



UNITED STATES
DEPARTMENT OF THE INTERIOR
Director of Budget

**RESULTS OF CONFERENCE ACTION ON THE FISCAL YEAR 2004
INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL**

Conferees on the 2004 Interior and Related Agencies appropriations bill met on October 27, 2003. They completed action on the appropriations bill, adopting the conference agreement without change and with limited debate. The House adopted the conference report on October 30 by a vote of 216 to 205. The Senate adopted the conference report on November 3 by a vote of 87 to 2.

Funding Overview

The President's budget request for discretionary appropriations for Department of the Interior programs in the Interior bill totaled \$9.76 billion. The conference agreement provides \$9.8 billion for Interior programs. This is \$57.7 million or 0.6 percent below the President's budget request and \$111.5 million or 1.2 percent above the 2003 enacted funding level. The conference agreement includes a 0.646 percent across-the-board reduction.

For the priorities requested in the President's budget, the conference agreement provides the following:

Cooperative Conservation Initiative: Overall, the conferees fund the CCI initiative at \$110.3 million, a reduction of \$8.6 million from the President's budget request and \$18.8 million above 2003. The conference agreement funds the challenge cost share component of CCI at \$41.0 million, an increase of \$10.3 million over the 2003 enacted level. The challenge cost share component includes \$21.3 million specifically for conservation activities, an increase of \$8.4 million over the 2003 level and a decrease of \$10.7 million below the 2004 President's budget.

Aside from the challenge cost share component, the conference agreement includes:

- \$500,000 for the Take Pride in America program, reduced from the \$1.0 million request and moved from NPS to Departmental Management;
- \$42.7 million for the FWS Partners for Fish & Wildlife program, an increase of \$4.3 million from the request of \$38.4 million, and \$4.8 million more than 2003;
- \$10.3 million for the FWS Coastal program, an increase of \$608,000 over the President's request and \$774,000 below 2003 enacted;
- \$10.3 million for FWS' Migratory Bird Joint Ventures, the same as the request and \$2.9 million over 2003.

Landowner Incentive and Private Stewardship Grants: The conferees continue funding for these two programs including \$29.8 million for the Landowner Incentive program

and \$7.5 million for Private Stewardship grants. This is \$12.7 million below the President's budget and \$12.4 million below the 2003 enacted level.

FWS Conservation Grants: The conference agreement funds the North American Wetlands Conservation Fund at \$37.8 million, a reduction of \$11.8 million below the President's budget and \$554,000 below 2003. The conference includes \$69.5 million for Tribal Wildlife grants, an increase of \$9.6 million above the request and \$5.0 million above 2003.

The conference managers provide \$82.1 million, a \$4.5 million reduction from the requested level, for the Cooperative Endangered Species Conservation Fund.

LWCF: The conference bill provides \$93.9 million for State LWCF Grants, a decrease of \$64.6 million or 41.3 percent below the request and \$3.5 million below 2003.

Federal land acquisition is funded at \$108.9 million, a reduction of \$34.2 million below the request level and \$74.2 million below 2003. The conferees do not fund the \$40.0 million request for the Collier mineral interests at Big Cypress National Preserve in Florida.

Trust Programs: The conference bill provides a total of \$456.0 million for the unified trust budget, a reduction of \$97.0 million below the request, but \$85.8 million above 2003. The bill provides only \$45.0 million for historical accounting, \$85.0 million below the request and \$29.1 million above 2003. The conference agreement includes bill language on the funding for and scope of historical accounting activities to be conducted in FY 2004. The bill provides \$38.7 million for BIA's information technology investments, a reduction of \$10.0 million from the request and \$22.3 million above 2003.

The bill provides \$21.8 million for Indian Land Consolidation, an increase of \$13.9 million above 2003 and \$0.9 million above the request. Indian Land Consolidation is funded in OST, rather than BIA as proposed in the President's budget.

BIA Schools: The bill includes \$290.7 million, slightly less than the 2003 enacted level but \$1.9 million less than the President's request, for replacement of seven schools and facilities improvement and repair at eight schools. The bill funds the Tribal School Construction Demonstration project at \$6.0 million, \$3.0 million more than the 2003 enacted level and \$6.0 million more than the President's request.

The bill funds school operations at \$525.1 million, \$12.5 million more than the 2003 enacted level, but \$3.4 million less than the request. The bill includes increases of \$4.8 million for ISEP formula funds, \$1.1 million for student transportation, \$2.0 million for facilities operations, and \$1.4 million for administrative cost grants.

NPS Backlog: The conference includes \$705.6 million for NPS facility maintenance and construction, only \$123,000 lower than the request. This level of funding would be increased with an additional \$75.0 million in recreation fees revenue dedicated to backlog projects and \$300.0 million Federal Highway Administration funds (TEA-21) for backlogged road projects proposed in the transportation bill reauthorization.

Natural Resource Challenge: The conference bill funds the Natural Resource Challenge at the \$72.2 million, \$3.8 million below the request and \$5.1 million over the enacted level.

National Wildlife Refuge System: The conference bill provides \$388.8 million for operation and maintenance of the refuge system, a decrease of \$13.2 million from the request, but \$20.4 million above 2003.

Energy: The conference bill provides \$108.2 million for BLM's Energy and Minerals activity, \$2.3 million above the President's budget and the 2003 level. The bill provides a \$3.0 million increase over the request to process applications for permits to drill for coalbed methane and conventional fuels.

For MMS Energy programs, the conference agreement provides a total of \$271.6 million, \$14,000 below the request and \$995,000 above 2003. The total includes \$100.2 million in offsetting collections from retained OCS rental payments.

Wildland Fire: The conference bill funds the Wildland Fire program at \$787.6 million, including \$98.4 million in emergency funds to partially repay Interior accounts for funds borrowed for suppression operations during the 2003 fire season. Excluding this emergency funding, the conference bill represents a reduction of \$9.5 million below the President's budget request. This includes a \$7.2 million reduction in Fire Preparedness, of which \$1.8 million is attributable to the across-the-board reduction.

Uncontrollables: The conference agreement funds the \$77 million request level, including absorption of 57percent in pay costs.

Information Technology: The conferees support most of the proposed \$56.2 million reduction for information technology. The conferees restored the reduction in at least one area, providing \$2.8 million in USGS Geography. The conferees support the requested \$13.8 million increase for IT security. The conference agreement includes \$11.6 million for the Financial and Business Management System, which is more than offset by a cancellation of \$20.0 million in unobligated balances from the Working Capital Fund.

Across the Board Reduction: The conference agreement includes a 0.646 percent across-the-board reduction that is applied to every program, project, and activity. In the following summary the 2004 conference amounts displayed in the boxes reflect the 0.646 percent reduction. The 2004 conference amounts reported in the text for funding components below the activity level and for individual Congressional earmarks and add-ons do not reflect the reduction.

More details on funding levels and legislative provisions included in the bill follow. A comparison of funding levels for bureaus is provided as Attachment 1. Attachment 2 provides a comparison of key numbers. Attachments 3 and 4 provide a summary of construction and land acquisition.

FUNDING LEVELS

Cooperative Programs

Cooperative Conservation Initiative

Program	FY 2003 Enacted	a/	FY 2004 President's Request	House	Senate	04 Conf.	Conf +/- 03 Enacted	Conf +/- 04 Request
Cooperative Conservation Initiative								
BLM Challenge Cost Share	13,882		20,973	16,882	15,973	16,272	+2,390	-4,701
Traditional	[8,915]		[8,973]	[8,973]	[15,973]	[8,915]	[0]	[-58]
Conservation Initiative	[4,967]		[12,000]	[7,909]	[0]	[7,357]	[+2,390]	[-4,643]
FWS Challenge Cost Share	4,845		11,876	9,876	10,797	9,812	+4,967	-2,064
Traditional	[1,864]		[3,876]	[3,876]	[3,876]	[3,851]	[+1,987]	[-25]
Conservation Initiative	[2,981]		[8,000]	[6,000]	[6,921]	[5,961]	[+994]	[-2,039]
NPS Challenge Cost Share	11,902		20,980	14,980	17,902	14,883	+2,981	-6,097
Traditional	[1,974]		[3,980]	[1,980]	[3,974]	[1,967]	[-7]	[-2,013]
Lewis and Clark	[4,961]		[5,000]	[5,000]	[4,961]	[4,968]	[+7]	[-32]
Conservation Initiative (resource restoration)	[4,967]		[12,000]	[8,000]	[8,967]	[7,948]	[+2,981]	[-4,052]
FWS Coastal Programs	11,021		9,639	10,314	9,639	10,247	-774	+608
FWS Invasives/ Fisheries	4,600		5,664	5,664	5,664	5,627	+1,027	-37
FWS Migratory Bird Joint Ventures	7,369		10,355	10,355	10,355	10,288	+2,919	-67
FWS Partners for Fish & Wildlife	37,825		38,378	42,978	37,625	42,651	+4,826	+4,273
[Amount above for Invasive Species]	[8,112]		[6,765]	[7,465]	[8,515]	[8,112]	[0]	[+1,347]
NPS Take Pride in America	1,000		600	c/	0	497	+497	-503
Programs Based on CCI as Structured in FY 2004	91,444		118,865	111,649	107,955	110,277	+18,833	-8,588
							+20.5%	-7.2%

a/ Includes .065% adjustment.
b/ Assumed split between Traditional and CCI Challenge Cost Share. Statement of managers does not address this issue.
c/ Funded in Departmental Management instead of NPS.

The President's budget included \$118.9 million for the Cooperative Conservation Initiative, including \$53.8 million for challenge cost share programs, reflecting increases of \$27.4 million over 2003. The Conference provides \$110.3 million (with the 0.646 percent across-the-board cut), a reduction of \$8.6 million from the President's request and \$18.8 million above 2003.

Challenge Cost Share: The conference provides \$41.0 million for the two portions of Challenge Cost Share: \$21.3 million for the cooperative conservation projects directed at natural resources and \$19.7 for the traditional program. Funding for the conservation initiative is \$10.7 million less than the 2004 request but represents an increase of \$8.3 million over 2003. The traditional program has a decrease of \$2.1 million from the 2004 request and an increase of \$2.0 million over 2003.

Take Pride in America: The Administration's first request for Take Pride in America program is funded at \$497,000 (with the 0.646 percent across-the-board cut), one-half of the \$1.0 million requested. It is funded in Departmental Management rather than in the National Park Service.

FWS Partners for Fish and Wildlife: The conference bill provides \$42.7 million for FWS Partners for Fish and Wildlife, an increase of \$4.3 million over the request and \$4.8 million above 2003 enacted. Within this program, is a \$1.4 million increase over the request for Invasive Species.

FWS Coastal Program: The conference agreement provides \$10.3 million for the

Coastal Program, an increase of \$608,000 over the President's request and \$774,000 below 2003 enacted.

Migratory Bird Joint Ventures: The \$10.3 million provided for FWS' Migratory Bird Joint Ventures is the same as the request and \$2.9 million above 2003.

FWS Invasives/Fisheries: FWS is provided its 2004 request of \$5.6 million, \$1.0 million higher than 2003 enacted for invasive species activities.

Landowner Incentive Program/Stewardship Grants

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	Conf +/- <u>03 Enacted</u>	Conf +/- <u>04 Budget</u>
Landowner							
Incentive Prgm	-37	40,000	40,000	40,000	29,806	+29,843	-10,194
Private Stewardship Grants	-46	10,000	10,000	10,000	7,452	+7,498	-2,548
Totals	-83	50,000	50,000	50,000	37,258	+37,341	-12,742
						-44989.2%	-25.5%

The President's budget included \$40.0 million for Landowner Incentive grants and \$10.0 million for Private Stewardship grants.

The conference managers provide \$29.8 million for the Landowner Incentive program, including the 0.646 percent reduction. This is \$10.2 million less than the President's request. The enacted bill includes \$7.5 million for the Private Stewardship grant program, \$2.5 million below the President's request.

Fish and Wildlife Service Grants

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	Conf +/- <u>03 Enacted</u>	Conf +/- <u>04 Budget</u>
CESCF	80,474	86,614	86,614	86,614	82,080	+1,606	-4,534
NAWCF	38,309	49,560	24,560	42,982	37,755	-554	-11,805
Wildlife Grants	64,578	59,983	75,000	75,000	69,548	+4,970	+9,565
Multinational							
Species Conserv	4,769	7,000	5,000	6,000	5,564	+795	-1,436
Neotropical Birds	2,981	[3,000]	5,000	3,000	3,974	+993	+3,974
Totals	191,111	203,157	196,174	213,596	198,921	+7,810	-4,236
						+4.1%	-2.1%

The President's budget requested \$203.2 million for FWS conservation grants. The conference managers provide \$198.9 million for FWS conservation grants after the 0.646 percent reduction, a decrease of \$4.2 million compared to the request, but an increase of \$7.8 million over the 2003 enacted level. The following discussion identifies funding for specific programs:

Cooperative Endangered Species Fund: The President's budget included \$86.6 million for the Cooperative Endangered Species Conservation Fund. The conference managers

provide \$82.1 million, a \$4.5 million reduction from the requested level. Of this reduction, \$4.0 million is identified as a reduction to Section 6 grants.

North American Wetlands Conservation Fund: The President’s budget request included \$49.6 million for the North American Wetlands Conservation Fund, an \$11.3 million increase over 2003. The conference managers provide \$37.8 million; including \$36.2 million for grants and \$1.5 million for administration.

State and Tribal Wildlife Grants: The budget request included \$60.0 million for State and Tribal Wildlife grants, a \$4.6 million decrease from 2003. The conference managers fund this program at \$69.5 million, an increase of \$9.6 million above the request and \$5.0 million above the 2003 enacted level.

