



UNITED STATES
DEPARTMENT OF THE INTERIOR
Director of Budget

RESULTS OF CONFERENCE ACTION ON THE FISCAL YEAR
2006 DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES APPROPRIATIONS BILL

Funding Overview

Conferees met and approved the 2006 Department on the Interior, Environment, and Related Agencies Appropriations bill on July 26. The House passed the bill on July 28 by a vote of 410 to 10. The Senate passed the bill on July 29 by a vote of 99 to one. The bill was signed into law by the President on August 2, 2005.

The conference agreement, including a 0.476 percent across-the-board reduction, provides \$9.884 billion for the Department, \$101.9 million or one percent over the President's budget. As compared to the FY 2005 enacted level of \$9.753 billion, excluding supplementals and fire repayments, the FY 2006 net increase is \$130.8 million, or 1.3 percent.

Note: In the following summary, the 2006 conference amounts displayed in boxes, and the account and activity funding levels reported in the narrative reflect the across-the-board reduction. The 2006 conference amount reported in the text for funding components below the activity level and for Congressional earmarks and add-ons do not reflect the across-the-board reduction.

For the priorities in the President's Budget, the conferees provide the following:

Cooperative Conservation Programs: The 2006 President's budget included \$379.7 million for cooperative conservation programs in the Department of the Interior (excluding LWCF State grants), an increase of \$75.1 million above 2005. The conferees provide \$316.3 million, \$63.4 million less than the request but \$11.6 million more than 2005.

- The conferees provide \$23.9 million for Landowner Incentive grants and \$7.4 million for Private Stewardship grants. The budget request was \$40.0 million and \$10.0 million, respectively.
- The conferees provide \$39.8 million for the North American Wetlands Conservation fund compared to the \$49.9 million request; \$81.8 million for Cooperative Endangered Species Conservation Fund grants compared to the request of \$80.0 million; and \$68.2 million for State and Tribal Wildlife grants compared to the request of \$74.0 million.

- The challenge cost share programs receive \$19.3 million in funding. This is \$25.5 million less than the request. None of the \$21.5 million requested for the conservation challenge cost share portion of the program is funded. However, under House report language traditional challenge cost share programs may be used for conservation projects.
- Other FWS cooperative conservation programs receive a combined total of \$75.4 million, \$4.5 million less than the request and \$5.9 million more than 2005. This includes \$13.2 million for the Coastal program, \$11.0 million for Migratory Bird Joint Ventures, and \$51.2 million for Partners for Fish and Wildlife.
- The Take Pride in America program is funded at \$498,000, \$502,000 less than the request, but \$8,000 more than in 2005.

LWCF: The 2006 budget request included \$114.7 million for BLM, FWS, and NPS Federal land acquisition and consolidated appraisal services. The conferees provide \$79.2 million for Federal land acquisition, \$17.4 million or 15.1 percent less than the 2006 request and \$24.1 million or 23.3 percent less than 2005.

Funding was not requested in the 2006 budget for new LWCF State grants. The budget included \$1.6 million for the issuance and management of grants funded with prior appropriations. The conference agreement funds the grant program at \$29.9 million, adding \$28.3 million for grants to the States.

Trust Programs: The President's budget included a total of \$591.4 million for trust programs in BIA and the Office of the Special Trustee, and for Indian Land Consolidation. The conference agreement provides \$512.3 million, funding all of the increases requested, except for \$77.8 million in historical accounting. The conferees agree to all of the reductions proposed except for a \$1.0 million decrease in the BIA endangered species program. In addition, the conference bill adds \$210,000 for fish hatchery maintenance.

The conference agreement limits historical accounting to \$58.0 million, a decrease of \$77.8 million from the request, and the same as the 2005 level. The conference agreement provides \$34.5 million for Indian Land Consolidation, the requested level, and the same as the 2005 level.

BIA Construction: The conference provides \$208.9 million for BIA school construction, an increase of \$35.0 million over the request of \$173.9 million. Of the increase, \$22.0 million is provided for replacement school construction projects and \$14.0 million is provided for major school facilities improvement and repair projects.

The conference includes \$7.5 million above the budget request for specified Indian irrigation rehabilitation projects.

Wildland Fire Management/Healthy Forest Initiative: The conference agreement funds the Wildland Fire Management program at \$762.9 million, a \$6.4 million increase over the request level of \$756.6 million. The conference measure supports the requested program increases of \$6.9 million for preparedness, \$7.8 million for hazardous fuels reduction, and \$15.7 million for suppression, and requested decreases of \$4.4 million for facilities and \$1.9 for joint fire science. The conferees restore funding to the 2005 enacted level for the Rural Fire Assistance program (+\$10.0 million).

Land Management Operating Programs: The comparison of funding for operational programs in the land management bureaus is as follows:

- **Bureau of Land Management:** The conference agreement funds BLM's primary operating accounts at \$966.2 million, \$6.0 million above the request. In general, the conference fully or partially funds all requested increases. The conference does not provide the \$6.0 million requested for the conservation portion of the Challenge Cost Share program and reduces the traditional program by \$4.0 million. The conference restores funding for nearly all Congressional earmarks and add-ons proposed for elimination in the President's budget.
- **Fish and Wildlife Service:** The conferees fund the operating account at \$1.0 billion, \$18.5 million more than the President's Budget and \$41.1 million above 2005. For the National Wildlife Refuge System, the conference agreement provides \$391.5 million; a \$2.4 million decrease from the President's Budget and a \$10.5 million increase from 2005. For Endangered Species programs, the conference agreement provides \$150.9 million, an increase of \$10.8 million compared to the President's Budget and an increase of \$7.7 million compared to 2005.
- **National Park Service:** The park operations account is funded at \$1.736 billion, an increase of \$52.2 million over 2005 and \$1.7 million over the President's Budget. The conferees increased funding for park base above the \$1.069 billion request by \$20.0 million, providing across-the-board increases of \$15.0 million for all parks, \$4.5 million for the highest park base priorities and \$500,000 in additional funding for the National Trails System.

Preserve America: The conferees do not separately fund the \$12.5 million request for the Preserve America initiative, but allow up to \$5 million of Save America's Treasures funding to be used for Preserve America grants.

Abandoned Mine Lands Reclamation: The conference agreement provides \$187.1 million for the AML program, \$1.1 million less than the 2005 enacted level and \$58.9 million less than the request. The conferees do not provide \$58 million for the proposed payout for certified States under the AML program. The conference agreement includes a provision to extend OSM's AML fee authority until June 30, 2006.

The conference agreement includes bill language for a one-time transfer of the unappropriated balance of funds in the Rural Abandoned Mine program to the Federal share fund, so the funds could be used for emergencies and other Federal obligations. RAMP funds are subject to appropriation and have not been used in ten years.

Minerals Management Service: The conferees include permanent bill language providing that MMS may use a portion of the revenues from Royalty-in-Kind sales receipts to pay for transportation and processing costs, salaries, and other administrative costs directly related to the Royalty-in-Kind program. The requested appropriation for the Royalty-in-Kind program is reduced \$9.8 million from the request in anticipation of funding this amount from receipts.

Payments in Lieu of Taxes: For the Payments in Lieu of Taxes program, the budget included \$200.0 million, a decrease of \$26.8 million below the 2005 enacted level. The conferees fund the program at \$234.9 million, an increase of \$34.9 million above the request and \$8.1 million above 2005.

Landsat: The conference agreement provides \$8.0 of the \$12.0 million requested to cover the shortfall stemming from the Landsat 7 equipment failure. The managers direct the USGS to offset the remaining \$4.0 million through administrative streamlining, buyout savings, or reductions in travel. Full funding of \$7.5 million was provided for the Landsat Data Continuity Mission.

Fixed Costs: The conference agreement fully funds the request of \$157.1 million for fixed costs, Department-wide. However, the likely enacted pay raise of 3.1 percent, compared to the 2.3 percent pay rate that was budgeted, will result in additional pay costs of \$27.5 million.

FUNDING DETAIL BY MAJOR ACTIVITY

Details of conference action for bureaus and major programs funded in the Interior, Environment and Related Agencies Appropriations Act follow.

Cooperative Conservation Programs

Program	05 Enacted	06 Budget	House	Senate	Conf.	Conf +/- 05 Enact	Conf +/- 06 Req
COOPERATIVE CONSERVATION INITIATIVE							
CCI Conservation Challenge Cost Share							
Bureau of Land Management	0	6,000	0	6,000	0	0	-6,000
Fish and Wildlife Service	0	7,600	0	5,000	0	0	-7,600
National Park Service	<u>0</u>	<u>7,871</u>	<u>0</u>	<u>2,500</u>	<u>0</u>	<u>0</u>	<u>-7,871</u>
Subtotal	0	21,471	0	13,500	0	0	-21,471
Traditional Challenge Cost Share Grants							
Bureau of Land Management	7,396	13,996	7,396	10,000	9,995	+2,599	-4,001
Fish and Wildlife Service	4,339	4,400	4,400	4,400	4,398	+59	-2
National Park Service							
Traditional	2,416	2,416	2,416	2,416	2,405	-11	-11
Lewis & Clark	<u>4,927</u>	<u>2,500</u>	<u>2,500</u>	<u>2,500</u>	<u>2,489</u>	<u>-2,438</u>	<u>-11</u>
Subtotal	19,078	23,312	16,712	19,316	19,287	+209	-4,025
Other CCI Programs							
Fish and Wildlife Service							
Coastal Program	11,740	14,900	13,100	14,900	13,236	+1,496	-1,664
Migratory Bird Joint Ventures	10,232	12,900	10,567	11,467	11,015	+783	-1,885
Partners for Fish & Wildlife	47,534	52,197	53,728	43,774	51,198	+3,664	-999
Departmental Management							
Take Pride in America	490	1,000	500	499	498	+8	-502
TOTAL, CCI	89,074	125,780	94,607	103,456	95,234	+6,160	-30,546
OTHER SUPPORTING CONSERVATION GRANT PROGRAMS							
Fish and Wildlife Service							
Landowner Incentive Program	21,694	40,000	23,700	25,000	23,886	+2,192	-16,114
Private Stewardship Grants	6,903	10,000	7,386	7,500	7,351	+448	-2,649
N. Am. Wetlands Cons. Fund	37,472	49,949	40,000	39,500	39,809	+2,337	-10,140
Coop. Endangered Species Conserv.	80,462	80,000	84,400	80,000	81,808	+1,346	+1,808
State & Tribal Wildlife Grants	<u>69,028</u>	<u>74,000</u>	<u>65,000</u>	<u>72,000</u>	<u>68,174</u>	<u>-854</u>	<u>-5,826</u>
Subtotal	215,559	253,949	220,486	224,000	221,028	+5,469	-32,921
TOTAL CCI AND OTHER SUPPORTING CONSERVATION GRANT PROGRAMS	304,633	379,729	315,093	327,456	316,262	+11,629	-63,467

The President's budget included \$379.7 million for Cooperative Conservation programs. Overall, the conferees provide \$316.3 million, \$63.4 million less than the 2006 request but \$11.6 million more than in 2005.

Challenge Cost Share. The conference agreement provides \$19.3 million for the challenge cost share programs, \$25.5 million below the request. The request of \$21.5 million conservation challenge cost share grants is not funded, but House report language approved the use of traditional challenge cost share programs for conservation projects. Under conference rules, the House language is operative because it was not disapproved in the statement of the managers.

Within the \$10.0 million that the conferees provide for the BLM program, \$3.0 million is to focus on range activities including sagebrush restoration and invasive weed control. Within the \$4.9 million that the conferees provide for the NPS program, one-third is specified for the National Trails System.

Coastal Program. The conferees provide \$13.2 million for the Coastal Program, \$1.5 million less than the request and \$1.6 million more than 2005.

Joint Ventures. The \$11.0 million provided by the conferees for the Migratory Bird Joint Venture program is \$1.9 million less than the request and \$783,000 more than 2005.

Partners for Fish and Wildlife. The conference agreement provides \$51.2 million for the Partners program, \$1.0 million less than the request and \$3.7 million more than 2005.

Take Pride in America. The conferees provide \$498,000 for the Take Pride program, \$502,000 less than the request and \$8,000 more than 2005.

Landowner Incentive Program/Private Stewardship Grants. The conference agreement provides \$23.9 million for Landowner Incentive grants and \$7.4 million for Private Stewardship grants. The budget requests were \$40.0 million and \$10.0 million, respectively.

Cooperative Endangered Species Conservation Fund. The conference agreement provides \$81.8 million for the Cooperative Endangered Species Conservation Fund. This is an increase of \$1.8 million compared to the request, and an increase of \$1.3 million compared to 2005.

North American Wetlands Conservation Fund. The conference agreement provides \$39.8 million for the North American Wetlands Conservation Fund. This is a decrease of \$10.1 million compared to the request, and an increase of \$2.3 million compared to 2005.

