1,816,910
U.S. Fish and Wildlife Service	1,227,010	1,276,424	1,248,533	1,308,405	1,332,591
National Park Service	2,135,219	2,380,074	2,239,430	2,258,581	2,365,683
U.S. Geological Survey	882,800	914,002	919,272	937,985	936,464
Minerals Management Service	139,221	156,772	170,312	170,297	173,826
Office of Surface Mining Reclamation & Enforcement	302,846	306,530	295,179	295,975	296,573
Bureau of Indian Affairs	2,187,613	2,212,876	2,257,243	2,300,814	2,295,702
Departmental Offices[a]	352,519	367,144	624,609	682,674	726,379
General Provisions	12,572	—	—	—	—
Total for Department	**9,386,982**	**9,486,419**	**9,632,470**	**9,847,964**	**9,944,128**
Related Agencies					
U.S. Forest Service	4,435,391	4,130,416	4,869,839	4,979,899	4,746,207
Department of Energy	1,453,644	1,766,470	1,740,532	1,713,772	1,302,637
Indian Health Service	2,628,766	2,759,101	2,849,661	2,921,715	2,985,065
Office of Navajo and Hopi Indian Relocation	14,967	15,148	14,397	13,366	4,930
Institute of American Indian and Alaska Culture & Arts Development	4,116	4,490	5,454	6,173	5,916
Smithsonian Institution	453,854	518,860	544,875	596,279	615,157
National Gallery of Art	75,485	85,335	92,842	98,225	102,653
JFK Center for the Performing Arts	33,925	38,310	33,690	32,159	33,021
Woodrow Wilson International Center for Scholars	12,283	7,796	8,433	8,498	8,863
National Endowment for the Arts	97,785	98,234	115,732	120,972	121,264
National Endowment for the Humanities	119,994	124,504	124,936	135,310	138,054
Institute of Museum and Library Services	24,852	26,899	[b]	[b]	[b]
Challenge America Arts Fund	6,985	17,000	[c]	[c]	[c]
Commission of Fine Arts	1,076	1,224	1,216	1,405	1,768
National Capital Arts and Cultural Affairs	6,985	7,000	6,954	6,914	6,902
Advisory Council on Historic Preservation	3,182	3,400	3,643	3,951	4,536

Agency or Bureau	FY2001	FY2002	FY2003	FY2004	FY2005
National Capitol Planning Commission	6,486	8,011	7,206	7,635	7,888
Holocaust Memorial Museum	34,363	36,028	38,412	39,505	40,858
Presidio Trust	33,327	23,125	21,188	20,445	19,722
Total for related agencies	**9,447,466**	**9,671,351**	**10,479,010**	**10,706,223**	**10,145,441**
Grand total for all agencies	**18,892,320**	**19,157,770**	**20,111,480[d]**	**20,554,187[e]**	**20,089,569[f]**

Source: House Appropriations Committee and *Congressional Record*.

a. Departmental Offices includes Insular Affairs, the Payments in Lieu of Taxes Program (PILT) for FY2003 and FY2004, and Office of the Special Trustee for American Indians. For FY2000-FY2002, PILT monies are contained in the BLM appropriation.

b. Beginning in FY2003, the Office of Museum Services as part of the IMLS is included in the appropriations bill for the Departments of Labor-HHS-Education and Related Agencies.

c. Funding for Challenge America Arts Fund is included in the total figure for the National Endowment for the Arts.

d. Figures in this column reflect an across-the-board cut of 0.65% in the FY2003 consolidated appropriations law (P.L. 108-7). The total also includes $825.0 million for wildland fire emergencies, consisting of $189.0 million for BLM and $636.0 million for the Forest Service. These funds are to repay amounts transferred from other accounts for fire fighting in FY2002. The total appropriation for FY2003 includes an FY2003 Emergency Supplemental Appropriation (P.L. 108-83) adding $36.0 million for BLM, $5.0 million for FWS, and $283.0 million for FS.

e. Figures in this column reflect an across-the-board cut of 0.646% in the FY2004 Interior and Related Agencies Appropriations Act (P.L. 108-108) and an across-the-board cut of 0.59% in the Consolidated Appropriations Act of 2004 (P.L. 108-199). They include $500.0 million for emergency firefighting contained in P.L. 108-287.

f. Figures reflect two across-the-board cuts, of 0.594% and 0.80%, in the Consolidated Appropriations Act for FY2005 (P.L. 108-447). They also include funds for emergency firefighting that would become available if certain conditions are met. Specifically, the BLM portion is $98.6 million and the FS portion is $394.4 million.

For Additional Reading

Title I: Department of the Interior

CRS Report RL32373, *Abandoned Mine Land Fund Reauthorization: Selected Issues*, by Robert Bamberger.

CRS Report RL30444, *Conservation and Reinvestment Act (CARA) (H.R. 701) and a Related Initiative in the 106th Congress*, by Jeffrey A. Zinn and M. Lynne Corn.

CRS Report RS21331, *Everglades Restoration: Modified Water Deliveries Project*, by Pervaze A. Sheikh.

CRS Report RS21402, *Federal Lands, R.S. 2477, and "Disclaimers of Interest"*, by Pamela Baldwin.

CRS Report RL31621, *Florida Everglades Restoration: Background on Implementation and Early Lessons*, by Pervaze A. Sheikh.

CRS Report RL32244, *Grazing Regulations: Changes by the Bureau of Land Management*, by Carol Hardy Vincent.

CRS Report 96-123. *Historic Preservation: Background and Funding*, by Susan Boren.

CRS Report RL33531, *Land and Water Conservation Fund: Overview, Funding History, and Current Issues*, by Carol Hardy Vincent.

CRS Issue Brief IB89130. *Mining on Federal Lands*, by Marc Humphries.

