

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
 RELATED AGENCIES APPROPRIATION BILL, 2006

MAY 13, 2005.—Committed to the Committee of the Whole House on the State of
 the Union and ordered to be printed

Mr. TAYLOR of North Carolina, from the Committee on
 Appropriations, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2361]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior, Environmental Protection Agency, and Related Agencies for the fiscal year ending September 30, 2006. The bill provides regular annual appropriations for the Department of the Interior (except the Bureau of Reclamation), the Environmental Protection Agency, and for other related agencies, including the Forest Service, the Indian Health Service, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities.

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COMPARISON WITH BUDGET RESOLUTION

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, requires that the report accompanying a bill providing new budget authority contain a Statement detailing how the authority compares with the reports submitted under section 302 of the Act for the most recently agreed to concurrent resolution on the budget for the fiscal year. This information follows:

(In millions of dollars)

	Sec. 302(b)		This bill—	
	Discretionary	Mandatory	Discretionary	Mandatory
Budget authority	26,107	54	26,107	54
Outlays	27,500	60	27,496	60

SUMMARY OF THE BILL

The Committee has conducted hearings on the programs and projects provided for in the Interior, Environment, and Related Agencies Appropriations bill for 2006. The hearings are contained in 9 published volumes totaling nearly 10,000 pages.

During the course of the hearings, testimony was taken at 10 hearings on 8 days, not only from agencies which come under the jurisdiction of the Interior Subcommittee, but also, in written form, from Members of Congress, State and local government officials, and private citizens.

The bill that is recommended for fiscal year 2006 has been developed after careful consideration of all the facts and details available to the Committee.

BUDGET AUTHORITY RECOMMENDED IN BILL BY TITLE

Activity	Budget estimates, fiscal year 2006	Committee bill, fiscal year 2006	Committee bill compared with bud- get estimates
Title I, Department of the Interior: New Budget (obligational) authority	\$9,792,069,000	\$9,808,693,000	+\$16,624,000
Title II, Environmental Protection Agency: New Budget (obligational) authority	7,520,600,000	7,708,027,000	+187,427,000
Title III, related agencies: New Budget (obligational) authority	8,411,659,000	8,642,405,000	+230,746,000
Grand total, New Budget (obligational) authority	25,724,328,000	26,159,125,000	+434,797,000

TOTAL APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR, ENVIRONMENTAL PROTECTION AGENCY, AND RELATED AGENCIES

In addition to the amounts in the accompanying bill, which are reflected in the table above, permanent legislation authorizes the continuation of certain government activities without consideration by the Congress during the annual appropriations process.

Details of these activities are listed in tables at the end of this report. In fiscal year 2005, these activities are estimated to total \$3,568,891,000. The estimate for fiscal year 2006 is \$3,658,910,000.

The following table reflects the total budget (obligational) authority contained both in this bill and in permanent appropriations for fiscal years 2005 and 2006.

DEPARTMENT OF THE INTERIOR, ENVIRONMENTAL PROTECTION AGENCY, AND RELATED AGENCIES TOTAL BUDGET AUTHORITY FOR FISCAL YEARS 2005–2006

Item	Fiscal year 2005	Fiscal year 2006	Change
Interior, Environment, and related agencies appropriations bill	\$26,982,234,000	\$26,159,125,000	–\$823,109,000
Permanent appropriations, Federal funds	2,985,066,000	3,047,966,000	+62,900,000
Permanent appropriations, trust funds	583,825,000	610,944,000	+27,119,000
Total budget authority	30,551,125,000	29,818,035,000	–733,090,000

REVENUE GENERATED BY AGENCIES IN BILL

The following tabulation indicates total new obligational authority to date for fiscal years 2004 and 2005, and the amount recommended in the bill for fiscal year 2006. It compares receipts generated by activities in this bill on an actual basis for fiscal year 2004 and on an estimated basis for fiscal years 2005 and 2006. The programs in this bill are estimated to generate \$13.9 billion in revenues for the Federal Government in fiscal year 2006. Therefore, the expenditures in this bill will contribute to economic stability rather than inflation.

Item	Fiscal year—		
	2004	2005	2006
New obligational authority	\$27,316,209,000	\$26,982,234,000	\$26,159,125,000
Receipts:			
Department of the Interior	9,643,359,000	12,497,212,000	13,418,547,000
Forest Service	445,533,000	439,106,000	447,050,000
Total receipts	10,088,892,000	12,936,318,000	13,865,597,000

APPLICATION OF GENERAL REDUCTIONS

The level at which sequestration reductions shall be taken pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, if such reductions are required in fiscal year 2006, is defined by the Committee as follows:

As provided for by section 256(1)(2) of Public Law 99–177, as amended, and for the purpose of a Presidential Order issued pursuant to section 254 of said Act, the term “program, project, and activity” for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior, Environmental Protection Agency, and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior, Environment, and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as National parks, National forests, National fish hatcheries, National wildlife refuges, research units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 2006.

The Committee emphasizes that any item for which a specific dollar amount is mentioned in any accompanying report, including all increases over the budget estimate approved by the Committee, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

FEDERAL FUNDING OF INDIAN PROGRAMS

The Committee recommends appropriations of new budget authority aggregating \$5.9 billion for Indian programs in fiscal year 2006. This is an increase of \$108 million above the budget request and an increase of \$108 million above the amount appropriated for fiscal year 2005. Spending for Indian services by the Federal Government in total is included in the following table.

GOVERNMENT-WIDE FEDERAL FUNDING FOR NATIVE AMERICAN PROGRAMS

[In thousands of dollars]

	FY 2004 actual	FY 2005 enacted	FY 2006 Pres. bud	Change from FY05
Department of Agriculture	798,812	877,371	899,771	22,400
Army Corps of Engineers	34,490	41,376	22,829	– 18,547
Department of Commerce	20,945	21,668	20,657	– 1,011
Department of Defense	18,000	18,000	0	– 18,000
Department of Education	2,438,510	2,524,650	2,550,101	25,451
Department of Health & Human Services	4,263,144	4,359,999	4,456,322	96,323

GOVERNMENT-WIDE FEDERAL FUNDING FOR NATIVE AMERICAN PROGRAMS—Continued

[In thousands of dollars]

	FY 2004 actual	FY 2005 enacted	FY 2006 Pres. bud	Change from FY05
Department of Housing & Urban Development	733,085	650,970	590,796	− 60,174
Department of the Interior	2,887,399	3,030,079	2,984,840	− 45,239
Department of Justice	234,594	232,016	245,185	13,169
Department of Labor	69,602	69,032	68,488	− 544
Department of Transportation	274,861	329,491	329,581	90
Department of Veterans Affairs	571	567	580	13
Environmental Protection Agency	243,895	239,004	205,560	− 33,443
Small Business Administration	1,979	987	0	− 987
Smithsonian Institution	51,630	45,925	45,792	− 133
Department of the Treasury	4,000	4,000	0	− 4,000
Other Agencies & Independent Agencies	96,924	101,594	39,582	− 62,012
Grand Total	12,172,441	12,546,729	12,460,084	− 86,644

CONSTITUTIONAL AUTHORITY

Clause 3(d)(1) of rule XIII of the House of Representatives states that:

Each report of a committee on a bill or joint resolution of a public character, shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

The Committee on Appropriations bases its authority to report this legislation from Clause 7 of Section 9 of Article I of the Constitution of the United States of America which states: “No money shall be drawn from the Treasury but in consequence of Appropriations made by law. * * *”

Appropriations contained in this Act are made pursuant to this specific power granted by the Constitution.

REPROGRAMMING GUIDELINES

The Committee has revised the reprogramming guidelines to add an exception for certain Environmental Protection Agency grants (section 3(b)) and to delete certain instructions to the Forest Service dealing with boundary adjustments and transfer of funds.