State and Tribal Wildlife Grants. The conference agreement provides \$68.2 million for State and Tribal Wildlife Grants. This is a decrease of \$5.8 million

compared to the request, and a decrease of \$854,000 compared to 2005. Of this total, \$6.0 million is for the Tribal portion of the program.

Stateside LWCF Grants

\$000						Conf +/-	Conf +/-
	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	<u>05 Enacted</u>	<u>06 Request</u>
Grants	89,736	0	0	28,413	28,278	-61,458	+28,278
Administration	<u>1,479</u>	<u>1,587</u>	<u>1,587</u>	<u>1,587</u>	<u>1,579</u>	<u>+100</u>	<u>-8</u>
Total	91,215	1,587	1,587	30,000	29,857	-61,358	+28,270
						-67.3%	+1781.3%

The budget did not include funding for new LWCF State grants in 2006 but did include \$1.6 million for program administration. The conferees provide \$29.9 million, including of \$28.3 million for grants to the States and \$1.6 million for administration.

Federal LWCF Land Acquisition

\$000						Conf +/-	Conf +/-
	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	<u>05 Enacted</u>	<u>06 Request</u>
BLM	11,192	13,350	3,817	12,250	8,708	-2,484	-4,642
FWS	37,005	40,992	14,937	40,827	28,273	-8,732	-12,719
NPS	55,134	52,880	7,834	56,005	34,824	-20,310	-18,056
Appraisals	<u>N/A</u>	<u>7,441</u>	<u>7,441</u>	<u>7,441</u>	<u>7,406</u>	<u>N/A</u>	<u>-35</u>
Total	103,331	114,663	34,029	116,523	79,211	-24,120	-17,361
						-23.3%	-15.1%

The budget request contained \$114.7 million for Federal land acquisition, including \$70.7 million for land acquisition projects and \$7.4 million for consolidated appraisal services. The balance of the budget request, \$36.5 million, was for inholding and emergency acquisitions, land exchanges, and acquisition management. The conference agreement provides \$79.2 million. The conferees do not fund nine of the 33 requested projects and include 20 add-on projects totaling \$15.2 million.

Specifics for each bureau follow:

BLM: The conferees provide \$8.7 million for BLM, \$4.6 million less than the 2006 request and \$2.5 million less than 2005. Funding is included for four of the seven requested projects. One project, Santa Rosa and San Jacinto National Monument in California was added for \$498,000.

FWS: The conference agreement provides \$28.3 million for FWS, \$12.7 million less than the 2006 request and \$8.7 million less than 2005. The conferees do not fund four of the 14 requested projects with a value of \$16.6 million and add \$5.7 million for 12 projects.

The \$10.0 million requested for the Quinault Indian Reservation in Washington is funded in BIA's Indian Land and Water Settlements account.

The conferees do not accept a House restriction on use of proceeds from the sale of lands at the Lower Klamath and Tule Lake National Wildlife Refuges for acquisition of water rights, including acquisition of interests in land incidental to such water rights for the two refuges.

NPS: The conferees provide \$34.8 million for NPS, \$18.1 million less than the \$52.9 million request and \$20.3 million less than 2005. The conferees provide some level of funding for all but three of the requests. Seven add-on projects are funded by the conferees for \$9.0 million including \$1.8 million for Chickamauga-Chattanooga National Military Park in Tennessee, and \$2.0 million for New River Gorge National Scenic River in West Virginia.

Land acquisition funding is not provided for Flight 93 Memorial; however, \$1.0 million is included in the NPS construction account for planning activities. The conferees encourage NPS to dramatically reduce the proposed acreage for this Memorial.

A detailed list of land acquisition projects is included in Attachment 3.

Land Management Operations

Bureau of Land Management Operations

\$000						Conf +/-	
	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	<u>05 Enacted</u>	<u>06 Request</u>
Mgt of Lands & Res	836,826	850,177	845,783	867,045	856,694	+19,868	+6,517
O&C Grant Lands	107,497	110,070	110,070	110,070	109,546	+2,049	-524
Total	944,323	960,247	955,853	977,115	966,240	+21,917	+5,993
						+2.3%	+0.6%

The 2006 President's budget provided \$960.2 million for BLM operations, a net increase of \$15.9 million over the 2005 enacted level of \$944.3 million. The major funding increases included in the budget request were aimed at ongoing bureau and departmental priorities, including improving forest health and increasing timber production, conserving and restoring sagebrush habitat, and eradicating invasive weeds. The budget included a significant boost in funding to improve recreational experiences on public lands and enhance BLM's ability manage and mitigate the impacts of off-highway vehicle (OHV) use. The budget partially funded many of these priorities through a requested increase of \$6.6 million in the Challenge Cost Share program in order to leverage the federal dollars with matching partner contributions. The budget also proposed a \$6.0 million increase for the Cooperative Conservation Initiative.

The budget eliminated funding for most Congressional add-ons. It proposed a decrease in the Wild Horse and Burro Management program to reflect additional

efficiencies that have been achieved in the program. The budget also proposed a reduction in appropriations for the Energy and Minerals Management program that would be more than offset by increased receipts resulting from a new cost recovery proposal.

The conference agreement funds BLM operations at \$966.2 million, \$6.0 million above the request and \$21.9 million above the 2005 enacted level. Conference action on key proposals in the President's budget and Congressional changes from the request include the following:

Land Resources. The conference agreement supports the proposed \$1.5 million increase in the Public Domain Forest Management program and accepts the proposed reductions for the Applications of Science program, rangeland health monitoring, and the Wild Horse and Burro program. The conference agreement does not fund the \$300,000 increase requested for multi-species weed management in the Great Basin. The conference agreement funds two invasive weeds earmarks that the President's budget eliminated, providing \$1.0 million for the National Center for Invasive Plant Management at Montana State University and \$1.0 million for the Idaho Department of Agriculture, and fully restores funding for the San Pedro Watershed Partnership (\$1.0 million). The conferees add \$750,000 for Santa Ana River conservation efforts.

Wildlife and Fisheries Management. The conferees support the requested increases of \$3.6 million for sage-grouse conservation activities and \$400,000 for Columbia River salmon restoration, and accept the proposed reduction of \$400,000 for the National Fish and Wildlife Foundation.

Recreation Management. The conferees support the requested \$3.7 million increase and add to that a \$500,000 increase for implementation of the San Jacinto/Santa Rosa National Monument management plan. The conferees also provide a \$1.0 million increase over the request level to continue funding the Undaunted Stewardship project.

Energy and Minerals Management. The conference agreement provides a \$3.0 million increase over the request for the Oil and Gas Management program, of which \$2.0 million is to be used for traditional activities, such as processing APDs, and \$1.0 million is to be used to plan for an oil shale R&D leasing program. The \$3.0 million increase more than offsets the \$1.9 million reduction in the budget request that was tied to BLM implementation of new cost recovery regulations. The Energy Policy Act of 2005 prohibits BLM from implementing its proposed cost recovery rulemaking for oil and gas use authorizations. However, the Energy Policy Act authorizes a pilot program to improve use authorization processing at seven BLM district offices. The pilot program is funded from Mineral Leasing Act rental payments previously deposited in the Treasury.

Realty and Ownership Management. The conference agreement restores funding for many earmarks and add-ons that were discontinued in the President's budget, including \$7.0 million for the Alaska Conveyance program, \$300,000 for GIS/cadastral mapping in Utah, and \$750,000 for processing recordable disclaimer

applications in Alaska. The conference agreement also funds two new earmarks in 2006, providing \$160,000 for soil survey mapping in Wyoming and \$950,000 to support ongoing cadastral mapping in Montana. The conference agreement does accept the proposed reduction of \$740,000 for the Alaska Public Lands Database.

Resource Protection and Maintenance. The conference agreement adds \$750,000 in the Resource Management Planning program for California desert conservation area plans. In Resource Protection and Law Enforcement, The conference agreement adds \$1.25 million to increase BLM's law enforcement presence on the Southwestern border in New Mexico, Arizona, and California. This is in addition to the \$1.0 million increase included in the budget request to strengthen law enforcement capabilities in the Four Corners area, and \$2.0 million in 2005 Congressional increases for law enforcement (\$1.0 million for California Desert Rangers and \$1.0 million to address illegal immigration-related environmental degradation in Arizona) that were retained in the President's budget.

Transportation and Facilities Management. The conference agreement accepts the proposed reduction of \$1.0 million for addressing fish passage barriers. The conferees partially restore \$750,000 of the proposed \$1.5 million reduction for plugging oil wells in the NPR-A. The conferees add \$750,000 for maintenance on the Pacific Crest, Continental Divide, and Iditarod trails.

Challenge Cost Share. The conference agreement provides \$2.6 million of the \$6.6 million increase requested for the traditional Challenge Cost Share program. The increase will be targeted to projects that support sagebrush conservation, treatment of invasive weeds including tamarisk and leafy spurge, and mitigation of OHV impacts. The conferees reject the requested \$6.0 million increase for the program conservation challenge cost share program.

Range Improvement Fund. The conference agreement maintains funding for the mandatory Range Improvement Fund at \$10.0 million, rejecting the Administration's proposal to abolish this account by depositing the Federal share of grazing fees in the General Fund of the Treasury for deficit reduction. Senate report language is retained that expresses the expectation that BLM will use \$7.0 million in deferred maintenance funds for range improvement-type projects, as was requested in the President's budget as an offset to the Range Improvement Fund proposal.

Oregon and California (O&C) Grant Lands. In the O&C Grant Lands account, the conference agreement supports the President's budget proposal to abolish the Jobs-in-the-Woods program and redirect JITW funding to other O&C resource management programs to support increased timber production and forest health treatments.

Wildland Fire Management

\$000	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf</u>	Conf +/- <u>05 Enacted</u>	Conf +/- <u>06 Request</u>
Preparedness	258,939	272,852	272,852	272,852	271,553	12,614	-1,299
Suppression	218,445	234,167	234,167	234,167	233,052	14,607	-1,115
Title IV	[98,611]	0	0	0	0	[-98,611]	0
Subtotal	218,445	234,167	234,167	234,167	233,052	14,607	-1,115
Other Ops							
Fuels	201,409	211,220	211,220	211,220	210,215	8,806	-1,005
Rehab	23,939	24,476	24,476	24,476	24,360	421	-116
RFA	9,861	0	5,000	10,000	9,952	91	+9,952
Facilities	12,202	7,849	7,849	7,849	7,812	-4,390	-37
Fire Science	7,889	6,000	6,000	6,000	5,971	-1,918	-29
Subtotal	255,300	249,545	254,545	259,545	258,310	3,010	+8,765
Total	732,684	756,564	761,564	766,564	762,915	30,231 4.1%	+6,351 0.8%

The President's Budget proposed a budget structure different from that displayed in this table, but it was not approved by the Committees. For ease of comparison, the request is shown in the same budget structure as that adopted by the House and Senate.

The President's budget proposed \$756.6 million for Wildland Fire Management. Excluding a one-time contingent appropriation of \$98.6 million for fire suppression in 2005, this represents a \$23.9 million increase over the 2005 enacted level.

The request for Fire Preparedness included a \$5.0 million increase to support the additional costs of the reconfigured aviation fleet. An increase of \$15.7 million would fully fund Suppression Operations at the ten-year average. The budget included a net increase of \$7.8 million in the Hazardous Fuels Reduction program to further the goals of the National Fire Plan and the Healthy Forests Initiative in addressing the excessive buildup of hazardous fuels in our forests and rangelands. The 2006 budget request reflected a shift in emphasis in assistance provided to local fire departments. It zeroed out the \$9.9 million Rural Fire Assistance program and proposed a \$1.9 million increase in Preparedness to provide advanced training and other critical support to local fire departments and firefighters. Finally, the budget request reduced the Fire Facilities program by \$4.4 million and the Joint Fire Science program by \$1.9 million.

The conference agreement funds Wildland Fire Management at \$762.9 million, \$6.4 million above the request and \$30.2 million above the 2005 base level of \$732.7 million, excluding the one-time 2005 contingent supplemental appropriation of \$98.6 million.

Except for the across-the-board rescission reductions, the only change the conferees make to the President's budget request is to fully restore funding for the Rural Fire Assistance program to the 2005 enacted level by adding \$10.0 million.

Fish and Wildlife Service Operations

\$000						Conf +/-	
	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	<u>05 Enacted</u>	<u>06 Budget</u>
Resource Management	962,940	985,563	1,005,225	993,486	1,004,079	+41,139	+18,516
						+4.3%	+1.9%

The conference agreement funds the FWS operating account at \$1.0 billion, \$18.5 million higher than the President's budget request and \$41.1 million above the 2005 enacted level.

Endangered Species. The endangered species program is funded at \$150.9 million, an increase of \$10.8 million above the request. Details are provided below.

Habitat Conservation. The Partners for Fish and Wildlife program receives \$51.2 million, an increase of \$3.7 million above 2005 largely to fund additional congressional earmarks, but a decrease of \$1.0 million below the President's request. The conference agreement provides \$1.3 million of the requested \$5.3 million increase for the Upper Klamath partnership.