Multinational Species Conservation Fund and Neotropical Birds: The budget request funded the Multinational Species Conservation Fund at \$7.0 million, including \$3.0 million for Neotropical Birds and \$4.0 million for other species including rhinos, tigers, and elephants. The Multinational Species Conservation Fund receives \$5.6 million, including increases of \$400,000 for each program as compared to the President’s budget; excluding Neotropical birds. Neotropical birds receive \$4.0 million in a separate account, including a \$1.0 million increase over the President’s budget.

Stateside LWCF Grants

\$000						Conf +/-	
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	<u>03 Enacted</u>	<u>04 Budget</u>
Grants	94,383	156,000	95,000	100,000	91,406	-2,977	-64,594
Administration	<u>2,980</u>	<u>4,011</u>	<u>2,500</u>	<u>4,000</u>	<u>2,484</u>	<u>-496</u>	<u>-1,527</u>
Total	97,363	160,011	97,500	104,000	93,890	-3,473	-66,121
						-3.5%	-41.3%

The President’s budget requested \$160.0 million for LWCF State grants, comprised of \$156.0 million for grants and \$4.0 million for administration.

The conference bill provides \$93.9 million (with the 0.646 percent across-the-board cut) for Stateside LWCF Grants, a decrease of \$66.2 million or 41.3 percent below the request and \$3.5 million below 2003.

The program is required to implement Senate report language, which directs that in the absence of mitigating circumstances, the governors of the States and territories shall be officially informed of LWCF State assistance apportionments within 30 days of enactment.

Federal LWCF Land Acquisition

\$000						Conf +/-	Conf +/-
	03 Enacted	04 Budget	House	Senate	04 Conf.	03 Enacted	04 Budget
BLM	33,233	23,686	14,000	25,600	18,480	-14,753	-5,206
FWS	72,893	40,737	18,090	64,689	43,346	-29,547	+2,609
NPS	73,984	78,623	33,654	54,473	47,044	-26,940	-31,579
DM (BIA -Shivwits)	<u>2,981</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>-2,981</u>	<u>0</u>
Total	183,091	143,046	65,744	144,762	108,870	-74,221	-34,176
						-40.5%	-23.8%

The Administration's budget request contains \$143.1 million for Interior Federal land acquisition. The request is composed of \$23.7 million for BLM, \$40.7 million for FWS, and \$78.6 million for NPS.

The conference bill provides \$108.9 million, \$34.2 million less than the 2004 request and \$74.2 million less than 2003 enacted. Overall, the Conference does not fund 24 of the 46 requested projects, but adds-on 34 projects totaling \$38.0 million. One major project that was not funded, the NPS Collier Everglades mineral buy-out, represents \$40.0 million of the decrease. All figures in this Federal Land Acquisition section reflect the 0.646 percent across-the-board cut.

House Report language directs the development of a joint long-term national plan outlining the acreage goals and conservation objectives for federal land acquisition in the Department of the Interior and U.S. Forest Service and Senate Report language addresses the slow rate of obligation of LWCF project funding and encourages obligations within a reasonable time.

Specifics for each bureau follow:

BLM: The conference bill provides \$18.5 million for land acquisition, \$5.2 million less than the 2004 request and \$14.8 million less than 2003. Funding is included for only one-half of the 18 requested projects. Three projects totaling \$4.2 million are added. Among these add-ons is one project, Elkhorn/Ironmask in Montana, which was not previously considered by the House or the Senate.

FWS: The conference agreement provides \$43.4 million for Federal land acquisition, \$2.6 million more than the request and \$29.6 million less than 2003. This increase is achieved by not funding 14 of the 21 requested projects worth \$14.9 million but by adding on 21 projects for \$18.2 million.

Among seven requested projects receiving funding are the Baca NWR in Colorado with an increase of \$2.0 million over the \$5.0 million request, Sacramento River NWR in California funded at \$2.0 million, and the Lower Rio Grande NWR in Texas funded at \$1.0 million. Not funded in FWS is the \$5.0 million request for the Quinault settlement that instead is provided in BIA's Indian Land and Water Settlements account. Conference language also allows the BIA access to the \$4.97 million appropriated in 2003 for the Quinault settlement.

NPS: The conference bill provides \$47.0 million for Federal land acquisition, \$31.6 million less than the 2004 President’s request and \$26.9 million less than 2003. All requested projects are funded at some level except for the \$40.0 million Collier mineral purchase. Among funded projects are \$2.0 million for the Baca Ranch at Great Sand Dunes National Monument in Colorado, \$2.0 million for the Civil War Battlefield Preservation Grants, \$5.0 million for the Valley Forge National Historic Park subdivision threat, and \$4.0 million for Hawaii Volcanoes National Park.

Among the 10 add-on projects, totaling \$15.5 million, are \$4.0 million for Cat Island and \$1.1 million for Horn Island both at Gulf Islands National Seashore in Mississippi; \$2.0 million for Ice Age National Scenic Trail in Wisconsin, \$1.0 million for Shenandoah Valley Battlefields in Virginia, \$1.5 million for Tumacacori National Historic Park in Arizona, and \$2.5 million for Wrangell-St. Elias National Park in Alaska.

A detailed table of Federal land acquisition projects is provided as Attachment 4.

Land Management Operations

National Park Service Operations

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	<u>Conf +/- 03 Enacted</u>	<u>Conf +/- 04 Budget</u>
ONPS	1,564,330	1,631,882	1,630,882	1,636,299	1,619,114	+54,784 +3.5%	-12,768 -0.8%

The President’s 2004 budget request for NPS Operations sought an increase of \$67.6 million, including the following increases: \$16.4 million for park units bringing the total for park base operations to \$998.8 million; \$14.3 million for cyclic maintenance; and \$13.8 million for the repair and rehabilitation program. Of the requested repair and rehabilitation increase, \$4.7 million was for condition assessments and \$1.6 million was for the Facility Management Software System.

The conference mark provides \$1.619 billion for ONPS, a decrease of \$12.7 million below the President’s request and \$54.8 million above 2003. The decrease below the request results from application of the across-the-board reduction (-\$10.5 million) and an ONPS-specific general reduction of \$3.0 million.

The conference bill funds park units at \$997.5 million, \$1.3 million below the request. Cyclic maintenance is funded at \$55.9 million, the same as the President’s budget request. Repair and rehabilitation is funded at \$96.5 million, \$2.0 million below the request.

The conference level restores half of the 2003 across-the-board reduction and funds uncontrollable costs for ONPS at the requested level. The conference also includes \$500,000 for the management accountability review, \$225,000 for the Cumberland Piedmont Network Learning Center, \$375,000 for Vanishing Treasures, \$300,00 for wild and scenic rivers partnerships, and \$400,000 to expand the Volunteers-in-Parks programs. The Everglades Critical Ecosystem Studies Initiative is funded at \$4.0 million within NPS rather than in the USGS, as proposed in the President’s budget.

The conference agreement includes an increase of \$5.0 for vital signs inventorying and monitoring within the Natural Resource Challenge, \$2.9 million below the President's budget request.

Within the increases provided above the request for base operations, \$500,000 is provided for nationally designated trails. The Service is also urged to provide, to the extent possible, the necessary support for the administration of the National Historic Lighthouse Preservation Act.

Bill language is also provided to allow the Service to conduct ongoing protection and interpretation activities at the Oklahoma City Memorial without the requirement for reimbursement or a non-federal match.

NPS Natural Resource Challenge

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	Conf +/- <u>03 Enacted</u>	Conf +/- <u>04 Budget</u>
Natural Resource Challenge	67,109	76,072	76,072	72,934	72,239	+5,130 +7.6%	-3,833 -5.0%

The 2004 budget request included a total of \$76.1 million for the Natural Resource Challenge, an increase of \$9.0 million from the 2003 enacted level.

The conference agreement provides \$72.2 million for Natural Resource Challenge, \$3.8 million below the President's request. In addition to restoring half of the 2003 across-the-board reduction, the conferees provide funding increases of \$5.0 million and \$600,000 for vital signs monitoring and water quality monitoring, respectively.

Everglades Restoration

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	Conf +/- <u>03 Enacted</u>	Conf +/- <u>04 Budget</u>
Everglades	84,555	112,314	68,054	70,950	70,946	-13,609 -16.1%	-41,368 -36.8%

The 2004 budget request included \$112.3 million for Everglades activities, an increase of \$27.8 million over the 2003 enacted level. The request included \$40.0 million to acquire the Collier family mineral rights in Big Cypress National Preserve, which was offset by a reduction of \$20.0 million for grants to the State of Florida.

The conference level provides a total of \$70.9 million for Everglades restoration activities. The Everglades Critical Ecosystem Studies Initiative is funded at \$4.0 million within NPS, rather than in the USGS as proposed in the President's budget. The conferees did not provide the \$ 1.96 million requested under the FWS land acquisition account and the \$40.0 million requested for purchase of the Collier mineral rights. Attachment 5 provides a summary of Everglades funding.

Bill language is included under the National Park Service construction account conditioning release of the funds for the Modified Water construction project on annual joint reports from the Secretaries of the Interior and the Army, the Administrator of the

Environmental Protection Agency, and the Attorney General indicating that the State of Florida is meeting water quality standards.

Bill language is also included under the National Park Service land acquisition account directing the Secretary of the Interior to redirect \$5,000,000 to the U.S. Fish and Wildlife Service for the purpose of implementing additional water quality monitoring and eradication of invasive exotics at A.R.M. Loxahatchee National Wildlife Refuge. The Secretary may also transfer funds as necessary to the Corps of Engineers for the purpose of modifying the construction of Storm Water Treatment Area 1 East. After meeting these provisions, the Secretary may transfer and use the remaining funds for Everglades restoration activities, subject to the Committees' approval of a reprogramming request detailing how the funds will be expended.

U.S. Park Police

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	Conf +/- <u>03 Enacted</u>	Conf +/- <u>04 Budget</u>
Park Police	77,921	78,859	78,859	78,349	78,350	+429 +0.6%	-509 -0.6%

The President's budget requested \$78.9 million for the U.S. Park Police. The conference mark is \$78.4 million, including an across-the-board reduction of \$509,000.

The conferees state that they continue to be concerned that most of the August 2001 recommendations from the National Academy of Public Administration have not been implemented and that cost growth continues in several areas, especially in the use of overtime. The USPP is directed to contract with the National Academy of Public Administration for a follow-up review of the actions taken on their recommendations.

Fish and Wildlife Service

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	Conf +/- <u>03 Enacted</u>	Conf +/- <u>04 Budget</u>
Resource Manage.	934,579	941,526	959,901	942,244	957,129	+22,550 +2.4%	+15,603 +1.7%

FY 2003 Resource Management includes +\$5.0 million from a supplemental as well as the following transfers: +\$15 million for Nellis AFB, +\$663,000 for Niassa Reserve and +\$2.45 million of Vieques.

FY 2004 Resource Management includes \$5.0 million transferred from balances in NPS Everglades grants to Florida to match the Conference manager's control tables.

The President's budget funded FWS operations at \$941.5 million, a \$30.1 million increase over the 2003 enacted level. The budget proposed key program increases including: \$3.3 million for listing activities; \$33.6 million for National Wildlife Refuge System operations and maintenance; \$3.5 million for migratory bird and law enforcement programs; and \$3.9 million for hatchery operations and maintenance.

Overall, the conference bill provides \$957.1 million, \$15.6 million more than the request and \$22.6 million more than the 2003 enacted level. Within the total for FWS operations, refuge operations and maintenance are funded at \$388.8 million (including the 0.646

percent reduction): \$13.2 million below the requested level and \$20.4 million above the 2003 enacted level.