The following are the procedures governing reprogramming actions for programs and activities funded in the Interior, Environment, and Related Agencies Appropriations Act:

1. *Definition.*—“Reprogramming,” as defined in these procedures, includes the reallocation of funds from one budget activity to another. In cases where either Committee report displays an allocation of an appropriation below the activity level, that more detailed level shall be the basis for reprogramming. For construction accounts, a reprogramming constitutes the reallocation of funds from one construction project (identified in the justification or Committee report) to another. A reprogramming shall also consist of any significant departure from the program described in the agency’s budget justifications. This includes proposed reorganizations even without a change in funding.

2. *Guidelines for Reprogramming.*—(a) A reprogramming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appro-

The Committee recommends \$188,014,000 for the abandoned mine reclamation fund, \$58,000,000 below the budget request and \$191,000 below the fiscal year 2005 level. The recommendation does not include the requested allocation of \$58,000,000 to implement the Administration's legislative proposal which would return the State share balances to certified States. The recommendation includes other aspects of the Administration request under this heading. The Committee has retained language, as in past years, which limits funding for minimum program States to \$1,500,000. The Committee recommendation does not include the special authority for Maryland grants.

The Committee has included language which transfers the balance in the fund for the rural abandoned mine program (RAMP), which has not been used for 10 years, to the Federal share fund, so the funds could be used in the future for emergencies and other Federal obligations.

The Committee sees merit in the Administration's previous legislative proposal to extend and modify the Surface Mining Control and Reclamation Act (SMCRA). The Committee notes that legislative action is still pending, so funds are not included at this time for its implementation. The Committee encourages the authorizing committees to act on this reasonable legislative proposal, which would increase the rate at which dangerous abandoned sites would be reclaimed; do so at a lower cost; and provide a fair and reasonable method of compensating Wyoming and other governments, which have completed abandoned coal mine reclamation. Absent legislative action, existing law will allow continued distribution of AML funds to States in a manner similar to that which occurred in fiscal year 2005.

BUREAU OF INDIAN AFFAIRS

The Bureau of Indian Affairs was created in 1824. Its mission is founded on a government-to-government relationship and trust responsibility that results from treaties with Native groups. The Bureau delivers services to over 1.5 million Native Americans through 12 regional offices and 83 agency offices. In addition, the Bureau provides education programs to Native Americans through the operation of 118 day schools, 52 boarding schools, and 14 dormitories. The Bureau administers more than 45 million acres of tribally owned land, 10 million acres of individually owned land, and over 309,000 acres of Federally owned land, which is held in trust status.

OPERATION OF INDIAN PROGRAMS

Appropriation enacted, 2005	\$1,926,091,000
Budget estimate, 2006	1,924,230,000
Recommended, 2006	1,992,737,000
Comparison:	
Appropriation, 2005	+66,646,000
Budget estimate, 2006	+68,507,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

	(dollars in thousands)			
	FY 2005 Enacted	FY 2006 Request	Recommended	Recommended versus Request
	Enacted	Request	Enacted	Request
Operation of Indian Programs				
Tribal Budget System				
Tribal Priority Allocations				
Tribal government.....	389,183	394,558	394,558	+5,375
Human services.....	147,387	141,561	149,481	+2,094
Education.....	48,300	39,466	48,304	+4
Public safety and justice.....	1,222	---	1,162	-60
Community development.....	40,412	40,789	40,789	+377
Resources management.....	61,999	63,149	63,149	+1,150
Trust services.....	56,115	56,038	56,038	-77
General administration.....	24,925	24,588	24,588	-337
Subtotal, Tribal Priority Allocations.....	769,543	760,149	778,069	+8,526
Other Recurring Programs				
Education				
School operations				
Forward-funded.....	449,721	454,725	478,085	+28,364
Other school operations.....	67,926	66,908	66,908	-1,018
Subtotal, School operations.....	517,647	521,633	544,993	+27,346
Continuing education.....	53,141	43,375	43,375	-9,766
Subtotal, Education.....	570,788	565,008	588,368	+17,580
Subtotal, Education.....	570,788	565,008	588,368	+17,580
Subtotal, Education.....	570,788	565,008	588,368	+17,580
Subtotal, Education.....	570,788	565,008	588,368	+17,580

(dollars in thousands)

	FY 2005 Enacted	FY 2006 Request	Recommended Recommended	Enacted	Recommended versus Request
Resources management.....	42,131	37,293	47,969	+5,838	+10,676
Subtotal, Other Recurring Programs.....	612,919	602,301	636,337	+23,418	+34,036
Non-Recurring Programs					
Community development.....	3,452	---	---	-3,452	---
Resources management.....	36,225	32,348	34,714	-1,511	+2,366
Trust services.....	36,308	32,977	32,977	-3,331	---
Subtotal, Non-Recurring Programs.....	75,985	65,325	67,691	-8,294	+2,366

Total, Tribal Budget System.....	1,458,447	1,427,775	1,482,097	+23,650	+54,322
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BIA Operations

	FY 2005 Enacted	FY 2006 Request	Recommended Recommended	Enacted	Recommended versus Request
Central Office Operations					
Tribal government.....	2,248	2,288	2,288	+40	---
Human services.....	887	912	912	+25	---
Community development.....	---	500	500	+500	---
Resources management.....	3,416	3,044	3,044	-372	---
Trust services.....	19,071	27,169	27,169	+8,098	---

(dollars in thousands)

	FY 2005 Enacted	FY 2006 Request	Recommended	Recommended versus Enacted	Request
General administration					
Education program management.....	2,348	2,411	2,411	+63	---
Personnel services.....	5,863	8,378	8,378	+2,515	---
Other general administration.....	106,188	106,832	106,832	+644	---
Subtotal, General administration.....	114,399	117,621	117,621	+3,222	---
Subtotal, Central Office Operations.....	140,021	151,534	151,534	+11,513	---
Regional Office Operations					
Tribal government.....	1,095	1,323	1,323	+228	---
Human services.....	3,038	3,019	3,019	-19	---
Community development.....	778	966	966	+188	---
Resources management.....	5,319	5,403	5,403	+84	---
Trust services.....	24,049	27,376	27,376	+3,327	---
General administration.....	7,083	3,503	3,503	-3,580	---
Subtotal, Regional Office Operations.....	41,362	41,590	41,590	+228	---

	(dollars in thousands)				Recommended versus Request
	FY 2005 Enacted	FY 2006 Request	Recommended	Enacted	
Special Programs and Pooled Overhead					
Education.....	16,336	17,499	17,499	+1,163	---
Public safety and justice.....	180,063	192,265	200,765	+20,702	+8,500
Community development.....	8,102	---	5,685	-2,417	+5,685
Resources management.....	1,269	1,269	1,269	---	---
General administration.....	80,491	92,298	92,298	+11,807	---
Subtotal, Special Programs and Pooled Overhead..	286,261	303,331	317,516	+31,255	+14,185

Total, BIA Operations.....	467,644	496,455	510,640	+42,996	+14,185
=====					
Total, Operation of Indian Programs.....	1,926,091	1,924,230	1,992,737	+66,646	+68,507
=====					

The Committee recommends \$1,992,737,000 for the operation of Indian programs, \$68,507,000 above the budget request and \$66,646,000 above the fiscal year 2005 enacted level.

The Committee agrees with the Bureau that an alternative budget structure for the operation of Indian programs is badly needed. The current budget structure is confusing and complex and offers little opportunity to review funding levels and assess performance on a programmatic level. However, the Committee is concerned that there was inadequate consultation with Tribes when preparing this new budget structure. The Committee is also concerned that the process of making budgetary data available to Tribes is inadequate.

The Committee directs the Bureau to do the following:

1. Consult with Tribal leaders on an alternative budget structure that is: (1) aligned programmatically, (2) provides full transparency for Tribal priority allocations funding, (3) increases accountability for Bureau programs and program managers, and (4) clearly delineates funding levels of the central and regional offices. The Committee expects a progress report by October 31, 2005. The Committee directs the Bureau to submit a revised budget structure as a part of the fiscal year 2007 budget justification.