The Conferees provide the following Partners earmarks not included in the President's budget request:

+\$100,000	Vermont Natural Heritage Partners
+\$494,000	Nutria Eradication at Blackwater NWR, MD
+\$100,000	Lake Sakakawea Invasive Species;
+\$547,000	Hawaii Bird Conservation (San Diego Zoo)
+\$1.2 million	Nevada Biodiversity Research and Conservation Project
+\$498,000	Montana Cold Water Fish
+\$697,000	Big Hole Watershed Montana
+\$423,000	NH Audubon Society / Lake Umbagog NWR study
+\$149,000	Thunder Basin Grasslands Initiative
+\$498,000	Georgia Streambank Restoration
+\$746,000	PA Taconic Watershed (Tunkhannock and Bowman's Creeks)
+\$995,000	Wildlife Enhancement - Starkville, MS
+\$179,000	Technical Assistance - NJ Meadowlands
+\$498,000	Susquehanna Fish Passage
+\$498,000	Susquehanna Headlands/Wetlands
+\$498,000	Alaska GIS of NWRs by non-governmental organizations
+\$537,000	Conservation work at Don Edwards NWR
+\$1.4 million	WA Regional Fisheries Enhancement Groups
+\$697,000	Environmental Data Quality and Access (WA Salmon Recovery)

+\$398,000	Colorado River Flow and Aquatic Habitat Study
+\$995,000	Seattle WA shoreline restoration

The conference agreement funds the Project Planning program at \$31.0 million, a \$944,000 increase above 2005. The coastal program will receive \$13.2 million; a \$1.5 million increase above enacted but a \$1.7 million decrease compared to the President's request. Some previous earmarks are also restored. The National Wetlands Inventory is funded at \$4.8 million, essentially equal to the request level.

The environmental contaminants program is funded at \$11.1 million, a \$2.6 million increase above the request level and a \$233,000 increase over 2005. The conferees rejected the proposal to reduce appropriated funding and realign the Environmental Contaminants program, refocusing efforts on restoration activities and expanding use of restoration settlement dollars held in the Natural Resource Damage Assessment and Restoration Fund for new restoration projects.

National Wildlife Refuge System. The conference agreement provides \$391.6 million for the refuge system, a \$10.5 million increase over 2005 and a \$2.4 million decrease compared to the President's request. The conferees also approve the proposed refuge system budget restructuring.

Refuge operations programs are funded at \$254.5 million, a \$1.7 million decrease compared to the request level. The challenge cost share program is funded at \$4.4 million, a \$7.6 million reduction from the request level and essentially level with 2005. Refuge law enforcement is funded at \$27.6 million, level with the request. Refuge maintenance is funded at \$137.7 million, level with the President's request.

Migratory Bird Management/Law Enforcement. Migratory bird management is funded at \$39.0 million, an increase of \$3.6 million compared to 2005, but a decrease of \$2.6 million compared to the President's request.

The law enforcement program is funded at \$57.4 million, \$1.8 million above 2005, and \$175,000 below the President's request.

Fisheries. The fisheries program total is \$118.2 million, a decrease of \$3.0 million compared to 2005, but an increase of \$10.5 million compared to the President's request.

The hatchery system is funded at \$61.1 million, an increase of \$4.2 million above 2005 and \$3.1 million above the President's request. This includes earmarks of \$398,000 for the Montana Whirling Disease Foundation, \$498,000 for a Wildlife Health Center in Montana, and a Congressional add of \$1.0 million for Fish Health/Whirling Disease Surveys. These were formerly funded under Fish and Wildlife Management Assistance.

The conference agreement provides \$57.1 million for Fish and Wildlife Management, a decrease of \$1.1 million compared to 2005, but an increase of \$7.4 million above the request. Conference earmarks include the following:

+\$249,000 Regional Mark Processing Center
 +\$2.0 million Washington State Mass Marking
 +\$498,000 Great Lakes F and W Restoration Program
 +\$249,000 WA Hatchery Improvement-Scientific Review Group
 +\$249,000 WA Hatchery Improvement-Long Live the Kings

General Administration. General Administration is funded at \$135.6 million, \$8.5 million above the 2005 level and \$1.4 million above the President’s budget. Funding for the National Conservation Training Center totals \$18.4 million, an increase of \$1.3 million above 2005 and an increase of \$561,000 above the President’s budget. Funding for International programs totals \$10.1 million, an increase of \$548,000 above 2005 and \$553,000 above the President’s Request.

FWS Endangered Species Program

\$000	05 Enacted	06 Budget	House	Senate	Conf	Conf +/- 05 Enacted	Conf +/- 06 Budget
Candidate Conservation	9,255	8,252	8,852	8,752	8,810	-445	+558
Listing	15,960	18,130	18,130	18,130	18,044	+2,084	-86
Consult/HCP	48,129	49,484	49,484	49,484	49,248	+1,119	-236
Recovery	<u>69,870</u>	<u>64,243</u>	<u>70,443</u>	<u>72,541</u>	<u>74,801</u>	<u>+4,931</u>	<u>+10,558</u>
Total	143,214	140,109	146,909	148,907	150,903	+7,689	+10,794
						+5.4%	+7.7%

The endangered species program is funded at \$150.9 million, an increase of \$7.7 million above 2005 and \$10.8 over the President’s request.

The Candidate Conservation program is funded at \$8.8 million. The conference managers provide increases above the President’s request of \$299,000 for sage grouse conservation and \$299,000 for conservation of the California fisher. The Listing program is funded at \$18.0 million, \$2.1 million above 2005 and basically equal to the President’s Request. The Consultation program is funded at \$49.3 million, \$1.1 million above 2005 and \$231,000 below the President’s request.

The Recovery program is funded at \$74.8 million, \$4.9 million above 2005 and \$10.6 million above the President’s request. The conference managers funded the following Congressional earmarks:

+\$995,000 Platte River recovery
 +\$1.5 million Wolf monitoring
 +\$2.0 million NFWF Pacific Salmon grants
 +\$1.0 million NFWF Atlantic Salmon grants
 +\$498,000 Manatee protection and recovery
 +\$498,000 Lahontan cutthroat trout
 +\$149,000 Peregrine Fund—Aplomado falcon recovery
 +\$697,000 Upper Colorado River fish recovery
 +\$199,000 California Gabbro soils inventory
 +\$1.1 million Yellowstone Grizzly bear conservation strategy

+ \$995,000 Penobscot River restoration
 + \$348,000 White Sulphur Springs, WV mussel recovery

Multinational Species Conservation and Neotropical Migratory Birds

\$000						Conf +/-	Conf +/-
	05 Enacted	06 Budget	House	Senate	Conf.	05 Enacted	06 Budget
Multi Species Conserv	5,719	8,300	5,900	6,500	6,469	+750	+2,169
Neotropical Birds	3,944	[4,000]	4,000	4,000	3,981	+37	[-19]
Total	9,663	8,300	9,900	10,500	10,450	+787	+2,150
						+8.1%	+25.9%

Note: The comparison of 2006 conference to 2006 budget for Multi-Species uses \$4.3 million as the 2006 budget

The President’s budget requested \$8.3 million for the Multinational Species Conservation Fund. This included \$4.0 million for Neotropical Migratory Bird Conservation Fund grants.

The conference managers provide \$6.5 million for the Multinational Species Conservation Fund. This includes \$1.4 million for African elephant conservation, Asian elephant conservation, and great ape conservation; \$1.6 million for rhinoceros and tiger conservation; and \$697,000 for marine sea turtle conservation. In addition, \$4.0 million is appropriated in a separate account for neotropical migratory birds. The total provided for the Multinational Species Conservation and Neotropical Migratory Bird Conservation Funds is \$787,000 above the 2005 level and \$2.2 million above the request level.

National Park Service Operations

\$000						Conf. +/-	Conf. +/-
	05 Enacted	06 Budget	House	Senate	Conf.	05 Enacted	06 Budget
ONPS	1,683,564	1,734,053	1,754,199	1,748,486	1,735,772	52,208	1,719
						3.1%	0.1%

The President’s FY 2006 budget request of \$1.734 billion included an increase of \$50.5 million for the Operations of the National Park System activity. The request included increases of \$3.4 million for the repair and rehabilitation program for projects targeted to improve the conditions of historic buildings, \$5.4 million for investments in information technology, \$4.9 million to expand vital signs inventorying and monitoring within the Natural Resource Challenge, and \$400,000 for Jamestown 2007. Within ONPS, the request for park base operations was \$1.069 billion, \$22.0 million above the 2005 enacted level. The request fully funded pay and other fixed costs.

The conference agreement provides \$1.736 billion for the ONPS account, an increase of \$1.7 million above the President’s budget and an increase of \$52.2 million above the 2005 enacted level. It also earmarks \$2.0 million for the Youth Conservation Corps program.

The conference agreement funds park base at \$1.089 billion, \$20.0 million above the request. Of this increase, \$15.0 million is provided for across-the-board increases for all units and \$5.0 million is for high priority increases at specific

parks. Within the \$5.0 million, \$500,000 is to be allocated to the national trails system.

The conference agreement provides \$97.6 million in Repair and Rehabilitation funding, which includes an increase of \$2.5 million for repair and rehabilitation of historic buildings, or a decrease of \$900,000 million below the Administration’s request. Bill language expands the availability of repair and rehabilitation funding to two years.

The conference agreement provides a total of \$76.6 million for the Natural Resource Challenge, which includes an increase of \$3.9 million for vital signs inventorying and monitoring, a reduction of \$1.0 million below the President’s budget request.

The conference mark does not fund Jamestown 2007 in the ONPS account; rather, the request of \$400,000 is provided within the National Recreation and Preservation account under Statutory and Contractual Aid. A total of \$48,000 for Johnstown Area Heritage Association Museum and \$785,000 for Ice Age National Scientific Reserve are funded under Statutory and Contractual Aid, as well.

The conference agreement provides the Administration’s requests of \$2.4 million and \$2.5 million for the traditional challenge cost share and Lewis and Clark challenge cost share programs, respectively. The conference mark eliminates funding for the conservation challenge cost share program, a decrease of \$7.9 million below the request. In addition, one third of the challenge cost share program is earmarked for the National Trails System.

The conference agreement also includes increases of \$225,000 for the International Center for Science and Learning at Mammoth Cave NP and an increase of \$250,000 for the Wild and Scenic Rivers program.

NPS Natural Resource Challenge

\$000	05 Enacted	06 Budget	House	Senate	Conf.	Conf. +/-	
						05 Enact	06 Budget
Natural Resource Challenge	76,552	77,552	77,552	76,552	76,188	-364	-1,364
						-0.5%	-1.8%

The 2006 budget request included a total of \$77.6 million for the Natural Resource Challenge, an increase of \$1.0 million from the 2005 enacted level. This increase included \$4.9 million to complete funding for vital signs monitoring networks offset by a decrease of \$3.9 million for the Natural Resource Preservation Program. The conference agreement provides an increase of \$3.9 million for vital signs inventorying and monitoring, a reduction of \$1.0 million below the President’s request.

Everglades Restoration

\$000	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	Conf. +/-	
						<u>05 Enact</u>	<u>06 Budget</u>
Everglades	65,465	83,509	83,509	83,509	83,111	+17,646	-398
						27.0%	-0.5%

In 2006, total Interior funding is proposed at \$83.5 million, an increase of \$18.0 million over the 2005 enacted level. The increase from the 2005 level is mainly attributable to a request for \$25.0 million to continue the Modified Water Delivery project. The conference funds the Administration's request. The appropriations act stipulates that funds are only available for the Modified Water Delivery project if they are matched by the Army Corps of Engineers.

U.S. Park Police

\$000	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	Conf. +/-	
						<u>05 Enact</u>	<u>06 Budget</u>
Park Police	80,076	80,411	82,411	80,411	81,023	+947	+612
						1.2%	0.8%

The President's budget requested \$80.4 million for the U.S. Park Police, an increase of \$335,000 above the 2005 enacted level. The request fully funded fixed costs and proposed a reduction of \$986,000 in one-time funding for the 2005 Presidential inaugural. The conference provides \$81.0 million for USPP operations, an increase of \$612,000 above the request. Increases above the request are to fund new recruit classes.

Native American Programs

Office of Special Trustee

\$000	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	Conf +/-	
						<u>05 Enacted</u>	<u>06 Request</u>
OST	193,540	269,397	191,593	191,593	190,681	-2,859	-78,716
ILCA	<u>34,514</u>	<u>34,514</u>	<u>34,514</u>	<u>34,514</u>	<u>34,350</u>	<u>-164</u>	<u>-164</u>
Total	228,054	303,911	226,107	226,107	225,031	-3,023	-78,880
						-1.3%	-26.0%

The 2006 budget included \$303.9 million for OST, including \$269.4 million for Federal Trust Programs and \$34.5 million for Indian Land Consolidation. This is a net increase of \$75.9 million or 33 percent above the 2005 enacted level.

