

# CRS Report for Congress

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## **Interior and Related Agencies: FY2006 Appropriations**

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The annual consideration of appropriations bills (regular, continuing, and supplemental) by Congress is part of a complex set of budget processes that also encompasses the consideration of budget resolutions, revenue and debt-limit legislation, other spending measures, and reconciliation bills. In addition, the operation of programs and the spending of appropriated funds are subject to constraints established in authorizing statutes. Congressional action on the budget for a fiscal year usually begins following the submission of the President's budget at the beginning of the session. Congressional practices governing the consideration of appropriations and other budgetary measures are rooted in the Constitution, the standing rules of the House and Senate, and statutes, such as the Congressional Budget and Impoundment Control Act of 1974.

This report is a guide to one of the regular appropriations bills that Congress considers each year. It is designed to supplement the information provided by the House Appropriations Subcommittee on Interior, Environment, and Related Agencies and the Senate Appropriations Subcommittee on Interior and Related Agencies. It summarizes the status of the Interior and Related Agencies appropriations bill, its scope, major issues, funding levels, and related congressional activity, and is updated as events warrant. The report lists the key CRS staff relevant to the issues covered and related CRS products.

**NOTE: A Web version of this document with active links is available to congressional staff at [\[http://www.crs.gov/products/appropriations/apppage.shtml\]](http://www.crs.gov/products/appropriations/apppage.shtml).**

# Interior and Related Agencies: FY2006 Appropriations

## Summary

The FY2006 Interior and Related Agencies appropriations bill is expected to include funding for the Department of the Interior (DOI), except for the Bureau of Reclamation, and for two agencies within other departments — the Forest Service within the Department of Agriculture and the Indian Health Service within the Department of Health and Human Services. It also is expected to include funding for arts and cultural agencies; the Environmental Protection Agency, which was newly-transferred to the Appropriations subcommittees that deal with Interior and Related Agencies; and numerous other entities and agencies.

The President's FY2006 budget request for Interior and Related Agencies contains \$25.72 billion, a 5% decrease from the FY2005 enacted level of \$26.98 billion and a 6% decrease from the FY2004 enacted level of \$27.33 billion. Among the proposed increases for FY2006, over FY2005, are the following:

- \$75.9 million (33%) for the Office of Special Trustee for American Indians;
- \$62.9 million (2%) for the Indian Health Service;
- \$60.0 million (20%) for the Office of Surface Mining Reclamation and Enforcement;
- \$18.0 million (28%) for Everglades restoration; and
- \$3.7 million (74%) for the Office of Navajo and Hopi Indian Relocation.

Among the proposed decreases for FY2006 are the following:

- \$-681.2 million (14%) for the Forest Service;
- \$-505.9 million (6%) for the Environmental Protection Agency;
- \$-116.4 million (5%) for the National Park Service;
- \$-108.2 million (5%) for the Bureau of Indian Affairs; and
- \$-57.9 million (3%) for the Bureau of Land Management.

Congress may debate a variety of controversial issues during consideration of FY2006 funding for Interior and Related Agencies. They might include the appropriate funding level for wildland fire fighting, land acquisition, the arts, certain Fish and Wildlife Service programs, Bureau of Indian Affairs schools, Indian Health Service hospitals, the Superfund program, and state and local wastewater and drinking water needs. Other possible areas of debate involve agency competitive sourcing activities, agency maintenance backlogs, Indian trust fund management, Outer Continental Shelf leasing, and the Abandoned Mine Lands fund.

Appropriations subcommittees have held hearings on the President's budget request for Interior and Related Agencies. The House Appropriations Subcommittee on Interior, Environment, and Related Agencies plans to markup an FY2006 bill on May 4, 2005. This report will be updated following major congressional action.

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<sup>a</sup> Division abbreviations: DSP = Domestic Social Policy; G&F = Government and Finance; RSI = Resources, Science, and Industry.

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# Interior and Related Agencies: FY2006 Appropriations

## Most Recent Developments

Subcommittees of the House and Senate Appropriations Committee have held hearings on the President's \$25.72 billion request for Interior and Related Agencies for FY2006. The House Appropriations Subcommittee on Interior, Environment, and Related Agencies plans to markup an FY2006 funding bill on May 4 2005.

## Introduction

The FY2006 Interior and Related Agencies appropriations bill is expected to include funding for agencies and programs in three separate federal departments, as well as numerous related agencies and bureaus. The bill is likely to provide funding for Department of the Interior (DOI) agencies (except for the Bureau of Reclamation, funded in Energy and Water Development appropriations laws), many of which manage land and other natural resource or regulatory programs. The bill also is likely to provide funds for agencies in two other departments: for the Forest Service in the Department of Agriculture, and the Indian Health Service in the Department of Health and Human Services. Funds for the Environmental Protection Agency, which is newly-transferred to the jurisdiction of the House and Senate Appropriations subcommittees that deal with Interior and Related Agencies, will be included in the bill.<sup>1</sup> Further, the FY2006 bill is likely to include funding for arts and cultural agencies, such as the Smithsonian Institution, National Gallery of Art, National Endowment for the Arts, and National Endowment for the Humanities, and for numerous other entities and agencies.

In recent years, the appropriations laws for Interior and Related Agencies provided funds for several activities within the Department of Energy (DOE), including research, development, and conservation programs; the Naval Petroleum Reserves; and the Strategic Petroleum Reserve. However, at the outset of the 109<sup>th</sup> Congress, these DOE programs were transferred to the House and Senate Appropriations subcommittees covering energy and water, to consolidate jurisdiction over DOE.<sup>2</sup> At the same time, jurisdiction over the Environmental Protection Agency (EPA), and several smaller entities, was moved to the House and Senate

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<sup>1</sup> In the 109<sup>th</sup> Congress, the House Appropriations panel is called the Subcommittee on Interior, Environment, and Related Agencies, while the Senate panel is entitled the Subcommittee on Interior and Related Agencies.

<sup>2</sup> In the 109<sup>th</sup> Congress, the House Appropriations panel is called the Subcommittee on Energy and Water Development and Related Agencies and the Senate panel is entitled the Subcommittee on Energy and Water.



Appropriations subcommittees covering Interior and Related Agencies. This change resulted from the abolition of the House and Senate Appropriations Subcommittees on Veterans Affairs, Housing and Urban Development, and Independent Agencies, which previously had jurisdiction over EPA.

In the recent past, Interior and Related Agencies appropriations acts typically contained two primary titles. Title I provided funds for Interior agencies, and Title II contained funds for other agencies, programs, and entities. It is unclear if the FY2006 appropriations law will continue this title and format, as to date no bills providing funds for Interior and Related Agencies have been introduced. This CRS report continues to use the title “Interior and Related Agencies,” pending introduction of bills for FY2006. It is organized into four main sections, with the first section (Title I) providing information on Interior agencies; the second section (Title II) discussing EPA; the third section (Title III) addressing other agencies, programs, and entities likely to be funded in the FY2006 bill; and the fourth section discussing cross-cutting topics that encompass more than one agency.

In general, in this report 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 requested by the President for FY2006 and appropriated 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 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.

## FY2006 Budget and Appropriations

### Current Overview

The President’s FY2006 budget request for Interior and Related Agencies contains \$25.72 billion, a 5% decrease from the FY2005 enacted level of \$26.98 billion and a 6% decrease from the FY2004 enacted level of \$27.33 billion. The FY2005 total reflects two across-the-board rescissions in the Consolidated Appropriations Act for FY2005 (P.L. 108-447) of 0.594% and 0.80%.<sup>3</sup> **Table 1** below shows the budget authority for Interior and Related Agencies for FY2004 and FY2005, and the President’s request for FY2006. See **Table 22** below for a budgetary history of each agency, bureau, and program for FY2004 and FY2005 and the President’s request for FY2006.

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<sup>3</sup> The 0.594% rescission applied to agencies and programs funded in the Interior and Related Agencies portion of the consolidated law, thus the EPA and several smaller entities that were transferred to the Interior Subcommittees in the 109<sup>th</sup> Congress were not affected by this cut.

**Table 1. Interior and Related Agencies Appropriations,  
FY2004 to FY2006**

(budget authority in billions of current dollars)

FY2004	FY2005	FY2006
\$27.33	\$26.98	\$25.72

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

The FY2006 request contains significant increases for some agencies and programs over FY2005, while calling for sizeable decreases or stable funding in other areas. Among the proposed increases are the following:

- \$75.9 million (33%) for the Office of Special Trustee for American Indians (OST);
- \$62.9 million (2%) for the Indian Health Service (IHS);
- \$60.0 million (20%) for the Office of Surface Mining Reclamation and Enforcement (OSM);
- \$18.0 million (28%) for Everglades restoration; and
- \$3.7 million (74%) for the Office of Navajo and Hopi Indian Relocation (ONHIR).

Among the proposed decreases are the following:

- \$-681.2 million (14%) for the Forest Service (FS);
- \$-505.9 million (6%) for the Environmental Protection Agency (EPA);
- \$-116.4 million (5%) for the National Park Service (NPS);
- \$-108.2 million (5%) for the Bureau of Indian Affairs (BIA); and
- \$-57.9 million (3%) for the Bureau of Land Management (BLM).

The President's FY2006 budget recommends depositing, into the general fund of the Treasury, 70% of receipts from BLM land sales under the Southern Nevada Public Land Management Act (SNPLMA). This issue is covered briefly in the "Bureau of Land Management" section below. For more information, see CRS Issue Brief IB10076, *Bureau of Land Management (BLM) Lands and National Forests*, coordinated by Ross W. Gorte and Carol Hardy Vincent. The budget also assumes enactment of legislation to open part of the Coastal Plain in the Arctic National Wildlife Refuge to oil and gas exploration and development. This issue is covered briefly in the "Fish and Wildlife Service" section below. For more information, see CRS Issue Brief IB10136, *Arctic National Wildlife Refuge (ANWR): Controversies for the 109<sup>th</sup> Congress*, by M. Lynne Corn, Bernard A. Gelb, and Pamela Baldwin.

The House and Senate Appropriations Subcommittees on Interior have held hearings on the President's budget request for Interior and Related Agencies. Hearings have examined the requests for individual agencies and programs as well as cross-cutting issues.

## Major Issues

Controversial policy and funding issues typically have been debated during consideration of the annual Interior and Related Agencies appropriations bills. Debate on FY2006 funding levels might encompass 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.)
- *BIA Schools and IHS Hospitals*, particularly whether to enact funding cuts proposed in the President’s FY2006 budget. (For more information, see the “Bureau of Indian Affairs” and the “Indian Health Service” sections in this report.)
- *Clean Water and Drinking Water State Revolving Funds*, especially the adequacy of funding to meet state and local wastewater and drinking water needs. These state revolving funds provide seed monies for state loans to communities for wastewater and drinking water infrastructure projects. (For more information, see the “Environmental Protection Agency” section in this report.)
- *Competitive Sourcing*, namely the extent to which government functions should be privatized, agency funds can and should be used for such efforts, and agencies are communicating appropriately with Congress on their competitive sourcing activities. (For more information, see the “Competitive Sourcing of Government Jobs” section in this report.)
- *Fish and Wildlife Service Programs*, including the appropriate levels of funding for the endangered species program, state and tribal wildlife grants, and the multinational species conservation fund, and whether changes to the endangered species program are warranted. (For more information, see the “Fish and Wildlife Service” section in this report.)
- *Indian Trust Funds*, especially the method by which an historical accounting will be conducted of Individual Indian Money (IIM) accounts to determine correct balances in the class-action lawsuit

against the government involving tribal and IIM accounts. (For more information, see the “Office of Special Trustee for American Indians” section in this report.)

- *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.)
- *Outer Continental Shelf Leasing*, particularly the moratoria on preleasing and leasing activities in offshore areas, and oil and gas leases in offshore California. (For more information, see the “Minerals Management Service” section in this report.)
- *Superfund*, notably the adequacy of proposed funding to meet hazardous waste cleanup needs, and whether to continue using general Treasury revenues to fund the account or reinstate a tax on industry that originally paid for most of the program. (For more information, see the “Environmental Protection Agency” 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.)

## Status of Bill

**Table 2** below contains information on congressional consideration of the FY2006 Interior appropriations bill.

**Table 2. Status of Department of the Interior and Related Agencies Appropriations, FY2006<sup>4</sup>**

Subcommittee Markup		House Report	House Passage	Senate Report	Senate Passage	Conf. Report	Conference Report Approval		Public Law
House	Senate						House	Senate	

## Title I: Department of the Interior

### Bureau of Land Management

**Overview.** 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 nonfederal land.

For FY2006, the Administration requested \$1.76 billion for the BLM, a decrease of \$57.9 million (3%) from the FY2005 enacted level of \$1.82 billion and of 7% from the FY2004 enacted level. See **Table 3** below.

The Administration’s FY2006 budget supported amending the Southern Nevada Public Land Management Act (SNPLMA) to change the allocation of proceeds of BLM land sales in Nevada. Under current law, none of the funds are deposited in the general fund of the Treasury. The President supported depositing 70% of the receipts there, instead of using the money in Nevada, for instance, to buy environmentally sensitive lands. For information on this issue, see CRS Issue Brief IB10076, *Bureau of Land Management (BLM) Lands and National Forests*, coordinated by Ross W. Gorte and Carol Hardy Vincent.

**Management of Lands and Resources.** For Management of Lands and Resources, the Administration requested \$850.2 million, an increase of 2% over the FY2005 enacted level of \$836.8 million. This line item includes funds for an array of BLM land programs, including protection, recreational use, improvement, development, disposal, and general BLM administration. Some programs would receive increases over FY2005, including resource protection and law enforcement, and management of forests, recreation, and wildlife. The Administration has included an 89% increase in the Challenge Cost Share Program, for a funding level

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<sup>4</sup> Information will be added as legislative action occurs.

of \$14.0 million, through which BLM and local communities and citizens jointly fund and carry out conservation programs. The Administration also requested \$6.0 million for restoration and conservation projects under the Cooperative Conservation Initiative, which Congress did not fund in FY2005. Some other programs would be decreased from FY2005, including Alaska minerals, wild horses and burros, deferred maintenance, and realty and ownership management.

**Wildland Fire Management.** For Wildland Fire Management for FY2006, the Administration requested \$756.6 million, a decrease of 9% from the FY2005 enacted level of \$831.3 million. The FY2005 level includes \$98.6 million for emergency firefighting that would become available if certain conditions are met. These contingent funds were intended to preclude borrowing from other BLM programs to fight wildfires; such borrowing has been typical in recent years.

For FY2006, the Administration seeks \$272.9 million for fire preparedness — 5% over the FY2005 enacted level of \$258.9 million. The increase would cover aviation support contracts and firefighter training, among other costs. For fire suppression, the FY2006 request is \$234.2 million, a 26% decrease from the FY2005 enacted level of \$317.1 million (including emergency funds) and a 40% decrease from FY2004. While the average annual cost of fire suppression has increased overall over the past decade, the FY2006 request represents the ten-year average cost of fire suppression, according to the Administration. In report language, conferees on the FY2005 Interior appropriations bill had expressed a need to control the cost of suppressing fires.