CRS Report RS21157, *Multinational Species Conservation Fund*, by Pervaze A. Sheikh and M. Lynne Corn.

CRS Report RS20902, *National Monument Issues*, by Carol Hardy Vincent.

CRS Issue Brief IB10145, *National Park Management*, coordinated by Carol Hardy Vincent.

CRS Report RL33806, *Natural Resources Policy: Management, Institutions, and Issues*, by Carol Hardy Vincent, Nicole T. Carter, and Julie Jennings.

CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by M. Lynne Corn.

CRS Report RS20702, *South Florida Ecosystem Restoration and the Comprehensive Everglades Restoration Plan*, by Pervaze A. Sheikh and Nicole T. Carter.

Land Management Agencies Generally

CRS Report RS20471. *The Conservation Spending Category: Funding for Natural Resource Protection*, by Jeffrey A. Zinn.

CRS Report RS20002, *Federal Land and Resource Management: A Primer*, by Ross W. Gorte.

CRS Report R40225, *Federal Land Management Agencies: Background on Land and Resources Management*, coordinated by Ross W. Gorte.

CRS Report RL30335, *Federal Land Management Agencies' Permanently Appropriated Accounts*, by Ross W. Gorte, Carol Hardy Vincent, and M. Lynne Corn.

CRS Report RL34273, *Federal Land Ownership: Current Acquisition and Disposal Authorities*, by Ross W. Gorte and Carol Hardy Vincent.

CRS Issue Brief IB10076. *Bureau of Land Management (BLM) Lands and National Forests*, by Ross W. Gorte and Carol Hardy Vincent, coordinators.

CRS Report RL32131, *Phosphorus Mitigation in the Everglades*, by Pervaze A. Sheikh and Barbara A. Johnson.

Title II: Related Agencies

CRS Report RS20287, *Arts and Humanities: Background on Funding*, by Susan Boren.

CRS Issue Brief IB10020. *Energy Efficiency: Budget, Oil Conservation, and Electricity Conservation Issues*, by Fred Sissine.

CRS Report RL30755, *Forest Fire/Wildfire Protection*, by Ross W. Gorte.

CRS Report RS21442, *Hydrogen and Fuel Cell Vehicle R&D: FreedomCAR and the President's Hydrogen Fuel Initiative*, by Brent D. Yacobucci.

CRS Report RL30647, *National Forest System Roadless Area Initiatives*, by Kristina Alexander and Ross W. Gorte.

CRS Report RS20852, *The Partnership for a New Generation of Vehicles: Status and Issues*, by Brent D. Yacobucci.

CRS Issue Brief IB87050. *The Strategic Petroleum Reserve*, by Robert Bamberger.

CRS Report RL33990, *Wildfire Funding*, by Ross W. Gorte.

Selected Websites

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://appropriations.house.gov/

Senate Committee on Appropriations
http://appropriations.senate.gov/

CRS Appropriations Products Guide
http://www.crs.gov/products/appropriations/apppage.shtml

Congressional Budget Office
http://www.cbo.gov/

General Accounting Office
http://www.gao.gov

House Democratic Caucus
http://www.dems.gov/

House Republican Conference
http://www.gop.gov/

Office of Management and Budget
http://www.whitehouse.gov/omb/

Senate Democratic Conference
http://www.democrats.senate.gov/

Senate Republican Policy Committee
http://rpc.senate.gov/

Title I: Department of the Interior[16]

Department of the Interior (DOI)
http://www.doi.gov/

Bureau of Land Management (BLM)
http://www.blm.gov/nhp/index.htm

Fish and Wildlife Service (FWS)
http://www.fws.gov/

Historic Preservation
http://www2.cr.nps.gov/

[16] Some of the DOI websites may not be operational due to a court order regarding Indian trust funds litigation. Nevertheless, they are included herein for reference when the websites are operational.

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

Minerals Management Service (MMS)
http://www.mms.gov/

National Park Service (NPS)
http://www.nps.gov/

Office of Surface Mining Reclamation and Enforcement (OSM)
http://www.osmre.gov/osm.htm

Office of Special Trustee for American Indians
http://www.ost.doi.gov/

U.S. Geological Survey (USGS)
http://www.usgs.gov/

Title II: Related Agencies

Departments

Agriculture, Department of (USDA)
http://www.usda.gov/

Department of Agriculture: U.S. Forest Service
http://www.fs.fed.us/

Energy, Department of (DOE)
http://www.doe.gov/engine/content.do

Energy Budget
http://www.mbe.doe.gov/budget/05budget/

Energy Conservation Programs
http://www.eere.energy.gov/

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

Naval Petroleum Reserves
http://fossil.energy.gov/programs/reserves/npr/

Strategic Petroleum Reserve
http://fossil.energy.gov/programs/reserves/spr/

Health and Human Services, Department of (HHS)
http://www.dhhs.gov/

Indian Health Service (IHS)
http://www.ihs.gov/

Agencies

Advisory Council on Historic Preservation
http://www.achp.gov

Institute of American Indian and Alaska Native Culture and Arts Development
http://www.iaiancad.org/

Institute of Museum and Library Services
http://www.imls.gov/

John F. Kennedy Center for the Performing Arts
http://Kennedy-Center.org/

National Capital Planning Commission
http://www.ncpc.gov

National Endowment for the Arts
http://arts.endow.gov/

National Endowment for the Humanities
http://www.neh.gov/

National Gallery of Art
http://www.nga.gov/

Smithsonian Institution
http://www.si.edu/

U.S. Holocaust Memorial Council and U.S. Holocaust Memorial Museum
http://www.ushmm.org/

Woodrow Wilson International Center for Scholars
http://wwics.si.edu/

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