The following section describes the conference funding level (not including the 0.646 percent reduction unless noted):

- The conference managers provide \$137.8 million for the endangered species program, a \$9.1 million increase above the requested level. This includes the 0.646 percent reduction. Additional detail is provided in the section that discusses the Endangered Species program.
- The conference managers provide \$42.7 million for the Partners for Fish and Wildlife Program, including the 0.646 percent reduction. This is \$4.3 million above the requested level and \$4.8 million above the 2003 enacted level. There is a general program reduction of \$4.0 million and increases for the following:
 - \$1.4 million for Washington salmon enhancement,
 - \$500,000 for the Montana Water Center for the Wild Fish Habitat Initiative,
 - \$1.25 million for the Nevada Biodiversity Research and Conservation Project,
 - \$100,000 for bald eagle restoration work with the Vermont Natural Heritage Partners Program,
 - \$700,000 for Willapa Bay NWR Spartina Grass Control,
 - \$700,000 for invasive species control in Hawaii,
 - \$750,000 for ESA community conservation in Hawaii,
 - \$750,000 for restoration in Tunkannock and Bowan's Creek watershed in PA,
 - \$1.0 million for Walla Walla basin fish passage and salmon recovery,
 - \$850,000 for wildlife enhancement in Starkville, MS,
 - \$50,000 for technical assistance in the NJ Meadowlands, and
 - \$750,000 for ferret reintroduction on Rosebud Sioux Tribal lands.
- The conference managers provide \$30.2 million for project planning program, including the rescission. This is a net increase of \$0.7 million above the request, and \$1.3 million below 2003 enacted. Increase about the requested level are \$300,000 for Portland Metro Greenspaces and \$550,000 for the Middle Rio Grande (Bosque) Research program.
- The conference managers provide \$10.2 million for the Coastal program, including the rescission. This is a net increase of \$0.7 million above the requested level and \$0.8 million below the 2003 enacted level. Changes from the President's budget include \$175,000 for the Hood Canal Salmon Enhancement Group; \$200,000 for Long Live the Kings; and \$300,000 to continue funding provided in 2003 for the Tampa and Florida Panhandle field offices.
- The conference managers fund refuge operations and maintenance at \$388.8 million (including the 0.646 percent reduction): \$13.2 million below the requested level and \$20.4 million above the 2003 enacted level. This includes:

- A \$2.0 million reduction for challenge cost share compared to the requested level,
 - A \$2.0 million reduction for the Land Management Research and Demonstration program,
 - A \$8.0 million reduction for Refuge maintenance,
 - A \$3.0 million reduction for Refuge operations,
 - A \$300,000 increase for Willapa Bay NWR for spartina grass control, and
 - A \$4.0 million increase for minimum staffing requirements.
- The conference managers provide \$32.3 million for Migratory Bird Management, including the 0.646 percent reduction. This is \$1.2 million more than the requested level and \$3.6 million above the 2003 enacted level. Changes from the requested level include an increase of \$575,000 for seabird bycatch reduction and \$800,000 for management of albatross in the north Pacific. The Joint Ventures program is funded at the requested level, less the rescission.
 - The conference managers provide \$54.0 million for Law Enforcement, including the rescission. This is a \$1.3 million increase compared to the request, and a \$2.4 million increase compared to the 2003 enacted level. Changes from the requested level include increases of \$300,000 for the Atlanta, GA Port of Entry, \$700,000 for Memphis, TN Port of Entry, and \$700,000 to establish a Louisville, KY Port of Entry.
 - The conference managers provide \$58.3 million for Hatchery Operations and Maintenance (including the rescission). This is \$0.3 million above the requested level and \$4.2 million above the 2003 enacted level. Changes from the requested level include a decrease of \$1.3 million for Hatchery operations and an increase of \$3.0 million for Washington State Hatchery improvements within Hatchery maintenance.
 - For Fish and Wildlife Management, the conference managers provide \$56.7 million, including the rescission. This is \$11.1 million above the requested level and \$4.1 million above the 2003 enacted level. Increases above the request include:
 - \$250,000 for the Connecticut River Commission,
 - \$100,000 for Montana whirling disease research,
 - \$300,000 for whirling disease research through the National Partnership on Management of Wild and Native Coldwater Fisheries,
 - \$400,000 for the Wildlife Health Center in Montana,
 - \$250,000 for the regional mark processing center,
 - \$1.6 million for Washington State mass marking,
 - \$150,000 for fish passage improvements along railroads in Alaska,
 - \$2.0 million for other fish passage cooperative projects,
 - \$900,000 for Sea Lamprey program administration,
 - \$2.8 million for Yukon River Salmon Treaty obligations,
 - \$500,000 for Great Lakes fish and wildlife restoration, and
 - \$2.2 million for marine mammal population surveys in Alaska.
 - The conference managers provide \$130.7 million for General Operations, including the 0.646 percent reduction. This is a \$400,000 net increase above the requested level

and a \$2.0 million net increase above the 2003 level. Changes from the requested level include a \$400,000 increase for the Caddo Lake Ramsar Center, and \$850,000 for operations and maintenance of NCTC.

- The statement of the managers also notes that the FWS Cost Allocation Methodology is an ongoing concern and needs to be reformed. The statement says that CAM needs to be clearly justified and changes to CAM must be more transparent.

FWS Endangered Species Program

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	<u>Conf +/- 03 Enacted</u>	<u>Conf +/- 04 Budget</u>
Candidate							
Conservation	9,867	8,670	9,920	10,130	9,866	-1	+1,196
Listing	9,018	12,286	12,286	12,286	12,207	+3,189	-79
Consultation/ HCP	47,460	45,734	47,734	46,034	47,426	-34	+1,692
Recovery	65,412	62,029	64,529	66,739	68,310	+2,898	+6,281
Totals	131,757	128,719	134,469	135,189	137,808	+6,051 +4.6%	+9,089 +7.1%

The President's budget included a total of \$128.7 million for the endangered species program, a \$3.0 million reduction compared to 2003. The request included \$12.3 million for listing activities, an increase of almost \$3.3 million. Within the listing program the request included \$8.9 million for critical habitat designations.

The conference managers provide \$137.8 million, an increase of \$9.1 million above the request, and an increase of \$6.1 million above the 2003 enacted level.

Candidate Conservation: The budget request for candidate conservation was \$8.7 million. The conference managers provide \$9.9 million, an increase of \$1.2 million above the requested level. Within this funding level, the conference managers provide increases of \$300,000 for the Idaho Sage Grouse, \$900,000 for Alaska Sea Otter Research, and \$60,000 for Slickspot Peppergrass in Idaho. It is unclear if the conference managers intended to include \$150,000 for Kootenai River Burbot, ID.

Listing: The conference managers fund the listing program at \$12.2 million, \$79,000 below the requested level. This difference is due to the across-the-board rescission. The conference bill includes proposed bill language with a cap of \$12.3 million for listing and a sub cap of \$8.9 million for critical habitat.

Consultation: The conference managers fund the Consultation program at \$47.4 million, an increase of \$1.7 million above the request. Bill language continues \$2.0 million in funding for the Natural Communities Conservation Planning project in California that was proposed for reduction in the President's budget.

Recovery: The conference managers provide \$68.3 million for the recovery program, \$6.3 million above the requested level and \$2.9 million above the 2003 enacted level. This level includes increases of:

- \$515,000 for wolf monitoring in Montana and Wyoming,
- \$2.0 million for Pacific Salmon Grants through the National Fish and Wildlife Foundation,
- \$2.0 million for Atlantic salmon recovery through the National Fish and Wildlife Foundation,
- \$500,000 for recovery of the Lahontan cutthroat trout,
- \$150,000 for freshwater mussel recovery at the White Sulphur Springs NFH in West Virginia,
- \$900,000 for eider recovery work by the Alaska Sea Life Center, and
- \$660,000 million for wolf recovery in Idaho. Within the increase provided for wolves,
 - \$100,000 is for the Nez Perce Tribe,
 - \$100,000 is for the Snake River Basin Fish and Wildlife Service Office, and
 - \$460,000 is for the Office of Species Conservation.

Bureau of Land Management Operations

\$000	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf</u>	Conf+/- <u>03 Enacted</u>	Conf +/- <u>Request</u>
Mgt. Of Lands and Resources	820,345	828,079	834,088	847,091	844,828	+24,483	+16,749
O&C Grant Lands	104,946	106,672	106,672	106,672	105,983	+1,037	-689
Total, BLM Ops	925,291	934,751	940,760	953,763	950,811	25,520 +2.8%	16,060 +1.7%

The 2004 President's budget provided \$934.8 million for BLM operations, a net increase of \$9.5 million over the 2003 enacted level. The budget included program increases to facilitate and stimulate energy development on public lands; reinvigorate forestry management programs to increase timber production and forest health treatments; enhance resource protection and restoration; improve recreational opportunities, access, and services on public lands; and strengthen law enforcement capabilities. The 2004 budget request included a \$2.0 million reduction to the Alaska Conveyance program and reductions of \$2.8 million to be offset through cost recovery proposals.

The conference bill funds BLM operations at \$950.8 million, an increase of \$16.0 above the request and \$25.5 above the fiscal year 2003 enacted level.

Conference action on key proposals in the President's budget request and Congressional changes from the request include the following:

- For Land Resources, the conference bill provides \$182.1 million, including the 0.646 percent reduction. This provides an increase of \$2.7 million above the budget request, mostly the result of funding for earmarks, but the measure also includes an increase of \$1.4 million for monitoring grazing allotments, \$200,000 above the amount Congress provided for this purpose in 2003. The bill restores funding for two invasive species-related earmarks: \$1.0 million to support the National Center

for Ecologically-Based Noxious Weed Management at Montana State University and \$500,000 for the Idaho Department of Agriculture. The bill also restores the \$1.0 million in funding for the San Pedro Partnership in Arizona. Funding for the Rio Puerco watershed project in New Mexico is increased by \$200,000. The conference measure fully funds the \$2.5 million increase requested to strengthen the Public Domain and O&C Forest Management programs.

- For Recreation Management, the conference bill provides \$66.8 million, including the 0.646 percent reduction, essentially level with the request. The bill fully funds \$4.5 million in increases for recreation enhancements and \$350,000 for recreation-related monitoring that were requested in the budget. The bill also restores earmarks of \$1.0 million for the Undaunted Stewardship project and \$396,000 for the Colorado Canyons NCA, and earmarks \$500,000 for Otay Mountains management. These increases are partially offset by a \$1.0 million reduction in base funding for the National Landscape Conservation System. The conference bill accepts the \$300,000 program decrease in the Recreation program associated with a cost recovery proposal.
- For Energy and Minerals, the conference bill provides \$108.2 million, including the 0.646 percent reduction, an increase of \$2.3 million over the request. The bill fully funds the \$425,000 increase requested for Alaska North Slope energy development and the \$2.0 million increase requested for inspection and enforcement activities. The bill also funds the \$550,000 increase requested for geothermal energy development. However, because of Congressional increases provided in 2003, this actually represents a decrease of \$193,000 below the 2003 enacted level. The bill provides an increase of \$3.0 million above the request for addressing the coalbed methane APD backlog. Because of funding increases provided by Congress in 2003, this is \$2.4 million over the 2003 level.
- The Alaska Minerals program is funded at \$2.5 million, including the 0.646 percent reduction, which is \$246,000 above the request.
- For Realty and Ownership Management, the conference bill provides \$93.8 million including the 0.646 percent reduction, an increase of \$12.8 million over the request. This includes an increase of \$9.2 million above the request (or \$5.3 million above the enacted level) to accelerate the Alaska Conveyance program. The bill includes an unrequested \$2.0 million to support GIS mapping and process recordable disclaimer applications in Utah (\$1.0 million) and process recordable disclaimers in Alaska (\$1.0 million), and earmarks an increase of \$225,000 to complete survey activities to support the Spirit/Twin Lakes Omitted Lands Act. The bill also provides an increase of \$750,000 for the Alaska public lands database to fund this earmark at the 2003 enacted level. The bill supports the \$600,000 increase requested in the President's budget for processing rights-of-way for renewable and nonrenewable energy development. The conference measure accepts \$1.5 million of the proposed reduction of \$2.5 million for cost recovery proposals in the President's budget.
- For Resource Protection and Maintenance, the conference bill provides \$81.8 million, including the 0.646 percent reduction, an increase of \$2.2 million over the request. The conference measure fully funds the \$2.7 million increase requested to

strengthen BLM law enforcement capabilities on border areas and to enhance protection of key facilities, and the \$1.0 million increase requested for land use planning. The bill restores funding for several earmarks, including: an increase of \$800,000 to mitigate environmental damage caused by illegal immigration, a \$100,000 increase over the 2003 amount; an increase of \$500,000 for law enforcement at Imperial Sand Dunes, which funds this activity at the 2003 enacted level; and a \$400,000 increase for California Desert Rangers, which is \$200,000 below the enacted level. The bill earmarks an increase of \$1.0 million for implementation of the Mojave Desert resource management plan.

- For Transportation and Maintenance, the conference bill provides \$80.8 million including the 0.646 percent reduction, an increase of \$2.5 million over the request. The conference measure supports the \$600,000 increase in the President’s budget for maintenance improvements at recreation sites. The bill also restores funding for two earmarks to the 2003 enacted level, providing \$2.0 million to continue the repair and replacement of fish passage barriers and \$1.0 million to cap abandoned oil wells in the NPR-A.
- For Challenge Cost Share, the conference bill provides \$16.3 million including the 0.646 percent across-the-board reduction, a decrease of \$4.7 million below the request. This still represents an increase of \$2.4 million above the 2003 enacted level.

Wildland Fire Management

\$000						Conf+/-	Conf +/-
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf</u>	<u>03 Enacted</u>	<u>04 Budget</u>
Preparedness	275,411	282,725	302,725	282,725	275,931	+520	-6,794
Suppression	159,309	195,310	170,310	195,310	194,048	+34,739	-1,262
Other Operations							
Rehabilitation	19,870	24,500	29,500	24,500	24,342	+4,472	-158
non-WUI Fuels	74,448	74,935	74,935	74,935	74,451	+3	-484
WUI Fuels	111,179	111,255	111,255	111,255	110,536	-643	-719
Rural Fire Asst	9,935	10,000	10,000	10,000	9,935	0	-65
Contingency		0	0	75,000		+75,000	0
Supplemental*		<u>99,000</u>	<u>0</u>	<u>0</u>	<u>98,360</u>	<u>+98,360</u>	<u>-640</u>
Total, Fire	650,152	797,725	698,725	773,725	787,603	+212,451	-10,122
						32.7%	-1.3%

*Does not include \$36 million supplemental included in Legislative Branch appropriations bill to repay 2003 fire borrowing.

The President’s budget request for Wildland Fire Management of \$698.7 million represented a \$48.6 million increase over the base 2003 appropriation. (The base excludes \$189.0 million appropriated in 2003 to partially repay funds borrowed from construction and land acquisition accounts.) Specific increases included in the request included \$36.0 million to fund Suppression at the 10-year average, \$4.5 million for the Burned Area Rehabilitation program, and \$7.3 million in Preparedness for increased aviation contract costs and uncontrollable cost increases. A budget amendment in October sought an additional \$99.0 million over the original request to repay 2003 fire borrowing.