2. Develop an internet website, hosted by the Office of the Secretary, that: (1) allows Tribes to access Bureau of Indian Affairs and Office of Special Trustee budget information, (2) displays the distribution of funding that affects Indian country, and (3) contains information and links to all Federal grant programs that provide funding for Indian country.

3. Submit a report, by December 31, 2005, outlining the Bureau of Indian Affairs current process for consulting Tribes and Tribal leaders on administrative, funding, and operational changes to programs and projects.

The Bureau's regulations prescribe detailed procedures for placing land into trust, including consideration of the impact on local tax revenues and jurisdictional conflicts that may arise. The Committee directs the Government Accountability Office (GAO) to conduct a study of Bureau procedures and practices in implementing these regulations, including the role played by Tribes that contract with BIA to manage real estate service programs. The GAO should report to the House and Senate Committees on Appropriations no later than May 1, 2006. The Committee is aware that GAO studies can take time, and directs the GAO to undertake this study as soon as the Interior Appropriations bill passes the House floor.

Tribal Priority Allocations.—The Committee recommends \$778,609,000 for Tribal priority allocations, \$17,920,000 above the request and \$8,526,000 above the fiscal year 2005 enacted level. Changes from the budget request include increases of \$1,500,000 for Indian Child Welfare Act activities, \$6,420,000 for welfare assistance, \$8,838,000 for Johnson O'Malley assistance grants, and \$1,162,000 for community fire protection.

The funding increase for Indian Child Welfare Act activities should be used for counseling and after-school care programs for at-risk children.

The Committee has restored the proposed reductions to the welfare assistance program, the Johnson O'Malley assistance grants, and the community fire protection program within the Tribal pri-

ority allocations. The Committee feels that the justification for the reductions—that there are other programs in the government that could provide these funds—is completely unfounded. The budget request provided no information to support claims that other funding sources are readily available to offset the reductions in this budget.

Other Recurring Programs.—The Committee recommends \$636,337,000 for other recurring programs, \$34,036,000 above the budget request and \$23,418,000 above the fiscal year 2005 enacted level. Changes from the budget request include increases of \$15,000,000 for Indian school equalization program (ISEP) formula funds, \$3,360,000 to restore the early childhood development program, \$5,000,000 for student transportation, \$1,200,000 for irrigation operations and maintenance, \$3,750,000 to partially restore the Washington timber-fish-wildlife program, \$1,806,000 for the Chippewa/Ottawa Resource Authority (CORA), \$3,000,000 for the inter-tribal bison council, \$320,000 for the Upper Columbia United Tribes, and \$600,000 for the circle of flight program.

The funding increase provided for the ISEP should be directed to basic educational programs, with one exception. The Committee directs the Bureau to provide \$2,000,000 to the FOCUS program for assisting at-risk students, encouraging more parental participation in schools, and encouraging participation in after-school activities. The Committee directs the Bureau to report, by December 31, 2005, on the allocation and use of FOCUS funds.

The funding increase in the irrigation operations and maintenance program is to upgrade irrigation systems for the Navajo Agriculture Products Industry. This funding is in addition to the base funding increase of \$750,000 proposed in the budget for the Navajo irrigation project.

Within the funding provided for the Washington timber-fish-wildlife program, \$1,000,000 should be used for the mass marking of salmon.

Non Recurring Programs.—The Committee recommends \$67,691,000 for nonrecurring programs, \$2,366,000 above the budget request and \$8,294,000 below the fiscal year 2005 enacted level. The increases above the budget request are \$396,000 for Seminole-Florida Everglades restoration and \$1,970,000 to restore reductions to the endangered species program.

Central Office Operations.—The Committee recommends \$151,534,000 for central office operations, the same as the budget request and \$11,513,000 above the fiscal year 2005 enacted level. The Committee agrees with the requested increase for trust services to address the probate backlog.

Regional Office Operations.—The Committee recommends \$41,590,000 for regional office operations, the same as the budget request and \$228,000 above the fiscal year 2005 enacted level.

Special Programs and Pooled Overhead.—The Committee recommends \$317,516,000 for special programs and pooled overhead, \$14,185,000 above the budget request and \$31,255,000 above the fiscal year 2005 enacted level. Changes from the budget request include increases of \$8,500,000 for law enforcement activities, \$3,451,000 for the United Tribes Technical College, \$1,726,000 for Crownpoint Institute and \$508,000 for the National ironworkers training program.

The funding increases provided for law enforcement should be used for high priority law enforcement needs in Indian country including, but not limited to, community policing programs and drug enforcement. None of these funds should be retained by the central or regional offices for administrative activities. The Bureau should provide the Committee with a report detailing the use of these funds by December 31, 2005.

The Committee believes that the United Tribes Technical College and Crownpoint Institute are institutions of higher learning that provide an educational benefit to Indian country. The continued reduction of funding for these institutions in budget requests is of great concern. The Committee urges the Department and the Office of Management and Budget to give these colleges full consideration in future budget requests and to work with these institutions to resolve concerns over funding formulas.

CONSTRUCTION

Appropriation enacted, 2005	\$319,129,000
Budget estimate, 2006	232,137,000
Recommended, 2006	284,137,000
Comparison:	
Appropriation, 2005	- 34,992,000
Budget estimate, 2006	+52,000,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

(dollars in thousands)

	FY 2005 Enacted	FY 2006 Request	Recommended	Recommended versus Enacted	Request
Construction					
Education.....	263,372	173,875	225,875	-37,497	+52,000
Public safety and justice.....	7,381	11,777	11,777	+4,396	---
Resources management.....	40,289	38,272	38,272	-2,017	---
General administration.....	2,126	2,136	2,136	+10	---
Construction management.....	5,961	6,077	6,077	+116	---
	=====	=====	=====	=====	=====
Total, Construction.....	319,129	232,137	284,137	-34,992	+52,000
	=====	=====	=====	=====	=====

The Committee recommends \$284,137,000 for construction, \$52,000,000 above the budget request and \$34,992,000 below the fiscal year 2005 enacted level.

Education.—The Committee recommends \$225,875,000 for education construction, \$52,000,000 above the budget request and \$37,497,000 below the fiscal year 2005 enacted level. Changes from the budget request include increases of \$32,000,000 for replacement school construction, \$1,000,000 for employee housing, and \$19,000,000 for facilities improvement and repair.

The Committee is concerned about the reduction to Indian school construction and repair. This Committee has made substantial progress in replacing Indian schools, but much remains to be done. The Committee does not agree that the Bureau needs to reduce funding for new schools to finish ongoing projects. The Committee has restored a portion of the funding and directs the Bureau to proceed with the construction of the next schools on the Bureau's priority list. The Committee has also included an increase to the school maintenance and repair program that should be used to address the most immediate health and safety maintenance needs in Bureau schools.

Public Safety and Justice.—The Committee recommends \$11,777,000 for public safety and justice construction, the same as the budget request and \$4,396,000 above the 2005 enacted level.

Resources Management.—The Committee recommends \$38,272,000 for resources management construction, the same as the budget request and \$2,017,000 below the 2005 enacted level.

General Administration and Construction Management.—The Committee recommends \$8,213,000 for general administration and construction management, the same as the budget request and \$126,000 above the 2005 enacted level.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS
PAYMENTS TO INDIANS

Appropriation enacted, 2005	\$44,150,000
Budget estimate, 2006	24,754,000
Recommended, 2006	34,754,000
Comparison:	
Appropriation, 2005	-9,396,000
Budget estimate, 2006	+10,000,000

The Committee recommends \$34,754,000 for Indian land and water claim settlements and miscellaneous payments to Indians, \$10,000,000 above the budget request and \$9,396,000 below the 2005 enacted level. Funding includes \$634,000 for the White Earth land settlement, \$254,000 for the Hoopa-Yurok, \$144,000 for Pyramid Lake, \$8,111,000 for Colorado Ute, \$10,167,000 for Cherokee, Choctaw and Chickasaw settlement, \$10,000,000 for the Quinault settlement, and \$5,444,000 for the Zuni Water settlement.