For other fire operations during FY2006, the Administration seeks \$249.6 million, a decrease of 2% from the FY2005 enacted level of \$255.3 million. Included in this line item is an increase of 5% for hazardous fuels reduction, for an FY2006 request of \$211.2 million. The Administration would zero out funds for state and local fire assistance, on the grounds that the fire assistance programs of the Forest Service (FS) and Federal Emergency Management Agency (FEMA) address the needs of local fire departments. However, the Administration has proposed cutting funds for FS fire assistance programs. (For additional information on wildland fires, see the “Forest Service” section in this report.)

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 implementing 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.

**Construction.** For FY2006, the Administration requested \$6.5 million for BLM construction, a reduction of 43% from the FY2005 enacted level of \$11.3 million. In their report on the FY2005 appropriations 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 FY2006, the Administration requested \$13.4 million, an increase of 19% over the FY2005 enacted level of \$11.2 million. The FY2006 request would fund 7 projects in 6 states. The appropriation for BLM acquisitions fell steadily from \$49.9 million in FY2002 through the FY2005 enacted level. During consideration of FY2005 acquisition funding, the House did not support funding new acquisitions by the BLM. By contrast, the Senate Committee on Appropriations had recommended funding for new acquisitions. 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 (O&C) Grant Lands.** For the O&C Lands, which include highly productive timber lands, the Administration requested \$110.1 million for FY2006, an increase of 2% over the FY2005 enacted level of \$107.5 million and of 4% over the FY2004 level. This activity funds programs related to revested Oregon and California Railroad grant lands and related areas, including for land improvements and for managing, protecting, and developing resources on these lands.

**Table 3. Appropriations for the Bureau of Land Management, FY2004-FY2006**  
(\$ in millions)

<b>Bureau of Land Management</b>	<b>FY2004 Approp.</b>	<b>FY2005 Approp.</b>	<b>FY2006 Request</b>
Management of Lands and Resources	\$839.8	\$836.8	\$850.2
Wildland Fire Management	883.6 <sup>b</sup>	831.3	756.6
Central Hazardous Materials Fund	9.9	9.9 <sup>c</sup>	— <sup>e</sup>
Construction	13.8	11.3	6.5
Land Acquisition	18.4	11.2	13.4
Oregon and California Grant Lands	105.4	107.5	110.1
Range Improvements	10.0	10.0	10.0
Service Charges, Deposits, and Forfeitures <sup>a</sup>	0.0	0.0	0.0
Miscellaneous Trust Funds	12.4	12.4	12.4
<b>Total Appropriations</b>	<b>\$1,893.2<sup>b</sup></b>	<b>\$1,816.9<sup>d</sup></b>	<b>\$1,759.0</b>

<sup>a</sup> The figures of “0” are a result of an appropriation matched by offsetting fees.

<sup>b</sup> 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.

<sup>c</sup> A rescission of \$-13.5 million is not reflected, but is included in the column total.

<sup>d</sup> Includes \$98.6 million for emergency firefighting in FY2005, and a rescission of \$-13.5 million for the Central Hazardous Materials Fund.

<sup>e</sup> The President’s FY2006 budget proposes transferring this Fund to the Departmental Offices within the Department of the Interior, and accordingly includes \$9.9 million for the Fund under DOI’s Departmental Offices.

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, "Disclaimers of Interest," and R.S. 2477*, by Pamela Baldwin.

CRS Report RL32244. *Grazing Regulations and Policies: 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 FY2006, the President requested \$1.32 billion for the Fish and Wildlife Service (FWS), slightly less (0.7%) than the enacted level for FY2005 (\$1.33 billion). By far the largest portion of the FWS annual appropriation is for the Resources Management account. The President's FY2006 request was \$985.6 million, a 2% increase from the FY2005 level of \$962.9 million. Among the programs included in Resources Management are the Endangered Species program, the Refuge System, and Law Enforcement.

The President's FY2006 budget proposed enacting legislation to open part of the Coastal Plain in the Arctic National Wildlife Refuge to oil and gas exploration and development. The budget proposed that the first lease sale would be held in 2007. Under the proposal, this and subsequent sales are expected to generate an estimated \$2.4 billion in federal revenues from bonus bids over the next five years. For information on the debate over whether to approve energy development in the refuge, see CRS Issue Brief IB10136, *Arctic National Wildlife Refuge (ANWR): Controversies for the 109<sup>th</sup> Congress*, by M. Lynne Corn, Bernard A. Gelb, and Pamela Baldwin.

**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 (by 2%) from \$143.2 million in FY2005 to \$140.1 million in FY2006. See **Table 4** below.

A number of other related programs also benefit conservation of species that are listed, or proposed for listing, under the Endangered Species Act. The President's request would increase the Landowner Incentive Program from \$21.7 million in FY2005 to \$40.0 million in FY2006. Stewardship Grants would rise from \$6.9 million in FY2005 to \$10.0 million. The Cooperative Endangered Species



Conservation Fund (for grants to states and territories to conserve threatened and endangered species) would fall from \$80.5 million in FY2005 to \$80.0 million for FY2006. See **Table 4** below.

Under the President's request, total FY2006 funding for the Endangered Species program and related programs would increase from FY2005 by \$17.8 million (7%).

**Table 4. Appropriations for Endangered Species and Related Programs, FY2004-FY2006**  
(\$ in thousands)

<b>Endangered Species and Related Programs</b>	<b>FY2004 Approp.</b>	<b>FY2005 Approp.</b>	<b>FY2006 Request</b>
Endangered Species Program			
— <i>Candidate Conservation</i>	\$9,808	\$9,255	\$8,252
— <i>Listing</i>	12,135	15,960	18,130
— <i>Consultation</i>	47,146	48,129	49,484
— <i>Recovery</i>	67,907	69,870	64,243
Subtotal, Endangered Species Program	136,996	143,214	140,109
Related Programs			
— <i>Landowner Incentive Program</i>	29,630	21,694	40,000
— <i>Private Stewardship Grants</i>	7,408	6,903	10,000
— <i>Cooperative Endangered Species Conservation Fund<sup>a</sup></i>	81,596	80,462	80,000
Subtotal, Related Programs	118,634	109,059	130,000
<b>Total Appropriations</b>	<b>\$255,630</b>	<b>\$252,273</b>	<b>\$270,109</b>

<sup>a</sup> 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 FY2005 law limited the LWCF portion to \$49.4 million. The FY2006 request called for \$49.4 million to be derived from LWCF.

**National Wildlife Refuge System and Law Enforcement.** For refuge operations and maintenance in FY2006, the President proposed \$393.9 million, an increase from \$381.0 million enacted for FY2005. The President's request restructured the account, dividing it into several new subaccounts. The President proposed \$57.6 million for Law Enforcement — an increase of \$2.0 million from the FY2005 level (\$55.6 million).

**Land Acquisition.** For FY2006, the Administration proposed \$41.0 million for Land Acquisition, an 11% increase over FY2005, but a 5% decrease from the FY2004 level of \$43.1 million. (See **Table 5**.) 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”). In recent years, less of the funding has been reserved for traditional land acquisition. (For more information, see the “Land and Water Conservation Fund (LWCF)” section in this report.)

**Table 5. Appropriations for FWS Land Acquisition Program, FY2004-FY2006**  
(\$ in thousands)

<b>FWS Land Acquisition</b>	<b>FY2004 Approp.</b>	<b>FY2005 Approp.</b>	<b>FY2006 Request</b>
Acquisitions — Federal Refuge Lands	\$29,700	\$22,593	\$26,029
Inholdings	1,481	1,479	1,750
Emergencies & Hardships	988	986	1,750
Exchanges	494	1,726	1,750
Acquisition Management	8,395	8,249	7,893
Cost Allocation Methodology	2,033	1,972	1,820
<b>Total Appropriations</b>	<b>\$43,091<sup>a</sup></b>	<b>\$37,005</b>	<b>\$40,992</b>

<sup>a</sup> 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 National Wildlife Refuge System (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 President requested \$14.4 million for FY2006; the FY2005 level was \$14.2 million. This request, combined with expected receipts, would provide about 41% of the authorized full payment, down from 44% in FY2005 and 47% in FY2004.

**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, great apes, and marine turtles. The President’s FY2006 budget again proposed 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 FY2006, the President proposed \$8.3 million for the MSCF (including the proposed transfer of the NMBCF to this program). The proposal included cuts in programs for great apes,

rhinos, tigers, and African and Asian elephants, in contrast to increases in programs for marine turtles and neotropical migratory birds. See **Table 6** below.

**Table 6. Appropriations for Multinational Species Conservation Fund and Migratory Bird Fund, FY2004-FY2006**  
(\$ in thousands)

Multinational Species Conservation Fund	FY2004 Approp.	FY2005 Approp.	FY2006 Request
African elephant	\$1,383	\$1,381	\$1,000
Tiger and Rhinos	1,383	1,477	1,100
Asian elephant	1,383	1,381	1,000
Great Apes	1,383	1,381	900
Marine turtles	0	99	300
<i>[Neotropical Migratory Birds]</i>	<i>[3,951]</i>	<i>[3,944]</i>	<i>[4,000]</i>
<b>Total Appropriations</b>	<b>\$5,532</b>	<b>\$5,719</b>	<b>\$4,300</b>

**Note:** The Neotropical Migratory Bird program was first authorized in FY2002, and is not part of the MSCF, although the transfer has been proposed in the President's budgets from FY2002-FY2006. 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. Funds may be used to develop conservation plans as well as to 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 by formula. The President proposed \$74.0 million, an increase from \$69.0 million in FY2005. See **Table 7** below.

**Table 7. Appropriations for State and Tribal Wildlife Grants, FY2004-FY2006**  
(\$ in thousands)

State and Tribal Wildlife Grants	FY2004 Approp.	FY2005 Approp.	FY2006 Request
State Grants	\$61,138	\$61,040	\$65,437
Tribal Grants	5,926	5,917	6,343
Administration	1,953	1,947	2,092
Cost allocation methodology	121	124	128
<b>Total Appropriations</b>	<b>\$69,138</b>	<b>\$69,028</b>	<b>\$74,000</b>

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

CRS Issue Brief IB10136. *Arctic National Wildlife Refuge (ANWR): Controversies for the 109<sup>th</sup> Congress*, by M. Lynne Corn, Bernard A. Gelb, and Pamela Baldwin.

CRS Issue Brief IB10144. *Endangered Species Act in the 109<sup>th</sup> 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 M. Lynne Corn and Pervaze A. Sheikh.

## National Park Service

The National Park Service (NPS) is responsible for the National Park System, currently comprising 388 separate and very diverse units with more than 84 million acres. The NPS and its 20,000 employees protect, interpret, and administer the park system's diverse natural and historic areas representing the cultural identity of the American people. The park system has some 20 types of area designations, including national parks, monuments, memorials, historic sites, historic battlefields, seashores, recreational areas, and other classifications.

The FY2006 NPS appropriations request totaled \$2.25 billion, \$116.4 million (5%) less than the FY2005 enacted level (\$2.37 billion). See **Table 8** below. The request would provide increases for the operations line item, but most other line items would face cuts or level funding. This year, enhanced security and infrastructure upgrades are planned for certain parks.

**Operation of the National Park System.** The park operations line-item accounts for more than two-thirds of the total NPS budget, and supports the activities, programs, and services essential to the day-to-day operations of the Park System. It covers resource protection, visitors' services, facility operations, facility maintenance, and park support programs, as well as employee pay, benefits, and

other fixed costs. The majority of operations funding is provided directly to park managers. The FY2006 request for NPS operations was \$1.73 billion, \$50.5 million (3%) more than the FY2005 enacted level of \$1.68 billion and 8% more than the FY2004 enacted level.

Park advocacy groups have estimated that, in recent years, the national parks operate, on average, with two-thirds of needed funding, and the conference report on the FY2005 Interior appropriations act acknowledged shortfalls in core operating programs and visitor services across the Park System. The condition, care, and operation of the national parks continue to be controversial.

**Table 8. Appropriations for the National Park Service,  
FY2004-FY2006**  
(\$ in millions)

National Park Service	FY2004 Approp.	FY2005 Approp.	FY2006 Request
Operation of the National Park System	\$1,609.6	\$1,683.6	\$1,734.1
U.S. Park Police	77.9	80.1	80.4
National Recreation and Preservation	61.8	61.0	36.8
Urban Park and Recreation Fund	0.3	0.0	0.0
Historic Preservation Fund	73.6	71.7	66.2
Construction <sup>a</sup>	329.9	353.0	307.4
Land and Water Conservation Fund <sup>b</sup>	-30.0	-30.0	-30.0
Land Acquisition and State Assistance			
— Assistance to States	93.8	91.2	1.6
— NPS Acquisition	41.8	55.1	52.9
Subtotal, Land Acquisition and State Assistance	135.6	146.3	54.5
<b>Total Appropriations</b>	<b>\$2,258.6</b>	<b>\$2,365.7</b>	<b>\$2,249.3</b>

<sup>a</sup> Includes \$50.8 million of emergency funding for FY2005 enacted in P.L. 108-324, and a proposed reduction of \$17.0 million for FY2006, using prior year balances,

<sup>b</sup> 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, a force with primary jurisdiction at park sites within metropolitan areas of Washington, DC, New York City, and San Francisco. The USPP also provides specialized law enforcement services to other park units when requested, through deployment of professional police officers to support law enforcement trained and commissioned park rangers working in park units system-wide. The President's request for the USPP in FY2006 was \$80.4 million; the enacted level for FY2005 was \$80.1 million. An internal review concluded in December 2004 addressed long-standing fiscal and management

problems and redefined USPP priorities to be: 1) protection of key park units, called national “icons,” 2) patrol of the National Mall and adjacent parks, 3) special events and crowd management, 4) criminal investigations, and 5) traffic control and parkway patrol.

**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 natural, cultural, and heritage resources. The FY2006 request was \$36.8 million, a decrease of \$24.2 million (40%) from the FY2005 appropriation of \$61.0 million. The request did not seek funds for statutory or contractual aid. The Administration has previously proposed discontinuing these programs, requesting no funds for FY2005, but Congress provided \$11.2 million.

The FY2006 request proposed \$5.0 million for funding the 27 existing National Heritage Areas (NHAs), a reduction of \$9.6 million (66%) from the FY2005 enacted level (\$14.6 million). In recent years, the Administration’s requests for heritage area partnerships have been significantly lower than the previous year’s appropriation, but Congress has restored or increased NHA funding. DOI officials testified in 2005 that the \$12.5 million requested for Preserve America, a proposed program that was not funded in FY2005, could be used in part to fund NHAs.

**Urban Park and Recreation Recovery (UPARR).** This once-popular matching grant program, created in 1978, provided direct federal assistance to urban localities to rehabilitate recreational facilities. In FY2001 and FY2002, Congress appropriated \$30.0 million annually for UPARR. Since then, no money has been provided for new grants, and the President did not request funds for FY2006 for new grants. While UPARR is technically still a line item in the NPS budget, the grant administration portion of the program was transferred to the National Recreation and Preservation line item in FY2005. Administration of more than 100 active grants approved in FY2000-FY2002 continues. The enabling legislation, the Urban Park and Recreation Act of 1978 (P.L. 95-625, title X; 16 U.S.C. §§2501-2514), requires that grant-assisted sites remain recreation facilities and ongoing NPS stewardship and protection activities continue for the 1,528 recreation sites.