The conference measure provides \$787.6 million for the Wildland Fire Management program. This includes \$98.4 million in emergency funds to repay Interior construction and land acquisition accounts for funds borrowed during the 2003 fire season. The emergency funding aside, the 2004 conference funding level represents a reduction of \$9.5 million below the request. This includes decreases of \$1.3 million and \$1.4 million in Suppression Operations and Other Operations, respectively, due to the across-the-board reduction, and a decrease of \$6.8 million in Preparedness comprised of a \$5.0 million program reduction and a \$1.8 million across-the-board reduction.

In addition to the \$98.4 million provided in the FY 2004 Interior Appropriation bill for repaying borrowed funds, the FY 2004 Legislative Branch appropriations bill included \$36.0 million. With these two appropriations, Interior construction and land acquisition accounts will be repaid for \$134.4 million of the \$164.5 million borrowed for suppression operations during the 2003 fire season.

Native American Programs

Unified Trust Budget

\$000					Conf +/-		Conf + /-	
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf</u>	<u>03 Enacted</u>	<u>04 Budget</u>	
Unified Trust*	370,203	552,958	492,958	485,958	455,993	+85,790	-96,965	
						123.2%	82.5%	

*All amounts included in BIA or OST, as described in the following sections.

The 2004 Unified Trust budget request was \$553.0 million, an increase of \$182.8 million or 50 percent above 2003.

The budget included a total of \$130.0 million for historical accounting activities, an increase of \$112.5 million, including funds that would be used to provide for historical accounting activities related to tribal accounts. The 2004 budget proposed \$21.0 million for Indian land consolidation, an increase of \$13.1 million, to expand pilot efforts to reduce the fractionation of individual land ownership interests into a nation-wide program. The 2004 budget provided an increase of \$15.0 million to support the new trust organization, which together with base funding available in BIA and OST, would provide resources needed for the new organization in 2004.

The proposed \$182.8 million increase for trust management reforms included increases of \$29.8 million for a ground-up rebuilding of the BIA IT infrastructure to support trust, as well as non-trust programs, and \$2.5 million for IT security. The 2004 budget also proposed an increase of \$4.5 million to accelerate a new strategy to administer, manage, search, retrieve, and store trust records.

The conference bill provides a total of \$456.0 million for the Unified Trust budget, a reduction of \$97.0 million below the request, but \$85.8 million above 2003. The bill provides all the increases requested except for historical accounting and BIA IT initiatives. The bill provides only \$45.0 million for historical accounting, \$85.0 million below the request, but \$29.1 million above 2003. Bill language limits the funding and scope of historical accounting activities to be conducted in FY 2004, and places a hold on requiring an accounting under the 1994 Trust Management Reform Act until Congress

amends the Act, or December 2004. The bill provides \$38.7 million for BIA's requested information technology investments, a reduction of \$10.0 million from the request, but \$22.3 million above 2003.

Conferees provide \$21.8 million for Indian Land Consolidation, an increase of \$13.9 million above 2003, and \$0.9 million above the request.

See the OST discussion below for additional information concerning historical accounting and land consolidation.

Office of the Special Trustee for American Indians

\$000					Conf +/-		Conf +/-	
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf</u>	<u>03 Enacted</u>	<u>04 Budget</u>	
OST	140,359	274,641	219,641	219,641	+188,416	+48,057	-86,225	
Indian Land Consolidation	7,928	20,980	20,980	22,980	+21,838	+13,910	858	
Total	148,287	295,621	240,621	242,621	+210,254	+61,967	-85,367	
						41.8%	-28.9%	

The 2004 budget request for OST included \$274.6 million, an increase of \$134.3 million, or 96 percent above the 2003 enacted level and provided additional funds for trust operations, reform activities, and historical accounting.

The budget proposed \$130.0 million for the Office of Historical Trust Accounting, an increase of \$112.5 million. The budget also requested increases of \$15.0 million for new trust officers in field locations, \$6.8 million for an expanded records and litigation support program, and \$2.5 million for costs associated with the mandated Special Master, associated contractors, Special Master-Monitor, and ongoing litigation support. The 2004 budget request reflected full ongoing operations of the trust funds accounting system and proposed a \$1.5 million increase, for a total of \$18.9 million, to continue improvements to financial services to beneficiaries through trust funds accounting system operations.

The conference bill provides \$188.4 million for OST (excluding Indian Land Consolidation), a decrease of \$86.2 million below the request level, but an increase of \$48.1 million above the 2003 enacted level. The bill provides all the increases as requested except for historical accounting. The bill includes only \$45.0 million for historical accounting, a decrease of \$85.0 million from the request, and an increase of \$29.1 million above the 2003 enacted level.

The conference agreement includes bill language on the funding for and scope of historical accounting activities to be conducted in FY 2004. The language provides that:

- Not to exceed \$45.0 million shall be available for records collection and indexing, imaging and coding, accounting for per capita and judgment accounts, accounting for tribal accounts, reviewing and distributing funds from special deposit accounts, and program management of the Office of Historical Trust Accounting, including litigation support.
- Nothing in the American Indian Trust Management Reform Act of 1994, Public Law 103-412, or in any other statute, and no principle of common law, shall be construed or applied to require the Department of the Interior to commence or

continue historical accounting activities with respect to the Individual Indian Money Trust until the earlier of the following shall have occurred: (a) Congress shall have amended the American Indian Trust Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Department of the Interior with respect to the Individual Indian Money Trust; or (b) December 31, 2004.

The statement of the managers also includes extensive report language regarding historical accounting, addressing Congressional concerns about the scope of the accounting, the potential for an accounting to divert funds away from other high-priority programs, and the need for Congress to act to delineate the exact scope of the historical accounting called for in the 1994 Act.

The statement of managers also explains that the limitation language in the bill included in order “to provide time for thoughtful action” on the scope of historical accounting and that funds available to the Department for historical accounting are limited to fund “those activities that need to be accomplished and can be accomplished in the short-term.”

The bill continues bill language to:

- Utilize any unobligated balances from prior appropriations acts for OST or BIA for trust management reform, other than historical accounting;
- Hire administrative law judges to address Indian probate backlog;
- Limit compensation for the Special Master and Special Master-Monitor in *Cobell v. Norton* to 200 percent of the highest SES rate of pay; and
- Pay private attorneys for the costs of legal representation for employees and former employees incurred in connection with *Cobell v. Norton*.

New bill language is added for:

- A Trust reform demonstration project by self governance tribes operating separate and apart from the Department of the Interior's trust reform reorganization, but under the same fiduciary standards as those to which the Secretary of the Interior is held, provided that they demonstrate to the satisfaction of the Secretary that they have the capability to do so.

The conferees provide \$21.8 million for Indian Land Consolidation, an increase of \$13.9 million above 2003, and \$0.9 million above the request. The land consolidation program is funded in OST, rather than in BIA as proposed in the request. In accordance with Senate direction, the funding for land consolidation should go to reservations where tribal leadership has taken an active role in supporting other activities to slow the rate of fractionation of ownership. The increase above the request is to support the land consolidation efforts of the Quapaw Nation.

Bill language is included to provide additional authorities for land consolidation. The language is based on language under the ILCA heading in the 2001 Appropriations Act.

Bureau of Indian Affairs

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	Conf +/- <u>03 Enacted</u>	Conf +/- <u>04 Budget</u>
OIP	1,845,565	1,889,735	1,902,106	1,912,178	1,903,938	+58,373	+14,203
Const.	345,988	345,154	345,154	351,154	348,886	+2,898	+3,732
L&W Settlements	60,553	51,375	55,583	50,583	55,224	-5,329	+3,849
G. Loans	5,457	6,497	6,497	6,497	6,455	+998	-42
ILCA	0	[20,980]	0	0	0	0	0
BIA Total	2,257,563	2,292,761	2,309,340	2,320,412	2,314,502	+56,939 +2.5%	+21,741 +0.9%

FY 2003 OIP includes \$0.318m in reappropriation from Sec. 113 expiring loan balances for trust management improvement.

Indian Land Cons was requested in the 2004 BIA President's budget but the transfer was not allowed. For reporting purposes all ILCA funding is reported in OST.

The President's budget request funded BIA at \$2.293 billion, an increase of \$35.2 million or 1.6 percent above the 2003 enacted level. The request emphasized areas of priority concern in Indian country, including funding for continued improvement in trust management services, detention center operations, Indian land consolidation and education. The budget included an increase of \$32.3 million for information technology improvements related to trust reform, as well as an increase of \$5.2 million for trust-related resource management programs. In addition, the budget included an increase of \$8.0 million for new detention centers that will become operational in 2004. The budget continued support of Indian education programs with a total increase of \$16.0 million.

The conference bill funds the BIA at \$2.315 billion, an increase of \$21.7 million, or 0.9 percent over the President's budget and an increase of \$56.9 million, or 2.5 percent, over the 2003 enacted level.

The bill supports funding for trust reform including requested increases for BIA forestry and energy programs. The bill provides an increase of \$22.0 million for information technology, \$10.0 million below the request, but \$22 million above enacted. Conferees also add funding for Alaska Legal Services as part of Trust Services. Trust funding is more completely covered in the Unified Trust section, above.

The conference agreement provides a \$3.5 million increase above the request for new detention center operations. The total increase in funding for law enforcement is \$2.4 million above the president's request and \$11.2 million above the 2003 enacted level.

The conference bill provides \$525.1 million for elementary and secondary school operations, an increase of \$12.5 million above 2003 enacted but \$3.4 million below the President's request. The bill includes an increase of \$4.8 million for ISEP formula funds, \$1.0 million for student transportation, \$2.0 million for facilities operations, and \$1.1 million for administrative cost grants. In addition, the bill includes the requested \$3.0 million to establish a fund, similar to the Indian Self-Determination fund that will cover

start-up administrative costs. The fund will encourage Tribes to assume responsibility for the remaining schools that are still being managed by the Bureau.

The bill provides \$296.7 million for Education construction, \$2.9 million more than the enacted level and \$4.0 million more than the President's request. Indian school replacement and major facilities improvement and repair projects are funded at the 2003 enacted level, but \$1.9 million less than the President's request. The bill provides \$3.0 million over the 2003 enacted level and \$6.0 million over the President's request for the tribal school construction demonstration program designating the Redwater Elementary School in Mississippi (a BIA- funded school) as a recipient of funding under this program in 2004. In addition, the bill designates the Saginaw Chippewa school as a recipient of 2003 demonstration program carryover funds.

The conference agreement includes House bill language amending a 2003 provision reestablishing a demonstration program of matching grants to Tribes to replace tribally controlled schools. The amendments make clear that non-BIA schools that meet the eligibility criteria of the Tribally Controlled Schools Act of 1988 may participate in the demonstration program but provide that applications for funding to replace schools that currently receive funding for operations and maintenance from BIA receive the highest priority consideration.

Report language directs the Secretary to submit a new Indian school replacement priority list by February 15, 2004 containing a sufficient number of schools to continue the replacement school program through fiscal year 2007.

Report language allows the Bureau to use up to \$1.0 million of carryover for the Chiloquin Dam removal study.

The bill provides \$48.9 million for tribally controlled colleges and universities, \$9.7 million above the President's request and \$6.0 million over the enacted level. Report language directs that the \$9.7 million increase be allocated to the Title II institution at a level commensurate with the fiscal year 2003 grant.

The bill also adds \$518,000 for specific use by the National Ironworkers Training Program, \$447,000 for the United Sioux Tribe Development Corporation, \$745,000 for the Alaska Native Aviation Training program, \$1.2 million for the Western Heritage Center Distance Learning and Tribal Histories project, \$745,000 million for the Rocky Mountain Technology Foundation's Distance Learning project, \$1.0 million for the Salish and Kootenai Nursing program, and \$745,000 for the Rural Alaska Fire Program.

The bill funds \$775.2 million for tribal priority allocations, \$2.7 million over the 2003 enacted level and \$2.5 million less than the President's request. The bill adds \$556,000 to provide base funding for newly recognized tribes. Tribal courts are funded at \$18.0 million, \$1.0 million over the 2003 enacted level and \$883,000 over the President's request. Welfare assistance is funded at \$86.4 million, a reduction of \$1.0 million from the 2003 enacted level, but \$438,000 million over the President's request.

The bill provides an additional \$248,000 for the Branch of Acknowledgement and Research, but reduces funding for other programs in the tribal government services

activity by \$497,000 under the 2003 enacted level. Report language urges the Bureau to complete its review of the Mashpee Wampanoag Indians' petition for Federal recognition.

The bill provides \$55.2 million for Indian Land and Water Claims Settlements, \$367,000 less than the 2003 enacted level and \$8.8 million more than the president's request. The conference accommodates revised needs which arose from the 2003 across the board rescission but the 2004 0.646 percent across-the-board reduction effectively eliminates the adjustment.

The conference bill adds \$4.97 million for the Quinault Indian Nation for the north boundary settlement agreement, which had been requested in the President's budget in the Fish and Wildlife Service. Bill language also provides that an additional \$4.97 million for this settlement will be transferred to the BIA from prior year U.S. Fish and Wildlife Service land acquisition appropriations for this purpose.

The bill provides \$1.7 million in funding for the Chippewa/Ottawa Treaty fisheries, the same as the 2003 enacted level, but \$1.0 million over the President's request. The bill also adds \$8.0 million in funding for natural resource programs and projects not included in the request, including the Washington State Timber-Fish-Wildlife Project, the Intertribal Bison management program, Lake Roosevelt management, Alaska Sea Otter Commission, Bering Sea Fishermen's Association, Chugach Regional Resources Commission, Upper Columbia United Tribes and Wetlands/Waterfowl management. The bill also provides additional funding for the Seminole tribe to address water quality programs as part of the Everglades restoration.