Bill Language.—Language is included under Indian Land and Water Claims Settlements providing \$10,000,000 for payment to the Quinault Indian Nation for the north boundary settlement agreement.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Appropriation enacted, 2005	\$6,332,000
Budget estimate, 2006	6,348,000
Recommended, 2006	6,348,000
Comparison:	
Appropriation, 2005	+16,000
Budget estimate, 2006	0

The Committee recommends \$6,348,000 for the Indian guaranteed loan program account, the same as the budget request and \$16,000 above the fiscal year 2005 enacted level.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

The Office of Insular Affairs (OIA) was established on August 4, 1995, through Secretarial Order No. 3191, which also abolished the former Office of Territorial and International Affairs. The OIA has important responsibilities to help the United States government fulfill its responsibilities to the four U.S. territories of Guam, American Samoa (AS), U.S. Virgin Islands and the Commonwealth of the Northern Marianas Islands (CNMI) and also the three freely associated States: the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI) and the Republic of Palau. The permanent and trust fund payments to the territories and the compact nations provide substantial financial resources to these governments. During fiscal year 2004 new financial arrangements for the Compacts of Free Association with the FSM and the RMI were implemented; this also included mandatory payments for certain activities previously provided in discretionary appropriations as well as Compact impact payments of \$30,000,000 per year split among Guam, CNMI, AS, and Hawaii.

ASSISTANCE TO TERRITORIES

Appropriation enacted, 2005	\$75,581,000
Budget estimate, 2006	74,263,000
Recommended, 2006	76,563,000
Comparison:	
Appropriation, 2005	+982,000
Budget estimate, 2006	+2,300,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

was moved to the Departmental Offices appropriation because its functions relate to several different bureaus within the Department of the Interior.

Appropriation enacted, 2005	\$5,737,000
Budget estimate, 2006	6,106,000
Recommended, 2006	6,106,000
Comparison:	
Appropriation, 2005	+369,000
Budget estimate, 2006	0

The Committee recommends \$6,106,000, the budget request, for the natural resource damage assessment fund, an increase of \$369,000 above the fiscal year 2005 level.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Sections 101 and 102 provide for emergency transfer authority with the approval of the Secretary.

Section 103 provides for the use of appropriations for certain services.

Sections 104 through 106 prohibit the expenditure of funds for Outer Continental Shelf (OCS) leasing activities in certain areas. These OCS provisions are addressed under the Minerals Management Service.

Section 107 prohibits the National Park Service from reducing recreation fees for non-local travel through any park unit.

Section 108 permits the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians.

Section 109 continues a provision allowing the hiring of administrative law judges to address the Indian probate backlog.

Section 110 continues a provision permitting the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities.

Section 111 continues a provision requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs.

Section 112 continues a provision permitting the conveyance of the Twin Cities Research Center of the former Bureau of Mines for the benefit of the National Wildlife Refuge System.

Section 113 continues a provision authorizing the Secretary of the Interior to use helicopter or motor vehicles to capture and transport horses and burros at the Sheldon and Hart National Wildlife Refuges.

Section 114 authorizes federal funds for Shenandoah Valley Battlefield NHD and Ice Age NST to be transferred to a State, local government, or other governmental land management entity for acquisition of lands.

Section 115 continues a provision prohibiting the closure of the underground lunchroom at Carlsbad Caverns NP, NM.

Section 116 continues a provision preventing the demolition of a bridge between New Jersey and Ellis Island.

Section 117 continues a provision limiting compensation for the Special Master and Court Monitor appointed by the Court in *Cobell v. Norton* to 200 percent of the highest Senior Executive Service rate of pay.

Section 118 continues a provision allowing the Secretary to pay private attorney fees for employees and former employees in connection with *Cobell v. Norton*.

Section 119 continues a provision dealing with the U.S. Fish and Wildlife Service's responsibilities for mass marking of salmonid stocks.

Section 120 requires the use of Departmental Management funds for operational needs at the Midway Atoll National Wildlife Refuge airport.

Section 121 prohibits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on lands described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001, or land that is contiguous to that land.

Section 122 continues a provision prohibiting the use of funds to study or implement a plan to drain or reduce water levels in Lake Powell.

Section 123 allows the National Indian Gaming Commission to collect \$12,000,000 in fees for fiscal year 2006.

Section 124 makes funds appropriated for fiscal year 2006 available to the tribes within the California Tribal Trust Reform Consortium and others on the same basis as funds were distributed in fiscal year 2005, and separates this demonstration project from the Department of the Interior's trust reform reorganization.

Section 125 provides for the renewal of certain grazing permits in the Jarbidge Field office of the Bureau of Land Management.

Section 126 authorizes the acquisition of lands and leases for Ellis Island.

Section 127 permits the Secretary of the Interior to issue grazing permits within the Mojave National Preserve.

Section 128 implements rules concerning winter snowmobile use on Yellowstone National Park.

Section 129 limits the use of funds for staffing for the Department of Interior's Office of Law Enforcement and Security.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

The Environmental Protection Agency was created by Reorganization Plan No. 3 of 1970, which consolidated nine programs from five different agencies and departments. Major EPA programs include air and water quality, drinking water, hazardous waste, research, pesticides, radiation, toxic substances, enforcement and compliance assurance, pollution prevention, oil spills, Superfund, Brownfields, and the Leaking Underground Storage Tank program. In addition, EPA provides Federal assistance for wastewater treatment, sewer overflow control, drinking water facilities, and other water infrastructure projects. The agency is responsible for conducting research and development, establishing environmental standards through the use of risk assessment and cost-benefit analysis, monitoring pollution conditions, seeking compliance through a variety of means, managing audits and investigations, and providing technical assistance and grant support to States and tribes, which are delegated authority for actual program implementation. Under existing statutory authority, the Agency may contribute to specific homeland security efforts and may participate in some international environmental activities.

mittee also requests that future budget justification displays on this fund include a complete presentation of spending from the fund during the most recent complete fiscal year, with a brief explanation why the uses were indeed important, unanticipated, and appropriate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The provision of Federal health services to Indians is based on a special relationship between Indian tribes and the U.S. Government first set forth in the 1830s by the U.S. Supreme Court under Chief Justice John Marshall. Numerous treaties, statutes, constitutional provisions, and international law have reconfirmed this relationship. Principal among these is the Snyder Act of 1921, which provides the basic authority for most Indian health services provided by the Federal Government to American Indians and Alaska Natives. The Indian Health Service (IHS) provides direct health care services in 36 hospitals, 59 health centers, 2 school health centers, and 49 health stations. Tribes and tribal groups, through contracts and compacts with the IHS, operate 13 hospitals, 172 health centers, 3 school health centers, and 260 health stations (including 176 Alaska Native village clinics). The IHS, tribes, and tribal groups also operate 9 regional youth substance abuse treatment centers and 2,252 units of staff quarters.