**Construction and Maintenance.** The construction line item funds new construction, as well as rehabilitation and replacement of park facilities. The FY2006 budget proposed \$307.4 million for NPS construction, comprised of \$324.4 million for high priority health, safety, and resource protection needs, less \$17.0 million transferred from prior year balances. This is a decrease of \$45.6 million from the FY2005 enacted appropriation of \$353.0 million (including \$50.8 million in emergency funding for disaster response).

According to the Administration, more than \$1.1 billion is proposed for FY2006 to address the NPS maintenance backlog. Under the budget request, facility maintenance (in the NPS operations line item) and construction would receive a combined appropriation of \$699.6 million, a decrease of \$38.8 million from FY2005. These figures reflect total appropriations for line items for which deferred maintenance is only a part. Another \$108 million for the facility maintenance backlog is anticipated from recreation fee program receipts. Finally, the

Administration's transportation reauthorization proposal includes \$320 million for park roads and parkways, nearly double the current funding of \$165 million annually. According to the Administration, this total funding, if enacted, fulfills the President's campaign commitment to provide \$4.9 billion over five years to reduce the backlog. The National Parks Conservation Association and other critics contend that the NPS maintenance backlog has continued to grow because the Administration has not allocated \$1 billion annually in *new money*, and has rearranged accounts to give the appearance of addressing the problem.

Congress has expressed concerns about partnership construction projects — those undertaken by friends' groups or corporate or foundation sponsors. Concerns include that these are often expensive, low-priority projects funded outside the regular budget process and that they increase the need for operations and maintenance funding, possibly compounding operational shortfalls and delaying backlog projects and other agency priorities. In response, the NPS has begun an inventory of partnership construction projects of more than \$1 million, and has implemented a comprehensive review process seeking to ensure that projects are essential and achievable.

**Land Acquisition and State Assistance.** For FY2006, appropriations requested for the NPS under the Land and Conservation Fund (LWCF) totaled \$54.5 million, a \$91.9 million (63%) decrease from the FY2005 enacted level (\$146.3 million). The sizable reduction is because the FY2006 request includes no funding for new LWCF State Assistance Grants, although it does include \$1.6 million to administer existing grants. FY2005 funding was \$91.2 million. State assistance is for park land acquisition and recreation planning and development by the states, with the funds allocated by a formula and states determining their spending priorities. Administration representatives have testified that these grants are funded more appropriately funded through other means, and that in a period of budgetary constraint, such programs have a lower priority than other NPS activities. (For more information, see the "Land and Water Conservation Fund (LWCF)" section in this report.)

The federal land acquisition component of the line item provides funds to acquire lands, or interests in lands, for inclusion within the National Park System. The FY2006 budget request was \$52.9 million, \$2.3 million below the FY2005 enacted level (\$55.1 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 — the NPS, BLM, FWS, and FS — 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 was created and extended in appropriations laws and had been controversial, as was the creation of the new 10-year program.

**Historic Preservation.** The Historic Preservation Fund (HPF), administered by the NPS, provides grants-in-aid to states (primarily through State Historic Preservation Offices), territories, the Federated States of Micronesia, and certified local governments, for activities specified in the National Historic Preservation Act (P.L. 89-665; 16 U.S.C. §470). 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 FY2006, the Administration requested \$66.2 million for the HPF, a decrease of 8% from the FY2005 appropriation of \$71.7 million. The FY2006 budget included \$35.5 million for grants-in-aid to states and territories, \$3.2 million for Indian tribes, \$15.0 million for Save America's Treasures, and \$12.5 million for a proposed "Preserve America" program. See **Table 9** below. These grants-in-aid, recommended by the President for FY2006 and previously proposed in FY2005, would supplement Save America's Treasures in supporting community efforts to develop resource management strategies and to encourage heritage tourism. Preserve America grants would be competitively awarded on a 50/50 matching basis, as one-time seed money grants. The FY2005 appropriation did not fund these grants.

The Save America's Treasures program preserves nationally significant intellectual and cultural artifacts and historic structures. Due to concerns that the program did not reflect geographic diversity, annual appropriations laws have required that project recommendations be subject to approval by the Appropriations Committees prior to distribution of funds. Approximately half of the FY2005 appropriation is specified by Congress for designated projects. In addition, the FY2005 appropriations law gives the National Endowment for the Arts the authority to award Save America's Treasures grants.

An issue that is often considered 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 funded on a temporary basis the Trust's endowment fund for endangered properties. Also, HPF previously included funds for preserving and restoring 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. The FY2004 appropriations law provided \$3.0 million through competitive grants administered by the NPS, and the FY2005 law provided \$3.4 million. For FY2006, the Administration did not propose funding for HBCUs under HPF.



**Table 9. Appropriations for the Historic Preservation Fund,  
FY2004-FY2006**  
(\$ in thousands)

Historic Preservation	FY2004 Approp.	FY2005 Approp.	FY2006 Request
Grants-in-Aid to States and Territories <sup>a</sup>	\$34,569	\$35,500	\$35,500
Tribal Grants	2,963	3,205	3,205
Save America's Treasures	32,594	29,583	15,000
Preserve America Grants-In-Aid	0	0	12,500
HBCUs	2,963	3,451	0
National Historic Trust Endowment Grant/Historic Sites Fund	494	0	0
<b>Total Appropriations</b>	<b>\$73,583</b>	<b>\$71,739</b>	<b>\$66,205</b>

<sup>a</sup> 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 the *National Park Service*, see its website at [<http://www.nps.gov/>].

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.

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

CRS Issue Brief IB10141, *Recreation on Federal Lands*, coordinated by Kori Calvert and Carol Hardy Vincent.

## 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.

Funds for the USGS are provided in the line item *Surveys, Investigations, and Research*, for seven activities: the National Mapping Program; Geologic Hazards, Resources, and Processes; Water Resources Investigations; Biological Research; Enterprise Information; Science Support; and Facilities. For FY2006, the Administration's request would provide \$933.5 million for the USGS, a decrease of \$3.0 million from the FY2005 enacted level of \$936.5 million. See **Table 10** below.

The FY2006 request would provide \$133.5 million for the National Mapping Program; \$208.1 million for Geologic Hazards, Resource, and Processes; \$204.2 million for Water Resources Investigations; \$172.9 million for Biological Research; \$47.8 million for Enterprise Information; \$72.3 million for Science Support; and \$94.7 million for Facilities.

In this past year, more than 27 major disasters were declared in the United States from earthquakes to landslides, hurricanes, fires, and floods. Further, the United States and its territories have 169 volcanoes considered to be active, more than any other country in the world. USGS has the lead federal responsibility under the Disaster Relief Act (P.L. 93-288, popularly known as the Stafford Act) to provide notification for earthquakes, volcanoes, and landslides and reduce losses through effective forecasts and warnings based on the best possible scientific information. The FY2006 budget request seeks to address these responsibilities by proposing funding increases to assist in the development and use of tsunami monitoring systems, seismic activity monitoring, and geothermal assessments.

Of the proposed reductions in the FY2006 budget, the largest would be for \$28.3 million in the Geologic Hazards, Resources, and Processes line item due to cuts in programs related to mineral resources. The FY2006 request also proposed to eliminate funding for the Water Resources Research Institutes, which the Administration claims have been generally self-supporting. The Institutes were funded at \$6.4 million in FY2005.

**Enterprise Information.** In FY2005, the Administration proposed a new line item for funding within the USGS called Enterprise Information. This program consolidates 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 subactivities. The Administration's request for FY2006 was \$47.8 million, which is \$3.4 million above the FY2005 enacted level of \$44.4 million.

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 information to the public. The Administration's FY2006 request was for \$133.5 million, which is \$14.7 million above the FY2005 enacted level of \$118.8 million.

The Land Remote Sensing activity would receive \$46.4 million, an increase of \$13.7 million over FY2005 funding. This proposal reflects an increase of \$19.5

million to support land remote sensing archives and capability. This increase is anticipated to allow the continued availability of Landsat data and provide the necessary resources for data reception, processing, and archiving. As part of the budget response to a funding shortfall in Landsat 7, due to fewer purchases of the data, the USGS is seeking \$6.0 million in FY2006 for the Landsat Program. 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."<sup>5</sup>

The FY2006 request would provide \$71.9 million to the Cooperative Topographic activity. This activity aims to provide geospatial data to natural resources decision-makers and to build the National Map. The National Map consists of geospatial information, such as elevation, hydrography, and orthoimagery, compiled from multiple partners. Of this request, \$58.3 million is to maintain map-related databases and to respond to data needs.

**Geologic Hazards, Resources, and Processes.** For Geologic Hazards, Resources, and Processes activities, the Administration requested \$208.1 million for FY2006, \$21.1 million below the FY2005 enacted level of \$229.2 million. This line item covers programs in three activities: Hazard Assessments, Landscape and Coastal Assessments, and Resource Assessments.

The largest decrease in this line item is under Resource Assessments, which would be reduced by \$28.3 million (37%) to an FY2006 level of \$48.7 million. Proposed cuts in the mineral resources program would terminate the collection of basic geologic and mineral deposit data for the nation, the internationally-coordinated global mineral resource assessment, and many mineral commodity reports. The approximately \$25 million sought for the minerals program would continue funding minerals surveys and studies relevant to ongoing federal land management, regulatory, and remediation activities.

The Geologic Hazards Assessments program would receive \$82.2 million, which is \$6.2 million over the FY2005 enacted level. This reflects increased attention to monitoring natural hazards and mitigating their effects. For example, the Administration proposed \$5.4 million for FY2006 to develop seismic monitoring stations to enhance the global tsunami monitoring system. The Administration also is seeking \$8.1 million in emergency supplemental funding for FY2005 to begin procuring and installing additional seismic monitoring stations and to enhance the existing seismic monitoring network for tsunami detection.

**Water Resources Investigations.** For the Water Resources Investigations heading, the Administration requested \$204.2 million for FY2006, which is \$7.0 million below the FY2005 enacted level of \$211.2 million. The Hydrologic

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<sup>5</sup> U.S. Dept. of the Interior, Geological Survey, *Budget Justification and Performance Information: Fiscal Year 2005* (Reston, VA: 2004).

Monitoring, Assessments and Research activity would receive \$140.4 million for FY2006, \$2.0 million below the FY2005 enacted level, and the Cooperative Water Program would receive \$63.8 million, \$1.4 million above the FY2005 enacted level. As with the Bush Administration's FY2002-FY2005 budget requests, the FY2006 request sought to discontinue USGS support for Water Resources Research Institutes because, the Administration alleges, most institutes have succeeded in leveraging sufficient funding for program activities from non-USGS sources. However, Congress provided funding for the institutes from FY2002 to FY2005.

The National Assessment of Water Availability and Use is a program under Water Resources that is being implemented this year. This program aims to provide a better understanding of the nation's water resources, trends in water use, and forecasting water availability. In FY2005, the program began a \$1.2 million pilot study in the Great Lakes Basin to evaluate water resources and use. The FY2006 budget proposed to extend the program to the western United States through a pilot effort that would provide and analyze information to characterize changes in ground-water availability in large regional aquifer systems.

**Biological Research.** The Biological Research Program under the USGS generates and distributes information related to the conservation and management of the nation's biological resources. The Administration has requested \$172.9 million for this program for FY2006, a \$1.2 million increase over the FY2005 enacted level of \$171.7 million. The activities under Biological Research include Biological Research and Monitoring, Biological Information Management and Delivery, and Cooperative Research Units. The FY2006 request proposed increases for projects and research in deepwater fisheries in the Great Lakes, freshwater fisheries in the western United States, and control of invasive species, such as the tamarisk in the Rio Grande Basin.

**Science Support and Facilities.** Science Support focuses on those costs associated with modernizing the infrastructure for managing and disseminating scientific information. The Administration proposed \$72.3 million for Science Support for FY2006, an increase of \$6.7 million from the FY2005 enacted level of \$65.6 million. This included a \$750,000 increase for science on DOI lands, which will provide funds for earth and biological science activities for bureaus within DOI. Activities will focus on coal bed methane and Mancos shale landscapes in the Rockies; geologic and hydrologic processes in the Lower Colorado River basin; habitat assessment for the North Slope region of Alaska; and ecosystem studies in the eastern United States.

Facilities focuses on the costs for maintenance and repair of facilities. The Administration requested \$94.7 million for FY2006, an increase of \$0.1 million over the FY2005 enacted level of \$94.6 million.

**Table 10. Appropriations for the U.S. Geological Survey,  
FY2004-FY2006**  
(\$ in millions)

U.S. Geological Survey	FY2004 Approp.	FY2005 Approp.	FY2006 Request
Enterprise Information	\$0.0	\$44.4	\$47.8
National Mapping Program	129.8	118.8	133.5
Geologic Hazards, Resources, and Processes	234.2	229.2	208.1
Water Resources Investigations	215.7	211.2	204.2
Biological Research	174.5	171.7	172.9
Science Support	90.8	65.6	72.3
Facilities	93.0	94.6	94.7
<b>Total Appropriations</b>	<b>\$938.0</b>	<b>\$936.5<sup>a</sup></b>	<b>\$933.5</b>

<sup>a</sup> The total includes an emergency appropriation of \$1.0 million provided in P.L. 108-324.

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 (OCS) lands and oversees production of offshore oil, gas, and other minerals. MRM collects and disburses bonuses, rents, and royalties paid on federal onshore and 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 sought an FY2006 total MMS budget of \$290.2 million. This included \$7.0 million for Oil Spill Research and \$283.1 million for Royalty and Offshore Minerals Management. The Royalty and Offshore Minerals Management total budget would be comprised of \$148.3 million for OMM, \$87.3 million for MRM, and \$47.5 million for general administration. The total FY2006 budget of \$290.2 million would be derived from \$167.4 million in appropriations and \$122.7 million from offsetting collections which MMS has been retaining since 1994. The Administration's total budget was 5% above the \$277.6 million provided for FY2005. The appropriations portion would decrease by 4%, from \$173.8 million enacted for FY2005 to \$167.4 million for FY2006. See **Table 11** below.

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 were not more than 25%.