Language in the House and Senate reports, and the statement of the conference managers includes the following:

- Conference report language directs BIA to enter into annual reimbursable support agreements with the Bureau of Reclamation for the operation and maintenance of the Assiniboine Sioux Rural Water System.
- Senate report language directs BIA to report by November 28, 2003, on its proposal to establish a pilot program to reduce child abuse.
- Senate report language directs BIA to direct additional non-recurring forestry program dollars to projects that are likely to provide additional employment and revenue, and to direct the increase in the Minerals and Mining program to projects that will increase energy production on Indian lands. BIA is expected to consult with the White House Task Force on Energy Project Streamlining.
- The Senate report language expresses concern about the degradation of BIA water and irrigation projects. BIA is expected to solicit input from field personnel as it ranks projects for rehabilitation and to take into account regional economic impacts.
- The Senate directs BIA to provide the Committee and tribes, within 120 days of enactment of this legislation, with a legal opinion as to the Bureau's responsibility for the Wind River Irrigation Project, and a plan to address the proposed \$10.2 million rehabilitation cost.
- Conference report language reflects the Committee's concern about the number of tribes that are attempting to claim reservation rights in another state for gaming purposes.

- House and Senate report language encourages BIA to expand the number of internship slots it makes available for the Washington Semester Indian Program, hosted by American University, and to accommodate participants in a second-year internship program.
- The conference bill includes language under BIA Administrative Provisions to allow BIA to contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Maintaining America's Heritage

Maintenance

\$000	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	Conf +/- <u>03 Enacted</u>	Conf +/- <u>04 Budget</u>
BLM							
MLR	82,786	78,344	80,344	79,344	80,819	-1,967	+2,475
O&C	10,887	10,911	10,911	10,911	10,841	-46	-70
Wildland Fire	<u>12,294</u>	<u>12,374</u>	<u>12,374</u>	<u>12,374</u>	<u>12,294</u>	+0	-80
Subtotal, BLM	105,967	101,629	103,629	102,629	103,954	-2,013	+2,325
USGS	32,209	33,151	33,151	33,026	32,937	+728	-214
FWS	114,379	129,113	123,513	120,977	120,181	+5,802	-8,932
NPS	519,696	569,695	569,166	567,294	563,566	+43,870	-6,129
BIA	<u>75,392</u>	<u>77,893</u>	<u>77,893</u>	<u>77,893</u>	<u>77,390</u>	+1,998	-503
Total	847,643	911,481	907,352	901,819	898,028	+50,385	-13,453
						+5.9%	-1.5%

The Administration's 2004 budget proposal included \$911.5 million for annual, deferred, and cyclic maintenance programs in BLM, USGS, FWS, NPS, and BIA.

The conference bill provides \$898.0 million, \$13.5 million below the request and \$50.4 million above 2003. These totals include the across the board reduction. Conference changes to the request include: BLM (+\$2.3 million); FWS (-\$8.9 million); and NPS (-\$6.0 million).

Details on NPS deferred maintenance follow the Construction discussion.

Construction

\$000	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	Conf +/- <u>03 Enacted</u>	Conf +/- <u>04 Budget</u>
BLM	11,898	10,976	10,976	12,476	13,886	+1,988	+2,910
FWS	54,073	35,393	52,718	53,285	60,163	+6,090	+24,770
NPS	328,212	327,257	303,199	342,131	331,837	+3,625	+4,580
BIA Education	293,795	292,634	292,634	298,634	296,705	+2,910	+4,071
BIA Other	<u>52,193</u>	<u>52,520</u>	<u>52,520</u>	<u>52,520</u>	<u>52,181</u>	-12	-339
Subtotal, BIA	345,988	345,154	345,154	351,154	348,886	+2,898	+3,732
Total	740,171	718,780	712,047	759,046	754,772	+14,601	+35,992
						+1.9%	+5.0%

The President's budget requested \$718.8 million for construction. The conferees provide \$754.8 million, \$36.0 million or five percent above the request and \$14.6 million

higher than 2003.

Ninety-one of the 100 requested projects are funded either in whole or part. In addition, 65 add-on projects totaling \$83.5 million are provided. All figures in this Construction section reflect the 0.646 percent across-the-board cut. Specifics for each bureau follow:

BLM: The conference funds the requested projects and two add-ons, for a total of \$13.9 million. Funding for add-on projects includes \$2.0 million for Agua Caliente site preparation in California and \$1.0 million for the California Trail Interpretive Center in Elko County, Nevada.

FWS: The \$60.2 million conference mark funds all but two of the projects requested in the President's budget and provides \$26.7 million in funding for 25 add-on projects. The \$1.0 million requested for Phase I of a program to replace aircraft used to survey migratory birds is provided, accompanied by conference report language requiring that FWS work closely with the DOI Office of Aircraft Services to develop a plan for replacement of aircraft. Also funded is the \$5.0 million for the Ted Stevens Anchorage International Airport. Not funded are the construction phases of the Ottawa and Savannah NWRs Centennial Legacy project visitor centers.

Included in the 25 add-on projects are funds for security upgrades of \$760,000 at the Clark R. Bavin Forensics Laboratory and \$695,000 for Service-wide improvements. Six visitor centers also receive funding for some phase of construction/renovation: the Joe Skeen Visitors Center at Bitter Lake NWR in New Mexico, Kodiak NWR in Alaska, Mammoth Springs NFH in Arkansas, Neosho NFH in Missouri, Silvio O. Conte NWR in Vermont, and Wolf Creek NFH in Kentucky.

NPS: The conference bill provides \$331.8 million for NPS, including \$215.6 million in line-item construction projects. Included are requested funds for the Iwo Jima Memorial in Virginia, security upgrades for the Jefferson National Expansion Memorial in Missouri and the Jefferson Memorial and the Washington Monument in the District of Columbia. The conference bill does not fund seven projects requested in the President's budget and provides 38 add-on projects totaling \$53.8 million. Five of the projects are not funded because of delays in construction project schedules. The sixth project, a \$15.0 million request for the President's Park security improvements in the District of Columbia is not provided. Based on both House and Senate report language, funds for the security improvements are to be included in the 2004 Transportation appropriations bill. The \$5.1 million for the Independence NHP in Pennsylvania security fence and screening structure is not provided because of unresolved issues among NPS, DOI, the Department of Homeland Security, and local interests.

Among the 38 add-on projects totaling \$53.8 million, the conference bill provides \$5.0 million for the Lincoln Library in Illinois, \$497,000 for planning of the Tuskegee Airman National Historic Site in Alabama, \$1.5 million for Dayton Aviation National Historic Park in Ohio, \$2.7 million for the Eleanor Roosevelt National Historic Site in New York, \$949,000 for the Frederick Douglass NHS in the District of Columbia, and \$4.9 million for the St. Croix National Scenic River in Wisconsin.

Funding for the Washington Monument of \$15.0 million is to construct barriers around the Washington Monument. Conference bill language continues a Senate prohibition on the use of funds to plan, design or construct underground security screening or visitor contact facilities at the Washington Monument until approval by the House and Senate Appropriations Committees.

BIA: The President’s request for BIA proposed \$292.6 million for seven replacement schools, eight facility improvement and repair projects, and \$52.5 million for other construction programs/projects. The conference bill provides \$296.5 million, an increase of \$4.1 million over the request and \$2.9 million more than 2003 enacted. Included within the total is \$6.0 million for the tribal school construction demonstration program, which was not requested in the President’s budget.

Funds in the tribal school construction demonstration program are for Redwater Elementary School in Mississippi. The Saginaw-Chippewa Tribal School in Michigan is to be funded from carryover funds appropriated in 2003.

A detailed list of construction projects for the bureaus is included in Attachment 3.

National Park Service Deferred Maintenance Backlog

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	<u>Conf +/- 03 Enacted</u>	<u>Conf +/- 04 Budget</u>
ONPS/Facility							
Maintenance	329,200	378,501	378,670	376,152	373,798	+44,598	-4,703
Construction	<u>328,212</u>	<u>327,257</u>	<u>303,199</u>	<u>341,531</u>	<u>331,837</u>	+3,625	+4,580
Total	657,412	705,758	681,869	717,683	705,635	+48,223	-123
						+13.5%	-1.2%

The President’s budget request included \$705.8 million, an increase of \$59.8 million, in support of the Administration’s commitment to manage the NPS deferred maintenance backlog. The budget included an additional \$13.8 million for repair and rehabilitation projects and \$4.7 million for condition assessments. An additional \$14.3 million was requested for cyclic maintenance to fund preventative maintenance projects at park units.

The conference agreement provides a total of \$705.6 million for facility maintenance and construction, a decrease of \$123,000 from the President’s budget, but \$48.2 million above 2003. The conference bill provides an increase of \$14.3 million for cyclic maintenance, as requested. The conference level also includes a total increase of \$11.9 million for repair and rehabilitation, including \$9.3 million for repair and rehabilitation projects and \$2.6 million for facility condition assessments.

Science Programs

U.S. Geological Survey

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	Conf +/- <u>03 Enacted</u>	Conf +/- <u>04 Budget</u>
Surveys, Investigations and Research							
Geography	133,206	120,482	130,221	128,889	130,529	-2,677	+10,047
Geology	233,167	221,575	231,435	236,872	235,574	+2,407	+13,999
Water	207,152	200,096	215,178	209,547	216,993	+9,841	+16,897
Biology	169,815	168,875	173,349	169,580	175,565	+5,750	+6,690
Science Support	85,177	91,529	91,529	91,422	91,350	+6,173	-179
Facilities	<u>90,756</u>	<u>92,948</u>	<u>93,948</u>	<u>92,554</u>	<u>93,540</u>	<u>+2,784</u>	<u>+592</u>
Total, SIR	919,273	895,505	935,660	928,864	943,551	+24,278	+48,046
						+2.6%	+5.4%

The 2004 President's budget request for Surveys, Investigations and Research was \$895.5 million, \$23.8 million or three percent below the 2003 enacted level. The request contained \$17.1 million supporting the Administration's commitment to strengthen science support to land and resource management bureaus and to enhance partnership opportunities with States and other Federal agencies in areas including chronic wasting disease, invasive species, geospatial information, and water resource investigations. The increases were offset by decreases in the National Mapping program and the Minerals Resources program.

The 2004 conference bill restores \$37.0 million in reductions proposed in the President's budget, including those made in the National Mapping and Minerals Resources programs, and \$3.0 million in streamlining reductions across the bureau. The conferees fund the USGS at \$943.6 million, a \$48.1 million increase over the President's budget and a \$24.3 million increase over the 2003 enacted level.

The conference agreement funds the Science on the DOI Landscape initiative at \$1.5 million, half of the amount requested in the President's budget.

The Geography (formerly Mapping) discipline is funded at \$130.5 million, \$10.0 million above the request and \$2.7 million below the 2003 enacted level. The bill accepts the \$1.4 million reduction due to the CINDI closure, but restores \$4.4 million in data collection activities, \$2.8 million in mapping research, and \$2.8 million of the IT reduction. The bill also provides \$1.1 million for specific projects, including the development of partnerships for the enhancement and expansion of the National Map.

The \$1.5 million increase for the Geospatial One-Stop initiative is not funded. The conferees provide language recognizing the significance of Landsat data and direct the Survey to work with Federal agencies and other users to determine the current usefulness of the degraded Landsat 7 data and the interest from the user community for continued data purchase. The managers also encourage Federal agencies to use the Survey as their Landsat data provider. The conferees provide language supporting USGS efforts to convert its archived remote sensing data to a modern disk based storage system.

The Geology discipline is funded at \$234.7 million, \$14.0 million above the request and \$2.4 million above the 2003 enacted level. The bill includes increases above the request of \$2.4 million for the Advanced National Seismic System, \$1.8 million in volcano monitoring, \$1.2 million in the National Cooperative Geologic Mapping program, and \$2.5 million in the Coastal and Marine Geology program. The bill also includes restorations of \$12.7 million for the Mineral Resources program, including the full restoration of the industrial and aggregate minerals studies, minerals research and assessments, Alaska minerals information at risk program, and the minerals information program. The bill also includes half (\$600,000) of the proposed increase for the National Energy Policy and adds \$1.7 million in specific mineral and energy assessment projects. The bill does not accept the \$4.0 million proposed transfer of Everglades' science funding between the NPS and the USGS and does not fund the request for geothermal assessments.

The Water Resources discipline is funded at \$217.0 million, \$16.9 million above the request and \$9.8 million above the enacted level. The bill restores \$2.4 million to the Toxic Substances Hydrology program and \$6.5 million for the Water Resources Research Institutes and provides half (\$500,000) of the proposed request for the U.S. – Mexico Border Environmental Health Initiative. The bill also provides \$1.8 million in restored earmarks and \$4.0 million in new earmarks for specific projects.

The Biology discipline is funded at \$175.6 million, \$6.7 million above the President's request and \$5.8 million above the 2003 enacted level. The bill provides \$7.8 million in restored funding, including a \$2.8 million increase for the Fire Science program and \$500,000 in additional fixed costs for the Cooperative Research Units. The bill also provides \$1.4 million for chronic wasting disease research, and reduces the President's request for invasive species by \$1.0 million by providing only \$3.0 million and directing \$1.0 million of that to the GeoResources Institute of Mississippi State University. The bill also provides \$2.6 million in earmarked projects, including \$1.5 million for specific NBII nodes, while rejecting the proposed \$1.0 million in increased general NBII funding. The conferees provide language encouraging the USGS to work with existing partnerships on Lake Sturgeon research in Lake Michigan, the Milwaukee River, and the Manitowoc River.