Appropriation enacted, 2005	\$2,596,492,000
Budget estimate, 2006	2,732,298,000
Recommended, 2006	2,732,298,000
Comparison:	
Appropriation, 2005	+135,806,000
Budget estimate, 2006	0

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

(dollars in thousands)					
	FY 2005 Enacted	FY 2006 Request	Recommended	Enacted	Recommended versus Request
Indian Health Services					
Clinical Services					
IHS and tribal health delivery					
Hospital and health clinic programs	1,289,418	1,359,541	1,359,541	+70,123	---
Dental health program	109,023	119,489	119,489	+10,466	---
Mental health program	55,060	59,328	59,328	+4,268	---
Alcohol and substance abuse program	139,073	145,336	145,336	+6,263	---
Contract care	480,318	507,021	507,021	+26,703	---
Catastrophic health emergency fund	17,750	18,000	18,000	+250	---
Subtotal, Clinical Services	2,090,642	2,208,715	2,208,715	+118,073	---
Preventive Health					
Public health nursing	45,015	49,690	49,690	+4,675	---
Health education	12,429	13,787	13,787	+1,358	---
Community health representatives program	51,365	53,737	53,737	+2,372	---
Immunization (Alaska)	1,572	1,645	1,645	+73	---
Subtotal, Preventive Health	110,381	118,859	118,859	+8,478	---
Urban health projects					
Indian health professions	31,816	33,233	33,233	+1,417	---
Tribal management	30,392	31,503	31,503	+1,111	---
Direct operations	2,343	2,430	2,430	+87	---
Self-governance	61,649	63,123	63,123	+1,474	---
Contract support costs	5,586	5,752	5,752	+166	---
Subtotal, Urban health projects	263,683	268,683	268,683	+5,000	---

(dollars in thousands)					
	FY 2005	FY 2006	Recommended	Recommended	versus
	Enacted	Request	Enacted	Request	Request
Medicare/Medicaid Reimbursements					
Hospital and clinic accreditation (Est. collecting)	(598,662)	(648,208)	(648,208)	(+49,546)	---
Total, Indian Health Services	2,596,492	2,732,298	2,732,298	+135,806	---
(Non-contract services)	(2,098,424)	(2,207,277)	(2,207,277)	(+108,853)	---
(Contract care)	(480,318)	(507,021)	(507,021)	(+26,703)	---
(Catastrophic health emergency fund)	(17,750)	(18,000)	(18,000)	(+250)	---

The Committee recommends \$2,732,298,000 for Indian health services, the same as the budget request and \$135,806,000 above the fiscal year 2005 level.

The Committee has retained the requested operational increases in the health services programs, including the increases to mental health and substance abuse programs. The Committee suggests that the IHS direct some of the increased funding to combating youth violence and illicit drug problems in Indian country. The Committee urges the Administration to continue to request increases in these areas in future budget requests. The Committee reiterates that all program funding under this appropriation is to be treated as recurring programs in future years unless expressly stated to the contrary.

Bill Language.—Language is included under Indian Health Services to ensure that all American Indian and Alaska Native children with disabilities have access to the services afforded to them through the Individuals with Disabilities Education Act. The Act provides for the creation of a comprehensive system of coordinated services to ensure adequate health and human services for all American Indian and Alaska Native children with disabilities enrolled in Bureau-funded schools and this provision provides the mechanism for identifying these children to ensure that all eligible children have access to such services.

INDIAN HEALTH FACILITIES

Appropriation enacted, 2005	\$388,574,000
Budget estimate, 2006	315,668,000
Recommended, 2006	370,774,000
Comparison:	
Appropriation, 2005	– 17,800,000
Budget estimate, 2006	+55,106,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

(dollars in thousands)

	FY 2005 Enacted	FY 2006 Request	Recommended	Enacted	Recommended versus Request
Indian Health Facilities					
Maintenance and improvement.....	49,204	49,904	54,904	+5,700	+5,000
Sanitation facilities.....	91,767	93,519	93,519	+1,752	---
Construction facilities.....	88,597	3,326	50,132	-38,465	+46,806
Facilities and environmental health support.....	141,669	150,959	150,959	+9,290	---
Equipment.....	17,337	17,960	21,260	+3,923	+3,300
Total, Indian Health Facilities.....	388,574	315,668	370,774	-17,800	+55,106

The Committee recommends \$370,774,000 for Indian health facilities, \$17,800,000 below the fiscal year 2005 level and \$55,106,000 above the budget request. Changes to the request include increases of \$5,000,000 for maintenance and improvements, \$46,806,000 for health care facilities construction and \$3,300,000 for medical equipment.

The Committee agrees to the following distribution of health care facilities construction funds:

Project	2006 request	Committee recommendation
Kayenta, AZ Health Center	0	\$3,878,000
San Carlos, AZ Health Center	0	6,139,000
Fort Belknap, MT quarters	3,326,000	3,326,000
Southern California Regional Treatment Center	0	11,242,000
Northern California Regional Treatment Center	0	11,547,000
Small Ambulatory Facilities	0	10,000,000
Dental Facilities Program	0	4,000,000
Total	3,326,000	50,132,000

The Committee agrees to the following:

1. The Service should continue to apply a cap of \$2,000,000 for any single small ambulatory facility project and most, if not all, projects should be funded substantially below that level.

2. The increase for equipment should be focused on replacing outdated medical equipment and should remain in the base budget. The Committee urges the Service and the Office of Management and Budget to request increases in this activity. Existing medical equipment in Indian country is rapidly becoming outdated and needs are increasing as more hospitals and clinics are built and expanded.

3. Funds for sanitation facilities for new and renovated housing should be used to serve housing provided by the Bureau of Indian Affairs housing improvement program, new homes, and homes renovated to like-new condition. Onsite sanitation facilities may also be provided for homes occupied by the disabled or sick who have physician referrals indicating an immediate medical need for adequate sanitation facilities at home.

4. Sanitation funds should not be used to provide sanitation facilities for new homes funded by the housing programs of the Department of Housing and Urban Development. The HUD should provide any needed funds to the IHS for that purpose.

5. The IHS may use up to \$5,000,000 in sanitation funding for projects to clean up and replace open dumps on Indian lands pursuant to the Indian Lands Open Dump Cleanup Act of 1994.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The National Institute of Environmental Health Sciences, an agency within the National Institutes of Health, was authorized in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to conduct certain research and worker training activities associated with the Nation's Hazardous Substance Superfund program.

opening of the museum, appropriated funds have been provided to pay for the ongoing operating costs of the museum as authorized by Public Law 102–529 and Public Law 106–292.

Appropriation enacted, 2005	\$40,858,000
Budget estimate, 2006	43,233,000
Recommended, 2006	41,880,000
Comparison:	
Appropriation, 2005	+1,022,000
Budget estimate, 2006	–1,353,000

The Committee recommends \$41,880,000 for the Holocaust Memorial Museum, a decrease of \$1,353,000 below the budget request and \$1,022,000 above the enacted level. This increase is 2.5% above the enacted funding level. The Committee encourages the Council to keep the Committee informed of substantive work plan changes and to inform the Committee if there is a need to move maintenance funds to repair damages to the Ross office building.

PRESIDIO TRUST

PRESIDIO TRUST FUND

Appropriation enacted, 2005	\$19,722,000
Budget estimate, 2006	20,000,000
Recommended, 2006	20,000,000
Comparison:	
Appropriation, 2005	+278,000
Budget estimate, 2006	0

The Committee recommends \$20,000,000 for the Presidio Trust fund, the same as the budget request and \$278,000 above the enacted level.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

SALARIES AND EXPENSES

Appropriation enacted, 2005	\$248,000
Budget estimate, 2006	250,000
Recommended, 2006	250,000
Comparison:	
Appropriation, 2005	+2,000
Budget estimate, 2006	0

The White House Commission on the National Moment of Remembrance, established by Public Law 106–579, was created to (1) sustain the American spirit through acts of remembrance, not only on Memorial Day, but throughout the year; (2) institutionalize the National Moment of Remembrance; and (3) to enhance the commemoration and understanding of Memorial Day. The Committee recommends an appropriation of \$250,000, an increase of \$2,000 above the fiscal year 2005 enacted level and the same as the level requested by the President.

TITLE IV—GENERAL PROVISIONS

Section 401 continues a provision providing for public availability of information on consulting services contracts.

Section 402 continues a provision prohibiting activities to promote public support or opposition to legislative proposals.

Section 403 continues a provision providing for annual appropriations unless expressly provided otherwise in this Act.

Section 404 continues a provision limiting the use of personal cooks, chauffeurs or servants.

Section 405 provides for restrictions on departmental assessments unless approved by the Committees on Appropriations.

Section 406 continues a provision limiting the sale of giant sequoia.