**Table 11. Appropriations for the Minerals Management Service, FY2004-FY2006**  
(\$ in millions)

<b>Minerals Management Service</b>	<b>FY2004 Approp.</b>	<b>FY2005 Approp.</b>	<b>FY2006 Request</b>
Royalty and Offshore Minerals Management			
— <i>OCS Lands (OMM)</i>	\$139.3	\$148.3	\$148.3
— <i>Royalty Management (MRM)</i>	79.7	75.4	87.3
— <i>General Administration</i>	44.5	46.9	47.5
— <i>Gross, Royalty and Offshore Minerals Management</i>	263.5	270.6	283.1
— <i>Use of Receipts</i>	-100.2	-103.7	-122.7
Total, Royalty and Offshore Minerals Management Appropriations	163.3	166.8	160.4
Oil Spill Research	7.0	7.0	7.0
<b>Total Appropriations</b>	<b>\$170.3</b>	<b>\$173.8</b>	<b>\$167.4</b>

**Oil and Gas Leasing Offshore.** Issues not directly tied to specific funding accounts are likely to be considered as part of the FY2006 appropriations process, as they were for FY2005. Oil and gas development moratoria along the Atlantic and Pacific Coasts, parts of Alaska, and the Gulf of Mexico (GOM) have been in place since 1982, as a result of public laws and executive orders of the President. The FY2005 appropriations law continued the moratorium on funding preleasing and leasing activities in the Eastern Gulf of Mexico (GOM). Sales in the Eastern GOM have been especially controversial. There are several blocks that were removed by the Administration from Eastern GOM sale 181 that could become available for release after 2007, as part of the Administration's new five-year leasing program. Industry groups contend that Eastern GOM sales are too limited, given what they say is an enormous resource potential, while environmental groups and some state officials argue that the risks of development to the environment and local economies are too great. The FY2005 law continued leasing moratoria in other areas, including the Atlantic and Pacific Coasts.

However, the FY2005 law (P.L. 108-447) did not include language to prohibit funding for preleasing and leasing activity in the North Aleutian Basin Planning Area. The FY2004 law (P.L. 108-108) similarly omitted this language, and the issue has been controversial. There is some industry 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.

Industry groups are seeking legislation to allow natural-gas-only drilling in areas currently under the moratoria. The industry proposal would allow state governors to veto any proposal within 60 miles of their shores and would extend states' coastal boundaries up to 12 miles to increase the potential of generating more revenue for the states.

Another issue that might arise during debate on FY2006 Interior appropriations involves MMS oil and gas leases in offshore California. In past years this issue has been controversial. 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 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.<sup>6</sup> 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 to prevent lease termination and loss of development rights. 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 MMS and the state's response to that review 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; 30 U.S.C. §1201 note) 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. The law provided 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

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<sup>6</sup> Ninth U.S. Circuit Court of Appeals, *California v. Norton*, 01-16637.

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 an 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 108<sup>th</sup> 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 108<sup>th</sup> 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. Authorization for collection of AML fees was extended to the end of June 2005 by the Consolidated Appropriations Act for 2005 (P.L. 108-447). Pending a longer-term settlement of unresolved issues about the structure of the AML program, the Senate version of H.R. 1268 (FY2005 emergency supplemental appropriations legislation) would extend authorization for collection of the fees that are deposited to the AML reclamation fund to the end of FY2005.

The FY2006 request again seeks to return unobligated state-share balances to the states over ten years. This proposal accounts for \$58.0 million. The Administration's total FY2006 AML request was \$246.0 million. The FY2005 budget request also included a plan to return the unobligated balances to the states, which had raised the request significantly in relationship to recent appropriation levels. Though the Administration had requested \$243.9 million for the AML fund for FY2005, neither the House or Senate embraced the Administration's plan. The final appropriation for the fund for FY2005 enacted by Congress was \$188.2 million.

In its FY2006 budget, the Administration requested \$1.5 million for *minimum program states*. These states have significant AML problems, but 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. While the Administration sought \$2.0 million for minimum program states in its FY2005 request, it returned to \$1.5 million for FY2006. Also, SMCRA includes a provision for a \$10.0 million allocation from the AML collections for the Small Operators Assistance Program (SOAP). However, as the Administration proposal would end allocations to this program, no appropriation was requested for FY2006.



The other component of the OSM budget is for regulation and technology programs. For regulation and technology, Congress provided \$108.4 million in FY2005, and the Administration has requested \$110.5 million for FY2006. Included in the FY2006 request is \$10.0 million for the Appalachian Clean Streams Initiative (ACSI), the same level as in FY2002-FY2005. In total, the Administration requested \$356.5 million for OSM, a 20% increase over the FY2005 level of \$296.6 million.

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

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

## **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 FY2005 direct appropriations are \$2.30 billion. For FY2006, the Administration proposed \$2.19 billion, a decrease of \$108.2 million (5%) below FY2005. For the BIA, its major budget components, and selected BIA programs (shown in italics), **Table 12** below presents FY2005 appropriations, the Administration's FY2006 proposal, and the amounts and percentages of change from FY2005 to FY2006. 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 12. Appropriations for the Bureau of Indian Affairs,  
FY2004-FY2006**  
(\$ in thousands)

<b>Bureau of Indian Affairs</b>	<b>FY2004 Approp.</b>	<b>FY2005 Approp.</b>	<b>FY2006 Request</b>	<b>Percent Change FY2005- FY2006</b>
Operation of Indian Programs				
— <i>Tribal Priority Allocations</i>	\$770,637	\$769,543	\$760,149	-1%
— <i>Contract Support Costs</i>	133,648	134,420	134,609	<1%
— <i>Other Recurring Programs</i>	614,136	612,919	602,301	-2%
— <i>School Operations</i>	522,003	517,647	521,633	1%
— <i>Tribally-Controlled Colleges</i>	48,600	53,141	43,375	-18%
— <i>Non-Recurring Programs</i>	75,641	75,985	65,325	-14%
— <i>Central Office Operations</i>	88,506	140,021	157,034	12%
— <i>Office of Federal Acknowledgment</i>	1,350	1,280	1,280	0%
— <i>Trust Services</i>	5,252	19,071	27,169	42%
— <i>Information Resources Technology</i>	38,233	58,092	58,288	<1%
— <i>Regional Office Operations</i>	63,686	41,362	41,590	1%
— <i>Special Programs and Pooled Overhead</i>	280,100	286,261	297,831	4%
— <i>Public Safety and Justice</i>	172,495	180,063	186,765	4%
— <i>Tribal Vocational Colleges</i>	4,271	5,177	0	-100%
Subtotal, Operation of Indian Programs	1,892,706	1,926,091	1,924,230	<-1%
Construction	346,825	319,129	232,137	-27%
— <i>Education Construction</i>	294,954	263,372	173,875	-34%
— <i>Replacement School Construction</i>	139,612	105,550	43,494	-59%
— <i>Education Facilities Improvement and Repair</i>	146,335	142,531	128,381	-10%
— <i>Law Enforcement Facilities Improvement and Repair</i>	1,387	3,833	8,223	115%
Land and Water Claim Settlements and Miscellaneous Payments	54,866	44,150	24,754	-44%
Indian Guaranteed Loan Program	6,417	6,332	6,348	<1%
<b>Total Appropriations</b>	<b>\$2,300,814</b>	<b>\$2,295,702</b>	<b>\$2,187,469</b>	<b>-5%</b>

**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, 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" 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.<sup>7</sup> 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 — which DOI expects to complete in FY2005 — chiefly involves trust management structures and functions. Under the plan, the BIA's trust operations at regional and agency levels remains in those offices but is split off from other BIA services. The OST adds 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 and FY2005 appropriations acts. 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.

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<sup>7</sup> The report is available on the DOI website at [<http://www.doi.gov/indiantrust/pdf/roadmap.pdf>].

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 FY2004-FY2005, Congress responded to tribal concerns by excluding from BIA reorganization certain tribes that have been operating trust management reform pilot projects with their regional BIA offices. Congress has not, however, suspended or stopped 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-FY2005, Congress created an administrative cost fund to pay tribal school boards' start-up administrative costs. The fund's FY2005 appropriation is \$986,000. The Administration's proposal would reduce this fund for FY2006 to \$500,000.

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 12** above shows FY2005 and FY2006 education construction funds. The Administration proposed reducing total FY2006 appropriations for education construction by \$89.5 million (34%). Included in the proposal is a reduction for replacement-school construction of \$62.1 million (59%); the Administration points out that a majority of school replacement projects funded in previous years are still under construction and asserts that BIA needs to focus on completing them. In response to the Administration's position that some projects under self-determination contracts have been too slow in commencing, the FY2005 appropriations act authorized 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.

Because construction appropriations are, in some tribes' views, not reducing construction needs fast enough, Indian tribes have urged Congress to explore additional sources of construction financing. In the FY2001-FY2005 Interior appropriations acts, Congress authorized a demonstration program that allows tribes to help fund construction of BIA-funded, tribally-controlled schools. For FY2005, Congress funded the program at \$12.3 million (earmarking all the funding for three projects). For FY2006, the Administration proposed no funding for this program.

For further information on education programs of the *Bureau of Indian Affairs*, see its website at [<http://www.oiep.bia.edu>].

CRS Report RS22056. *Major Indian Issues in the 109<sup>th</sup> Congress*, by Roger Walke.

## Departmental Offices

**Insular Affairs.** The Office of Insular Affairs (OIA) provides financial assistance to four insular areas — American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands — as well as three former insular areas — the Federated States of Micronesia (FSM), Palau, and the Republic of the Marshall Islands (RMI). OIA staff also manages relations between these jurisdictions and the federal government and works to build the fiscal and governmental 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. The total FY2006 budget request for FY2006 was \$392 million; of this total, \$345.5 million (88%) is mandated through statutes. A total of \$313 million in permanent funding would be provided in FY2006 as follows:

- \$198 million to three freely associated states (RMI, FSM, and Palau) under conditions set forth in the respective Compacts of Free Association;<sup>8</sup> and,
- \$115 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.

Discretionary and current mandatory funds that require annual appropriations constitute the balance of the OIA budget. Two accounts — Assistance to Territories (AT) and the Compact of Free Association (CFA) — comprise discretionary and current mandatory funding. AT funding is used to provide grants for the operation of the government of American Samoa, infrastructure improvement projects on many of the insular area islands, and specified natural resource initiatives. The CFA account provides federal assistance to the freely associated states pursuant to compact agreements negotiated with the federal government. The FY2006 request would reduce AT funding to \$74.3 million, and CFA assistance to \$4.9 million, for a total of \$79.1 million. Appropriations for FY2005 were \$81.0 million, with AT funded at \$75.6 million and CFA at \$5.5 million. The FY2005 appropriation for AT exceeded the Administration's proposal by about \$2.6 million, while the appropriation for CFA was lower than that requested.

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<sup>8</sup> Legislation to approve the amended compacts was enacted in the 108<sup>th</sup> Congress (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.

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>].

**Payments in Lieu of Taxes Program (PILT).** For FY2006, the Administration requested \$200.0 million for PILT, a reduction of 12% from the FY2005 level of \$226.8 million. The Administration recommended the cut as part of the President's effort to reduce the deficit and to provide funding at a level that is more consistent with historical appropriations levels.

The PILT program compensates local governments for federal land within their jurisdictions because federal land is not taxed. Since the beginning of the program in 1976, payments of more than \$3 billion have been made. The PILT program has been controversial, because in recent years appropriations have been substantially less than authorized amounts, ranging from 42% to 68% of authorized levels between FY2000 and FY2004 (the most recent year available). County governments claim that rural areas in particular need additional PILT funds to provide the kinds of services that counties with more private land are able to provide.

Beginning in FY2004, the Administration proposed, and Congress agreed, to shift the program from the BLM to Departmental Management in DOI. The shift was supported because PILT payments are made for lands of the Fish and Wildlife Service, National Park Service, 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/>].

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

**Office of Special Trustee for American Indians.** The Office of Special Trustee for American Indians (OST), 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; 25 U.S.C. §§4001 et seq). The 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, 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 \$3 billion; and (2) individual Indians' funds, known as Individual Indian Money (IIM) accounts, in about 245,000 accounts with a current total asset value of about \$400 million. (Figures are from the OST FY2006 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.

OST's FY2005 appropriation was \$228.1 million. The Administration proposed \$303.9 million for FY2006, an increase of \$75.9 million (33%). **Table 13** below presents figures for FY2004-FY2006 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 13. Appropriations for the Office of Special Trustee for American Indians, FY2004-FY2006**  
(\$ in thousands)

Office of Special Trustee for American Indians	FY2004 Approp.	FY2005 Approp.	FY2006 Request	Percent Change FY2005-FY2006
Federal Trust Programs	\$187,305	\$193,540	\$269,397	39%
— <i>Historical Accounting</i>	44,446	57,194	135,000	136%
Indian Land Consolidation	21,709	34,514	34,514	0%
<b>Total Appropriations</b>	<b>\$209,014</b>	<b>\$228,054</b>	<b>\$303,911</b>	<b>33%</b>

**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. OST and BIA plan on completing the reorganization in FY2005. 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 date from the 19<sup>th</sup> 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 in 2003 proposed an extensive, five-year, \$335 million project to reconcile IIM accounts. OST continues to follow this historical accounting plan for IIM accounts, subject to court rulings (see “Litigation” below) or congressional actions. All of the increase that the Administration proposed for the OST for FY2006 was for historical accounting, which would increase from \$57.2 million in FY2005 to \$135.0 million in FY2006. Of the proposed \$135.0 million total for historical accounting, \$95.0 million was for IIM accounts and \$40.0 million for tribal accounts.

**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.<sup>9</sup> 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 estimated its proposed method would cost \$335 million over five years and produce a total owed to IIM accounts in the low millions; the plaintiffs' method, the cost of which is uncertain, was estimated to produce a total owed to IIM accounts over \$100 billion.

In 2003, the district court conducted a lengthy trial to decide which historical accounting method to use in estimating the IIM accounts' proper balances. 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.

In the FY2004 Interior appropriations act, Congress enacted a controversial 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. Based on this provision, the DOI appealed the court's September 25, 2003 order. 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 mediators in their case and mediation commenced. Meanwhile, no bill was introduced in the 108<sup>th</sup> Congress to delineate the government's historical accounting obligation. 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. On February 23, 2005, the district court issued an order on historical accounting very similar to its September 2003 order, requiring that an accounting cover all trust fund and asset transactions since 1887 and not use statistical sampling. The DOI, which estimates that compliance with the new order would cost \$12-13 billion,<sup>10</sup> appealed the order. The district court did not stay its order during the appeal, however, so various deadlines that DOI must meet are still in effect. One news story suggests DOI is seeking

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<sup>9</sup> *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>].

<sup>10</sup> Recent testimony from the Interior Department estimated the cost at \$12-13 billion (James Cason, Associate Deputy Secretary, Department of the Interior, Statement before the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, March 17, 2005). Previous Interior estimates of the cost were \$6-12 billion.



congressional action to delay the court-ordered accounting, similar to the provision in the FY2004 Interior appropriations act.<sup>11</sup>

Congress has long been concerned that the current and potential costs of the *Cobell* lawsuit may jeopardize DOI trust reform implementation, reduce spending on other Indian programs, and be difficult to fund. Besides the ongoing expenses of the litigation, possible costs include \$12-13 billion for the court-ordered historical accounting, a *Cobell* settlement that might cost as much as the court-ordered historical accounting, or the over-\$100 billion that *Cobell* plaintiffs estimate their IIM accounts are owed. Among the funding sources for these large costs discussed in a recent House Interior Appropriations Subcommittee hearing were discretionary appropriations and the Treasury Department's "Judgment Fund,"<sup>12</sup> but some senior appropriators consider the Fund insufficient for a \$6-\$13 billion dollar settlement.<sup>13</sup> Among other options, Congress may await a stay, reversal, or other appeals court action, or it may enact another delay to the court-ordered accounting, or may take other actions such as directing a settlement or delineating the department's historical accounting obligations.

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.