Federal Trust Programs. The \$269.4 million budget proposed reductions or redirections totaling \$6.5 million to refocus on high priority trust reform initiatives. The reductions included \$2.0 million for completion of certain trust systems work supporting development of policies and procedures, \$1.5 million in records management, \$1.1 million in risk management activities, and \$950,000 for completion of the virtual trust data warehouse and appraisal system. In addition,

a reduction of \$1.0 million in the appraisal program is possible as a result of economies and efficiencies in conducting reservation-wide rather than individual tract land appraisals.

The budget proposed other net adjustments of \$1.0 million for additional field space costs in OST, \$496,000 for Department-wide Enterprise Service Network and IT security costs, offset by a decrease of \$158,000 for management efficiencies in space and fleet utilization. The budget proposed an increase of \$1.4 million for pay, space, and related costs and an increase of \$1.9 million to reflect the transfer of funding from BIA to OST for the probate attorney decision maker staff as part of the single probate adjudication office under the Office of Hearings and Appeals.

The conference agreement provides \$190.7 million, a decrease of \$78.7 million below the request level, and a decrease of \$2.9 million below the 2005 level. Except for the increase requested for historical accounting, the conferees provide all the increases requested, and agree to the reductions proposed.

The conferees include general provisions that continue authority 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 the Indian probate backlog; however, the conference bill sets a sunset date for this provision to 2010.
- Limit compensation for the Special Master and Special Master-Monitor in *Cobell v. Norton* to 200 percent of the highest SES rate of pay.
- Pay private attorneys for the costs of legal representation for employees and former employees incurred in connection with *Cobell v. Norton*.
- Provide funds to Tribes within the California Tribal Trust Reform Consortium as a pilot effort separate from the Department's trust reform reorganization.

Historical Accounting. The President's budget included \$135.0 million for the Office of Historical Trust Accounting, an increase of \$77.8 million above the 2005 level. The conference agreement provides not to exceed \$58.0 million for historical accounting, a decrease of \$77.0 million from the request.

The conference manager retain language contained in the House bill that caps the total amount of funding that can be used for historical accounting activities at \$58.0 million. (Note, this amount is a spending cap, and does not reflect the actual appropriation amount, which including across-the-board reductions for 2005 and 2006 is \$56.9 million.)

The conference agreement includes the following statement reflecting the Committees concern about funding historical accounting: "The managers are closely following efforts to settle the long-standing *Cobell v. Norton* case and reiterate their position that any settlement to the case must be implemented in such a way that the programs in this bill are not adversely affected. The House and Senate Committees on Appropriations will not consider any settlement that decreases available funding for programs in Indian country funded in this bill. Further, the managers disagree with the continued insistence by the court that the Department of the Interior, to fulfill the intent of Congress, must perform a full

historical accounting. This results in the Department of the Interior being forced to divert resources and negatively impacts programs in Indian country.”

Indian Land Consolidation. The FY 2006 budget for Indian Land Consolidation was \$34.5 million, the same as the 2005 level. The conference agreement provides \$34.5 million for Indian Land Consolidation, the amount requested.

Bureau of Indian Affairs

\$000						Conf +/-	Conf +/-
	05 Enacted	06 Budget	House	Senate	Conf.	05 Enacted	06 Request
Op. of Indian Programs	1,926,091	1,924,230	1,992,737	1,971,132	1,982,011	+55,920	+57,781
Construction Land & Water Settlements	319,130	232,137	284,137	267,137	274,325	-44,805	+42,188
Guaranteed Loan Program	44,149	24,754	34,754	24,754	34,588	-9,561	+9,834
	<u>6,332</u>	<u>6,348</u>	<u>6,348</u>	<u>6,348</u>	<u>6,318</u>	<u>-14</u>	<u>-30</u>
Total	2,295,702	2,187,469	2,317,976	2,269,371	2,297,242	1,540 +0.1%	109,773 +5.0%

The 2006 President’s budget request for BIA was \$2.2 billion, a net decrease of \$108.2 million or five percent below 2005. Within this, the request for increases totaled \$39.7 million, focusing on the bureau’s highest priorities – improving trust management programs, law enforcement and detention centers, education, and economic development. The President’s budget included offsetting decreases to the education construction program, tribal colleges and university operating grants, and programs that lack performance accountability or duplicate other Federal or State programs.

The conferees fund BIA at \$2.297 billion, an increase of \$109.8 million over the President’s budget, and an increase of \$1.5 million over the 2005 enacted budget. Uncontrollable costs are fully funded. Changes from the request include:

Trust Programs. The 2006 budget request included \$287.4 million for trust programs, including a program increase of \$12.6 million.

The conference agreement funds the BIA portions of the Unified Trust budget at \$288.6 million, \$1.2 million more than the request. The conferees agree to all of the reductions proposed except for a \$1.0 million decrease in the BIA endangered species program. The conferees add \$210,000 for fish hatchery maintenance. The conferees also include the request for an additional \$1.5 million for the National Indian Programs Training Center, in Albuquerque, New Mexico.

Law Enforcement and Detention Centers. The budget request included \$200.5 million for Public Safety and Justice programs, including an increase of \$19.2 million to expand a law enforcement presence in high crime areas and to staff, operate, and maintain new detention centers and repair existing detention centers.

The conference agreement funds public safety and justice programs, both operations and construction, at \$204.5 million, an increase of \$4.0 million above the request for on-the-ground community policing and drug enforcement programs. The statement of the managers says that none of the funds provided for the law enforcement increase should be retained by the central or regional offices for administrative activities, and directs BIA to report on the use of these increased funds by December 31, 2005. The conferees provide the requested increases for detention centers.

Tribal Priority Allocations. The President's budget request included \$760.1 million for Tribal Priority Allocations. The conference agreement funds TPA at \$773.6 million, \$13.5 million more than the request. The conference agreement does not accept the proposed decreases in Johnson-O'Malley assistance grants and welfare assistance or the proposed decreases for community fire protection. The conferees add \$750,000 above the request for Indian Child Welfare Act programs, and direct BIA to use the increased funds for counseling and after-school programs for at-risk children.

Education. The budget included \$521.6 for elementary and secondary school operations. After the across-the-board rescission, the conference agreement provides \$529.0 million for elementary and secondary school operations, \$7.4 million more than the request, including an additional \$1.0 million for ISEP formula funds; \$2.0 million for the FOCUS program; and \$3.5 million for student transportation. The additional funding for the FOCUS program is for assisting at-risk children, encouraging more parental participation in schools, and encouraging participation in after school activities. The conferees do not accept the proposal to reduce early childhood development programs by \$3.4 million. The conferees provide an additional \$13.0 million for tribal colleges and universities.

Resource Management Operations. The conference agreement adds \$1.0 million to the Irrigation Operations and Maintenance program for the Navajo Indian Irrigation project and \$556,000 for the Chippewa/Ottawa Resource Authority. The conferees reduce funding for Water Management, Planning and pre-development by \$500,000 and earmark \$200,000 within funding for operation, maintenance, and repair of the Ft. Peck Reservation Tribal Water System.

Tribal Resource and Community Development. The conference agreement provides funding for a number of resource management and community development activities not requested in the budget, including:

- +\$2.74 million for the Washington State Timber-Fish-Wildlife Project with report language requiring \$1.0 million of the increase to be used for the mass marketing of salmon;
- +\$3.0 million for the Intertribal Bison Management;
- +\$394,000 for the Seminole Tribe for Everglades restoration;
- +\$448,000 for the National Ironworkers Training Program;
- +\$498,000 for the Rocky Mountain Patient Advocate program with the expectation this will be the last year of funding for this program from this

- account and the program should work to become self-sufficient;
- +\$746,000 for the Rural Alaska Fire program;
- +\$1.5 million for the Nursing program at Salish and Kootenai Tribal College;
- +\$398,000 for the Alaska Legal services;
- +\$448,000 for the United Sioux Tribes Development Corporation;
- +\$1.24 million for the Western Heritage Center's Distance Learning and tribal histories project;
- +\$100,000 for the Rocky Mountain Tribal Educational Symposia;
- +\$318,000 for the Upper Columbia United Tribes;
- +\$597,000 for the Circle of Flight program;
- +\$98,000 for the Alaska Sea Otter Commission;
- +\$448,000 for the Bering Sea Fisherman's Association;
- +\$299,000 for the Chugach Regional Resources Commission;
- +\$348,000 for Lake Roosevelt Management;
- +\$3.5 million for United Tribes Technical College; and
- +\$1.8 million for Crownpoint Institute of Technology.

School Construction. For the school construction program, the 2006 budget proposed \$173.9 million, a reduction of \$89.5 million in order to allow the program to focus on building the 34 schools that have already been funded.

The conferees provide \$208.9 million for BIA school construction, an increase of \$35.0 million over the request. Of the increase, \$21.7 million is provided for replacement school construction projects, which will complete funding for Crownpoint Community School and begin the Muckleshoot Tribal School, and \$13.3 million is provided for additional major school facilities and improvement and repair projects which will fund three to five FI&R projects to address the most immediate health and safety maintenance needs. The statement of the managers expresses concern about the reduction to Indian school construction and repair.

Resource Management Construction. The President's budget included \$38.3 million for Resource Management Construction. The conference agreement provides \$7.5 million over the request for Indian irrigation FI&R projects. The statement of managers lists specific projects BIA should consider when prioritizing project proposals.

Indian Land and Water Claims Settlements. The President's budget included \$24.8 million for settlement costs. The conference agreement provides \$10.0 million above the request to fund the Quinault Indian Nation North Boundary settlement. This settlement was funded in the BIA Land and Water Settlement Account in 2005. The 2006 budget proposed funding it within the FWS land acquisition account.

Budget Restructuring. The conference agreement denies the request to restructure the BIA budget, citing inadequate consultation with Tribes. The statement of managers indicates that there is a need to restructure the budget and directs BIA to submit a revised budget structure as part of the 2007 budget justification. The statement of managers also provides specific criteria for the

restructure and requires a report on the progress of consultation by October 31, 2005.

Report Language

The statement of managers includes the following direction:

- The conferees direct the Government Accountability Office to conduct a study of BIA procedures and practices in implementing regulations for placing land into trust. The GAO is to report to the House and Senate Committees on Appropriations by May 1, 2006.
- BIA is to develop an internet website on the DOI homepage that provides detailed information on the BIA and OST budgets.
- BIA will provide a report on tribal consultation by December 31, 2005 outlining the process for tribal consultation on administrative, funding, and operational changes to programs and projects.
- The conferees state that the United Tribes Technical College and Crownpoint Institute are institutions of higher learning that provide an educational benefit to Indian country and should be included in future budget requests.
- The conferees recognize that Interior is examining ways to strengthen management of education programs and would consider a reprogramming from education program adjustments to support education management.
- The conferees express reservations about the proposed split in contract support costs between direct and indirect costs and deny the proposed bill language that would establish caps for each. The BIA is directed to work with Tribes to develop an updated policy on the payment of contract support costs.
- The conferees request a report on BIA fish hatcheries by February 1, 2006. The Senate report also requested a 2007 budget initiative to address maintenance and rehabilitation plans for BIA and tribal hatcheries.
- The conferees expect BIA to work with the Montana-Wyoming Tribal Leaders Council to support and enhance their vision to provide a continuing education program for tribal leaders.
- Bill language amends the Indian Education Act (25 USC 2001 (d)) and requires that the Secretary obtain approval of the governing body of an Indian Tribe before closing or taking any other action relating to a school. The Act continues to provide authority for temporary closure, consolidation or substantial curtailment if required by facility conditions that constitute a threat to health and safety.
- The conferees require a detailed status report of all ongoing litigation, negotiations and settlements with the Samish Indian Nation within 60 days of enactment of the appropriations act.

Maintaining America's Heritage

Maintenance

\$000						Conf +/-	Conf +/-
	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	<u>05 Enacted</u>	<u>06 Request</u>
BLM	100,634	95,043	95,043	97,043	96,084	-4,550	+1,041
USGS	33,204	33,284	33,284	33,284	33,268	+64	-16
FWS	154,056	156,322	158,397	156,322	156,460	+2,404	+138
NPS	582,739	595,586	605,966	599,903	598,963	+16,224	+3,377
BIA	<u>73,150</u>	<u>77,065</u>	<u>77,065</u>	<u>77,065</u>	<u>77,028</u>	<u>+3,878</u>	<u>-37</u>
Total	943,783	957,300	969,755	963,617	961,803	+18,020	+1,179
						+1.9%	+0.1%

The President's 2006 budget included \$957.3 million for annual, deferred, and cyclic maintenance programs in BLM, USGS, FWS, NPS, and BIA. The conference agreement provides an increase of \$1.2 million above the request and \$18.0 million above 2005.

Conference changes to the request include increases of \$1.0 million for BLM; \$138,000 for FWS; and \$3.4 million for NPS. USGS and BIA are reduced slightly, by \$16,000 and \$37,000 respectively.

Details on NPS deferred maintenance follow the Construction discussion.