Section 407 continues a limitation on accepting and processing applications for patents and on the patenting of Federal lands; permits processing of grandfathered applications; and permits third-party contractors to process grandfathered applications.

Section 408 continues a provision limiting payments for contract support costs in past years to the funds available in law and accompanying report language in those years for the Bureau of Indian Affairs and the Indian Health Service.

Section 409 continues a provision specifying reforms and limitations dealing with the National Endowment for the Arts.

Section 410 continues a provision permitting the collection and use of private funds by the National Endowment for the Arts and the National Endowment for the Humanities.

Section 411 continues direction to the National Endowment for the Arts on funding distribution.

Section 412 continues a limitation on completing and issuing the five-year program under the Forest and Rangeland Renewable Resources Planning Act.

Section 413 continues a provision prohibiting the use of funds to support government-wide administrative functions unless they are justified in the budget process and approved by the House and Senate Committees on Appropriations.

Section 414 continues a provision permitting the Forest Service to use the roads and trails fund for backlog maintenance and priority forest health treatments.

Section 415 continues a provision limiting the use of answering machines during core business hours except in case of emergency and requires an option of talking to a person. The American taxpayer deserves to receive personal attention from public servants.

Section 416 continues a provision clarifying the Forest Service land management planning revision requirements.

Section 417 continues a provision limiting preleasing, leasing, and related activities within the boundaries of National monuments.

Section 418 extends the Forest Service Conveyances Pilot Program.

Section 419 continues a provision providing the Secretary of the Interior and the Secretary of Agriculture the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters.

Section 420 continues a provision prohibiting the transfer of funds to other agencies other than provided in this Act.

Section 421 continues a provision authorizing the Secretary of the Interior and the Secretary of Agriculture to give consideration to rural communities, local and non-profit groups, and disadvantaged workers in entering into contracts for hazardous fuels and watershed projects.

Section 422 continues a provision limiting the use of funds for filing declarations of takings or condemnations. This provision does not apply to the Everglades National Park Protection and Environmental Act.

Section 423 provides guidance on competitive sourcing activities and clarifies annual reporting requirements to specify the reporting of the full costs associated with sourcing studies and related activities. Language is also included concerning the Forest Service so the problems associated with the previous, faulty competitive sourcing studies are not repeated in the future.

Section 424 requires overhead charges, deductions, reserves or holdbacks to be presented in annual budget justifications, with changes presented to the Appropriations Committees for approval.

Section 425 prohibits the expenditure of funds on Safecom and Disaster Management.

Section 426 limits contracts for the operation of the National Recreational Reservation Center.

Section 427 enhances Forest Service administration of rights-of-way and land uses.

Section 428 extends the authorization for the Service First program.

Section 429 allows the Secretary of Agriculture to complete an exchange of a leasehold interest at the San Bernardino International Airport for lands and buildings located adjacent to the former Norton Air Force Base in California. This exchange will allow the Secretary to relocate the forest supervisor's office of the San Bernardino National Forest into buildings owned by the United States, which will result in lease cost savings and improved service to the public.

Section 430 requires a report of the expenditure of funds pursuant to the Southern Nevada Public Lands Management Act.

Section 431 continues a legislative provision limiting funds for oil and gas leasing or permitting on the Finger Lakes National Forest, NY.

RESCISSIONS

Pursuant to clause 3(f)(2), rule XIII of the Rules of the House of Representatives, the following table is submitted describing the rescissions recommended in the accompanying bill:

<i>Department and activity</i>	<i>Amounts recommended for rescission</i>
Department of the Interior: Land and Water Conservation Fund (contract authority)	\$30,000,000
Environmental Protection Agency: various accounts (rescissions are under State and Tribal Assistance Grants heading)	100,000,000

TRANSFERS OF FUNDS

Pursuant to clause 3(f)(2), rule XIII of the Rules of the House of Representatives, the following table is submitted describing the transfers of funds provided in the accompanying bill.

APPROPRIATION TRANSFERS RECOMMENDED IN THE BILL

Account from which transfer is to be made	Amount	Account to which transfer is to be made	Amount
Department of the Interior, Bureau of Land Management, Wildland Fire Management.	\$9,000,000	Department of Agriculture, U.S. Forest Service, Wildland Fire Management.	\$9,000,000
Environmental Protection Agency, Hazardous Substance Superfund.	13,536,000	Office of Inspector General	13,536,000
Environmental Protection Agency, Hazardous Substance Superfund.	30,605,000	Science and Technology	30,605,000
Department of Agriculture, U.S. Forest Service, Wildland Fire Management.	9,000,000	Department of the Interior, Bureau of Land Management, Wildland Fire Management.	9,000,000

CHANGES IN APPLICATION OF EXISTING LAW

Pursuant to clause 3, rule XIII of the Rules of the House of Representatives, the following Statements are submitted describing the effect of provisions in the accompanying bill, which directly or indirectly change the application of existing law. In most instances these provisions have been included in prior appropriations Acts.

The Bill includes the following changes in application of existing law:

Overall Bill

Providing that certain appropriations remain available until expended or extends the availability of funds beyond the fiscal year where programs or projects are continuing but for which legislation does not specifically authorize such extended availability. This authority tends to result in savings by preventing the practice of committing funds on low priority projects at the end of the fiscal year to avoid losing the funds.

Limiting, in certain instances, the obligation of funds for particular functions or programs. These limitations include restrictions on the obligation of funds for administrative expenses, travel expenses, the use of consultants, and programmatic areas within the overall jurisdiction of a particular agency.

Limiting official entertainment or reception and representation expenses for selected agencies in the bill.

Continuing ongoing activities of those Federal agencies, which require annual authorization or additional legislation, which has not been enacted.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Permitting the use of receipts from the Land and Water Conservation Act of 1965.

Providing funds to the National Fish and Wildlife Foundation under certain conditions.

Permitting the use of fees from communication site rentals.

Permitting the collection of fees for processing mining applications and for certain public land uses.

Permitting the use of mining fee collections for program operations.

Providing for a Youth Conservation Corp.

ADMINISTRATIVE PROVISIONS

Permitting the use of certain contracts, grants, and cooperative agreements.

Recognizing students and recent graduates as Federal employees for the purposes of travel and work injury compensation.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

Permitting the use of excess receipts from Outer Continental Shelf leasing activities.

Providing for reasonable expenses related to volunteer beach and marine cleanup activities.

Providing for refunds for overpayments on Indian allottee leases.

Providing for collecting royalties and late payment interest on amounts received in settlements associated with Federal and Indian leases.

Permitting the use of revenues from a royalty-in-kind program.

Providing that royalty-in-kind be equal to, or greater than, royalty-in-value.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Permitting the use of moneys collected pursuant to assessment of civil penalties to reclaim lands affected by coal mining after August 3, 1977.

Permitting payment to State and tribal personnel for travel and per diem expenses for training.

ABANDONED MINE RECLAMATION FUND

Earmarking Abandoned Mine Reclamation funds for acid mine drainage.

Limiting grants to minimum program States.

Allowing the use of debt recovery to pay for debt collection.

Reallocates amounts in the Abandoned Mine Land Reclamation fund dedicated to the rural program (collected under section 402(g)(2) of the Surface Mining Control and Reclamation Act of 1977), which has not been used in 10 years, to the federal share portion of the fund (section 402(g)(3)).

Allowing funds to be used for travel expenses while attending training.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Limiting funds for contract support costs and for administrative cost grants for schools.

Permitting the use of tribal priority allocations for general assistance payments to individuals, for contract support costs, and for repair and replacement of schools.

Providing for an Indian self-determination fund.

Allowing the transfer of certain forestry funds.

PAYMENTS IN LIEU OF TAXES

Excluding any payment pursuant to the Payments in Lieu of Taxes that is less than \$100.

CENTRAL HAZARDOUS MATERIALS FUND

Providing that sums received from a party for remedial actions shall be credited to the account, and defining nonmonetary payments.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, FEDERAL TRUST PROGRAMS

Limiting the amount of funding available for the historical accounting of Indian trust fund accounts.