CRS Report RS22056. *Major Indian Issues in the 109<sup>th</sup> Congress*, by Roger Walke.

**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; 25 U.S.C. §§2701 et seq) 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).<sup>14</sup> The primary 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-FY2005 appropriations acts, increased the NIGC's fee

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<sup>11</sup> Spangler, Matt, "Senator Says Government Cannot Afford to Settle 9-Year-Old Indian Trust Case," *Inside Energy with Federal Lands* (March 14, 2005), p. 10.

<sup>12</sup> The Judgment Fund is a permanent, indefinite appropriation for paying judgments against, and settlements by, the U.S. Government.

<sup>13</sup> Spangler, Matt, "Treasury Fund May Be Short of Cash Needed to Settle Indian royalty Case," *Inside Energy with Federal Lands* (March 21, 2005), p. 6.

<sup>14</sup> Classes were established by the IGRA, and NIGC has different but overlapping regulatory responsibilities for each class.

ceiling to \$12 million, but only for FY2004-FY2006. The FY2006 NIGC budget proposal requested that this increased fee ceiling be continued.

In the FY2006 budget, as in its FY2005 request, the Administration proposed language amending IGRA to create an adjustable, formula-based ceiling for fees instead of the current fixed ceiling. The Administration contends that a formula-based fee ceiling would allow NIGC funding to grow as the Indian gaming industry grows. Gaming tribes do 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. Congress did not agree to the Administration's proposed amendment to IGRA in the FY2005 appropriations law.

During FY1999-FY2005, all NIGC activities have been funded from fees, with no direct appropriations. The Administration did not propose a direct appropriation for the NIGC for FY2006.

For further information on the *National Indian Gaming Commission*, see its website at [<http://www.nigc.gov/>].

## **Title II: Environmental Protection Agency**

Historically, the Environmental Protection Agency's (EPA's) funding had been provided through appropriations laws for Veterans Affairs, Housing and Urban Development (VA-HUD), and independent agencies. The reorganization of the House and Senate Appropriations Committees, approved early in the 109th Congress, eliminated the VA-HUD and Independent Agencies Subcommittees. Beginning with the FY2006 appropriation, EPA's funding is incorporated within the jurisdiction of the Interior subcommittees.

EPA was established in 1970 to consolidate federal pollution control responsibilities that had been divided among several agencies. EPA's responsibilities have grown as Congress has enacted an increasing number of environmental laws, as well as major amendments to these statutes, over three decades. Among its primary responsibilities are the regulation of air quality, water quality, pesticides, and toxic substances; the management and disposal of solid and hazardous wastes; and the cleanup of environmental contamination. EPA also awards grants to assist state and local areas in controlling pollution.

EPA's funding over time generally reflects an increase in overall appropriations to fulfill a rising number of statutory responsibilities. Without adjusting for inflation, the agency's appropriation has risen from \$1.0 billion when the agency was established in FY1970 to \$8.03 billion in FY2005. For FY2006, the President requested \$7.52 billion for EPA, \$505.9 million (6%) less than FY2005 funding.

**EPA Appropriation Accounts.** Traditionally, EPA's annual appropriation has been requested and enacted according to various line-item appropriations accounts, of which there currently are eight:

- Science and Technology;
- Environmental Programs and Management;
- Office of Inspector General;
- Buildings and Facilities;
- Hazardous Substance Superfund;
- Leaking Underground Storage Tank Program;
- Oil Spill Response; and
- State and Tribal Assistance Grants.

**Table 14** presents a breakdown of enacted appropriations for EPA by account for FY2004 and FY2005, and of the President's FY2006 request. **Figure 1** displays the portion of the FY2006 request that would be allocated to each account.

**Table 14. Appropriations for the Environmental Protection Agency, FY2004-FY2006**  
(\$ in millions)

<b>Environmental Protection Agency</b>	<b>FY2004 Approp.</b>	<b>FY2005 Approp.</b>	<b>FY2006 Request</b>
Science & Technology			
— <i>Direct Appropriations</i>	\$781.7	\$744.1	\$760.6
— <i>Transfer in from Superfund</i>	44.4	35.8	30.6
Subtotal, Science & Technology	826.1	779.9	791.2
Environmental Programs and Management			
Office of Inspector General			
— <i>Direct Appropriations</i>	37.3	37.7	37.0
— <i>Transfer in from Superfund</i>	13.2	12.9	13.5
Subtotal, Office of Inspector General	50.5	50.6	50.5
Buildings and Facilities			
Hazardous Substance Superfund			
— <i>Direct Appropriations</i>	1,257.5	1,247.5	1,279.3
— <i>Transfers out from Superfund</i>	-57.5	-48.7	-44.1
Subtotal, Hazardous Substance Superfund	1,200.0	1,198.8	1,235.2
Leaking Underground Storage Tank Program			
Oil Spill Response			
Pesticide Registration Fund			
Pesticide Registration Fees	—	19.2	15.0
	—	-19.2	-15.0
State & Tribal Assistance Grants (STAG)			
— <i>Clean Water State Revolving Fund</i>	1,342.0	1,091.2	730.0
— <i>Drinking Water State Revolving Fund</i>	845.0	843.2	850.0
— <i>Categorical and Other Grants</i>	1,690.8	1,640.9	1,380.8

<b>Environmental Protection Agency</b>	<b>FY2004 Approp.</b>	<b>FY2005 Approp.</b>	<b>FY2006 Request</b>
Subtotal, State & Tribal Assistance Grants (STAG)	3,877.8	3,575.3	2,960.8
<b>Total Appropriations</b>	<b>\$8,365.8</b>	<b>\$8,026.5<sup>a</sup></b>	<b>\$7,520.6</b>

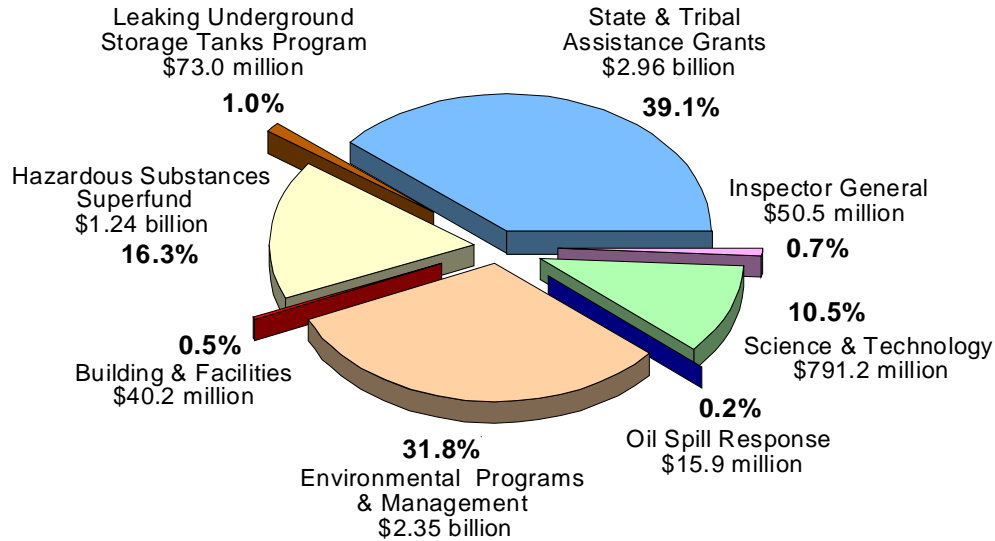
**Source:** Prepared by the Congressional Research Service (CRS) based on the following sources. Amounts for FY2004 are from the House Appropriations Committee Report on H.R. 5041 (H.Rept. 108-674). Amounts for FY2005 and FY2006 are from the House Appropriations Committee.

<sup>a</sup> The FY2005 total includes a supplemental appropriation of \$3.0 million.

<sup>b</sup> The FY2006 request includes \$50.0 million in revenues to be derived from two user-fee legislative proposals which have not been enacted, and are reflected in the House Appropriations Committee information as a deduction in the form of offsetting receipts. EPA estimated \$4.0 million would come from an increase to existing fee levels for Pre-manufacturer Notices (PMNs) under the Toxic Substances Control Act, and \$46.0 million from implementing Pesticide Registration Fee authority promulgated in 1988 but prohibited by Congress. The Administration's FY2006 Budget Justification for EPA does not appear to distinguish an offset for other user-fee revenue estimates.

### Figure 1. The President's FY2006 Budget by EPA Appropriations Account

*Total Requested FY2006 Funding Level = \$7.52 billion*



**Source:** Prepared by the Congressional Research Service (CRS) based on information from the House Appropriations Committee.

**Overview.** The President's FY2006 request for EPA included steady or increased funding for a number of programs, such as for cleanup of hazardous waste sites under the Superfund program, cleanup and redevelopment of brownfields, homeland security, and several grant programs that support scientific research on human health effects. However, collective reductions more than offset the increases to yield a \$505.9 million reduction overall. The largest single decrease would be for grants to states for wastewater infrastructure within the State and Tribal Assistance Grants (STAG) account. In addition, the President's FY2006 request did not include \$489 million appropriated within various accounts in FY2005 for congressionally mandated projects that were not requested by the Administration. More than half of these appropriated funds were for water infrastructure projects.

Funding for water infrastructure, scientific research, and the cleanup of hazardous waste sites under the Superfund program are expected to be among the prominent issues of debate as Congress deliberates on EPA's FY2006 appropriations.

**Water Infrastructure.** The President's FY2006 budget would reduce funding for the clean water State Revolving Fund (SRF) by \$361.2 million (33%), from \$1.09 billion in FY2005 to \$730.0 million in FY2006. The request for the drinking water SRF was \$850.0 million, \$6.8 million (1%) more than the \$843.2 million appropriated for FY2005. Together, these funds provide seed monies for state loans to communities for wastewater and drinking water infrastructure projects.

The proposed reduction in the clean water SRF has been contentious, as there is disagreement over the adequacy of funding to meet these needs. In recent years, Congress has appropriated significantly more funding than the Administration has requested for the clean water SRF. In agreeing to the FY2006 budget resolution (S.Con.Res. 18), the Senate agreed to a floor amendment recommending \$1.35 billion for the clean water SRF in FY2006, \$620 million more than the request. The amount to be provided in appropriations is uncertain, as recommendations in the budget resolution are non-binding. There has been less disagreement between Congress and the Administration about the appropriate funding level for the drinking water SRF, although some Members support higher funding to meet local needs, such as assistance to help communities comply with new standards for drinking water contaminants (e.g., arsenic and radium).

The President's FY2006 budget did not include funding to continue 667 projects to which Congress directed nearly \$308 million within the STAG account for FY2005. Communities compete for loan funds provided through the SRFs which must be repaid, but earmarked funding is awarded noncompetitively as grants that require matching funds but not repayment. As the overall amount of funding directed to specific water infrastructure projects has risen in recent years, whether these needs should be met with SRF loan monies or grant assistance has become controversial.

**Scientific Research.** For FY2006, the President requested \$791.2 million for the Science and Technology (S&T) account, including an appropriation of \$760.6 million and a transfer of \$30.6 million. The request was \$11.4 million more than the FY2005 appropriation of \$779.9 million, including a transfer of \$35.8 million. The request included both increases and decreases in various program research activities. For example, the request included additional funding for homeland security activities, but no funding for several congressionally mandated projects provided within the S&T account in the FY2005 appropriations.

The President's budget for S&T for FY2006 was below appropriations for FY2003 and FY2004. Some scientists and environmental organizations have advocated greater funding for scientific research, citing the need for more knowledge about human health effects to determine whether pollution control regulations are protective enough. The Administration counters that most of the reductions since FY2003 were the result of cost-savings from consolidating certain research areas, and that the funding it has proposed for specific research activities is sufficient to assess the adequacy of EPA's regulations to protect human health.

**Superfund.** A prominent issue is the adequacy of funding for the Superfund program to clean up the nation's most hazardous waste sites. Some have asserted that more funds are necessary to speed the pace of remediation at contaminated sites, while others contend that steady funding allows a pace of cleanup that protects human health and the environment. The President's FY2006 budget included \$1.24 billion for Superfund (reflecting \$44.1 million in transfers out), which was \$31.9 million more than the FY2005 appropriation of \$1.20 billion (reflecting \$48.7 million in transfers out).

In the FY2006 request, the President sought \$599.4 million for remediation of contamination, \$198.0 million for emergency response and removal of hazardous

substances, and \$190.2 million for enforcement. The remainder of the request would be for other program activities, such as management and support, reimbursement for related activities performed by other federal agencies, emergency preparedness, and related homeland security activities.

The source of funding for the Superfund program also has been an ongoing issue. The President's proposed funding for the program would be provided from general Treasury revenues. Historically, three dedicated taxes (on petroleum, chemical feedstocks, and corporate income) provided the majority of funding for the Superfund program. However, the taxes expired at the end of 1995, and the remaining revenues were essentially expended by the end of FY2003. Although cost recoveries from responsible parties continue to contribute some revenue to the trust fund, these amounts are relatively small, and have been declining. As a result, beginning in FY2004 Congress has funded the program entirely with general Treasury revenues.

Some Members advocate reinstating the Superfund taxes and contend that the use of general Treasury revenues undermines the "polluter pays" principle. Other Members and the Administration counter that viable parties are still required to pay for the cleanup of contamination and that polluters are therefore not escaping their responsibility. According to EPA, responsible parties pay for the cleanup at more than 70% of Superfund sites.

For further information on the *Environmental Protection Agency* and its budget, see its websites [<http://www.epa.gov>] and [<http://epa.gov/ocfo/budget/>].

CRS Report RL30798. *Environmental Laws: Summaries of Statutes Administered by the Environmental Protection Agency*, coordinated by Susan Fletcher.

CRS Report RL32856. *Environmental Protection Agency: Appropriations for FY2006*, by Robert Esworthy and David Bearden.

CRS Report RL32441. *Environmental Protection Agency: Appropriations for FY2005*, by David Bearden and Robert Esworthy.

CRS Report RS22064. *Environmental Protection Agency: Highlights of the President's FY2006 Request*, by David Bearden and Robert Esworthy.

CRS Issue Brief IB10146. *Environmental Protection Issues in the 109th Congress*, coordinated by Susan Fletcher and Margaret Isler.

## **Title III: Related Agencies**

### **Department of Agriculture: Forest Service**

For FY2006, the President has requested \$4.06 billion for the Forest Service (FS). This is \$681.2 million (14%) less than FY2005 appropriations of \$4.75 billion (excluding \$40 million of emergency funding enacted in FY2004). Many programs would be cut, with only a few increases, as discussed below.

**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 RS21544, *Wildfire Protection 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. The total FY2006 request was \$2.51 billion, \$490.0 million (16%) less than appropriated for FY2005 (including \$524.1 million in emergency and supplemental appropriations enacted in FY2005). See **Table 15** below.

The BLM request for FY2006 was \$756.6 million, \$74.7 million (9%) less than the FY2005 appropriation (including \$98.6 million in emergency and supplemental funding). The FS request was \$1.75 billion, including \$281.0 million in fuel reduction which the agency is proposing to fund under the National Forest System line item; this is \$415.2 million (19%) less than FY2005 funding. The decline in both agencies' wildfire budgets is due to the emergency funding enacted for FY2005. The FS and BLM wildfire 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).