Science Support is funded at \$91.4 million, \$179,000 below the request level and \$6.2 million above the 2003 enacted level. The conferees include a technical adjustment to change amounts that the disciplines contribute to Science Support due to changes in USGS business practices. The bill provides half (\$500,000) of the requested amount for Enterprise GIS and \$600,000 for Accessible Data Transfer. The bill accepts the proposed requests for narrowband radio and IT security.

In the conference agreement, the Facilities activity is funded at \$93.5 million, \$592,000 above the request and \$2.7 million above the 2003 enacted level. The agreement provides \$200,000 for unanticipated construction costs at the Leetown Science Center. The managers provide language stating their concerns with USGS not having sufficient funding for rent, operations and maintenance for all of their science centers within their facilities budget activity. They direct the USGS to develop a funding strategy for paying these costs without jeopardizing ongoing science programs.

Other Bureaus, Offices, and Programs

NPS National Recreation and Preservation

	\$000					Conf +/-	
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	<u>03 Enacted</u>	<u>04 Budget</u>
NR&P	61,266	47,936	54,924	60,154	62,140	+874	+14,204
						+1.4%	+29.6%

The President’s budget request included \$47.9 million for National Recreation and Preservation, a decrease of \$13.3 million below 2003.

The conference mark provides \$62.1 million for National Recreation and Preservation, a net increase of \$14.2 million above the President’s budget request and \$872,000 above the 2003 enacted level. Increases above the President’s budget request are provided for Heritage Partnership commissions and grants (+\$6.7 million), Statutory Aid (+\$8.8 million), and the national register programs (\$765,000).

The conference mark does not include the requested increases for Federal Lands to Parks (-\$300,000), or the rivers and trails program (-\$1.5 million).

From within available funds, \$1.6 million is included as a one-time grant for the Oklahoma City National Memorial Trust. Also, within the additional funds provided to the Service for park operations, \$175,000 is to be used for activities to commemorate the Louisiana Purchase at the Jean Lafitte NHP&P.

The conferees state concern about the findings of the House Committee’s Surveys and Investigative Staff with regard to the use of cooperative agreements in the rivers, trails and conservation assistance program. Within 60 days of enactment of this Act, the Service is directed to address the issues raised in the study in a report to the House and Senate Committees on Appropriations.

NPS Historic Preservation Fund

	\$000					Conf +/-	
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	<u>03 Enacted</u>	<u>04 Budget</u>
Historic Pres.	36,760	37,000	37,000	40,250	37,754	+994	+754
Save Amer.							
Treasures	29,805	30,000	30,000	32,000	32,787	+2,982	+2,787
Natl Trust	1,987	---	---	500	497	-1,490	+497
HBCUs	---	---	<u>4,000</u>	<u>3,000</u>	<u>2,981</u>	<u>+2,981</u>	<u>+2,981</u>
Total	68,552	67,000	71,000	75,750	74,019	5,467	7,019
						+2.7%	+2.0%

The President's budget request included \$67.0 million for the NPS Historic Preservation Fund. This included \$37.0 million in grants to States, Territories and Tribes and \$30.0 million for the Save America's Treasure program. The President did not request continued funding for the National Trust; last year Congress added \$2.0 million for this program. Overall, the 2004 request is a \$1.6 million decrease from the 2003 enacted level.

The conference agreement provides \$74.0 million for HPF programs. At the conference level, grants to States, Territories and Tribes are funded at \$37.8 million. The Save America's Treasures program is funded at \$32.8 million, \$2.8 million above the President's budget request. An additional \$3.0 million is provided for Historically Black Colleges and Universities; these funds are competitive and cost shared at 70 percent federal, 30 percent private. The conferees also provided \$500,000 for the National Trust.

Minerals Management Service

	\$000					Conf +/-	
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	<u>03 Enacted</u>	<u>04 Budget</u>
Direct							
Appropriation	170,312	171,321	171,321	173,121	171,307	+995	-14
Offsetting							
Collections	<u>100,230</u>	<u>100,230</u>	<u>100,230</u>	<u>100,230</u>	<u>100,230</u>	+0	+0
Total	270,542	271,551	271,551	273,351	271,537	+995	-14
						+0.4%	-0.0%

The President's budget request included \$271.6 million for the Minerals Management Service, a net increase of \$1.0 million above the 2003 enacted level. Offsetting receipts were estimated to be \$100.2 million, the same as the 2003 enacted level. The request for direct appropriations was \$171.3 million, including an increase of \$2.8 million in uncontrollable costs, \$1.6 million for anticipated increases in the Gulf of Mexico workload, \$3.9 million for e-government, and \$1.0 for the National Oil Spill Response Test Facility. The request also included a net decrease of \$3.0 million available from the completion of the royalty-in-kind system procurement. The budget included a reduction of \$2.3 million for IT systems streamlining and an increase of \$645,000 for IT security.

The conference mark provides a total of \$271.5 million. This is \$14,000 below the request and \$995,000 above 2003 including \$100.2 million in offsetting collections from

retained OCS rental payments. The mark includes the 0.646 percent across-the-board reduction, which amounts to \$1.1 million.

The mark for resource evaluation in the Outer Continental Shelf lands includes: \$800,000 for the Center for Marine Resources and Environmental Technology and \$800,000 for the Marine Mineral Technology Center in Alaska. The conference action also directs that \$150,000 be provided for the Alaska Whaling Commission from within base funding, and that \$900,000 be allocated for the Offshore Technology Research Center from within the funds provided for the regulatory program. The regulatory program is reduced by \$500,000.

The conference mark continues bill language prohibiting the use of Outer Continental Shelf funds for leasing and development in certain areas. The conference agreement also deletes moratoria language on leasing activities in the North Aleutian Basin, which it considers largely irrelevant due to the agency's 5-year development plan. The conference mark gives MMS the authority to utilize receipts accruing from rental rates in effect prior to 1993 to augment offsetting collections retained from rental receipts above these rates should this become necessary to reach intended operating levels.

Office of Surface Mining

\$000						Conf +/-	
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	<u>03 Enacted</u>	<u>04 Budget</u>
Reg & Tech	104,682	106,699	106,699	106,699	106,010	+1,328	-689
AML	<u>224,278</u>	<u>174,469</u>	<u>194,469</u>	<u>190,893</u>	<u>191,722</u>	<u>-32,556</u>	<u>+17,253</u>
Total	328,960	281,168	301,168	297,592	297,732	-31,228	+16,564
						-9.5%	+5.9%

The President's budget included \$281.2 million for OSM programs, a net decrease of \$47.8 million from the 2003 enacted level. The 2003 enacted level included a \$33.8 million transfer to the United Mine Workers Association. Changes from the 2003 enacted level included an increase of \$1.6 million for uncontrollables and a \$16.4 million decrease in AML grants.

The conference mark provides a total of \$297.7 million, \$16.6 million above the request and \$31.2 million below 2003. The funding for Regulation and Technology in the conference mark supports the President's budget except for the 0.646 percent across-the-board decrease.

The conference mark funds AML environmental restoration grants to States and Tribes at \$175.6 million, which is \$941,000 above the enacted level and \$17.4 million above the President's budget. The conference mark includes bill language that funds minimum program State grants at \$1.5 million and continues the Appalachian clean streams initiative at \$10.0 million. The conference mark also includes language specific to the State of Maryland authorizing the State to set aside the greater of \$1.0 million or ten percent of the total of the grants made available to the State.

Office of Insular Affairs

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf.</u>	<u>Conf +/- 03 Enacted</u>	<u>Conf +/- 04 Budget</u>
Assistance to Territories	75,903	71,343	74,343	71,343	76,029	+126	+4,686
Compact of Free Association	<u>20,962</u>	<u>16,125</u>	<u>16,354</u>	<u>16,434</u>	<u>6,405</u>	<u>-14,557</u>	<u>-9,720</u>
Total	96,865	87,468	90,697	87,777	82,434	-14,431	-5,034
						+0.2%	+6.6%

The 2004 President's budget request for the Office of Insular Affairs proposed \$87.5 million in current appropriations. Included within the Assistance to Territories request was increased funding to support additional staffing and office requirements needed to monitor the proposed \$165.4 million in Compact of Free Association grant assistance and to begin development of a marine invasive species early warning system. The budget proposed reductions within Assistance to Territories, reducing earmarks for Compact Impact Aid (to be transferred to the permanent Compact legislation), the prior service trust fund, infrastructure needs of the U.S. Virgin Islands, and increased Enewetak support. The request for Compact of Free Association included a transfer of \$4.6 million in funding to the Weather Service and Federal Aviation Administration for the services that these agencies are providing in the insular areas.

The conference bill funds OIA at \$82.4 million, \$5.0 million below the request and \$14.4 million below the 2003 enacted level. Assistance to Territories is funded at \$76.0 million, \$4.7 million above the request and \$126,000 above the enacted level. The conferees accept all of the proposed changes requested for this account. Increases above the request in Assistance to Territories include \$2.0 million for CNMI water system rehabilitation (focused on Saipan), \$3.0 million in technical assistance to be used to address the Prior Service Benefits issue, Compact implementation, and other high priority needs of the territories and the Freely Associated States, including economic development activities. The statement of the managers notes that the additional funding for technical assistance should be used in consultation with both the House and Senate Committees on Appropriation. The managers also include bill language encouraging a grant for the Pacific Basin Development Council.

The bill provides current Compact of Free Association funding at \$6.4 million, \$9.7 million below the request and \$14.5 million below the 2003 enacted level. The reduction in funding reflects the \$10.0 million that has been transferred to mandatory activities under the new financial arrangements of the Compact of Free Association. The Managers accepted the President's request to transfer \$4.6 million to the FAA and Weather Service. The bill also provides an increase of \$309,000 for increased Enewetak support. Compact language provides full year funding for everything in the modified Compact legislation except the trust funds, which receive no funding, and impact aid, funded at \$15.0 million. This language is in effect until the new Compact legislation is enacted.

Departmental Offices

\$000							
	<u>03 Enacted</u>	<u>04 Budget</u>	<u>House</u>	<u>Senate</u>	<u>04 Conf</u>	Conf +/- <u>03 Enacted</u>	Conf +/- <u>04 Budget</u>
Dept. Mgmt.*	71,957	97,140	76,027	77,033	82,533	+10,576	-14,607
Take Pride**	0	1,000	[600]	0	[497]	[+497]	[+497]
House Reduction	0	0	[-3,000]	0	0	0	0
FBMS***	0	[13,836]	0	0	0	0	[-13,836]
Kendall County, IL	0	0	0	0	[5,000]	[+5,000]	[+5,000]
Foreign Currency	0	0	0	[-1,400]	[-1,400]	[-1,400]	[-1,400]
FBMS/WCF***	0	0	0	11,700	11,624	+11,624	+11,624
WCF Cancellation	0	0	-20,000	-11,700	-20,000	-20,000	-20,000
PILT	218,570	200,000	225,000	230,000	226,030	+7,460	+26,030
Solicitor	47,462	50,374	50,374	50,179	50,049	+2,587	-325
Inspect. General	36,003	39,049	39,049	37,474	38,499	+2,496	-550
NRDA	<u>5,502</u>	<u>5,633</u>	<u>5,633</u>	<u>5,633</u>	<u>5,597</u>	+96	-36
Total	379,493	392,196	376,083	400,319	394,332	+14,839	+2,136
						+3.9%	+0.5%

*2004 President's budget request for Departmental Management was \$97.1 million including \$13.8 million for FBMS

**Take Pride in America 2004 request of \$1.0 million in NPS

***FBMS requested in Departmental Management in President's budget, Senate and conference bills fund in Working Capital Fund

For Departmental Management, the President's budget request of \$97.1 million proposed strategic investments to address important Department-wide needs, including:

- \$13.8 million for migration to a new Department-wide financial and business management system;
- \$1.4 million for improved security of information technology systems;
- \$800,000 for implementation of a comprehensive program for workforce management;
- \$200,000 for implementation of the President's Management Agenda;
- \$405,000 for improvement of Interior's capacity to evaluate program performance;
- \$200,000 for Collaborative Action and Dispute Resolution;
- \$400,000 for further improvements to the Department's law enforcement and security program; and
- \$4.3 million for uncontrollable expenses *i.e.* rent increases and pay raises.

The conference mark provides \$82.5 million, a decrease of \$14.6 million from the request, but \$10.6 million above 2003. The conference agreement funds requested increases for uncontrollable expenses, improved IT systems security, and law enforcement and security program enhancements. The conferees provided \$497,000 for the Take Pride in America program originally requested in the NPS budget (and called public lands volunteers). The conference agreement does not include a \$3.0 million reduction adopted in House floor action that would have increased funding for NEA and NEH. The conference agreement includes \$5 million for a grant to Kendall County, Illinois (\$146 of the conference bill). The conference agreement cancels \$1.4

million in unobligated balances in the special foreign current account, an account that has not had activity for several years. The last appropriation to this account was in 1986 and funded activities in India.

Working Capital Fund/Financial and Business Management System

The President's budget requested \$13.8 million in Departmental Management for the first phase of the Department's migration to a new financial and business management system. The conference agreement includes \$11.6 million funded in the Working Capital Fund. In addition, the conference agreement cancels \$20.0 million of the Department's Working Capital Fund unobligated balances.

Payments in Lieu of Taxes

The conference agreement accepts Interior's proposal to transfer the Payments in Lieu of Taxes program from BLM to the Office of the Secretary and increases funding for PILT to \$226.0 million, \$26.0 million above the President's request of \$200 million.