Specifying that the statute of limitations shall not commence on any claim resulting from trust funds losses.

Exempting quarterly statements for Indian trust accounts less than \$1.

Requiring annual statements and records maintenance for Indian trust accounts.

Limiting use of funds to correct administrative errors in Indian trust accounts.

Permitting the use of recoveries from erroneous payments pursuant to Indian trust accounts.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, INDIAN LAND CONSOLIDATION

Permitting transfers of funds from Indian land consolidation for administrative expenses.

ADMINISTRATIVE PROVISIONS

Allowing the sale of existing aircraft with proceeds used to offset the purchase price of replacement aircraft.

Prohibiting the use of working capital or consolidated working funds to augment certain offices

Requiring description of working capital fund charges in annual budget justifications.

Requiring Committee approval of departures from Working Capital Fund estimates.

Requiring reports on National Business Center activities.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Allowing transfer of funds in certain emergency situations and requiring replacement with a supplemental appropriation request.

Permitting the Department to consolidate and receive reimbursement for services.

Restricting various oil and gas preleasing, leasing, exploration and drilling activities within the Outer Continental Shelf in the Georges Bank North Atlantic planning area, Mid Atlantic and South Atlantic planning areas, Eastern Gulf of Mexico planning area, North Aleutian Basin planning area, Northern, Southern and Central California planning areas, and Washington/Oregon planning area.

Prohibiting fee exemptions for non-local traffic through National Parks.

Permitting the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians.

Providing for administrative law judges to handle Indian probate issues.

Permitting the redistribution of certain Indian funds with limitations.

Directing allocation of funds for Bureau of Indian Affairs funded postsecondary schools.

Permitting the conveyance of the Twin Cities Research Center. Allowing the use of helicopters and motor vehicles on Sheldon and Hart National Wildlife Refuges.

Authorizing funding transfers for Shenandoah Valley Battlefield NHD and Ice Age NST.

Prohibiting the closure of the underground lunchroom at Carlsbad Caverns NP.

Prohibiting demolition of the bridge between New Jersey and Ellis Island.

Limiting compensation for the Special Master and Court Monitor for the Cobell v. Norton litigation.

Allowing payment of attorney fees for Federal employees related to the Cobell v. Norton litigation.

Requiring the Fish and Wildlife Service to mark hatchery salmon.

Allowing for the transfer of certain Departmental Management funds to the U.S. Fish and Wildlife Service for the Midway Island refuge airport.

Addressing the use of certain Indian lands for gaming purposes.

Preventing funds to study or reduce the water level at Lake Powell.

Limiting the amount of fees that may be collected by the National Indian Gaming Commission.

Providing for a tribal trust demonstration program.

Providing for the renewal of certain grazing permits in the Jarbidge Field office of the Bureau of Land Management.

Authorizing the acquisition of lands and leases for Ellis Island.

Permitting the Secretary of the Interior to issue grazing permits within the Mojave National Preserve.

Implementing rules concerning winter snowmobile use at Yellowstone National Park.

Limiting staff and funding for the Department of the Interior, Office of Law Enforcement and Security.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS SUBSTANCE SUPERFUND

Providing for the allocation of funds to other Federal agencies under certain circumstances.

Providing for the transfer of funds within certain agency accounts.

STATE AND TRIBAL ASSISTANCE GRANTS

Providing for grants to State, Tribal, and local governments for school bus services, pollution prevention, particulate matter monitoring, and for environmental information exchange grants.

Providing for State authority under Public Law 104–182.

Exempting limitations on State administration expenses at the discretion of the Administrator.

Providing for administrative expenses for the State Revolving Fund.

Limiting funding for certain United States—Mexico border programs under certain conditions.

Providing for the transfer of special project funds, unawarded after 7 years, to the appropriate State Revolving Funds.

Providing that excess funds from completed special projects or from projects determined to be ineligible for a grant be deposited in State Revolving Funds.

ADMINISTRATIVE PROVISIONS

Allowing awards of grants to federally recognized Indian tribes.

Authorizing the collection of pesticide registration service fees.

Providing funds for grants and loans under CERCLA.

Permitting the Administrator to make up to five scientist appointments to the Office of Research and Development.

TITLE III—RELATED AGENCIES

FOREST SERVICE

STATE AND PRIVATE FORESTRY

Deriving forest legacy funding from the Land and Water Conservation Fund.

Requiring notification to the House and Senate Appropriations Committee before releasing forest legacy project funds.

NATIONAL FOREST SYSTEM

Allowing 50 percent of the fees collected under the Land and Water Conservation Fund Act to remain available until expended.

Requiring the budget justification to display unobligated balances available at the start of fiscal year.

WILDLAND FIRE MANAGEMENT

Allowing the use of wildland fire funds to repay advances from other accounts.

Allowing reimbursement of States for certain wildfire emergency activities.

Requiring 50 percent of any unobligated balances remaining at the end of fiscal year 2005, except hazardous fuels funding, to be transferred to the Knutson-Vandenberg Fund as repayment for past advances.

Permitting the use of funds for the joint fire science program.

Permitting the use of forest and rangeland research funds for fire science research.

Permitting the use of funds for emergency rehabilitation and restoration and hazardous fuels reduction to support emergency response and wildfire suppression.

Providing for grants and cooperative agreements with local communities for wildland fires.

Requiring Committee approval for funding transfers.

Providing for the transfer of hazardous fuels funding to the National Forest System.

Providing for use of funds on adjacent, non-Federal lands for hazard reduction.

Providing that funds for wildfire suppression shall be assessed for indirect costs.

Providing for the transfer of wildland fire funds between the Department of the Interior and the Department of Agriculture.

CAPITAL IMPROVEMENT AND MAINTENANCE

Allowing capital improvement and maintenance funds to be used for road decommissioning.

Requiring that no road decommissioning be funded until notice and an opportunity for public comment has been provided.

RANGE BETTERMENT FUND

Providing that six percent of range betterment funds may be used for administrative expenses.

ADMINISTRATIVE PROVISIONS

Providing that proceeds from the sale of aircraft may be used to purchase replacement aircraft.

Allowing funds for certain employment contracts.

Allowing funds to be used for purchase and alteration of buildings.

Allowing for acquisition of certain lands and interests.

Allowing expenses for certain volunteer activities.

Providing for the cost of uniforms.

Providing for debt collections on certain contracts.

Prohibiting the demolition or closing of regional offices.

Permitting the transfer of funds for emergency firefighting from other forest service accounts under certain circumstances.

Providing that the first transfer of funds for emergency firefighting shall include land acquisition and forest legacy funds.

Allowing funds to be used through the Agency for International Development and the Foreign Agricultural Service for work in foreign countries and to support other forestry activities outside of the United States.

Prohibiting the transfer of funds under the Department of Agriculture transfer authority under certain conditions.

Prohibiting reprogramming of funds without approval.

Limiting funds to be transferred to the USDA Working Capital Fund.

Providing for a Youth Conservation Corps program.

Providing for matching funds and administrative expenses for the National Forest Foundation and matching funds for the National Fish and Wildlife Foundation.

Providing funds for sustainable rural development.

Allowing the limited use of funds for law enforcement emergencies.

Providing Federal employee status for certain individuals employed under the Older American Act of 1965.

Permitting the use of funds for education of dependents of personnel stationed in Puerto Rico.

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Providing that certain contracts and grants may be performed in two fiscal years.

Exempting certain Tribal funding from fiscal year constraints.

Limiting funds for catastrophic care, loan repayment and certain contracts.

Limiting contract support cost spending.

Providing for use of collections and reporting of collections under Title IV of the Indian Health Care Improvement Act.

Permitting the use of Indian Health Care Improvement Fund monies for facilities improvement.

Providing for the collection of individually identifiable health information relating to the Americans with Disabilities Act by the Bureau of Indian Affairs.

Limiting the use of funds for tribal courts.

