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Appropriations for FY2001: Interior and Related Agencies

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Appropriations are one part of a complex federal budget process that includes budget resolutions, appropriations (regular, supplemental, and continuing) bills, rescissions, and budget reconciliation bills. The process begins with the President's budget request and is bounded by the rules of the House and Senate, the Congressional Budget and Impoundment Control Act of 1974 (as amended), the Budget Enforcement Act of 1990, and current program authorizations.

This report is a guide to one of the 13 regular appropriations bills that Congress passes each year. It is designed to supplement the information provided by the House and Senate Appropriations Subcommittees on Interior and Related Agencies Appropriations. It summarizes the current legislative status of the bill, its scope, major issues, funding levels, and related legislative activity. The report lists the key CRS staff relevant to the issues covered and related CRS products.

This report is updated as soon as possible after major legislative developments, especially following legislative action in the House and Senate Appropriations Committees and on the floor of the House and Senate.

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Appropriations for FY2001: Interior and Related Agencies

Summary

The Interior and Related Agencies Appropriations bill includes funding for agencies and programs in four separate federal departments as well as numerous smaller agencies and diverse programs. The bill includes funding for the Interior Department except the Bureau of Reclamation, but only segments of the funding of the other three departments, Agriculture, Energy, and Health and Human Services.

On February 7, 2000, President Clinton submitted his FY2001 budget to Congress. The FY2001 request for Interior and Related Agencies totals $16.32 billion compared to the $14.91 billion enacted for FY2000 (P.L. 106-113), an increase of $1.41 billion. (With scorekeeping adjustments, including an across-the-board cut of 0.38% for FY2000, the figures are $16.49 billion requested for FY2001 compared with $14.90 billion enacted for FY2000.)

The Interior Subcommittee of the House Appropriations Committee and the full House Appropriations Committee marked up the FY2001 Interior Appropriations bill on May 17, 2000 and May 25, 2000, respectively. On June 16, 2000, the House passed H.R. 4578 (H.Rept. 106-646) by a vote of 204-172. The FY2001 recommended level of $14.6 billion is $1.7 billion below the President's request and $302 million below the FY2000 enacted level.

The Interior Subcommittee of the Senate Appropriations Committee and the full Senate Appropriations Committee marked up the Interior bill on June 20, 2000 and June 22, 2000, respectively. On July 18, 2000, the Senate passed H.R. 4578 (S.Rept. 106-312) by a vote of 97-2. The FY2001 recommended level of $15.8 billion in total budget authority is some $1.16 billion above the House-passed mark.

A House-Senate conference met on September 20 and September 21 and after further discussions between the conferees and the Administration agreed to a funding level of $18.8 billion, some $3.8 billion above the FY2000 enacted level. The conference agreement included $1.8 billion in emergency and supplemental funding ($300 million above the President's request) for expenditures already incurred in firefighting and to restore areas damaged by Western wildfires. The conference also included a new Title VIII that would implement a modified version of the President's Lands Legacy Initiative over 6 years. Funding would start at a total of $1.6 billion in FY2001 ($1.2 billion for Interior Appropriations programs) and rise to $2.4 billion in FY2006. In addition, the conference provided significant increases for the Indian Health Service (+ $214 million), Bureau of Indian Affairs programs (+ $272 million), Energy Conservation programs (+ $94.7 million), and Bureau of Land Management Operations (+ $66 million). (See **Table 5** for the House, Senate, and Conference approved funding levels.)

The conference report (H.Rept. 106-914) was passed by the House on October 3, 2000 by a vote of 348-69 and was passed by the Senate on October 5, 2000, by a vote of 83-13. President Clinton signed H.R. 4578 into law (P.L. 106-291) on October 11, 2000.

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

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Most Recent Developments

On June 16, 2000, the House passed the FY2001 Interior Appropriations bill, H.R. 4578 (H.Rept. 106-646) by a vote of 204-172. The FY2001 recommended level of $14.6 billion is $1.7 billion below the President's request and $302 million below the FY2000 enacted level. The Interior Subcommittee of the Senate Appropriations Committee and the full Senate Appropriations Committee marked up the bill on June 20, 2000 and June 22, 2000, respectively. On July 18, 2000, the Senate passed H.R. 4578 (S.Rept. 106-312) by a vote of 97-2. The FY2001-recommended level is $15.8 billion in total budget authority. A House-Senate conference agreement (H.Rept. 106-914) provides for a funding level of $18.8 billion. The conference report (H.Rept. 106-914) was passed by the House on October 3, 2000 by a vote of 348-69 and was passed by the Senate on October 5, 2000, by a vote of 83-13. President Clinton signed H.R. 4578 into law (P.L. 106-291) on October 11, 2000.