Office of the Solicitor

For the Office of the Solicitor, the President's budget included \$50.4 million including the following increases:

- \$395,000 for the Ethics function;
- \$1.7 million for uncontrollable expenses *i.e.* rent increases and pay raises; and
- \$1.1 million for the Office's information technology infrastructure and security requirements.

The conference mark funds the Solicitor's appropriation as requested minus the across-the-board reduction. The Senate's proposed decrease to the Ethics function was not accepted.

Office of Inspector General

For the Office of Inspector General, the budget request is \$39.0 million and included the following increases:

- \$1.1 million for uncontrollable expenses;
- \$506,000 to conduct discretionary audits and reviews related to high priority areas;
- \$572,000 for seven criminal investigative staff to support investigations involving high risk/high impact issues;
- \$627,000 for homeland security efforts including assessing Interior's use of counter-terrorism funds received in prior years; and
- \$190,000 for information technology security accreditation and certifications.

The conference mark funds the Office of Inspector General at \$38.5, a reduction of \$550,000 below the request, but \$2.5 million above 2003. The reduction in conference reflects a \$300,000 reduction to the program integrity budget request and \$250,000 for the across-the-board reduction. The conference agreement realigns funding for uncontrollables as requested in the President's budget by reducing the audit function by \$90,000, reducing the investigations function by \$100,000, and increasing the policy and management function by \$190,000.

Natural Resource Damage Assessment and Restoration Fund

For the Natural Resource Damage Assessment and Restoration Fund, the budget included \$5.6 million. The conference mark funds the program at the request level.

MAJOR LEGISLATIVE LANGUAGE ITEMS

Title I – General Provisions, Department of the Interior

Title I of the conference bill includes a number of legislative provisions, including the following:

Outer Continental Shelf Moratoria. As requested in the President’s budget, the Conference agreement continues the moratoria on OCS oil and gas activities, with the exception of the moratorium on oil and gas activities in the Aleutian Basin planning area. The Statement of the Managers states that this area is outside the scope of the 5-year OCS development plan. (§§107-109)

Huron Cemetery (KS). The conference bill retains prior year language making the Secretary of the Interior responsible for ensuring that the Huron Cemetery in Kansas City, Kansas, is used only for religious and cultural uses that are compatible with the use of the land as a cemetery and burial ground. (§116) A related item (§131) provides that nothing in §134 of the 2002 Interior Appropriations Act affects the decision in *Sac and Fox Nation v. Norton*, 240 F.3d 1250 (10th Cir. 2001). Section 134 dealt with the authority of the Secretary of the Interior to determine whether tribal land is “Indian land” for purposes of the Indian Gaming Regulatory Act.

White River Oil Shale Mine, Utah. The President’s budget included language permitting the sale of improvements and equipment at the White River Oil Shale Mine in Utah and the retention and use of these funds by BLM and GSA. The conference agreement includes the language. (§120)

Virgin River Dinosaur Footprint Preserve. The conference bill retains a Senate general provision providing a \$500,000 grant to St. George, Utah for the purchase of land for the Preserve. (§122)

Ice Age Scenic Trail. The conference bill authorizes Federal land acquisition funds provided in the bill for the Shenandoah Valley Battlefields National Historic District, the New Jersey Pinelands Preserve and the Ice Age Scenic Trail to be granted to State, local or other government management entities. (§123)

Carlsbad Caverns. The conference bill continues a longstanding limitation on the use of funds to enter into a concessions contract permitting or requiring the removal of the underground lunchroom at Carlsbad Caverns NP. The budget proposed to eliminate this provision. (§124)

Bridge Demolition. The conference bill continues a provision that prohibits the use of funds for demolition of a bridge between Jersey City, New Jersey, and Ellis Island or to

prevent pedestrian use of the bridge. The budget had proposed to eliminate this provision. (§125)

Cape Canaveral. The bill continues a provision that prohibits the use of funds to designate or to post any sign designating any portion of the Canaveral National Seashore as clothing optional. The budget has proposed to discontinue this provision as unnecessary. (§127)

Special Master/Court Monitor. The bill revises a 2003 provision on compensation for the Special Master and Court Monitor. As revised, the provision prohibits any funds in the Interior Appropriations Act or any other Act from being used to compensate the Special Master and the Special Master-Monitor, and any variations thereto, appointed by the United States District Court for the District of Columbia in the *Cobell v. Norton* litigation at an annual rate that exceeds 200 percent of the higher SES rate of pay for the Washington-Baltimore locality pay area. (§127)

Employee Attorney Fees. The bill continues a 2003 provision that allows the Secretary to use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with *Cobell v. Norton*. (§128)

Mass Marking. The conference bill includes a provision requiring FWS to implement a system of mass marking of salmon intended for harvest that are released from Federally operated or funded hatcheries with a mark that can be readily identified by commercial and recreational fishers. (§129)

Midway Atoll. The conference bill continues a 2003 provision that allows the transfer of funds from Departmental Management to FWS for operational needs at Midway Atoll NWR airport. (House §131)

Lake Powell. The bill continues a provision precluding the Department from studying or implementing a plan to drain Lake Powell or reduce the level of the lake below the range of water levels required for operation of the Glen Canyon dam. The budget proposed to discontinue the provision because the Administration has no plans for such actions. (§132)

Indian Gaming Fees. The conference agreement includes a Senate provision that raises the cap on the amount of fees that the National Indian Gaming Commission can impose in 2005 to \$12 million. (§133)

Wilcox Ranch. The conference bill includes a Senate provision deeming that the required contribution by the State of Utah for the purchase of Wilcox Ranch is satisfied and requiring the transfer of Ranch lands within thirty days of enactment of the appropriation bill. P.L. 105-363 required that the State of Utah pay one-half of the purchase price of the Ranch. (§134)

Congaree National Park. The conference bill includes a provision added in the Senate designating the Congaree Swamp National Monument as the Congaree National Park.

(§135) A second provision in the conference bill amends the boundaries of the National Monument. (§148)

BIA School Demonstration Program. The conference agreement includes House language amending a 2003 provision reestablishing a demonstration program of matching grants to Tribes to replace tribally controlled schools. The amendments make clear that non-BIA schools that meet the eligibility criteria of the Tribally Controlled Schools Act of 1988 may participate in the demonstration program but provide that applications for funding to replace schools that currently receive funding for operations and maintenance from BIA receive the highest priority consideration. A subsection added in conference specifies that 2003 and 2004 funding under the program shall be provided to the Saginaw Chippewa tribal school in Michigan and the Redwater Elementary School in Mississippi. (§136)

Tribal Judgment Funds. The conference agreement includes a Senate provision that requires the Secretary to prepare and submit a plan for the use and distribution of judgment funds for the Mescalero Apache Tribe, the Pueblo of Isleta, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation. The plan is to be submitted within 180 days from October 1, 2003 and is to become effective upon the expiration of a sixty-day period beginning on the day the plan is submitted to Congress. (§137)

Educational Facilities for the Eastern Band of Cherokee Indians. The Conference bill incorporates the Eastern Band of Cherokee Indians Land Exchange Act of 2003. This legislation provides for a land exchange between the Eastern Band and the National Park Service to provide a site for a replacement school for the Cherokee Elementary School. The legislation passed the House as a freestanding bill on September 23. (§138)

Trust Fund Demonstration Project. The conference bill continues, with modifications, a Senate provision permitting the California Tribal Trust Reform Consortium, the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation, and the Chippewa Cree Tribe of the Rocky Boys Reservation to conduct a trust reform demonstration project, separate from the Department's trust reform program, but under the same fiduciary standards as those to which the Secretary is held. The provision also requires that 2004 funds shall be made available to these Self Governance Tribes on the same basis as 2003 funding. (§139)

Blue Ridge National Heritage Area. The conference agreement includes a provision authorizing the Blue Ridge National Heritage Area in North Carolina. (§140)

BLM Jarbridge Field Office. The conference bill includes language providing that nonrenewable grazing permits authorized in the Jarbridge Field Office within the past seven years shall be renewed under section 402 of FLPMA, and that the terms and conditions contained in the most recently expired permit shall continue in effect under the renewed permit. (§142)

Alaska Mining Claims. The conference bill includes language reinstating several mine claims that had been cancelled due to a defective application for waiver of the \$100 hard rock mining maintenance fee. (§144).

National Mall Events. The conference agreement include a Senate provision that limits the size of lettering for sponsor signs for National Mall events to one-third the size of lettering on signs identifying the special event. The amendment also requires that, to the maximum extent practicable, special events on the Mall shall not restrict public use of the Mall. (§145)

Polar Bear Importation. The conference agreement retains a Senate provision amending the Marine Mammal Protection Act Amendments of 1994 to permit the importation of polar bears harvested prior to the enactment of final regulations. (§149)

New River Gorge National River. The conference bill includes a provision directing the National Park Service to issue a special regulation on continued hunting at New River Gorge in compliance with the requirements of the Administrative Procedure Act. Under the provision, an interim final rule authorizing hunting is to remain in effect until the final special regulation is issued. (§150).

Title III – Bill-Wide General Provisions

Title III of the conference bill includes a number of legislative provisions, including the following:

Assessments, Charges or Billings. The conference bill retains a longstanding provision that limits levy of assessments against programs funded in the bill unless advance notice is presented to and approved by the appropriations committees. (§305) The House had proposed to modify this provision to additionally require advance approval of bills and charges.

The conference agreement adds a new provision under “Administrative Provisions” for the Secretarial Offices requiring that the annual budget justification for Departmental Management describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based. The provision requires that departures from the Working Capital Fund estimates contained in the Departmental Management budget justification be presented to the appropriations committees for approval. The provision finally provides for a semiannual report to the appropriations committees on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

The conference bill also includes a general provision requiring that estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall presented in annual budget justifications. Changes to such estimates are required to be presented to the appropriations committees for approval. (§343)

Mine Patent Moratorium. As requested in the President’s budget, the conference bill continues the mine patent moratorium for an additional year. (§307)

Government-wide Administrative Functions. The conference bill continues a longstanding provision that disallows the use of funds to support government-wide administrative functions unless justified in the budget and approved by the appropriations committees. (§313) A second provision prohibits the transfer of funds appropriated in the Interior Appropriations Act to any other department or agency, except as authorized in an appropriations act. (§327)

Answering Machines. The bill continues a prior-year provision that precludes the use of funds to operate telephone answering machines during core business hours unless an option is provided that enables callers to promptly reach an individual on-duty. (§317)

National Monuments. As requested in the President's budget, the conference bill continues a prohibition on the use of funds to conduct mineral preleasing, leasing, and related activities within the boundaries of a national monument that were established pursuant to the Antiquities Act, as such boundaries existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing the monument. (§321)

Reciprocal Agreements for Firefighters. As requested in the President's budget, the conference bill continues a prior-year provision providing liability coverage to foreign firefighters. (§324)

Grazing Permits. As requested in the President's budget, the conference bill continues a provision extending the terms and conditions of expiring grazing permits until permit processing can be completed, and specifically authorizes NPS to renew grazing permits at Lake Roosevelt Cooperative Management Area that were in effect as of March 31, 1997 for the lifetime of the permittee or 20 years, whichever is less. The conference bill adds a new requirement for an annual report to Congress on the extent to which the Departments are completing required analysis prior to the expiration of permits, and the submission of recommendations for legislative provisions to ensure permit renewals are completed in a timely manner. (§325).

Pennsylvania Avenue. The conference bill continues a provision that prohibits the use of funds for planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House. (§329)

Declarations of Taking. The conference bill includes a House provision limiting the use of funds for the filing of declarations of taking or complaints in condemnation without approval of the Committees on Appropriations. The provision does not apply to Everglades acquisitions. (§331).

Recreational Fee Demonstration Program. The conference bill extends the authority for the recreational fee demo program for an additional 15 months, with the collection of fees to expire on December 31, 2005. The House had proposed a two-year extension of the demo program. (§332)

Competitive Sourcing. The conference agreement adds a comprehensive provision on competitive sourcing. This provision (§340) does the following:

- Requires that budget justifications beginning with 2005 separately request funding for competitive sourcing.
- Requires a detailed annual report on competitive sourcing results, costs and savings. The first report is for 2003 and is required by December 31, 2003.
- Requires submission of a competitive sourcing plan for 2004 to the Appropriations Committees 60 days after enactment
- Limits Interior Department spending on 2004 studies to \$2.5 million, unless a higher amount is approved through reprogramming procedures. The Forest Service is subject to a "hard" cap of \$5 million that cannot be increased through reprogramming.
- For studies of 10 or more employees, requires a development of a "most efficient organization" and a 10 percent margin for the Government bid.

The competitive sourcing provision replaces several provisions in the House and Senate bills, including: (1) a House provision that would have disallowed the use of funds to initiate new competitive sourcing studies (House §335); (2) a provision adopted during House floor consideration of the bill prohibiting the implementation of competitive sourcing studies at the NPS Midwest and Southeast Archeological Centers (House §336); and a Senate provision requiring a report on competitive sourcing activities (Senate §135).

General Provisions Dropped in Conference

The conference agreement drops the following provisions:

Cooperative Ecosystem Studies Units. Senate provision precluding the use of funds for Cooperative Ecosystem Studies Units in Alaska. (Senate §130)

Mojave National Preserve. House provision authorizing the exchange of lands in order to convey a national memorial commemorating U.S. participation in World War I and honoring veterans of war located in the Mojave National Preserve to the Veterans of Foreign Wars. (House §135)

Klamath Fishery Management Council. House provision precluding the use of any funds by Interior to support the Klamath Fishery Management Council. (House §137)

Technical Notes

All amounts are current dollars. All years referred to are fiscal years unless otherwise noted. Comparisons of House action in this document are to 2003 enacted to date appropriations (including supplemental appropriations) and the 2004 President's budget as scored by Congressional Appropriations Committees. The Committees' scoring of 2003 and the President's budget differs somewhat, with the result that comparisons in this document to the President's budget do not in all instances match comparisons in the budget.