Limiting the use of funds for overhead expenses.

INDIAN HEALTH FACILITIES

Providing that facilities funds may be used to purchase land, modular buildings and trailers.

Providing for TRANSAM equipment to be purchased from the Department of Defense.

Prohibiting the use of funds for sanitation facilities for new homes funded by the Department of Housing and Urban Development.

Allowing for the purchase of ambulances.

Providing authority for contracts for small ambulatory facilities.

Providing for land purchases for facilities in Alaska.

Providing for certain purchases and for a demolition fund.

ADMINISTRATIVE PROVISIONS

Providing for payments for telephone service in private residences in the field, purchase of motor vehicles, aircraft and reprints.

Providing for purchase and erection of portable buildings.

Providing funds for uniforms.

Allowing funding for attendance at professional meetings.

Providing that health care may be extended to non-Indians at Indian Health Service facilities.

Providing that funds are not available for assessments by the Department of Health and Human Services.

Allowing deobligation and reobligation of funds applied to self-governance funding agreements.

Exempting certain activities from Federal transportation limitations.

Providing a limitation on the number of personnel at certain facilities.

Prohibiting the expenditure of funds to implement new eligibility regulations.

Providing that reimbursements for training provide total costs.

Providing that funds be apportioned only in the appropriation structure in this Act.

Prohibiting changing the appropriations structure without approval of the Appropriations Committees.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

Providing for the conduct of health studies, testing, and monitoring.

Providing deadlines for health assessments and studies.

Limiting the number of toxicological profiles.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Authorizing the appointment and duties of the chairman.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

Limiting the number of senior level positions.

Authorizing the appointment of the inspector general of the board.

Limiting the appointment of individuals to positions within the board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Defining eligible relocatees.

Prohibiting movement of any single Navajo or Navajo family unless a new or replacement home is available.

Limiting relocatees to one new or replacement home.

Establishing a priority for relocation of Navajos to those certified eligible who have selected and received homesites on the Navajo reservation or selected a replacement residence off the Navajo reservation.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Providing that funds may be used to support American overseas research centers.

Allowing for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

Permitting the use of certain funds for the Victor Building.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

Permitting the charging and use of fees for its publications.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

Limiting the amount of grants awarded to an organization in a single year.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

Restricting hiring at Executive Level V or higher.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

Allowing certain funds to be used for official representation expenses.

TITLE IV—GENERAL PROVISIONS

Providing for availability of information on consulting services contracts.

Prohibiting the use of funds to distribute literature either to promote or oppose legislative proposals on which Congressional action is incomplete.

Specifying that funds are for one year unless provided otherwise.

Prohibiting the use of funds to provide personal cooks, chauffeurs or other personal servants to any office or employee.

Prohibiting assessments against programs funded in this bill.

Prohibiting the sale of giant sequoia trees in a manner different from 2004.

Continuing a limitation on accepting and processing applications for patents and on the patenting of Federal lands; permitting processing of grandfathered applications; and permitting third-party contractors to process grandfathered applications.

Limiting the use of funds for contract support costs on Indian contracts.

Making reforms in the National Endowment for the Arts, including funding distribution reforms.

Permitting the National Endowments for the Arts and the Humanities to collect, invest and use private donations.

Limiting funds for completing or issuing the five-year program under the Forest and Rangeland Renewable Resources Planning Act.

Limiting the use of funds for any government-wide administrative functions.

Permitting the use of forest service road and trail funds for maintenance and forest health.

Limiting the use of telephone answering machines.

Clarifying the forest service land management planning revision requirements.

Limiting leasing and preleasing activities within National Monuments.

Extending and expanding the pilot program allowing the forest service to dispose of certain excess structures and reinvest the proceeds for maintenance and rehabilitation.

Providing the Secretary of the Interior and the Secretary of Agriculture the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters.

Prohibiting the transfer of funds to other agencies other than provided in this Act.

Providing contracting and grant authority for hazardous fuel projects in forest-dependent rural communities.

Providing certain limitation of funds for Federal land takings excluding those under the Everglades National Park Protection and Expansion Act.

Limiting the use of funds for competitive sourcing studies.

Requiring display of certain information for government-wide activities in budget justifications.

Limiting contracts for the operation of the National Recreational Reservation Service.

Prohibiting use of funds for certain government-wide activities.

Enhancing forest service administration of rights-of-way and land uses.

Extending the authorization for the Service First program.

Providing for the exchange of lands in San Bernardino, California, to relocate the forest supervisor's office.

Requiring a report on the expenditure of funds pursuant to the Southern Nevada Public Lands Management Act.

Limiting the use of funds to prepare or issue permits or leases for oil and gas drilling in the Finger Lakes National Forest, NY.

APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law:

[Dollars in thousands]

	Last year of authorization	Authorization level	Appropriations in last year of authorization	Appropriations in this bill
Bureau of Land Management:				
All discretionary programs	2002	Such sums as may be necessary	\$1,681,437	\$1,755,115
U.S. Fish & Wildlife Service				
Resource Management:				
Endangered Species Act Amendments of 1988.	1992	\$41,500	35,721	146,909
Great Lakes Fish & Wildlife Restoration Grants.	2004	4,000	498	500
Marine Mammal Protection Act Amendments of 1994.	1999	10,296	2,008	4,485
Fisheries Restoration Irrigation Mitigation Act	2005	25,000	2,000	3,000
Great Ape Conservation	2005	5,000	1,381	1,400
Neotropical Migratory Birds	2005	5,000	3,944	4,000
Environmental Protection Agency				
Hazardous Substance Superfund	1994	5,100,000	1,480,853	1,258,333
State and Tribal Assistance Grants:				
Alaska Native Villages	1979	2,000	NA	15,000
Clean Water SRF	1992	1,800,000	2,400,000	850,000
Drinking Water SRF	2003	1,000,000	844,500	850,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2005
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2006
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Abandoned mine reclamation fund (definite, trust fund) Legislative proposal.....	188,205 ---	188,014 58,000	188,014 ---	-191 ---	--- -58,000
Subtotal.....	188,205	246,014	188,014	-191	-58,000

Total, Office of Surface Mining Reclamation and Enforcement.....	296,573	356,549	298,549	+1,976	-58,000

Bureau of Indian Affairs					
Operation of Indian programs.....	1,926,091	1,924,230	1,992,737	+66,646	+68,507
Construction.....	319,129	232,137	284,137	-34,992	+52,000
Indian land and water claim settlements and miscellaneous payments to Indians.....	44,150	24,754	34,754	-9,396	+10,000
Indian guaranteed loan program account.....	6,332	6,348	6,348	+16	---
Total, Bureau of Indian Affairs.....	2,295,702	2,187,469	2,317,976	+22,274	+130,507

Departmental Offices					
Insular Affairs: Assistance to Territories.....	47,861	46,543	48,843	+982	+2,300
Northern Marianas.....	27,720	27,720	27,720	---	---
Subtotal.....	75,581	74,263	76,563	+982	+2,300

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2005
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2006
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services:					
Non-contract services.....	2,098,424	2,207,277	2,207,277	+108,853	---
Contract care.....	480,318	507,021	507,021	+26,703	---
Catastrophic health emergency fund.....	17,750	18,000	18,000	+250	---
Total, Indian health services.....	2,596,492	2,732,298	2,732,298	+135,806	---
Indian health facilities.....					
Total, Indian Health Service.....	388,574	315,668	370,774	-17,800	+55,106
National Institute of Health					
Total, Indian Health Service.....	2,985,066	3,047,966	3,103,072	+118,006	+55,106
National Institute of Environmental Health Sciences...					
Total, Indian Health Service.....	79,842	80,289	80,289	+447	---
Agency for Toxic Substances and Disease Registry					
Total, Indian Health Service.....	76,041	76,024	76,024	-17	---
Toxic substances and environmental public health.....					
Total, Indian Health Service.....	3,140,949	3,204,279	3,259,385	+118,436	+55,106