Introduction

The annual Interior and Related Agencies Appropriations bill includes funding for agencies and programs in four separate federal departments, as well as numerous smaller agencies and diverse programs. The bill includes funding for the Interior Department except the Bureau of Reclamation, but only segments of the funding of the other three departments, Agriculture, Energy, and Health and Human Services. The President's FY2001 budget request for Interior and Related Agencies totals $16.32 billion compared to the $14.91billion enacted by Congress for FY2000. Title I of the bill includes agencies within the Department of the Interior which manage land and other natural resource programs, the Bureau of Indian Affairs, and Insular Affairs. Title II of the bill includes the Forest Service of the Department of Agriculture; research and development programs of the Department of Energy, the Naval Petroleum and Oil Shale Reserves, and the Strategic Petroleum Reserve; and the Indian Health Services in the Department of Health and Human Services. In addition, Title II includes a variety of related agencies, such as the Smithsonian Institution, National Gallery of Art, John F. Kennedy Center for the Performing Arts, the National Endowment for the Arts, the National Endowment for the Humanities, and the Holocaust Memorial Council.

Status

Table 1. Status of Department of the Interior and Related Agencies Appropriations, FY2001

Subcommittee Markup		House Report	House Passage	Senate Report	Senate Passage	Conference Report	Conference Report Approval		Public Law
House	Senate						House	Senate	
5/17/00	6/20/00	H.Rept. 106-646 6/1/00	6/16/00 204-172	S.Rept. 106-312 6/22/00	7/18/00 97-2	H.Rept 106-914 9/29/00	10/3/00 348-69	10/5/00 83-13	P.L. 106-291 10/11/00

On February 7, 2000, President Clinton submitted his FY2001 budget to Congress. The FY2001 request for Interior and Related Agencies totals $16.32 billion compared to the $14.91 billion enacted for FY2000 (P.L. 106-113), an increase of $1.41 billion. (With scorekeeping adjustments, including an across-the-board cut of 0.38% for FY2000, the figures are $16.49 billion requested for FY2001 compared with $14.90 billion enacted for FY2000.)

Significant increases above the FY2000 enacted level include: the Bureau of Indian Affairs (+ $331.9 million), the Forest Service (+ $290.1 million), the Fish and Wildlife Service (+ $251.5 million), the National Park Service (+ $238.4 million), the U.S. Geological Survey (+ $82.0 million), the Bureau of Land Management (+$127.6 million), the Indian Health Service (+ $229.7 million), the National Endowment for the Arts (+ $52.4 million), and the National Endowment for the Humanities (+ $34.7 million). The only significant decrease involves Department of Energy programs (-$65.3 million).

The Clinton Administration again introduced its Lands Legacy Initiative, requesting $1.4 billion for FY2001. Almost $1 billion of this amount is requested in Interior appropriations. Of this amount, $735 million is included for the Department of Interior (Bureau of Land Management, Fish and Wildlife Service, and the National Park Service), and another $236 million is for the U.S. Forest Service, within the Department of Agriculture.

While a diverse array of issues are raised during consideration of Interior appropriations legislation, a number have been perennially controversial. These include funding for the Fish and Wildlife Service's Endangered Species program (+$49 million), and for the National Endowment for the Arts and the National Endowment for the Humanities.

The Interior Subcommittee of the House Appropriations Committee marked up the FY2001 Interior Appropriations bill on May 17, 2000. The FY2001 recommended level of $14.6 billion is $1.7 billion below the President's request and $302 million below the FY2000 enacted level.

Increases were provided for National Park Operations (+ $62 million to $1.4 billion), Bureau of Land Management (+ $30 million to $1.3 billion), National Wildlife Refuges (+ $22 million to $345 million), Indian Health Service (+ $30 million to $2.4

billion), Bureau of Indian Affairs (BIA) Operation of Indian Programs (+ $10 million to $1.7 billion), BIA education (+ $6 million to $508 million), and weatherization grants (+ $4 million to $139 million). The bill would also provide $350 million for emergency wildland firefighting (+ $200 million for the Department of the Interior and $150 million for the Forest Service) as a FY2001 emergency supplemental appropriation. Major reductions include -$97 million for the Forest Service, -$101 million for land acquisition, and -$80 million for new construction for land management agencies.