**Table 15. Appropriations for the National Fire Plan, FY2001-FY2006**  
(\$ in millions)

National Fire Plan	FY2001 Approp.	FY2002 Approp.	FY2003 <sup>b</sup> Approp.	FY2004 <sup>c</sup> Approp.	FY2005 <sup>d</sup> Approp.	FY2006 Request
<b>Forest Service</b>						
— Wildfire Suppression	\$319.3	\$255.3	\$418.0	\$597.1	\$648.9	\$700.5
— Emergency Funding <sup>a</sup>	425.1	266.0	919.0	748.9	425.5	0.0
— Preparedness	611.1	622.6	612.0	671.6	676.5	676.0
— Other Operations <sup>e</sup>	557.2	446.8	371.5	392.6	416.5	375.6
Subtotal, Forest Service	1,912.7	1,590.7	2,320.5	2,410.3	2,167.3	1,752.1
<b>BLM</b>						
— Wildfire Suppression	153.1	127.4	159.3	192.9	218.4	234.2
— Emergency Funding <sup>a</sup>	199.6	54.0	225.0	198.4	98.6	0.0
— Preparedness <sup>f</sup>	314.7	280.8	275.4	254.2	258.9	272.9
— Other Operations	309.7	216.2	215.4	238.1	255.3	249.6
Subtotal, BLM	977.1	678.4	875.2	883.6	831.3	756.6
<b>Total National Fire Plan</b>						
— Wildfire Suppression	472.4	382.7	577.3	790.0	867.3	934.7
— Emergency Funding <sup>a</sup>	624.6	320.0	1,144.0	947.3	524.1	0.0
— Preparedness	925.9	903.4	887.4	925.8	935.4	948.9
— Other Operations	866.9	663.0	586.9	630.7	671.8	625.1
<b>Total Appropriations</b>	<b>\$2,889.8</b>	<b>\$2,269.1</b>	<b>\$3,195.6</b>	<b>\$3,293.9</b>	<b>\$2,998.6</b>	<b>\$2,508.7</b>

**Notes:** Includes funding from BLM and FS Wildland Fire Management accounts, from FS State and Private Forestry (Cooperative Fire Protection), and for FY2006, from FS National Forest System (Hazardous Fuels Reduction).

This table differs from the detailed tables in CRS Report RS21544, *Wildfire Protection 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.

<sup>a</sup> Emergency supplemental and contingent appropriations are included in agency totals.

<sup>b</sup> 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.

<sup>c</sup> 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.

<sup>d</sup> Includes emergency funding of \$1.0 million for the FS in P.L. 108-324 and of \$30.0 million for fuel reduction, hazard mitigation, and rehabilitation in the San Bernardino (CA) NF transferred to the FS under P.L. 108-287. *Excludes* \$10.0 million for a wildfire training facility in San Bernardino County, CA, transferred to the FS Capital account under P.L. 108-287.

<sup>e</sup> Includes fuel reduction funds. The FS has proposed to move fuel reduction funds from Other Operations to the National Forest System in FY2006.

<sup>f</sup> Fire research and fuel reduction funds are included under Other Operations. The BLM traditionally has included fire research funding under Preparedness.

The FY2006 request for wildfire suppression was \$934.7 million, \$456.7 million (33%) less than FY2005 suppression funding, including emergency

appropriations. The decrease is greater for the FS (35%) than for the BLM (26%). The request was based on an average fire year, and contains no contingent or emergency funding (\$524.1 million enacted for FY2005). 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 borrowing typically is repaid in subsequent appropriations (commonly emergency appropriations bills), although to date, FY2003 borrowings have not been fully repaid.

The FY2006 request included \$948.9 million for fire preparedness, \$13.5 million (1%) more than the FY2005 appropriation. All of the increase was for the BLM (\$13.9 million, 5%), with a small decrease (\$0.5 million) for the FS.

The FY2006 request for other fire operations totaled \$625.1 million, \$46.7 million (7%) less than the FY2005 appropriation. Nearly every account would be reduced, with BLM state and local assistance being terminated. In contrast, fuel reduction funding (under the President's Healthy Forests Initiative and the Healthy Forests Restoration Act of 2003, P.L. 108-148) would be increased to \$492.2 million, \$28.3 million (6%) more than for FY2005. The increase was slightly greater for the FS (7%) than for the BLM (5%). Also, the Administration has again proposed shifting FS fuel reduction funding from Wildfire Management to the National Forest System.

**State and Private Forestry.** While funding for wildfires has been the center of debate, many controversial changes have been proposed 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 requested for FY2006 was \$253.4 million. This would be a decline of \$88.2 million (26%) from the \$341.6 million appropriated for FY2005 (including \$49.1 million of emergency S&PF appropriations). Cuts were proposed in forest health management, cooperative fire assistance, and international programs. One cooperative forestry program was proposed for termination, while another would be substantially increased.

The FY2006 request included \$72.3 million for forest health management (insect and disease control on federal and cooperative [nonfederal] lands), \$29.5 million (29%) less than the FY2005 level, with most of the decline (\$25.3 million) requested for cooperative lands. In addition, funds for forest health management are included in National Fire Plan Other Operations (see above). For FY2006, the request for these funds totaled \$11.6 million, \$13.1 million (53%) less than the FY2005 level.

For S&PF Cooperative Fire Assistance to states and volunteer fire departments, the FY2006 request included \$26.8 million, \$12.0 million (31%) less than for FY2005; the decline is all in state assistance. In addition, funds for cooperative fire assistance are included in National Fire Plan Other Operations (see above). The FY2006 request for such programs totaled \$37.3 million, \$10.8 million (22%) less than the FY2005 level; again the decline is all in state assistance.

The FY2006 request contained \$149.2 million for Cooperative Forestry programs (assistance for forestry activities on state and private lands). This was \$3.8 million (3%) more than the FY2005 level. Forest Legacy (for purchasing title or

easements for lands threatened with conversion to nonforest uses, such as for residences) was proposed to increase to \$80.0 million, \$22.9 million (40%) more than FY2005. Forest Stewardship (for states to assist private landowners) was proposed to increase to \$37.1 million, \$4.8 million (15%) more than FY2005. In contrast, Urban and Community Forestry (financial and technical assistance to localities) was proposed to decrease to \$27.5 million, down \$4.5 million (14%) from FY2005 and resource inventory was proposed to decline to \$4.7 million, down \$0.3 million (6%) from FY2005. The Economic Action Programs (EAP; for rural community assistance, wood recycling, and Pacific Northwest economic assistance) was again proposed to be terminated; FY2005 funding was \$19.0 million.

For international programs (technical forestry assistance to other nations), the FY2006 request was \$5.0 million, \$1.4 million (22%) less than the FY2005 level.

**Table 16. Appropriations for FS State & Private Forestry,  
FY2004-FY2006**  
(\$ in millions)

State and Private Forestry	FY2004 Approp.	FY2005 Approp.	FY2006 Request
Forest Health Management	\$98.6	\$101.9	\$72.3
— <i>Federal Lands</i> <sup>a</sup>	53.8	54.2	50.0
— <i>Cooperative Lands</i> <sup>a</sup>	44.7	47.6	22.3
Cooperative Fire Assistance <sup>a</sup>	38.4	38.8	26.8
— <i>State Assistance</i> <sup>a b</sup>	33.4	32.9	20.9
— <i>Volunteer Asst.</i> <sup>a</sup>	5.0	5.9	5.9
Cooperative Forestry <sup>a</sup>	161.4	145.4	149.2
— <i>Forest Stewardship</i>	31.9	32.3	37.1
— <i>Forest Legacy</i>	64.1	57.1	80.0
— <i>Urban &amp; Community Forestry</i>	34.9	32.0	27.5
— <i>Economic Action (Program)</i> <sup>a</sup>	25.6	19.0	0.0
— <i>Forest Resource Info. &amp; Analysis</i>	4.9	5.0	4.7
International Programs	5.9	6.4	5.0
Emergency Appropriations	0.0	49.1	0.0
<b>Total State &amp; Private Forestry<sup>b</sup></b>	<b>\$304.3</b>	<b>\$341.6</b>	<b>\$253.4</b>

<sup>a</sup> Excludes funding provided under the Wildland Fire Management account.

<sup>b</sup> 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 FY2006 request included \$380.8 million for FS Capital Improvement and Maintenance, a decline of \$133.9 million (26%) from regular FY2005 funding of \$514.7 million and of \$194.7 million (34%) from total FY2005 funding, including \$60.8 million in emergency and supplemental funding. Facilities

funding would decline by \$100.2 million (46%), while road funding would decline by \$70.0 million (27%) and trails funding would decline by \$20.3 million (24%). For all three, new construction would decline by a larger amount (and percentage) than would maintenance. In addition, the Administration requested \$9.7 million for infrastructure improvement, to reduce the agency's backlog of deferred maintenance, estimated at \$6.5 billion. The request was \$4.1 million (30%) less than appropriated for FY2005 and \$21.9 million (69%) less than FY2004 funding.

**Land Acquisition.** The FY2006 request included \$40.0 million for FS Land Acquisition from the Land and Water Conservation Fund, with \$13.0 million for acquisition management and \$27.0 million for land purchases. This was significantly less (\$21.0 million, 34%) than FY2005 appropriations. The differences are entirely for land purchases, with a modest increase proposed for acquisition management. (For more information, see the "Land and Water Conservation Fund (LWCF)" section in this report.)

**Other Accounts.** The FY2006 budget request for FS research was \$285.4 million, \$9.0 million (3%) more than the FY2005 level; however, fire research funded in National Fire Plan Other Operations (see above) would be reduced from \$29.6 million to \$16.9 million, a decline of \$12.7 million (43%). National Forest System (NFS) appropriations would be \$1.37 billion, excluding the proposed shift of fuel reduction (\$281.0 million requested) from wildfire management to NFS; this is a decline of \$22.6 million (2%) from the FY2005 level. (Fuel reduction funding is discussed under the National Fire Plan, above.) A large (32%) increase was proposed for minerals management, but the other regular accounts would be within 10% of the FY2005 funding.

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. *The National Forest System Roadless Areas Initiative*, by Pamela Baldwin.

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

CRS Report RS21544. *Wildfire Protection Funding*, by Ross W. Gorte.

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

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

## 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 561 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.

The enacted IHS appropriation for FY2005 was \$2.99 billion. The Administration proposed \$3.05 billion for FY2006, an increase of 2%. See **Table 17** below. IHS funding is separated into two Indian Health budget categories: Health Services, and Facilities. Of the total IHS appropriation enacted for FY2005, 87% will be used for health services and 13% for the health facilities program.

**Table 17. Appropriations for the Indian Health Service,  
FY2004-FY2006**  
(\$ in millions)

Indian Health Service	FY2004 Approp.	FY2005 Approp.	FY2006 Request	Percent Change FY2005- FY2006
Indian Health Services				
Clinical Services				
— <i>Hospital and Health Clinic Programs</i>	\$1,249.8	\$1,289.4	\$1,359.5	5%
— <i>Dental Health</i>	104.5	109.0	119.5	10%
— <i>Mental Health</i>	53.3	55.1	59.3	8%
— <i>Alcohol and Substance Abuse</i>	138.3	139.1	145.3	5%
— <i>Contract Care</i>	479.1	480.3	507.0	6%
— <i>Catastrophic Health Emergency Fund</i>	—	17.8	18.0	1%
<i>Subtotal, Clinical Services</i>	2,024.9	2,090.6	2,208.7	6%
Preventive Health Services				
— <i>Public Health Nursing</i>	42.6	45.0	49.7	10%
— <i>Health Education</i>	11.8	12.4	13.8	11%
— <i>Community Health Representatives</i>	51.0	51.4	53.7	5%
— <i>Immunization (Alaska)</i>	1.6	1.6	1.6	5%
<i>Subtotal, Preventive Health</i>	106.9	110.4	118.9	8%
Other Services				

<b>Indian Health Service</b>	<b>FY2004 Approp.</b>	<b>FY2005 Approp.</b>	<b>FY2006 Request</b>	<b>Percent Change FY2005- FY2006</b>
— <i>Urban Health Projects</i>	31.6	31.8	33.2	4%
— <i>Indian Health Professions</i>	30.8	30.4	31.5	4%
— <i>Tribal Management</i>	2.4	2.3	2.4	4%
— <i>Direct Operations</i>	60.7	61.6	63.1	2%
— <i>Self-Governance</i>	5.6	5.6	5.8	4%
— <i>Contract Support Costs</i>	267.4	263.7	268.7	2%
<i>Subtotal, Other Services</i>	398.5	395.5	404.7	2%
Subtotal, Indian Health Services	2,530.4	2,596.49	2,732.3	5%
Indian Health Facilities				
— <i>Maintenance and Improvement</i>	48.9	49.2	49.9	1%
— <i>Sanitation Facilities Construction</i>	93.0	91.8	93.5	2%
— <i>Health Care Facilities Construction</i>	94.6	88.6	3.3	-96%
— <i>Facilities and Environmental Health Support</i>	137.8	141.7	151	7%
— <i>Equipment</i>	17.1	17.3	18.0	4%
Subtotal, Indian Health Facilities	391.4	388.6	315.7	-19%
<b>Total Appropriations</b>	<b>\$2,921.7</b>	<b>\$2,985.07</b>	<b>\$3,047.97</b>	<b>2%</b>
Medicare/Medicaid Reimbursements	(567.6)	(598.7)	(648.2)	(8%)
Special Diabetes Program for Indians <sup>a</sup>	150.0	150.0	150.0	0%

<sup>a</sup> 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.

**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). Estimated total reimbursements are \$598.7 million in FY2005 and \$648.2 million in FY2006.

The IHS Health Services appropriation for FY2005 was \$2.60 billion. The Administration proposed \$2.73 billion for FY2006, an increase of 5%. 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 Clinical Services budget enacted for FY2005 was \$2.09 billion and the amount proposed for FY2006 was \$2.21 billion, or 6% more. Clinical Services include primary care at IHS and tribally run hospitals and clinics. Hospital and health clinic programs make up 62% of the Clinical Services budget. For FY2005, the hospitals and clinic programs will receive \$1.29 billion; for FY2006 the proposal was \$1.36 billion, a 5% increase. For other programs within Clinical Services in FY2005, dental programs will get \$109.0 million, mental health programs \$55.1 million,

alcohol and substance abuse programs \$139.1 million, and the catastrophic health emergency fund \$17.8 million. For FY2006, the Administration requested \$119.5 million for dental health, \$59.3 million for mental health, \$145.3 million for alcohol and substance abuse, and \$18.0 million for the catastrophic emergency fund. 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 was \$480.3 million, and the request for FY2006 was \$507.0 million, or 6% more.

For Preventive Health Services, the final FY2005 appropriation was \$110.4 million and the proposed amount for FY2006 was \$118.9 million (an 8% increase). Funding for the programs within preventive health services in FY2005 will be \$45.0 million for public health nursing, \$12.4 million for health education in schools and communities, \$1.6 million for immunizations in Alaska, and \$51.4 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 FY2006, the Administration proposed \$49.7 million for public health nursing, \$13.8 million for health education, \$1.6 million for Alaska immunizations, and \$53.7 million for community health representatives.