Construction

\$000						Conf +/-	Conf +/-
	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	<u>05 Enacted</u>	<u>06 Request</u>
BLM	11,340	6,476	11,476	9,976	11,869	+529	+5,393
FWS	52,658	19,676	41,206	31,811	45,672	-6,986	+25,996
NPS	302,180	307,362	291,230	299,201	299,776	-2,404	-7,586
BIA	<u>319,129</u>	<u>232,137</u>	<u>284,137</u>	<u>267,137</u>	<u>274,325</u>	<u>-44,804</u>	<u>+42,188</u>
Total	685,307	565,651	628,049	608,125	631,642	-53,665	+31,389
						-7.8%	+5.5%

The President's budget included \$565.7 million for construction, comprised of \$6.5 million in BLM, \$19.7 million in FWS, \$307.4 million in NPS, and \$232.1 million in BIA.

The conferees provide \$631.6 million or 5.5 percent above the request and 7.8 percent below 2005. Of the 72 requested projects, 62 are funded in whole or in part. The conferees add on \$15.2 million for 37 projects.

Specifics for each bureau follow:

BLM. The conferees fund all the requested projects; two add-on projects, and provide \$3.5 million for unspecified high priority deferred maintenance construction projects that improve recreation facilities and public access.

FWS. The \$45.7 million mark funds all of the requested projects and provides \$26.1 million for 14 add-on projects. Among the add-ons are \$4.0 million to complete construction of the Kodiak NWR visitor center in Alaska, \$2.2 million to complete the Hanford Reach National Monument/Saddle Mountain NWR visitor center in Washington, \$2.1 million for laboratory construction at the Sevilleta NWR in New Mexico, and \$3.3 million for the continued renovation/upgrade of the Clark R. Bavin Forensics Laboratory in Oregon.

NPS. The conference agreement provides \$299.8 million. (This excludes \$17.0 million from prior year Everglades land acquisition funds for the Everglades Modified Water Deliveries project.) Overall, the conference mark is \$7.6 million less than the request and \$2.4 million less than in 2005.

BIA. The conferees provide \$274.3 million for BIA construction, \$42.2 million above the request and \$44.8 million less than in 2005. Within the increase, \$4.8 million is provided for replacement school construction, \$7.4 million for facilities improvement and repair, and \$7.3 million for resources management construction primarily focusing on rehabilitation of bureau and tribal water delivery projects.

A list of construction projects for the bureaus is included in Attachment 4.

National Park Service Deferred Maintenance Backlog

\$000						Conf. +/-	
	05 Enacted	06 Budget	House	Senate	Conf.	05 Enact	06 Budget
ONPS/Fac.							
Maintenance	385,429	392,233	398,794	393,090	393,548	+8,119	+1,315
Construction	<u>302,180</u>	<u>307,362</u>	<u>291,230</u>	<u>299,201</u>	<u>299,776</u>	<u>-2,404</u>	<u>-7,586</u>
Total	687,609	699,595	690,024	692,291	693,324	+5,715	-6,271
						+8%	-9%

The President’s budget requested \$699.6 million in support of the Administration’s commitment to manage the NPS deferred maintenance backlog, an increase of \$12.0 million over the 2005 enacted level. This figure includes the Construction appropriation and the Facility Maintenance component of the Park Management Activity in the Operation of the National Park System account. Within the \$12 million increase, \$3.4 million was requested for Repair and Rehabilitation projects targeted to improve the condition of historic buildings. The request also included an offset of \$17.0 million in prior year land acquisition balances to fund the Everglades Modified Water Deliveries project.

The conference agreement provides a total of \$693.3 million for facility maintenance and construction, a net decrease of \$6.3 million below the Administration’s request. The conference agreement funds cyclic maintenance at 62.8 million, as requested.

The conference level provides \$393.5 million for the Facility Maintenance component of the ONPS account, an increase of \$1.3 million above the request. The conference agreement funds the construction account at \$316.8 million, a decrease of \$7.6 million reduction below the Administration’s request. Most of the reduction to the construction account is taken from funding for line-item construction projects.

Bill language extends the availability of funds for repair and rehabilitation projects to two years.

Science Programs

U.S. Geological Survey

\$000						Conf +/-	Conf +/-
	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	<u>05 Enacted</u>	<u>06 Request</u>
SIR	935,464	933,515	974,586	963,057	971,389	+35,925	+37,874
Total	935,464	933,515	974,586	963,057	971,389	+35,925 +3.8%	+37,874 +4.1%

The 2006 President’s budget request included \$935.5 million for the USGS Surveys, Investigations and Research account. The conferees provide \$971.4 million, which is \$37.9 million above the President’s request level and \$35.9 million above the 2005 enacted level.

Geography. The Geography discipline is funded at \$130.6 million, which is \$2.9 million below the President’s request and \$11.8 million above the 2005 enacted level. This funding level does not include the full funding requested to cover the Landsat 7 shortfall. The conferees provide \$8.0 of the \$12.0 million requested for these costs, with half allocated to Geography and the other half to Science Support. The statement of managers directs the Survey to offset the \$4.0 million decrease with reductions in travel, administrative streamlining, and buyout savings. Funding is not provided for the Science Impact program.

Geology. The conferees provide the Geology discipline with \$237.7 million, which is \$29.5 million above the 2006 President’s request and \$8.4 million above the 2005 enacted level. The conferees restore the minerals resources and assessment program and provide the following increases above the President’s request: \$250,000 for a global dust study, \$600,000 for Florida Shelf research, and \$500,000 for a gas hydrates study in Alaska. Funding is provided for all of the requested increases within the President’s budget for Geology, except for ecosystem studies in Puget Sound (\$512,000). The \$5.4 million request for a tsunami warning system is approved. The statement of managers includes language strongly disagreeing with the Administration’s proposal to reduce the minerals assessment program.

Water Resources. The Water Resources Investigations discipline is funded at \$213.9 million. The conferees provide the following increases above the

President's request: \$230,000 for a petroleum contamination study in Oklahoma, \$100,000 for a Hood Canal fish mortality study, \$300,000 for the San Pedro partnership, \$295,000 for Lake Champlain, \$900,000 for a coalbed methane study on Tongue River, \$500,000 for a Memphis aquifer study, \$230,000 for an Ozark aquifer study, \$1.3 million to continue restoration of Tar Creek in Oklahoma, and \$450,000 for monitoring water resources in Hawaii. The conference agreement restores full funding, \$6.5 million, for the water resources research institutes.

The statement of managers includes language expressing concern over continuing reports that suggest the USGS Water Resources program is providing or seeking to provide a variety of commercial services in competition with the private sector. The managers urge the USGS to use the services of the private sector whenever feasible and cost effective.

Biology. The Biological Research program is funded at \$176.6 million, which is \$3.7 million above the President's request and \$4.9 million above the 2005 enacted level. Increases above the President's request include \$6.1 million in earmarked funding, including \$500,000 for manatee research, \$400,000 for equipment needed for a survey of the ivory billed woodpecker, and a one time appropriation of \$200,000 to the University of Missouri-Columbia for start-up costs associated with the establishment of a Wetland Ecology Center of Excellence. Additionally, the conferees provide \$100,000 of the requested \$300,000 for invasive species and direct the increase to the leafy spurge eradication program. The conferees also express their concerns that the NBII program does not have a clearly coordinated budgetary and programmatic plan for its expansion and that an internet-based system must be geographically dispersed. The statement of managers requests a report addressing the research that has been conducted to date, as part of the multi-disciplinary science study at Leetown Science Center, and the issues that still need to be addressed to finish the project.

Enterprise Information. The Enterprise Information program is funded at \$46.9 million, which is \$904,000 below the 2006 President's request and \$2.5 million above the 2005 enacted level. Changes from the President's request include a reduction of \$680,000 for disaster.gov.

Science Support. The conferees fund Science Support at \$70.0 million, which is \$2.3 million below the 2006 President's request level, and \$4.4 million above the 2005 enacted level. Changes from the President's request include \$2.0 million of the \$4.0 million reduction in the Landsat 7 shortfall costs discussed in the Geography section.

Other Bureaus, Offices, and Programs

NPS Historic Preservation Fund

\$000						Conf. +/-	Conf. +/-
	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	<u>05 Enact</u>	<u>06 Budget</u>
Historic Pres.	38,705	38,705	39,205	42,500	40,058	+1,353	+1,353
Save Amer.							
Treasures	29,583	15,000	30,000	30,000	29,857	+274	+14,857
Preserve							
America	0	12,500	0	0	0	0	-12,500
HBCUs	<u>3,451</u>	<u>0</u>	<u>3,500</u>	<u>0</u>	<u>2,986</u>	<u>-465</u>	<u>+2,986</u>
Total	71,739	66,205	72,705	72,500	72,901	1,162	6,696
						+1.6%	+10.1%

The President's budget requested a total of \$66.2 million for the NPS Historic Preservation Fund. This included \$38.7 million in grants to States, Territories and Tribes. It also included \$15.0 million for the Save America's Treasures program and \$12.5 million for the Preserve America initiative. The President did not request funding for grants to HBCUs; last year Congress added \$3.5 million for this program.

The conference agreement provides a total of \$72.9 million for the Historic Preservation Fund, an increase of \$6.7 million above the President's request. Funding for historic preservation grants to States, Territories, and Tribes totals \$40.1 million, an increase of \$1.4 million above the request. The conference agreement provides \$14.9 million above the request level for the Save America's Treasures program, for total funding of \$29.9 million. The conference agreement does not separately fund the \$12.5 million request for the Preserve America initiative, but allows NPS to award up to \$5.0 million in Save America's Treasures funding for Preserve America heritage tourism grants. In addition, the conference agreement provides \$3.0 million for grants to HBCUs.

National Recreation and Preservation

\$000						Conf. +/-	Conf. +/-
	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	<u>05 Enact</u>	<u>06 Budget</u>
NR&P	60,973	36,777	48,997	56,729	54,704	-6,269	+17,927
						-10.3%	+48.7%

The President's budget request included \$36.8 million for National Recreation and Preservation programs, a decrease of \$24.2 million below 2005. The request included \$5.0 million for national heritage areas, a decrease of \$9.6 million from 2005. The budget request also eliminated funding for the National Center for Preservation Technology and Training and funding for statutory and contractual aid grants.

The conference agreement provides \$54.7 million for NR&P programs, an increase of \$17.9 million above the President's request. This includes \$13.4 million for national heritage areas, an increase of \$8.4 million above the budget request. The

conference agreement restores \$1.9 million for the National Center for Preservation Technology and Training and provides \$7.1 million in funding for statutory and contractual aid grants.

\$000						Conf +/-	
	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	<u>05 Enacted</u>	<u>06 Request</u>
ROMM	166,818	160,416	152,676	152,516	152,919	-13,899	-7,497
Oil Spill	<u>7,006</u>	<u>7,006</u>	<u>7,006</u>	<u>7,006</u>	<u>6,973</u>	<u>-33</u>	<u>-33</u>
Offsetting							
Collections	<u>103,730</u>	<u>122,730</u>	<u>122,730</u>	<u>122,730</u>	<u>122,730</u>	<u>+19,000</u>	<u>0</u>
Total	173,824	167,422	159,682	159,522	159,892	-13,932	-7,530
						-8.0%	-4.5%
Total Including Offsetting Collections	277,554	290,152	282,412	282,252	282,622	+5,068	-7,530

Minerals Management Service

The President's Budget request for MMS included \$167.4 million for direct appropriations comprised of \$160.4 million for Royalty and Offshore Minerals Management and \$7.0 million for Oil Spill Research. This was a net decrease of \$6.4 million from 2005. Collections from Outer Continental Shelf rents and other fee sources were requested at \$122.7 million, an increase of \$19.0 million from 2005. The total request was \$290.2 million for MMS operations.

The 2006 budget proposed increases include: \$1.2 million for a records management improvement project; \$5.8 million to fund the Royalty-in-Kind program out of ROMM appropriations rather than from revenue receipts; an additional \$4.0 million for Royalty-in-Kind to offset costs which had been covered by RIK receipts; \$2.6 million for evolving technologies and growing regulatory needs of increased OCS deepwater activity; and \$500,000 for the Indian Compliance Assurance Initiative. Also, MMS proposed to collect \$19.0 million in new cost recovery and other fees in 2006.

The conference agreement provides \$159.9 million for MMS, which includes \$122.7 million in offsetting collections. This is \$13.9 million more than the 2005 enacted level and \$7.5 million less than the request.

The conference agreement provides an unrequested overall increase of \$1.1 million for fixed costs; an earmark of \$150,000 within available funds for the Alaska Whaling Commission; and \$900,000 for the Center for Marine Resources and Environmental Technology. The conferees also provide an increase of \$1.0 million for the State and tribal audit program.

The conference agreement provides that in fiscal year 2006 and thereafter, MMS may use a portion of the revenues from Royalty-in-Kind sales to pay for transportation and processing costs, salaries, and other administrative costs directly related to the Royalty-in-Kind program. The Royalty-in-Kind appropriations level was therefore reduced \$9.8 million.