The full House Appropriations Committee marked up the bill on May 25, 2000. No changes were made to the funding levels adopted at the Subcommittee level. The Office of Management and Budget has indicated that the President would veto the House bill in its present form. The Administration considers the funding levels to be inadequate for such areas as land acquisition, Indian programs, and energy conservation.

The Interior Subcommittee of the Senate Appropriations Committee and the full Senate Appropriations Committee marked up the Interior bill on June 20, 2000 and June 22, 2000, respectively. On July 18, 2000, the Senate passed the bill by a vote of 97-2. The FY2001 recommended level of $15.8 billion in total budget authority is some $1.16 billion above the House-passed mark. The Senate recommended level provides increases above the House-passed levels for most of the agencies within the bill. For example: Forest Service (+ $251 million), Bureau of Indian Affairs (+ $205 million), Department of Energy (+ $172.8 million), Fish and Wildlife Service (+ $59.1 million), Geological Survey (+ $31.7 million), Bureau of Land Management (+ $28.1 million), and Smithsonian (+ $26.8 million). In addition, the Senate would provide increases for the National Endowment for the Arts (+ $7 million) and the National Endowment for the Humanities (+ $5 million). It should be noted that the Senate-passed total includes an FY2001 Emergency Supplemental for wildland fire fighting of $240.3 million ($120.3 million for the Bureau of Land Management and $120 million for the Forest Service for hazardous fuels reduction).

A House-Senate conference met on September 20 and September 21 and after further discussion between the conferees and the Administration agreed to a funding level of $18.8 billion, some $3.8 billion above the FY2000 enacted level. The conference agreement included $1.8 billion in emergency and supplemental funding ($300 million above the President's request) for expenditures already incurred in firefighting and to restore areas damaged by Western wildfires. The conference also included a new Title VIII that would implement a modified version of the President's Lands Legacy Initiative over 6 years. Funding would start at a total of $1.6 billion in FY2001 ($1.2 billion for Interior Appropriations programs) and rise to $2.4 billion in FY2006. In addition, the conference provided significant increases for the Indian Health Service (+ $214 million), Bureau of Indian Affairs programs (+ $272 million), Energy Conservation programs (+ $94.7 million), and Bureau of Land Management Operations (+ $66 million). (See **Table 5** for the House, Senate, and Conference approved funding levels.)

The conference report (H.Rept. 106-914) was passed by the House on October 3, 2000 by a vote of 348-69 and was passed by the Senate on October 5, 2000, by a vote of 83-13. President Clinton signed H.R. 4578 into law (P.L. 106-291) on October 11, 2000.

Table 2. Interior and Related Agencies Appropriations, FY1996 to FY2000
(budget authority in billions of current dollars)[a]

FY1996	FY1997	FY1998	FY1999	FY2000
$12.5	$13.1	$13.8	$14.3	$14.9

[a] These figures exclude permanent budget authorities, and reflect rescissions.

Major Funding Trends

From FY1991 to FY1995, Department of the Interior and Related Agencies appropriations increased by 16%, from $11.7 billion to $13.5 billion, about 4% annually. Adjusting for inflation, Interior appropriations remained essentially flat during this period. However, the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134) provided funding of $12.54 billion, reducing FY1996 budget authority 9% below the FY1995 level. FY1997 funding increased to $13.1 billion, FY1998 to $13.8 billion, FY1999 to $14.3 billion, and FY2000 to $14.9 billion. (See **Table 5** for a comparison of FY2000 and FY2001 Interior Appropriations, and **Table 7** for a budgetary history of each agency, bureau, and program from FY1995 to FY2000.)

Key Policy Issues

Title I: Department of the Interior

For further information on the budget of the Department of the Interior, see the World Wide Web site of *DOI's Office of the Budget* at [http://www.doi.gov/budget/].

For further information on the *Department of the Interior*, see its World Wide Web site at [http://www.doi.gov].

For information on the Government Performance and Results Act for the DOI or any of its bureaus, see *DOI's Strategic Plan Overview FY1998-FY2002* at [http://www.doi.gov/fyst.html].