The Committees' scoring for 2003 enacted differs from OMB scoring by a net \$25.3 million. The Committees exclude \$2.5 million transferred to NPS from the Defense

appropriation for Ft. Baker maintenance and \$33.8 million for a one-time discretionary transfer for UMWA health benefits. The Committees include \$62.1 million in current mandatory funding not included in OMB's figure. Both figures include a \$9 million technical fix to NPS Operations account provided in the Wartime Emergency Supplemental, P.L. 108-11. The Committee's figures differ from OMB by \$565,000 for minor rounding differences in applying the 0.65 percent across-the-board rescission.

Legislative History

This legislative history includes information pertaining to the Department of the Interior programs and issues only.

House Bill – H.R. 2691/Report 108-195

House Subcommittee

The House Subcommittee reported the bill on June 18, 2003.

House Committee

The House Committee reported the bill on June 25, with 2 amendments, by voice vote.

Amendments were offered in Committee action on the following:

- Fire – Mr. Dicks offered an amendment providing an additional \$550 million (including \$100 million for Interior) for 2003 emergency wildland fire suppression funding with the stipulation that funds not required for the 2003 fire season would be used to repay funds borrowed in 2002. The amendment was withdrawn with agreement from Appropriations Committee Chairman Young that he would seek this funding in a 2003 supplemental appropriations bill.
- Klamath – Congressman Farr offered an amendment to strike a general provision (§138) that precludes the use of any funds by Interior to support the Klamath Fishery Management Council. After debate the measure was defeated on voice vote.
- Water Resource Investigations – Mr. Vitter offered an amendment making revisions to report language on USGS water quality studies within the Lake Ponchartrain basin to indicate that plans should be developed collaboratively with Southeastern Louisiana University and to ensure that the plan addresses the local problems of stakeholders. The measure passed on voice vote.
- Conservation Spending Category – Mr. Dicks offered an amendment seeking the addition of \$568.6 million for conservation programs including Federal land acquisition, LWCF State grants, State wildlife grants, North American Conservation Fund, historic preservation grants, Urban Parks and Recreation program, and forest Service's Forest Legacy program. The offset offered by Congressman Dick's amendment was a 2.9 percent across-the-board reduction to all agencies, activities, and programs funded in the appropriations bill. Congressman Dicks argued that the addition was needed to order to fund the Conservation Spending Category at the authorized level of \$1.56 billion. The amendment failed to pass on a voice vote.
- Conservation Spending Category – Congressman Obey offered an amendment to add \$568.6 million for conservation programs including Federal land acquisition, LWCF State grants, State wildlife grants, North American Conservation Fund, historic preservation grants, Urban Parks and Recreation program, and forest

Service's Forest Legacy program. The offset offered was a reduction to the tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 for taxpayers with adjusted gross income of more than \$1 million. Congressman Obey argued that this amendment was needed to fulfill the Committee's commitment to dedicated conservation funding. The amendment failed to pass on a vote of 32 to 26.

- Competitive Sourcing – Congressman Dicks offered an amendment revising a general provision on competitive sourcing (§335) that eliminates bill language requiring a report on studies initiated in 2002 and 2003 and retains the limitation on the use of funds for new competitive sourcing studies. The House report includes language that requires the report. This amendment was adopted by voice vote.

House Floor

The House took up the 2004 Interior appropriations bill on Wednesday, July 16 with continued amendments and debate through Thursday, July 17. The rule governing consideration of the bill was adopted by a vote of 232 to 189. The House completed action on the bill Thursday evening, passing the bill by a vote of 268 to 152.

In floor action, the House adopted amendments increasing funding for NEA and NEH offset, in part, by \$6 million from the National Park Service and \$3 million from Interior's Departmental Management account; prohibiting the use of funds for competitive sourcing studies at the NPS Midwest and Southeast Archeological Centers; and prohibiting use of funds to implement the 2003 amendments to BLM's recordable disclaimer regulations with respect to lands in national parks, wildlife refuges, national monuments, wilderness areas and wilderness study areas.

On the rule and amendments, the House took the following actions:

- Prior to the House's vote on the rule, the previous question was invoked by a vote of 219 to 199. Mr. Obey had urged defeat of the previous question as a device to make in order an amendment adding \$568.6 million to the bill for conversation programs, offset by with a reduction of 3.21 percent in the tax reductions scheduled to take place for taxpayers with adjusted gross incomes in excess of \$1 million. After opening statements on the bill, the Chair sustained a point of order against the Obey amendment as legislation in an appropriation bill.
- The Chair sustained points of order by Mr. Pombo against sections 137 and 139 of the Committee-reported bill as legislation in an appropriation bill. Section 137 authorized the Fish and Wildlife Service to spend funds to encourage public participation in Service activities and to use up to \$2 million per year for contracts for employment-related legal services. Section 139 provided for the historical accounting for individual Indian money accounts to be completed through a statistical sampling process. It also authorized a voluntary settlement process.
- The House adopted by a voice vote an amendment by Mr. Mario Diaz-Balart amending the provisions in the Committee bill limiting the availability of funds for the Modified Water Deliveries project if water entering Everglades NP does not meet state water quality standards and the consent decree in *U.S. v. South Florida Water Management District*.
- The House debated an amendment by Ms. Slaughter increasing funding for NEA and NEH by \$15 million, offset by reductions in National Park Service travel (\$6 million), Departmental Management (\$3 million), and National Forest System

administration (\$6 million). After the amendment was initially approved by a voice vote, a record vote was requested. The amendment was adopted by a vote of 225 to 200.

- An amendment by Mr. Bereuter prohibiting use of funds to implement competitive sourcing studies at the NPS Midwest and Southeast Archaeological Centers was adopted by a vote of 362 to 57. Earlier in the consideration of the bill, Mr. Sessions offered and withdrew an amendment to strike section 335 of the bill, which restricts funds for competitive sourcing studies. During debate on the Sessions amendment, Chairman Taylor stated that he would work with Mr. Sessions and Mr. Davis to modify section 335 in conference.
- An amendment by Mr. Mark Udall prohibiting use of funds to implement the 2003 amendments to BLM's recordable disclaimer regulations was adopted by voice vote. This came after House action to adopt a Taylor second-degree amendment by a vote of 226 to 194 limiting the scope of the prohibition to recordable disclaimer applications with regard to lands in national parks, national wildlife refuges, national monuments, wilderness areas, and wilderness study areas.
- An amendment by Mr. DeFazio limiting the Recreation Fee Demonstration program to the National Park Service, removing BLM, FWS and USFS from the program was defeated by a vote of 184 to 241. (The 2004 bill contains a provision extending the Demonstration program for two years.)
- An amendment by Mr. Hefley to reduce funding in the bill by 1 percent across-the-board was defeated by a vote of 81 to 341 an.
- An amendment by Mr. Blumenauer prohibiting new commercial leases for row crops or alfalfa on the Lower Klamath and Tule Lake NWRs was defeated by a vote of 197 to 228.
- An amendment by Mr. Gallegly to restrict the use of funds by the Forest Service or the Bureau of Land Management to administer any action related to the baiting of bears was defeated by a vote of 163 to 255.
- An amendment by Mr. Rahall to prohibit the use of funds to kill, or assist in killing, any bison in the Yellowstone NP herd was defeated by a vote of 199 to 220 an.
- An amendment by Mr. Holt requiring management of snowmobiles in Yellowstone and Grand Teton NP in accordance with the NPS rule published in November, 2000 was defeated on a tie 210 to 210 vote.
- The Chair sustained a point of order against an amendment by Mr. King to prohibit use of funds to subject management of the Missouri River to the imposition of any regulatory action under the ESA.
- Mr. John offered and withdrew an amendment to restrict use of funds for prosecution of migratory bird takings on or over land or water where seeds or grains have been scattered solely as the result of manipulated regrowth of a harvested rice crop.

Senate Bill – S. 1391/Report 108-89

Senate Subcommittee

The House Subcommittee reported the bill on July 9, 2003.

Senate Committee

The Senate Committee reported the bill on July 10 by voice vote after adopting a set of managers' amendments en bloc.

Senate Floor

The Senate passed the 2004 appropriations bill on Tuesday, September 23, by voice vote. The Senate took up the Interior and Related Agencies Appropriations Bill on Wednesday, September 17. After an interruption caused by Hurricane Isabel, the Senate resumed action on Monday, September 22. Debate and votes on amendments continued through passage on Tuesday.

On the amendments, the Senate took the following action:

- Senator Reid offered an amendment precluding the use of funds to initiate competitive sourcing studies after the date of enactment of the bill (No.1731). Amendment 1731 was defeated by a vote of 44 to 51. Senator Voinovich offered an amendment requiring a report on competitive sourcing activities (No. 1754). Amendment 1754 was agreed to by a vote of 53 to 43.
- Senator Daschle offered an amendment to strike funding for implementation of the department's reorganization plan for BIA and OST and to reduce \$79 million from OST and transfer of \$63 million to HIS (No. 1739). Amendment 1739 was defeated by a vote of 43 to 52.
- Senator Bingaman offered an amendment to limit the size of lettering for sponsor signs for National Mall events to one-third the size of lettering on signs identifying the special event. The amendment also requires that, to the maximum extent practicable, special events on the Mall shall not restrict public use of the Mall (No. 1740). The amendment passed on a vote of 92 to 4.
- Senator Burns offered an amendment to provide funds to repay those borrowed for wildfire suppression in 2003. The amendment provides \$75 million for the Department of the Interior and \$325 million for the Forest Service subject to emergency designation by the President (No. 1768). The amendment was adopted.
- Managers amendments considered and agreed to en block included:
 - Senator Reid offered an amendment to acquire lands in Nye County, Nevada for maintenance and administrative facilities for Death Valley National Park (No. 1732). The amendment was adopted.
 - Senator Reid offered an amendment to convey land to the City of Las Vegas for construction of housing for seniors (No. 1733). The amendment was adopted.
 - Earmark from ONPS of \$600,000 for NPS activities for the Oklahoma City National Memorial and \$1.6 million for the Oklahoma City National Memorial Trust (No. 1752).
 - Earmark of \$1 million from FWS Resource Management for the Wildlife Enhancement and Economic Development Program in Starkville, Mississippi (No. 1759).
 - Earmark in USGS Surveys, Investigations, and Research of \$250,000 for seismic monitoring and hazard assessment in the Jackson Hole-Yellowstone area of Wyoming (No. 1760).
 - Earmark in NPS National Recreation and Preservation \$175,000 for activities to commemorate the Louisiana Purchase at the Jean Lafitte National Historical Park and Preserve in Louisiana (No. 1728).
 - Specifies \$48.1 million for operating grants for Tribally Controlled Community Colleges and \$34.7 million for Information Resources Technology in BIA. This increases TCCC funding by \$4 million above the

- Senate Committee amount and is offset by a reduction to BIA IT funding (No. 1763).
- Authorizes payment of \$11,750 to the Harriet Tubman Home in Auburn, New York from Title I sources (No. 1726).
 - Within the NPS Construction account, provides \$600,000 for planning and design of the Mesa Verde Cultural Center in Colorado offset by Forest Service land acquisition. (No. 1765).
 - Within NPS Construction, \$50,000 is provided for the construction of a statue of Harry S. Truman in Kansas City, Missouri with an offset from construction of the security fence at the Jefferson National Expansion Memorial (no. 1766).
 - Cancellation of balances in the Special Foreign Currency Account of \$1.4 million (No. 1769).
 - Establishment of the Zortman/Landusky Mine Reclamation Trust Fund to fund perpetual operation of water treatment centers at the mine reclamation site (No. 1773).
 - Authorization to renew “nonrenewable grazing permits” in BLM’s Jarbridge Office, pending completion of NEPA compliance (No. 1774).
 - Allows for payment of excess compensation under the compensation program for Glacier Bay fisheries in Alaska (No. 1775)
 - Adds a General Provision for Interior related to applications of waivers of certain maintenance fees for mining claims (No. 1776)
 - Requires reporting of acquisitions of articles, materials, or supplies manufactured outside the United States and waivers under the Buy American Act (No. 1725).
 - Prohibition against using funds to plan, design or construct underground security screening or visitor contact facilities at the Washington Monument until approved by the House and Senate Appropriations Committees (no 1777).
 - Authorization to use proceeds from land sales under the Southern Nevada Public Land Management Act of 1998 for Lake Tahoe restoration projects (No. 1737).
 - Modifies existing language authorizing the renewal of grazing permits to require an annual report to congress on the completion of analyses required prior to the expiration of permits and the submission of recommendations for legislative provisions to ensure permit renewals are completed in a timely manner (No. 1779).
 - Making technical modifications to the Marine Mammal Protection Act (No. 1782).

Conference Bill – H.R. 2691/Report 108-330

Conferees on the 2004 Interior and Related Agencies appropriations bill met on October 27, 2003 and completed action, adopting the conference agreement without change and with limited debate.

House Action

On October 30, Mr. Taylor brought up conference report H. Rept. 108-330 for consideration under the provisions of H. Res. 418. A motion to recommit to conference

committee failed by a vote of 229 to 190. The House agreed to the conference report on a vote of 216 to 205.

Senate Action

The Senate adopted the conference report on November 3, by a vote of 87 to 2.