The conference agreement also continues 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	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	Conf +/-	
						<u>05 Enacted</u>	<u>06 Request</u>
R & T	108,368	110,535	110,535	110,535	110,009	+1,641	-526
AML	<u>188,205</u>	<u>246,014</u>	<u>188,014</u>	<u>188,014</u>	<u>187,119</u>	<u>-1,086</u>	<u>-58,895</u>
Total	296,573	356,549	298,549	298,549	297,128	+555	-59,421
						+0.2%	-16.7%

The President's budget request included \$356.5 million for OSM programs, a net increase of \$60.0 million above the 2005 enacted level. The President's budget included a \$58.0 million increase in the Abandoned Mine Land program in anticipation of a reauthorization proposal, and a \$2.2 million increase for Regulation and Technology.

The conference agreement provides \$297.1 million for OSM, which is \$555,000 more than the 2005 enacted and \$1.4 million less than the request. The conference agreement provides \$110.0 million for the Regulation and Technology program, a \$1.6 million increase over the enacted and \$525,000 less than the request.

The conference agreement provides \$187.1 million for the AML program, excluding the requested \$58.0 million increase for certified States and Tribes. The conference agreement includes a provision that extends OSM's authority to collect the fee for abandoned mine land reclamation until June 30, 2006. The conference agreement continues funding the Appalachian Clean Streams Initiative at an amount up to \$10.0 million.

The conferees provide for a one-time transfer of the balance in the fund for the rural abandoned mine program, which has not been used for ten years, to the Federal share fund, so that those funds could be used in the future for emergencies and other Federal obligations. The conference agreement also retains language limiting funding for minimum program States to \$1.5 million, and continues to provide Maryland with special flexibility for acid mine drainage abatement.

Office of Insular Affairs

\$000	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	Conf +/-	
						<u>05 Enacted</u>	<u>06 Request</u>
Ass't to Territories	75,581	74,263	76,563	76,683	76,649	+1,068	+2,386
Compact of Free Assoc	<u>5,450</u>	<u>4,862</u>	<u>5,362</u>	<u>4,862</u>	<u>5,346</u>	<u>-104</u>	<u>+484</u>
Total	81,031	79,125	81,925	81,545	81,995	+964	+2,870
						+1.2%	+3.6%

The 2006 President's budget requested \$79.1 million in current (non-permanent) funding for the Office of Insular Affairs, \$1.9 million below the 2005 enacted level. The conference agreement provides \$82.0 million, \$964,000 above the 2005 enacted level and \$2.9 million above the request.

Assistance to Territories. The conference agreement provides \$76.6 million for Assistance to Territories, which is \$1.1 million above the 2005 enacted level and \$2.4 million above the 2006 request. The conferees provide \$1.0 million requested for water and wastewater projects in the insular areas as well as additional funding for increased oversight administration of CFA grants (\$500,000), the continuing court education and administration project (\$320,000), the Marshall Islands health care program (\$1.0 million), and the continuation of the Prior Services Trust Fund (\$800,000). Concerns and directives included in the House and Senate reports concerning economic development, the Prior Service Trust Fund, the immigration, labor and law enforcement initiative in the CNMI, were not changed in the conference report, and still stand.

Compact of Free Association. The conferees provide \$5.3 million for the Compact of Free Association, which is \$104,000 below the 2005 enacted level and \$484,000 above the 2006 request. The additional funding provides support for Enewetak.

Departmental Offices

	<u>05 Enacted</u>	<u>06 Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conf.</u>	<u>Conf. +/- 05 Enacted</u>	<u>Conf. +/- 06 Budget</u>
Dept. Mgmt.	79,731	89,159	66,759	77,186	86,772	+7,041	-2,387
Reductions(<i>inc. above</i>)*			[-21,000]	[-10,000]			
FBMS**	14,160	23,555	23,555	22,555	22,448	+8,288	-1,107
Appraisal Services	0	7,441	7,441	7,441	7,406	+7,406	-35
MLK Memorial	0	0	0	0	9,952	+9,952	+9,952
Grant/Kendall Co.	<u>4,931</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4,976</u>	<u>+45</u>	<u>+4,976</u>
Subtotal, OS	98,822	120,155	97,755	107,182	131,554	+32,732	+11,399
PILT	226,805	200,000	242,000	235,000	234,877	+8,072	+34,877
Central HAZMAT***	9,855	9,855	9,855	9,855	9,808	-47	-47
Solicitor	51,656	55,752	55,340	55,652	55,176	+3,520	-576
Inspector General	37,275	40,999	39,566	39,116	38,930	+1,655	-2,069
NRDA	<u>5,737</u>	<u>6,106</u>	<u>6,106</u>	<u>6,106</u>	<u>6,077</u>	<u>+340</u>	<u>-29</u>
Total	430,150	432,867	450,622	452,911	476,422	+46,272	+43,555
						+10.7%	+9.7%

*The Senate included a \$10M reduction to admin. expenses in operating accounts to be spread prorata across Interior bureaus and offices.

**FBMS was requested in the DM appropriation. The House funded it in DM appropriation while the Senate funded it in the Working Capital Fund. Conference funds in the DM appropriation. For comparability it is shown on one line.

***Proposed for transfer in 2006 from BLM to the Office of the Secretary.

Overall, the 2006 President's budget for Departmental Offices requested \$432.9 million. This included \$209.3 million for the Office of the Secretary, centralized services supporting management of the Department, the Office of the Solicitor, and the Office of Inspector General, and the consolidated appraisal services function. The 2006 budget also included \$23.6 million for the Financial and Business Management System, an increase of \$9.4 million over the 2005 funding level and \$200.0 million for PILT, a decrease of \$26.8 million below the 2005 level.

Departmental Management. For Departmental Management, the President's budget request of \$120.2 million continued strategic investments to address important Department-wide needs, including:

- \$23.6 million for the Financial and Business Management System
- \$7.2 million for the appraisal services program (*excluding fixed costs*)
- \$1.5 million for continued development of the Enterprise Services Network and other IT enhancements including IT certification and accreditation
- \$700,000 to enhance the law enforcement and security program, in particular, create an internal affairs function
- \$500,600 for Take Pride in America
- \$463,000 to prepare OS financial data for migration to FBMS
- \$250,000 to develop tools to utilize performance and cost data effectively
- \$200,000 for partnership training
- \$100,000 to further enforce aspects of the Indian Arts and Crafts Act of 1990 and
- \$6.1 million for fixed costs.

Overall, the conference provides \$131.6 million, an increase of \$11.4 million above the request and \$32.7 million above the 2005 enacted level. Included in this level of funding is a land acquisition grant to Kendall County, Illinois (+5.0 million) and funding for the Martin Luther King Memorial (+10.0 million).

Conference funding related strictly to Departmental Management operations totals \$116.6 million, a decrease of \$3.5 million from the request but \$17.8 million above 2005. The conference agreement funds requested increases for the appraisal services program, Enterprise Services Network, FBMS financial data preparation, enforcement aspects of the Indian Arts and Crafts Act of 1990, and fixed costs. The conference agreement does not provide the increases requested to enhance the law enforcement program, Take Pride in America, partnerships training, funds requested to develop tools to utilize performance and cost data, or IT certification and accreditation (-\$322,000).

The conference agreement funds the Financial and Business Management System in the Department Management appropriation at \$22.4 million.

Central Hazardous Materials Fund. The conference agreement accepted the Administration's proposal to transfer the Central Hazardous Materials Fund from BLM to the Office of the Secretary and funds it at \$9.8 million.

Payments in Lieu of Taxes. For the Payments in Lieu of Taxes program, the budget included \$200.0 million, a decrease of \$26.8 million below the 2005 enacted

level. The conference agreement funds the program at \$234.9 million, an increase of \$34.9 million above the request and \$8.1 million above 2005.

Office of the Solicitor. For the Office of the Solicitor, the President's budget included \$55.8 million, which included:

- \$1.9 million for fixed costs;
- \$1.2 million for information technology operations and maintenance, certification and accreditation, equipment, software, and initial investments in a Legal Knowledge Management System;
- \$520,000 for four attorney positions;
- \$200,000 for two support position in the new FOIA appeals function transferred from the OCIO; and
- \$212,000 for training, travel, and other support costs.

The conference agreement provides \$55.2 million, a decrease of \$312,000 from the request, and \$3.5 million above 2005 enacted. The conference agreement funds fixed costs, four additional attorney positions, one additional position for FOIA appeals, IT investments, and the FOIA appeals transfer. The conference agreement does not provide for the second FOIA appeals position nor the training, travel, and other support requested for the legal staff.

Office of Inspector General. For the Office of Inspector General, the budget request was \$41.0 million, which included:

- \$1.6 million for fixed costs;
- \$600,000 for four FTEs to perform FISMA compliance oversight;
- \$470,000 for two FTEs and PCS expenses relating to the formation of the Office of Evaluations and Management Services;
- \$1.2 million to fund eight FTEs in the Office of Investigations to increase efficiencies in combating waste, fraud, abuse, and mismanagement; and
- \$213,000 for security clearances, computer equipment and software upgrades, and the OIG Mentor Program training.

The conference agreement provides \$38.9 million, a decrease of \$1.9 million from the request, and \$1.7 million above the 2005 level. The conference agreement provides funding for fixed costs, two additional IT audit staff, two additional investigators, and the transfer of the single audit function. The conference agreement does not fund two additional IT audit staff, nor the increase requested for the Office of Evaluations and Quick Response.

Natural Resource Damage Assessment and Restoration Program. For the Natural Resource Damage Assessment and Restoration program, the budget included \$6.1 million. The conference funds the program at the request level.

Department-wide Law Enforcement: The President's Budget included \$572.7 million for law enforcement programs, an increase of \$31.6 million for fixed costs and program increases, as described below. The conference agreement funds a total of \$578.3 million.

BLM: The President's Budget requested a program increase of \$944,000, primarily for additional staff in the Four Corners and border areas. The conference agreement funds the request and provides an additional \$1.2 million for additional staff at National Landscape Conservation areas in Montana, Colorado, and California.

FWS: The request included increases for additional refuge officers and field agents as well as increases for IMARS and computer forensics. The conference agreement funds the request and adds \$100,000 for vehicles.

NPS – U.S. Park Police: The request included a one-time reduction to funds provided for the Inauguration. The conference agreement provides an additional \$612,000 above the request for new recruit classes. (This reflects the across-the-board reduction.)

BIA: The budget request included an increase of \$12.2 million to provide additional officers; additional staffing to operate new detention centers; and funds for separation of juvenile from adult offenders. In the Construction account, the request included an increase of \$4.4 million for improvement and repair of detention centers. In addition to funding the increases requested, the conferees provide an increase of \$4.0 million for additional officers.

Office of Law Enforcement: The President's budget included an increase of \$700,000 for staffing requested to implement the Secretary's law enforcement reforms. The conference agreement does not fund the increase.

MAJOR LEGISLATIVE LANGUAGE ITEMS

Title 1 – General Provisions, Department of the Interior

Title 1 of the conference agreement includes numbered legislative provisions, including the following:

Emergency Transfers. As requested in the President's budget, the conference agreement includes provisions that allow for the transfer of funds in cases of emergency and defined circumstances when authorized by the Secretary. (§101, 102)

Administrative Provision. As requested in the President's budget, the conference agreement includes a provision that provides for the use of appropriations, not to exceed \$500,000, for certain services such as warehouses and garages when authorized by the Secretary. (§103)

Outer Continental Shelf Moratoria. As requested in the President's budget, the conference agreement continues the moratoria on OCS oil and gas activities. (§104-106)

Indian Trust Management. As requested in the President's budget, the conference agreement includes a provision allowing the use of Bureau of Indian Affairs and Office of Special Trustee appropriations in this bill, as well as unobligated balances from prior appropriations, for Indian trust management and reform activities. (§107)

Indian Probate Cases. As requested in the President's budget, the conference agreement includes a provision deeming the requirements of chapter 10 of title 25, United States Code, to be satisfied by a proceeding conducted by an Indian probate judge appointed by the Secretary. The provision is in effect for 2006 through 2010, and allows the appointment of Indian probate judges for such period of time as the Secretary determines necessary. The provision also limits the basic pay of an Indian probate judge to not more than the highest grade of the General Schedule, including locality pay. (§108)

Tribal Priority Allocation Funds. As requested in the President's budget, the conference agreement includes a provision authorizing the Secretary of the Interior to redistribute any tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities. The provision precludes any Tribe from receiving a reduction in Tribal Priority Allocation funds of more than 10 percent in FY 2006, except in circumstances of dual enrollment, overlapping service areas, or inaccurate distribution methodologies. (§109)

Postsecondary Programs at SIPI and Haskell. The conference agreement includes a permanent provision establishing the funding provided in FY 2005 for postsecondary programs at Southwest Indian Polytechnic Institute and at Haskell Indian Nations University as a baseline and authorizing any funds for postsecondary programs appropriated in this and future appropriations, that

exceed the baseline, to be allocated in direct proportion to the needs of the schools. The conference agreement modifies the language proposed in the President's budget, which addressed the allocation of funds to postsecondary schools. (§110)