For information on the Department of the Interior annual performance plan, see *DOI's FY1999 Annual Performance Report/FY2001 Annual Performance Plan* at [http://www.doi.gov/gpra/99apr01app.html].

Bureau of Land Management. The Bureau of Land Management (BLM) manages approximately 264 million acres of public land for a variety of uses, which are sometimes at odds. These include extractive uses such as mining and energy development, livestock grazing, and timber harvesting, as well as recreation, wild horses and burros, fish and wildlife habitat, and preservation. The agency administers federal mineral leases and supervises federal mineral operations on an additional 300 million acres underlying federal and private lands throughout the country, and handles wildfire control and suppression on 388 million acres.

The conference agreement contains a total of $1.67 billion for the BLM for FY2001. This is significantly higher than the figure initially approved by the House ($1.27 billion) and the Senate ($1.30 billion), enacted for FY2000 ($1.23 billion), and requested by the President for FY2001 ($1.36 billion).

Most of the increase was provided for *wildland fire management*. Title I of the measure contains $625.5 million for wildland fire management, including a $200 million contingent emergency appropriation. In addition, Title IV of the measure contains a $353.7 million emergency supplemental appropriation for BLM for wildland fire management, for a total of $979.2 million in both non-emergency and emergency fire funds for BLM. The funds are used for fire fighting on all Interior Department lands, and cover preparedness, suppression of fires, emergency rehabilitation of burned land, and reducing hazardous fuels. The large increases for fire fighting are a response to the severe 2000 fire season, and include additional funds to improve preparedness, expand the fuels treatment program, stabilize and rehabilitate burned areas, and conduct community assistance programs.

Title I of the conference agreement contains $709.7 million for *management of lands and resources*. Title V contains an additional $17.2 million emergency supplemental appropriation for the same, for a total of $726.9 million. Further, Title VIII also includes $25 million for deferred maintenance needs of the BLM. The funding level contained in the conference agreement is higher than the figure initially approved by the House ($670.6 million) and the Senate ($689.1 million), enacted for FY2000 ($644.1 million), and requested for FY2001 ($715.2 million). The line item for management of land and resources funds an array of BLM land programs, including protection, use, improvement, development, disposal, and general BLM administration. The conference agreement provided increases for controlling noxious weeds; caring for threatened and endangered species (sagebrush and prairie grasslands); managing conservation areas, historic trails, and scenic rivers; updating land use plans; and protecting wild horses and burros. The President had sought increases virtually across-the-board.

For the *Payments in Lieu of Taxes* Program (PILT), Tile I of the conference agreement contains $150 million, and Title VIII contains an additional $50 million for a total of $200 million. This figure is higher than the amount initially approved by the House ($144.4 million) and the Senate ($148.0 million), enacted last year ($134.4 million), and requested by the President for FY2001 ($135.0 million). The PILT program compensates local governments for federal land within their jurisdictions, because the federal government does not pay taxes on its land. It has been controversial since its creation in 1976. (For more information on PILT, see CRS Report 98-574, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*.)

For the *Oregon and California (O&C) Grant Lands*, the conference agreement contains the amount initially approved by the Senate ($104.3 million) rather than the amount approved by the House ($100.5 million). The conference figure is higher than the level enacted last year ($98.8 million) but is identical to the President's request.

In general, appropriations for O&C lands are used for management, protection, and development of the resources on these highly productive timber lands, which total about 3 million acres. Most of the increase sought by the President over last year's level was for conducting species surveys, in response to litigation, prior to offering timber for sale under the President's Northwest Forest Plan governing timber production. The Senate Committee report states that part of the increase is for this purpose. This issue has been contentious.

For *land acquisition*, Title I of the conference agreement contains $31.1 million. These funds would be divided among 16 acquisitions identified in the joint explanatory statement. Title VIII of the measure contains $130 million in additional funding for land acquisition for DOI agencies generally, but does not identify the portion (if any) that would be allocated to the BLM. The House initially approved $19.0 million, while the Senate approved $10.6 million, both substantially below the President's request of $60.9 million and the amount ultimately allocated to the BLM for FY2000 ($46 million). The additional funds (Title VIII) for land acquisition were added in conference as occurred last year when the President sought more money than the House and Senate initially approved (see *"Lands Legacy Initiative"* below.)