For other health services, the enacted appropriation for FY2005 was \$395.5 million. The Administration requested \$404.7 million for FY2006, a 2% increase. The largest item in this category is contract support costs, with an FY2005 appropriation of \$263.7 million and a proposed amount for FY2006 of \$268.7 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. Program funding in this category in FY2005 also included \$30.4 million for scholarships to health care professionals, \$2.3 million for tribal management grants to tribes, \$31.8 million for health-related activities in off-reservation urban health projects, \$61.6 million for IHS administration and management costs for the programs IHS operates directly, and \$5.6 million for self-governance. For FY2006, the Administration proposed \$31.5 million for health-care scholarships, \$2.4 million for tribal management grants, \$33.2 million for urban Indian health, \$63.1 million for direct operations, and \$5.8 million for self-governance.

**Facilities.** The IHS's Facilities category includes money for the construction, maintenance, and improvement of both health and sanitation facilities. The total FY2005 appropriation was \$388.6 million, while the Administration's proposal was \$315.7 million, a 19% decrease. All of the proposed decrease is in construction of new health care facilities, which would be reduced from \$88.6 million for FY2005 to \$3.3 million for FY2006, a 96% decrease. The proposed cuts in health care facilities have been controversial. IHS has stated that this is a one-year moratorium and is consistent with an HHS-wide focus on maintenance of existing facilities instead of construction of new ones. The major national Indian health organization, the National Indian Health Board, opposes a one-year construction moratorium. The Board warns that a one-year pause would cause a setback from which it will take a

decade to recover, and proposes restoring facilities construction to the FY2004 level of more than \$94 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 for each program 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.

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

CRS Report RS22056. *Major Indian Issues in the 109<sup>th</sup> Congress*, by Roger Walke.

## **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 FY2005, ONHIR received an appropriation of \$4.9 million, a 63% reduction from FY2004, when it received \$13.4 million. Congress reduced funding because it anticipated that carryover funds from previous fiscal years would offset the reduction in appropriations. ONHIR estimates it will use \$18.9 million in carryover funds in FY2005. For FY2006, the Administration proposed \$8.6 million in



appropriations, a 74% increase from FY2005. ONHIR proposed using \$10.4 million in carryover funds in FY2006.

Navajo-Hopi 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 3,400 eligible Navajo families resided on land partitioned (or judicially confirmed) to the Hopi, while only 26 eligible Hopi families lived on Navajo partitioned land, according to ONHIR data. Moreover about 250 Navajo families — only some of them among the 3,400 eligible families — signed “accommodation agreements” in the late 1990s under P.L. 104-301 (a 1996 settlement of related Hopi-U.S. issues) that allowed them to stay on Hopi land under Hopi law. About half of them, however, may wish to opt out of these agreements and relocate using ONHIR benefits, according to ONHIR.

Of the 26 Hopi families on Navajo partitioned land, 100% were relocated to replacement homes by the end of FY2004, according to ONHIR. While 96% of the Navajo families have completed relocation, ONHIR estimates that 130 Navajo families were awaiting relocation as of the end of FY2004. Of these 130 remaining Navajo families, 119 are not currently residing on Hopi partitioned land but are in various stages of acquiring replacement housing (50 of the 119 families are currently having homes built, or seeking homes; others are in earlier stages). Eleven of the 130 Navajo families are still residing on Hopi partitioned land, according to ONHIR. Three of these 11 Navajo families are having homes built or seeking homes, but the other eight families refuse to relocate or sign an accommodation agreement. ONHIR and the U.S. Department of Justice are negotiating with the Hopi to allow the eight families to stay on Hopi land, as autonomous families, in return for ONHIR’s relocating off Hopi land those families who signed agreements but wish to opt out.

ONHIR estimates in its FY2006 budget justification that relocation moves for currently eligible families will be completed by the end of FY2006. The addition of Navajo families who have opted out of accommodation agreements, and Navajo families who filed late applications or appeals but whom ONHIR proposes to accommodate to avoid litigation — together estimated at 210 families — means that all relocation moves would not be completed until the end of FY2008, according to ONHIR. However, this schedule would depend on infrastructure needs and relocatees’ decisions. Required post-move assistance to relocatees would necessitate another two years of expenditures after the last relocation move (whether in FY2006 or FY2008), according to ONHIR. ONHIR contends that the government would be vulnerable to litigation if the 210 families were not accommodated. Congress has at times expressed impatience at the speed of relocation, and the proposed extension of time might arise during debates on FY2006 appropriations.

A long-standing proviso in ONHIR appropriations language, retained in the Administration’s proposed budget for FY2006, 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 to begin legal action against the United States for failure to give the Hopi Tribe “quiet possession” of all Hopi partitioned lands. The agreement that ONHIR reports it is negotiating with the Justice Department and the Hopi seeks to avoid this.

## Smithsonian Institution

The Smithsonian Institution (SI) is a museum, education, and research complex of 18 museums and galleries, the National Zoo, and 9 research facilities throughout the United States and around the world, plus 138 affiliate museums. 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 over two-thirds federally funded, and also is supported by various types of trust funds. A federal commitment to fund the SI was established by legislation in 1846.

**FY2006 Budget.** The Bush Administration proposed \$615.0 million for the Smithsonian, a slight decrease from the enacted FY2005 level (\$615.2 million). See **Table 18** below. For Salaries and Expenses, the Smithsonian would receive \$524.1 million, a 7% increase over the FY2005 amount of \$489.0 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).

**Facilities Capital.** The FY2006 request was \$90.9 million for Facilities Capital, significantly (28%) less than the \$126.1 million enacted for FY2005. The request was comprised of \$72.9 million for revitalization, \$9.0 million for construction, and \$9.0 million for facilities planning and design. Revitalization funds are for addressing advanced deterioration in SI buildings, helping with routine maintenance and repair in SI facilities, and making critical repairs.

**National Museum of the American Indian (NMAI).** The FY2006 request was \$30.5 million for operating resources for the National Museum of the American Indian. For FY2005, Congress enacted \$31.7 million. The estimated total cost of construction for the NMAI was approximately \$219.3 million. 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.” Other groups, such as Latinos, have been seeking museum space on the Mall.

**National Museum of African American History and Culture.** A new National Museum of African American History and Culture (NMAAHC) has been authorized 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 specific periods of history, including the time of slavery, Reconstruction, the Harlem Renaissance, and the civil rights movement. The FY2006 budget for the NMAAHC was \$5.1 million for operating resources, including for personnel for planning, site selection, and capital fund raising. The FY2005 appropriation was \$3.9 million. The opening of the National Museum of the

American Indian brings with it the question of space left on the Mall for the NMAAHC.

**National Zoo.** The FY2006 request was \$20.2 million for salaries and expenses at the National Zoo, a sizeable increase over the \$17.6 million enacted for FY2005. Recently, Congress and the public have expressed increased concern about the National Zoo's facilities and the care and health of its animals. The Smithsonian Institution has a plan to revitalize the zoo, to make the facilities safer for the public and healthier for the animals. The Administration's FY2006 request estimated \$13.0 million (under the Facilities Capital account) to begin the revitalization, to include renovation of the wetlands area of the bird exhibit that was destroyed by fire (\$8.4 million); new roofs, skylights, and facades at Rock Creek (\$2.0 million); and an upgrade of critical infrastructure (\$2.4 million), including to install fire protection systems and upgrade the water, sewer, mechanical, electrical, and plumbing systems. Site planning continues for several projects, including the construction of the new elephant yard to provide ample space for the elephants. The new construction will help the Zoo come into compliance with the U.S. Department of Agriculture and American Zoo and Aquarium Association standards, and will help to correct "infrastructure deficiencies" found throughout the National Zoo.

**Trust Funds.** In addition to federal appropriations, the Smithsonian Institution receives income from trust funds to expand its programs. The SI trust funds include 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 private donor-designated funds that typically specify the purpose of funds. Government grants and contracts are provided by various government agencies for projects specific to the Smithsonian Institution. For FY2005, the trust funds available for operations were estimated at \$254.9 million, comprised of \$54.9 million for general trust, \$124.7 million for government grants and contracts, and \$75.3 million for donor-designated funds.

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. 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. Congress has considered these issues as part of appropriations debates in recent years.

**Table 18. Appropriations for the Smithsonian Institution,  
FY2004-FY2006**  
(\$ in thousands)

Smithsonian Institution (SI)	FY2004 Approp.	FY2005 Approp.	FY2006 Request
Salaries and Expenses	\$488,653	\$489,035	\$524,135
Facilities Capital			
— <i>Revitalization</i>	89,553	110,355	72,900
— <i>Construction</i>	9,876	7,879	9,000
— <i>Facilities Planning and Design</i>	8,197	7,889	9,000
Subtotal, Facilities Capital	107,626	126,123	90,900
<b>Total Appropriations</b>	<b>\$596,279</b>	<b>\$615,158</b>	<b>\$615,035</b>

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, composed of the National Endowment for the Arts (NEA); the National Endowment for the Humanities (NEH); and the Institute of Museum and Library Services with an Office of Museum Services. The NEA and NEH authorization (P.L. 89-209; 20 U.S.C. §951) expired at the end of FY1993, but the agencies 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. They receive appropriations through acts 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.

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 had 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 would be unable to make up the funding 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. Since 1965, NEA has provided over 120,000 grants to all states.

The Bush Administration's FY2006 budget proposed \$121.3 million for NEA, the same amount as the FY2005 appropriation. In FY2006, NEA's direct grants would be funded at \$45.1 million. The FY2006 budget proposed \$8 million for the American Masterpieces program, funded under NEA grants and state partnerships. This national initiative includes touring programs, local presentations, and arts education in the fields of dance, visual, arts and music. For FY2005, Congress enacted \$2.0 million for American Masterpieces. The FY2006 budget would provide \$14.9 million for 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 FY2005 appropriation was \$21.4 million. See **Table 19** below.

Although there appears to be congressional support for the NEA, concern often arises about previous questionable NEA grants when appropriations are considered.<sup>15</sup> Congress continues to restate the language of NEA reforms in appropriations laws. For example, both the FY2004 and FY2005 appropriations laws retained language on funding priorities and restrictions on 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. Since 1965, NEH has provided approximately 61,000 grants. NEH also supports a Challenge Grant program to stimulate and match private donations in support of humanities institutions.

For NEH, the FY2006 budget would provide \$138.1 million, the same as the FY2005 appropriation, and a 2% increase over the FY2004 appropriation. The FY2006 budget would provide \$15.5 million for matching grants and \$122.6 million for grants and administration. See **Table 19** below. The request included \$11.2 million for the "We the people" initiative, the same as the FY2005 appropriation. These grants include model curriculum projects for schools to improve course offerings in the humanities — American history, culture, and civics.

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<sup>15</sup> 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.

**Table 19. Appropriations for Arts and Humanities, FY2004-FY2006**

(\$ in thousands)

Arts and Humanities	FY2004 Approp.	FY2005 Approp.	FY2006 Request
NEA			
— <i>Challenge America Arts Fund</i> <sup>a</sup>	\$21,729	\$21,427	\$14,922
— <i>National Initiative: American Masterpieces</i> <sup>a</sup>	0	1,972	8,000
Subtotal Grants	99,297	99,452	98,148
Program support	1,288	1,270	1,470
Administration	20,387	20,542	21,646
Total, NEA	120,972	121,264	121,264
NEH			
— <i>NEH Grants and Administration</i>	119,386	122,156	122,605
— <i>NEH Matching Grants</i>	15,924	15,898	15,449
Total, NEH	135,310	138,054	138,054
<b>Total Appropriations NFAH</b>	<b>\$256,282</b>	<b>\$259,318</b>	<b>\$259,318</b>

<sup>a</sup> 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/>].

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

## Cross-Cutting Topics

### The Land and Water Conservation Fund (LWCF)

**Overview.** 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 each of those agencies earlier in this report identify funding levels and other details 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, Administrations 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 relatively recent addition, starting with the FY1998 appropriation. Programs funded have varied from year to

year. Most of the appropriations for federal acquisitions generally are specified for 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 in FY1964 was \$28.1 billion. Actual appropriations have been \$14.2 billion. **Table 20** shows appropriations since FY2002 and the Administration requests for FY2005 and FY2006. 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 the appropriation for land acquisition has declined, to \$164.3 million for FY2005. The table also shows that in FY2005, the Administration requested a much larger amount from the Fund for other programs than Congress provided, due in part to different spending priorities and views on how the fund should be used, as well as concerns over the budget deficit.

**Table 20. Appropriations from the Land and Water Conservation Fund, FY2002-FY2006**  
(\$ in millions)

Land and Water Conservation Fund	FY2002 Approp.	FY2003 Approp.	FY2004 Approp.	FY2005 Request	FY2005 Approp.	FY2006 Request
Federal Acquisition						
— BLM	\$49.9	\$33.2	\$18.4	\$24.0	\$11.2	\$13.4
— FWS	99.1	72.9	43.1	45.0	37.0	41.0
— NPS	130.1	74.0	41.8	84.3	55.1	52.9
— FS	149.7	132.9	66.4	66.9	61.0	40.0
Subtotal, Federal Acquisition	428.8	313.0	169.7	220.2	164.3	147.3
Grants to States	144.0	97.4	93.8	93.8	91.2	1.6
Other Programs	110.0	166.5	433.2	586.2	203.4	531.7
<b>Total Appropriations</b>	<b>\$682.8</b>	<b>\$576.9</b>	<b>\$696.7</b>	<b>\$900.2</b>	<b>\$458.9</b>	<b>\$680.6</b>

**Source:** Data for FY2002 are from the Interior appropriations conference report (H.Rept. 107-234). Data for FY2003 - FY2005 are from Appropriations Committees' documents. Data for FY2006 are from U.S. Department of the Interior, *Fiscal Year 2006: The Interior Budget in Brief* (Washington, D.C.: February 2005).

Reductions of the magnitude that have occurred since FY2002 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 and FY2005, but each of the five component accounts (except NPS from FY2004 to FY2005) 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.

**FY2006 Request.** The Administration requested \$680.6 million for LWCF for FY2006, of which \$147.3 million is for federal land acquisition and \$1.6 million is for administration of the stateside grant program. The Administration did not seek funds for new state grants in FY2006, on the grounds that large federal deficits require a focus on core federal responsibilities, state and local parks have alternative sources of funding, and the current program could not adequately measure performance or demonstrate results. This is not a new phenomenon; the Clinton Administration, in FY2000 and several preceding years, also proposed eliminating funding for the stateside program.

The remainder, \$531.7 million, is the second largest request — behind the FY2005 request of \$586.2 million — in the program’s history for purposes other than land acquisition and stateside grants. The programs and amounts, listed on page DH-56 of the *FY2006 Interior Budget in Brief*, include Forest Service’s Forest Stewardship Program (\$37.1 million), Forest Legacy Program (\$80.0 million), and Urban and Community Forestry Program (\$27.5 million); and the Fish and Wildlife Service’s State and Tribal Wildlife Grants (\$74.0 million), Landowner Incentive Grants (\$40.0 million), Private Stewardship Grants (\$10.0 million), Cooperative Endangered Species Grants (\$80.0 million), and North American Wetlands Conservation Fund Grants (\$49.9 million).