Twin Cities. As requested in the President's budget, the conference agreement continues language proposed in the budget to allow conveyance of properties at the Twin Cities Research Center and retention of receipts related to use of the properties. (§111)

Sheldon and Hart NWR. As requested in the President's budget, the conference agreement includes language requested in the budget to allow FWS to use helicopters and motor vehicles for management of wild horses and burros at the refuge. (§112)

Land Acquisition Grants. The conference agreement includes a provision that allows NPS land acquisition funds for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail to be used for grants to a State, local government, or any other land management entity for the acquisition of lands without regard to any restriction in the LWCF Act of 1965. The President's budget proposed to delete this provision as one-time. (§113)

Carlsbad Caverns. The conference agreement continues the limitation on the use of funds for a concessions contract permitting or requiring the removal of the underground lunchroom at Carlsbad Caverns NP. The budget proposed to eliminate this provision as unnecessary. (§114)

Bridge Demolition. The conference agreement continues a provision prohibiting the use of funds to demolish a bridge between Jersey City, New Jersey, and Ellis Island or to prevent pedestrian use of the bridge, as long as pedestrian use is consistent with generally accepted safety standards. The President's budget proposed to discontinue the provision as unnecessary. (§115)

Special Master/Court Monitor. The conference agreement continues a provision that precludes the Departments of Interior, Treasury, and Justice from compensating the Special Master and the Special Master-Monitor 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. The President's budget proposed to discontinue the provision as unnecessary. (§116)

Employee Attorney Fees. As requested in the President's budget, the conference agreement continues a 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*. (§117)

Mass Marking. The conference agreement 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. The President's budget proposed to discontinue the provision, as funds were not budgeted for this. (§118)

Prohibition of Gaming on Certain Indian Lands. As requested in the President's budget, the conference agreement includes a provision prohibiting gaming on Indian lands near Kansas City, Kansas, known as the Huron Cemetery, or on lands contiguous to that land. (§119)

Lake Powell. The conference agreement 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 President's budget proposed to discontinue the provision as unnecessary. (§120)

Indian Gaming. As requested in the President's budget, the conference agreement continues a provision capping the imposition of fees by the Indian Gaming Commission in 2006 at \$12 million. (§121)

Tribal Trust Demonstration Project. As requested in the President's budget, the conference agreement continues a 2004 provision that allows the Department to provide funds to certain, specified Tribes for a trust demonstration project. (§122)

Temporary Nonrenewable Grazing Permits. The conference agreement continues a provision included in the 2005 Consolidated Appropriations Act that renews temporary nonrenewable grazing permits in the BLM Jarbidge Field Office, notwithstanding any other provision of law, including NEPA. The President's budget proposed to discontinue the provision as one-time. (§123)

Ellis, Governors and Liberty Islands. As requested in the President's budget, the conference agreement continues a provision that authorizes the Secretary to acquire lands, waters, or interests therein in order to operate and maintain facilities in support of transportation and accommodation of visitors to Ellis, Governors, or Liberty Islands, by donation or with appropriated funds, including franchise fees, or by exchange. The provision also authorizes the Secretary to negotiate and enter into leases, subleases, concession contracts, or other agreements for the use of such facilities. (§124)

Mojave National Preserve. The conference agreement continues a provision that authorizes continuation of the Clark Mountain grazing allotment within the Mojave National Preserve. The President's budget proposed to discontinue the provision as one-time. (§125)

NPS Winter Use Rules. As requested in the President's budget, the conference agreement extends for one year the provision that allows the NPS final winter use rules published in the Federal Register on November 10, 2004, to be in force for the 2005-2006-winter season. (§126)

Indian School Closures. The conference agreement includes a provision that amends the Indian Education Act (25 USC 2001 (d)) to require the Secretary of the Interior to obtain the approval of the governing body of an Indian tribe before closing or taking any other action relating to an elementary or secondary school of the Tribe. The Act continues to provide authority for temporary closure, consolidation or substantial curtailment if required by facility conditions that constitute a threat to health and safety. (§127)

Kalaupapa NHP. The conference agreement includes language that extends the authorizing legislation for the Kalaupapa NHP Advisory Committee until December 2025. (§128)

AML Fee Collection Authority: The conference agreement extends the authority to collect mine reclamation fees under the Surface Mining Control and Reclamation Act from September 30, 2005 to June 30, 2006. (§129)

Centers of Excellence and Skills Bank Training. The conference agreement includes a provision precluding the use of funds to set up Centers of Excellence or Partnership Skills Bank training without Congressional approval. (§130)

Fees on Overnight Lodgers at Fort Baker. The conference agreement includes a provision authorizing the collection of fees on overnight lodgers at Fort Baker properties. (§131)

Recreation Use Fees. The conference agreement includes a provision allowing Great Smoky Mountains National Park and Lincoln Home National Historic Site, which previously retained collected recreation fees under a deed restricted status, to continue this practice under the Federal Lands Recreation Enhancement Act. (§132)

Captain John Smith Chesapeake National Historic Watertrail. The conference agreement requests a study of the impact of designating the trail as a national historic watertrail on privately owned lands and waters along the proposed route or bordering the route. (§133)

Memorial to Martin Luther King, Jr. The conference agreement includes a provision that extends the authorization for fund raising for the Martin Luther King, Jr. Memorial to November 12, 2008. The provision appropriates \$10 million for the Memorial and stipulates that these funds are to be made available only after the entire amount is matched by non-Federal contributions received after July 26, 2005. (§134)

Title IV – General Provisions (Bill-wide)

Title IV of the conference agreement includes numbered legislative provisions, including the following:

Consulting Services. As requested in the President's budget, the conference agreement includes a provision that requires that expenditures of appropriations for consulting service procurements be limited to those that are a matter of public record and available for public inspection. (§401)

Promoting Public Support. As requested in the President's budget, the conference agreement includes a provision that precludes the publication or distribution of literature that promotes public support or opposition to any legislative proposal on which congressional action is not complete other than to communicate to members of Congress. (§402)

Availability of Appropriations. As requested in the President's budget, the conference agreement includes a provision that limits the availability of appropriations for obligations in the act to the fiscal year unless otherwise expressly provided. (§403)

Personal Services. As requested in the President's budget, the conference agreement precludes the use of funds for cooks, chauffeurs, or other personal servants to any officer or employee unless provided by law. (§404)

Assessments. The conference agreement includes a provision that directs that no assessments may be levied against programs funded in the bill unless advance notice and the basis for the assessment is presented to and approved by the appropriations committees. The President's budget proposed to change this provision to eliminate language that required approval by the appropriations committees. (§405)

Transfers. The conference agreement includes a provision that precludes the transfer of funds unless authorized in the appropriations act or another act. (§406)

Giant Sequoia Timber Sales. As requested in the President's budget, the conference agreement includes a provision prohibiting the use of funds to plan, prepare, or offer for sale, in a manner different than such sales were conducted in FY 2005, timber from trees classified as giant sequoia that are located on BLM lands. (§407)

Mine Patent Moratorium. As requested in the President's budget, the conference agreement continues the mine patent moratorium for an additional year. (§408)

Contract Support Costs. As requested in the President's budget, the conference agreement continues and updates a provision that limits the amount available for contract support costs, and provides that Tribes may use the tribal priority allocations to cover unmet indirect costs. (§409)

Answering Machines. The conference agreement continues a provision first included in the 2003 Interior Appropriations Act 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. (§414)

National Monuments. As requested in the President's budget, the conference agreement continues a prohibition on the use of funds to conduct mineral preleasing, leasing, and related activities within the boundaries of a national monument 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. (§417)

Reciprocal Agreements for Firefighters. As requested in the President's budget, the conference agreement includes a provision providing liability coverage to foreign firefighters. (§418)

Support to Rural Communities and Small and Disadvantaged Business. As requested in the President's budget, the conference agreement includes a provision allowing consideration during the evaluation of bids and proposals for local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community. The provision also allows for awarding contracts, grants, or cooperative agreements for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management to local non-profit entities; Youth Conservation Corps or related partnerships with State, local, or non-profit youth groups; or small or micro-business or disadvantaged business. (§420)

Declarations of Taking. The conference agreement includes a provision limiting the use of funds for the filing of declarations of taking or complaints in condemnation without approval of the appropriations committees. The provision does not apply to funds appropriated to implement the Everglades National Park Protection Act of 1989 or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes. The President's budget proposed to delete this provision as unnecessary. (§421)

Competitive Sourcing. The conference agreement includes a provision imposing a limit of \$3.45 million on Department of the Interior competitive sourcing studies for 2006 and clarifying reporting requirements. The President's budget proposed to eliminate limitations on competitive sourcing. (§422)

E-Government. The conference agreement continues a provision that precludes agencies funded in the Interior bill from providing funds to the managing partners of the SAFECOM, or Disaster Management e-government projects. The President's budget proposed to discontinue the provision. (§423)

National Recreation Reservation Service. The conference agreement continues a provision that prohibits any entity entering into a contract with the United States to operate NRRS (as solicited by WO-04-06vm) from using a contract center located outside the United States or a reservation agent who does not live in the U.S. Reservation agents are also prohibited from telecommuting from a location outside of the United States. The President's budget proposed to discontinue the provision as it is consistent with existing policy. (§424)

Service-First Reauthorization. As assumed in the President's budget, the conference agreement includes a provision extending the "Service First" reciprocal delegation authority between BLM and the Forest Service through 2008. The conference agreement expands the authority to NPS and FWS. (§428)

Eastern Nevada Landscape Coalition. The conference agreement includes a provision that authorizes the Secretary of Interior and the Secretary of Agriculture to make grants to and enter into cooperative agreements with the Eastern Nevada Landscape Coalition to help assure the reduction of hazardous fuels and for related purposes. (§431)

Kendall County, Illinois. The conference agreement includes a provision providing \$5,000,000 for a grant to Kendall County, Illinois. (§437)

Joint NPS-USFS Visitor Center in Seward, Alaska. The conference agreement includes a provision that reduces the number of parcels from seven to four that the National Park Service is to purchase for an administrative complex, visitor facility, plaza, and related parking for the Kenai Fjords National Park and the Chugach National Forest, which shall hereafter be known as the Mary Lowell Center. The bill also requires NPS to immediately transfer any remaining balance from the purchase to the Alaska SeaLife Center for various acquisitions, waterfront improvements, and facilities that will complement the new Federal facility. (§438)

Across-the-Board Rescissions. The conference agreement rescinds an amount equal to 0.476 percent of the budget authority for discretionary appropriations in the bill, to be applied proportionately to each account, activity, subactivity, program, and line item, except for the section "Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians," where this ATB rescission and any subsequent ATB rescission in FY 2006 shall apply only to the first dollar amount in the paragraph, with the remainder to be applied at the discretion of the Secretary. The Secretary is required to submit a report on this discretionary distribution including the basis for allocation. (§439)

Technical Notes

All amounts are current dollars.

All years referred to are fiscal years unless otherwise noted.

Comparisons of in this document are to 2005 enacted to date appropriations (excluding disaster supplemental appropriations and the \$98.6 million fire repayment supplemental) and the 2006 President's budget as scored by Congressional Appropriations Committees, as amended. The Committees' scoring of 2005 and the President's budget differ somewhat, with the result that comparisons in this document to the President's budget do not in all instances match comparisons in the budget.

OMB Budget Totals Compared with Appropriations Committee Totals

	<u>2005</u>		<u>2006 House</u>	<u>2006 Senate</u>	<u>2006</u>	<u>Conference</u>
	<u>Enacted</u>	<u>2006 Budget</u>	<u>Mark</u>	<u>Mark</u>	<u>Conference</u>	<u>Agreement</u>
					<u>Agreement</u>	<u>Including</u>
						<u>ATB</u>
OMB Scoring	\$9,701,040	\$9,739,944	\$9,747,568	\$9,815,616	\$9,888,982	\$9,831,816
Committee Scoring	\$9,753,165	\$9,782,069	\$9,799,693	\$9,867,741	\$9,941,107	\$9,883,941

The Committees' scoring differs from OMB scoring by a net \$52.1 million in 2005 and \$42.1 million in 2006. The Committees include 4 current mandatory accounts that OMB does not include in its discretionary totals, including: BLM's Range Improvements (\$10 million), BLM's Miscellaneous Trust (\$12.4 million), OIA's Assistance to Territories (\$27.7 million) and Compact Assistance (\$2 million). The 2006 budget proposed elimination of the Range Improvement account.

The enacted Appropriations Act includes errors that are not included in this summary or in the attached tables, as they will likely be corrected in a subsequent legislative vehicle. These include: \$10 million for the Martin Luther King, Jr. Memorial is included in Section 134 and in Departmental Management; a \$17 million transfer from land acquisition prior year balances (grants to Florida) to construction that is not reflected in the NPS construction bill language; and a \$9.9 million offsetting reduction in NPS land acquisition that is not reflected in the bill language.