**Budget Resolution.** The FY2006 budget resolution (H.Con.Res. 95) does not contain language that had been included in the Senate-approved version, with regard to a reserve fund for LWCF and other programs. Under §304 of the Senate version, up to \$350.0 million could have been made available for each year from FY2008 through FY2010. The resolution specified three contingencies for funding. Availability of the fund would have been contingent upon enactment of legislation under the jurisdiction of the Committee on Energy and Natural Resources, sufficient to reduce outlays by \$33.0 million in FY2006 and by \$2,658.0 million for the five-year period covering FY2006 through FY2010. Funding also would have been contingent on enacting legislation authorizing the exploration and production of oil in the 1002 area of the Arctic National Wildlife Refuge (ANWR). Further, the reserve fund could have been used by appropriators in FY2008-FY2010 if they provided funding for LWCF and other specified programs at least at the previous year’s level (adjusted for inflation) and allocated a portion of the ANWR receipts for these programs. A reserve fund for LWCF was not included in the House-approved or conference versions of the budget resolution. Recommendations in budget resolutions are non-binding.

## 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 (P.L. 106-291). It is authorized for five years, and would terminate at the end of FY2006, unless reauthorized. The CSC, which is also 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 Department 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 increase 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.<sup>16</sup> 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 FY2000, when the CSC did not exist, with funding 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 for FY2002. 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 for FY2003. 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 was below the FY2004 target of \$2.08 billion. For the Interior portion, the request was \$1.00 billion and the target was \$1.56 billion. The Administration had an alternative estimate that increased the total FY2004 request to \$1.22 billion for Interior programs, but it was based on some different assumptions about which programs to include. The total appropriation was 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. The total appropriated amount credited to the CSC in FY2005 is unclear, as the only bill or accompanying committee report to identify funding levels for the CSC was the House Appropriations Committee's report. In this report, the CSC is mentioned 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 (H.Rept. 108-542, p. 180-181). The report did not include other CSC funding levels or broader discussions of the CSC. The Senate Appropriations Committee's report included a discussion of conservation funding

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<sup>16</sup> How programs are categorized, or "scored," matters; the Administration and the Appropriations Committees have disagreed on whether all or portions of funding for some programs should be credited to the CSC.

(S.Rept. 108-341, p. 5), but did not mention CSC. 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.

The FY2006 request from DOI did not delineate funding for the CSC, and it is not clear if Congress will use the CSC structure during debates on FY2006 funding.

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

CRS Report RS2047. *The Conservation Spending Category: Funding for Natural Resource Protection*, by Jeffrey Zinn.

CRS Report RS21503. *Land and Water Conservation Fund: Current Status and Issues*, by Jeffrey Zinn.

## **Everglades Restoration**

Altered natural flows 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 South Florida. 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), was completed in 1999, and provides for federal involvement in restoring 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 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.<sup>17</sup> WRDA 2000 authorizes \$1.4 billion (the federal share is \$700 million) for an initial set of projects under CERP.

**Overview of Appropriations.** Appropriations for restoration projects in the South Florida ecosystem have been provided to various agencies as part of several annual appropriations bills. 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, Fish and Wildlife Service, U.S. Geological Survey, and Bureau of Indian Affairs. For more information on Everglades funding, see CRS Report RS22048, *Everglades Restoration: The Federal Role in Funding*, by Pervaze A. Sheikh and Nicole T. Carter.

From FY1993-FY2005, 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.<sup>18</sup> 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.<sup>19</sup> For FY2006, the Administration requested \$220.0 million for the Department of the Interior and the Army Corps of Engineers for restoration efforts in the Everglades. Of this total, \$76.6 million is to implement CERP.

**FY2006 Request.** For DOI, the Administration requested \$83.5 million for CERP and non-CERP activities related to restoration in the South Florida ecosystem for FY2006. Of this total, the NPS requested \$62.7 million for land acquisition, construction, and research activities; the FWS requested \$12.5 million for land acquisition, refuges, ecological services, and other activities; the USGS requested \$7.9 million for research, planning, and modeling; and the BIA requested \$0.4 million for water projects on Seminole Tribal lands. For conducting activities authorized by CERP, DOI requested \$8.6 million for FY2006. See **Table 21** below.

**Table 21. Appropriations for Everglades Restoration in the DOI Budget, FY2004-FY2006**  
(\$ in thousands)

Everglades Restoration	FY2004 Approp.	FY2005 Approp.	FY2006 Request
National Park Service			
— CERP	\$5,463	\$5,213	\$5,245
— Park Operations <sup>a</sup>	23,991	25,266	25,854
— Land Acquisition	-5,000 <sup>b</sup>	0	0

<sup>17</sup> 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.

<sup>18</sup> These figures represent an estimated cost of all CERP and non-CERP related costs for restoration in the South Florida ecosystem.

<sup>19</sup> This figure is based on CERP and non-CERP related restoration activities in South Florida.

<b>Everglades Restoration</b>	<b>FY2004 Approp.</b>	<b>FY2005 Approp.</b>	<b>FY2006 Request</b>
— <i>Everglades Acquisitions Management</i>	1,800	1,500	1,400
— <i>Modified Water Delivery</i>	12,830	7,965	25,000
— <i>Everglades Research</i>	3,937	3,882	3,898
— <i>South Florida Ecosystem Task Force</i>	1,308	1,290	1,305
<b>Subtotal, NPS</b>	<b>44,329</b>	<b>45,116</b>	<b>62,702</b>
<b>Fish and Wildlife Service</b>			
— <i>CERP</i>	3,309	3,304	3,351
— <i>Land Acquisition</i>	0	740	0
— <i>Ecological Services</i>	2,523	2,518	2,554
— <i>Refuges and Wildlife</i>	9,784	4,787	5,787
— <i>Migratory Birds</i>	0	0	103
— <i>Law Enforcement</i>	628	627	636
— <i>Fisheries</i>	98	99	100
<b>Subtotal, FWS</b>	<b>16,342</b>	<b>12,075</b>	<b>12,531</b>
<b>U.S. Geological Survey</b>			
— <i>Research, Planning and Coordination</i>	7,847	7,738	7,738
— <i>Biological Research</i>	0	0	150
<b>Subtotal, USGS</b>	<b>7,847</b>	<b>7,738</b>	<b>7,888</b>
<b>Bureau of Indian Affairs</b>			
— <i>Seminole, Miccosukee Tribe Water Studies and Restoration</i>	539	536	388
<b>Subtotal, BIA</b>	<b>539</b>	<b>536</b>	<b>388</b>
<b>Total Appropriations</b>	<b>\$69,057</b>	<b>\$65,465</b>	<b>\$83,509</b>

**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.

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

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

The Administration's FY2006 request for funding restoration activities in the Everglades was \$18.0 (28%) million above the FY2005 enacted level of \$65.5 million. The primary increase was for the Modified Water Deliveries Project under NPS, where \$25.0 million was requested for constructing the restoration project — an increase of approximately \$17.0 million over the FY2005 enacted level. This project is designed to improve water deliveries to Everglades National Park, and to the extent possible, restore the natural hydrological conditions within the Park.<sup>20</sup> The completion of this project is required prior to the construction of certain projects under CERP. In addition, the Corps requested \$35.0 million for the Modified Water

<sup>20</sup> For more information, see CRS Report RS21331, *Everglades Restoration: Modified Water Deliveries Project*, by Pervaze A. Sheikh.

Deliveries Project for FY2006. According to DOI, from 2007 to 2009, the Corps will request an additional \$89 million, and DOI \$42 million, for the project.<sup>21</sup>

A funding issue receiving broad attention is the level of commitment by the federal government to implement restoration activities in the Everglades. Some observers measure commitment by the frequency and number of projects authorized under CERP, and the appropriations they receive. Because no restoration projects have been authorized since WRDA 2000, these observers are concerned that federal commitment to CERP implementation is waning. Others assert that the federal commitment will be measurable by the amount of federal funding for construction, expected when the first projects break ground in the next few years. Some state and federal officials contend that federal funding will increase compared to state funding as CERP projects move beyond design, into construction. Still others question whether the federal government should maintain the current level of funding, or increase its commitment, because of escalating costs and project delays.

**Concerns Over Phosphorus Mitigation.** The Consolidated Appropriations Act for FY2005 conditions funding for the Modified Water Deliveries Project based on meeting state water quality standards. It states that funds appropriated in this act and any prior Acts for the Modified Water Deliveries 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. This same provision also was enacted in the FY2004 Interior appropriations law.

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 degradation. Some Members of Congress expressed disapproval with the Florida laws.<sup>22</sup> Provisions conditioning funds on the achievement of water quality standards were not requested in the Administration's budget for FY2006. (For more information see CRS Report RL32131, *Phosphorus Mitigation in the Everglades*, by Pervaze Sheikh and Barbara 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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<sup>21</sup> U.S. Dept. of the Interior, *Fiscal Year 2006: The Interior Budget in Brief* (Washington, DC: Feb. 2005).

<sup>22</sup> Joint statement by Reps. C.W. Bill Young, David Hobson, Ralph Regula, Charles Taylor, Clay Shaw, and Porter Goss, released by the House Committee on Appropriations, April 29, 2003.

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

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 Sheikh and Barbara 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 and the Forest Service. The Consolidated Appropriations Act for FY2005 (P.L. 108-447) placed a cap of \$3.25 million on DOI competitive sourcing studies during FY2005, unless Congress approves the reprogramming of additional funds under revised reprogramming guidelines printed in H.Rept. 108-330. Forest Service spending is limited to no more than \$2.0 million.<sup>23</sup> For FY2006, the FS budget justification states that the agency will conduct its FY2005 studies within the \$2.0 million cap. The agency is not requesting funds for competitive sourcing studies during FY2006, but instead will focus on implementing completed studies and analyzing study results. The FS did ask that the limitation on funding for competitive sourcing be removed.<sup>24</sup> For FY2006, the NPS requested \$956,000 for competitive sourcing activities, nearly the same as the agency received for FY2005 (\$957,000). The agency plans to examine a total of 955 full-time equivalent positions (FTEs), through a preliminary planning effort for 150 FTEs, four standard studies for 549.5 FTEs, and six streamlined studies for 255.5 FTEs.

The FY2005 law additionally specified that agencies include, in any reports to Congress on competitive sourcing, information on the full costs associated with

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<sup>23</sup> P.L. 108-447 also dealt with competitive sourcing within Department of Energy (DOE) agencies and programs then funded as part of Interior and Related Agencies appropriations. These DOE agencies and programs will be funded through Energy and Water Development Appropriations laws beginning with FY2006.

<sup>24</sup> U.S. Dept. of Agriculture, Forest Service, *Fiscal Year 2006 President's Budget: Budget Justification* (Washington, DC: 2005), p. 14-16.

sourcing studies and related activities. The FY2005 House-passed bill sought to require the Secretaries of DOI 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 there was 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, *Circular A-76 Revision 2003: Selected Issues*, by L. Elaine Halchin, and CRS Report RL32079, *Federal Contracting of Commercial Activities: Competitive Sourcing Targets*, by L. Elaine Halchin.)

**Table 22. Appropriations for Department of the Interior and Related Agencies, FY2004-FY2006**  
(\$ in thousands)

Bureau or Agency	FY2004 Approp.	FY2005 Approp.	FY2006 Request
<b>Title I: Department of the Interior</b>			
Bureau of Land Management	\$1,893,233	\$1,816,910	\$1,759,042
U.S. Fish and Wildlife Service	1,308,405	1,332,591	1,322,894
National Park Service	2,258,581	2,365,683	2,249,275
U.S. Geological Survey	937,985	936,464	933,515
Minerals Management Service	170,297	173,826	167,422
Office of Surface Mining Reclamation and Enforcement	295,975	296,573	356,549
Bureau of Indian Affairs	2,300,814	2,295,702	2,187,469
Departmental Offices <sup>a</sup>	682,674	726,379	815,903
<b>Total Title I</b>	<b>9,847,964</b>	<b>9,944,128</b>	<b>9,792,069</b>
<b>Title II: Environmental Protection Agency</b>	<b>8,365,817<sup>c</sup></b>	<b>8,026,485</b>	<b>7,520,600</b>
<b>Title III: Related Agencies</b>			
U.S. Forest Service	4,939,899	4,746,208	4,065,000
Indian Health Service	2,921,715	2,985,066	3,047,966
National Institute of Environmental Health Sciences	78,309	79,842	80,289
Agency for Toxic Substances and Disease Registry	73,034	76,041	76,024
Council on Environmental Quality and Office of Environmental Quality	3,219	3,258	2,717
Chemical Safety and Hazard Investigation Board	8,648	9,424	9,200
Office of Navajo and Hopi Indian Relocation	13,366	4,930	8,601
Institute of American Indian and Alaska Native Culture and Arts Development	6,173	5,916	6,300
Smithsonian Institution	596,279	615,158	615,035
National Gallery of Art	98,225	102,654	113,300
John F. Kennedy Center for the Performing Arts	32,159	33,021	33,000
Woodrow Wilson International Center for Scholars	8,498	8,863	9,201
National Endowment for the Arts	120,972	121,264	121,264
National Endowment for the Humanities	135,310	138,054	138,054
Commission of Fine Arts	1,405	1,768	1,893
National Capital Arts and Cultural Affairs	6,914	6,902	7,000
Advisory Council on Historic Preservation	3,951	4,536	4,988
National Capital Planning Commission	7,635	7,888	8,344
U.S. Holocaust Memorial Museum	39,505	40,858	43,233
Presidio Trust	20,445	19,722	20,000
White House Commission on the Natl. Moment of Remembrance	—	248	250
<b>Total Title III</b>	<b>9,115,661</b>	<b>9,011,621</b>	<b>8,411,659</b>
<b>Grand Total (in Bill) <sup>b</sup></b>	<b>\$27,329,442</b>	<b>\$26,982,234</b>	<b>\$25,724,328</b>

Source: House Appropriations Committee.

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

<sup>b</sup> Figures do not reflect scorekeeping adjustments.

<sup>c</sup> Derived from the report of the House Appropriations Committee on H.R. 5041 (H.Rept. 108-674).



## For Additional Reading

### Title I: Department of the Interior

CRS Report RL32373. *Abandoned Mine Land Fund Reauthorization: Selected Issues*. By Robert L. Bamberger.

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

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

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

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

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

CRS Report RL32244. *Grazing Regulations and Policies: 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 RS21503. *Land and Water Conservation Fund: Current Status and Issues*, by Jeffrey A. Zinn.

CRS Report RS22056. *Major Indian Issues in the 109<sup>th</sup> Congress*, by Roger Walke.

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

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

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

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

CRS Report RL32699. *Natural Resources: Selected Issues for the 109<sup>th</sup> Congress*, coordinated by Nicole Carter and Carol Hardy Vincent.

CRS Report RL32315. *Oil and Gas Exploration and Development on Public Lands*, by Marc Humphries.

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 Nicole T. Carter and Pervaze A. Sheikh.

## **Land Management Agencies Generally**

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