Legislative History

House Bill – H.R. 2361/Report 109-80

House Subcommittee

The House Subcommittee reported the bill on May 4, 2005, unanimously approving the measure.

House Committee

The House Committee reported the bill on May 10, 2005, with two language amendments, by voice vote.

Amendments relating to the Department of the Interior programs were offered in Committee action on the following:

- **Cedar Creek and Belle Grove National Historical Park** – Congressman Wolf proposed an amendment to add report language encouraging the Park Service to complete the management plan for the Park no later than September 1, 2007. The motion was approved by voice vote.
- **Chattahoochee National Recreation Area** – Congressman Kingston, on behalf of Congressman Price, held a colloquy about funding for Chattahoochee NRA and asked to work with the Subcommittee on additional funding for operations of the visitor center.
- **Yellowstone Bison** – Congressman Hinchey explained that he withdrew an amendment on Yellowstone bison.

- **OCS Moratoria** - Congressman Istook proposed an amendment that would revoke the moratoria for the eastern Gulf of Mexico OCS area in the bill at the point when importation of oil exceeds two-thirds of oil consumed in the United States. After discussion and input from several other members, Congressman Istook volunteered to work with the Chairman to examine the moratoria and withdrew his amendment.
- **Gas Inventory** - Congressman Peterson proposed an amendment to add \$50 million for a gas inventory on select OCS areas. The discussion by Congressman Peterson was followed by comments by Congressman Cunningham, Farr, Sherwood, and Young (Florida). Many of the comments indicated that this issue should be addressed through authorizing legislation and not in appropriations. Congressman Peterson subsequently withdrew the amendment.
- **Technical Amendment** – Chairman Taylor proposed a technical amendment that was adopted by voice vote.

House Floor Action

The House of Representatives passed the 2006 Interior, Environment and Related Agencies bill on May 19 by a vote of 329 to 89. The House vote came after defeating a motion to recommit with instructions to add funding for EPA programs by a vote of 191 to 228.

During consideration of the bill, the House adopted amendments affecting Interior programs, including the following:

- **PILT** – An amendment to increase PILT by \$12 million to a total of \$142 million, offset by a reduction of \$13 million in Departmental Management. Offered by Mrs. Cubin, Mr. Cannon, Mr. Rahall and Mr. Udall (Colo.), the amendment was adopted by a voice vote. An amendment to increase PILT by an additional \$4.8 million offered by Mr. Hefley was defeated on a roll call vote.
- **NEA/NEH** – An amendment by Mrs. Slaughter increasing funding for NEA and NEH by \$15 million, offset by a reduction of \$8 million in Departmental Management and \$7 million in the National Forest System. The amendment was adopted by a voice vote.
- **Wild Horses and Burros** – An amendment by Mr. Rahall prohibiting the use of funds for sale or slaughter of wild horses and burros. The amendment was adopted by a roll call vote of 249 to 159.
- **Klamath** – An amendment by Mr. Doolittle prohibiting the use of funds for sale of lands acquired incident to acquisition of water rights for the Klamath and Tule Lake NWRs. The amendment was adopted by a voice vote.
- **Concessions** – An amendment by Mr. Costa prohibiting use of funds to enter into or renew any concession contract, except a concession contract that includes a provision that requires that merchandise for sale at units of the National Park System be made in the United States or its territories. The amendment was adopted by a voice vote.
- **Conferences** – The House also adopted a bill-wide amendment prohibiting use of funds to send more than 50 Federal employees to any single conference

occurring outside of the United States.

Amendments defeated during consideration of the bill included:

- **OCS** – A Peterson amendment to modify the current OCS moratoria to remove restrictions on leasing and development of natural gas resources. The amendment was defeated by a roll call vote.
- **Funding Limitation** – A Hefley amendment to reduce funding in the bill by \$291 million. The amendment was defeated by a roll call vote.

Points of order were sustained against several amendments, including:

- **Unauthorized Programs** – Pombo amendment to restrict use of funds for unauthorized programs until passage of authorizing legislation. The amendment was ruled to be legislation in an appropriations bill.
- **OCS** – An amendment by Mr. Istook providing for the Eastern Gulf of Mexico OCS moratorium to not apply if the Energy Information Administration publishes data demonstrating that new imports of crude oil account for more than 2/3ds of U.S. oil consumption.
- **Gaming** – An amendment by Mr. Wu to prohibit use of funds to permit class III gaming on non-reservation Indian land.

Points of order by Mr. Davis (Va.) were sustained against several provisions of the bill pertaining to competitive sourcing and contracting with vendors in formerly timber-dependant communities.

Senate Bill – H.R. 2361/Report 109-80

Senate Subcommittee

The Senate Subcommittee reported the bill on June 7, 2005, unanimously approving the measure.

Senate Committee

The Senate Committee reported the bill on June 9, 2005 by voice vote.

Amendments relating to the Department of the Interior programs that were adopted in Committee include the following:

- **Abandoned Mine Lands** – Senator Byrd proposed an amendment to extend authorization for the Abandoned Mine Land provisions of the Surface Mining Control and Reclamation Act for an additional nine months beyond the current expiration date of September 30, 2005. The Committee adopted the amendment on voice vote.
- **Reduction to Administrative Expenses** – Senator Byrd offered an amendment cosponsored by Senators Craig, and Domenici to increase the National Endowments for the Arts and Humanities by \$10 million. The Senator offered an offsetting reduction, which reduces administrative expenses in operating accounts in bureaus and offices in the Department of the Interior. The amendment was adopted by voice vote.

- **Managers' Amendment** – Senator Burns introduced a set of amendments that was adopted on voice vote. The amendments include:
 - BIA School Closures – Bill language requiring tribal approval for school closures;
 - National Wildlife Health Center – Report language directing USGS to evaluate a modern diagnostic botulism test that does not require the use of live animals;
 - BLM Land Acquisition – Shifts \$500,000 from Carrizo Plain NM to Santa Rosa and San Jacinto NM;
 - FWS and NPS Funding Shifts – Moves \$400,000 from NPS Big Thicket land acquisition to FWS Resource Management \$200,000 Caddo Lake and \$200,000 Lower Colorado River study;
 - Kalaupapa NHP Advisory Commission – Extends the sunset date for authorization of the Commission by 20 years;
 - USS Arizona – Establishes a parking fee for the USS Arizona and authorizes the Secretary to enter into agreements with public and private entities to provide visitor information and tickets for NPS sites in the vicinity of, but not limited to, the USS Missouri, the Pacific Air Museum of Pearl Harbor, and the USS Bowfin submarine museum;
 - Whooping crane – Report language supporting whooping crane recovery efforts;
 - Cumberland Gap – Report language supporting land acquisition at the Cumberland Gap NHP in Kentucky;
 - Samish Indian Nation – Report language requiring the Secretary to report within 60 days of the appropriations act enactment on the status of ongoing litigation, negotiations and settlements with the Tribe;
 - Wild Horse and Burro – Report language encouraging the continuation of collaboration with the National Wild Horse association in Nevada;
 - NPS Land Acquisition – Within NPS land acquisition, \$500,000 is moved from inholdings/exchanges to Sleeping Bear Dunes;
 - Refuges in Alaska – Within FWS Resource Management, \$500,000 is moved from the increase for the Alaska Sealife Center to GIS mapping of Alaska refuges;
 - Yukon Flats Land Exchange – Moves \$300,000 from FWS Resource Management, Fisheries program and \$200,000 from FWS Togiak land acquisition to add \$500,000 to FWS land acquisition for an EIS of the proposed Yukon Flats land exchange.

Amendments relating to the Department of the Interior programs that were offered but not adopted in Committee include the following:

- **Water Diversions** – Senator Allard offered an amendment that would disallow the use of funds for the Secretaries of Agriculture and Interior to impose restrictions on diversion, storage, transportation or use of water under water rights recognized under Colorado State law. The amendment was withdrawn and Senator Allard committed to working with the other members to clarify the intent of this amendment prior to Senate floor action.

Discussion took place during Committee action on several Interior related topics, including:

- **BLM Permit Processing** - Senator Domenici spoke to the need to increase funding for the processing of APD permits in BLM specifically to address an anticipated increase in demand for oil shale development and committed to addressing this through the energy bill and the Interior bill.
- **Historically Black Colleges and Universities** - Senator Landrieu spoke to the need to increase funding for historically black colleges. She intends to offer an amendment on the Senate floor.
- **Outer Continental Shelf** - Senator Landrieu also spoke to the need to recognize the importance of the Outer Continental Shelf relative to the abundance of resources and energy that the area contributes to the national economy.

Senate Floor Action

The Senate passed the 2006 Interior, Environment, and Related Agencies bill (HR 2361) on Wednesday, June 29 by a vote of 94 to zero.

During consideration of the bill, the Senate adopted several amendments affecting Interior programs, including the following:

- **Ft. Baker** – An amendment offered by Senator Feinstein, which authorizes charging of overnight use fees at Ft. Baker properties. The amendment was agreed to by unanimous consent.
- **Great Smokey Mountain NP Fees** – An amendment offered by Senator Frist, which provides for the retention of user fees at Great Smoky Mountain National Park. The amendment was agreed to by unanimous consent.
- **USGS Wetland Ecology Center** – An amendment offered by Mr. Bond which would earmark \$200,000 in USGS for the University of Missouri-Columbia to establish a wetland ecology center of excellence. The amendment was agreed to by unanimous consent.
- **White Sulphur Springs NFH** – An amendment offered by Mr. Byrd, which would earmark \$350,000 in FWS for the mussel program at the White Sulphur Springs National Fish Hatchery. The amendment was agreed to by unanimous consent.
- **Martin Luther King, Jr. Memorial** – An amendment offered by Mr. Byrd and Mr. Cochran to provide \$10 million for MLK, Jr. Memorial to be offset from DOI-wide administrative savings. Adopted by a voice vote.
- **HBCU** – An amendment offered by Ms. Landrieu to fund grants to Historically Black Colleges and Universities at \$2.0 million with an offset from a reduction to DOI-wide administrative expenses. The amendment was agreed to by unanimous consent.
- **Tribal Colleges** – An amendment offered by Mr. Bingaman that requires that increases for SIPI and Haskell Tribal College be distributed in accordance with the needs based formula, that requires that the 2007 budget bring the amount of funding for these schools up to the need based on the formula, and that authorizes additional funds for SIPI. The amendment was agreed to by unanimous consent.
- **YCC** – An amendment offered by Mr. Bingaman that increases funding for Youth Conservation Corps funding, within overall totals, to the following

amounts: BLM \$1.25 million, FWS \$2.5 million, NPS \$2.5 million. The amendment was agreed to by unanimous consent.

- **Emergency Spending** – An amendment offered by Senator Coburn that provides the sense of the Senate that the armed forces deserve support of the Senate, that activities relating to national defense and the war on terror should be fully funded, and that emergency appropriations should be fully offset with reductions in discretionary spending. The amendment was agreed to by unanimous consent.
- **Captain John Smith Chesapeake Water Trail** – An amendment offered by Mr. Conrad to authorize the Captain John Smith Chesapeake National Historic Water Trail and direction to conduct a study of the trail. The amendment was agreed to by unanimous consent.

The following amendments were defeated by roll call vote:

- **Indian Health Service** – Motion to waive a point of order against an amendment offered by Mr. Coburn to cut \$121 million from federal land acquisition and move it to the Indian Health Service for diabetes and substance abuse programs. The motion to waive a point of order was defeated by a vote of 17 to 77.
- **Tongass National Forest** – An amendment offered by Mr. Sununu to prohibit the use of funds to plan, design, study or construct certain forest development roads in the Tongass National Forest. Defeated by a roll call vote of 39-59.
- **Directives** – An amendment offered by Mr. Coburn that requires that all directives; earmarks and limitations are identified in the conference report. The amendment was defeated.

A number of amendments were withdrawn, including:

- **Gaming** – An amendment by Mr. Voinovich to place a one-year moratorium on taking land into trust for Indian gaming. Senator McCain agreed to hold a hearing after the break and Senator Voinovich agreed to withdraw the amendment.
- **NEA/NEH** – An amendment by Mr. Coburn to reduce NEA and NEH by \$5 million each and increase BLM wildland fire by \$10 million.
- **PILT** – An amendment by Mr. Salazar to provide additional funds for PILT.
- **DOD Funding** – An amendment by Mr. Coburn to reduce total appropriations in the bill by 1.7 percent for the purpose of fully funding the Department of Defense.

Conference Bill – H.R. 2361/Report 109-188

On July 26, 2005, the House and Senate conferees met and agreed to the conference report.

A single amendment was offered and adopted in conference:

- **Martin Luther King, Jr. Memorial** – An amendment offered by Mr. Byrd and co-sponsored by Mr. Cochran to provide \$10 million for MLK, Jr. Memorial. After extended discussion further amendments, the conferees adopted an amendment to fund \$10.0 million for the Memorial. Appropriations are to be matched in their entirety by non-Federal funds before they can be released.

The provision also extends the authorization to allow for fund raising through November 12, 2008.