The conference agreement contains $16.9 million for *construction*, which is more than the amount initially approved by the House ($5.3 million) and the Senate ($15.4 million), enacted for FY2000 ($11.2 million), and requested by the President for FY2001 ($11.2 million). Some of the more expensive construction projects funded are a science center at the Grand Staircase-Escalante National Monument in Utah, the Coldfoot multi-agency visitor facility in Alaska, the Rock Springs Administrative Building in Wyoming, and the Caliente Administrative Building in Nevada.

For the four *other activities*, the conference agreement contains the levels initially passed by the House and Senate: for the central hazardous materials fund, $10.0 million; for range improvements, $10.0 million; for miscellaneous trust funds, $7.7 million; and for service charges, deposits, and forfeitures, $7.5 million.

Issues. The conference agreement does not include language on national monuments, which had been one of the most controversial issues in Interior funding. After a series of floor amendments, the initial House-passed bill ultimately would have allowed agencies to use funds in the bill for planning and managing national monuments created by the President since 1999, under the Antiquities Act of 1906. However, the language was not clear as to whether it 1) allowed funds to be used for planning and management of the lands generally and as national monuments, or 2) only with respect to planning and management generally, but not as national monuments.

The Senate-passed bill did not contain language on national monuments generally. The Senate narrowly defeated an amendment (49-50) designed to prohibit the President from using his authority to create or expand national monuments after July 17, 2000, notwithstanding other provisions of law. The amendment would have allowed monuments to be created or expanded only by an act of Congress. Proponents of the amendment decried presidential creation of monuments without congressional and public input. Opponents countered that Presidents since 1906 have enjoyed the authority to create monuments and that adoption of the amendment would provoke a veto of the bill. (For more on national monuments generally, see CRS Report RL30528, *National Monuments and the Antiquities Act*.)

Section 332 of the conference agreement limits funds in the bill from being used to issue a record of decision implementing the Interior Columbia Basin Ecosystem Management Project (ICBEMP) until the Secretary of Agriculture and the Secretary of the Interior submit a particular report to Congress. ICBEMP would amend several dozen BLM and Forest Service land use plans in the Northwest. The required report is to evaluate the effect on the area of the wildfires in 2000 and the President's initiative for managing the impact of wildfires on communities and the environment. This conference language is a modification of controversial House-passed provisions which were not entirely clear. Taken together, they appear to have limited the use of funds in the bill for issuing a record of decision or policy implementing ICBEMP unless evaluations of the effects on small businesses were completed. (For more information on the national monument and ICBEMP provisions, see CRS Report RS20625, *Provisions on National Monuments and the Interior Columbia Basin Ecosystem Management Project in the FY2001 Department of the Interior Appropriations Bill*.)

Section 116 of the conference agreement contains the Senate-passed version of a provision on grazing permits and leases that expire or are transferred. The language would automatically renew grazing permits and leases issued under 43 U.S.C. 1752 (and certain provisions of the California Desert Protection Act) that expire or are transferred during FY2001, until the permit renewal process is completed under applicable laws and regulations (including any necessary environmental analyses). The terms and conditions in the expiring permit or lease would continue in effect under the new permit or lease until the Secretary of the Interior completes the renewal process. A Senate floor amendment to strike this section was defeated (38-62). The initial House-passed bill contained a similar provision which would have *permitted* the renewal of such permits and leases, but did not *automatically* extend them. Also, the measure stated that terms and conditions in expiring permits and leases *may* continue in effect until the renewal process is completed. The provision could be interpreted as allowing the Secretary to change the terms and conditions of permits and leases that are renewed, pending the completion of the renewal process.

These renewal provisions were advocated as necessary to address heavy agency workload in processing the grazing permits and leases that were up for renewal. Some Members argued that delays in processing renewals threatened ranchers' bank loans. Opponents, including the Administration, argued that there was no longer a backlog of permits and leases needing renewal, and feared that BLM could continue permits with possibly detrimental terms or conditions. In a July 10, 2000, Statement of Administration Policy on the Senate-passed bill, the Administration cited the grazing language as among the "damaging" and "objectionable" provisions which would lead the President's advisers to recommend that the President veto the bill.

Section 311 of the conference agreement would retain the moratorium (contained in previous appropriation laws) on accepting and processing applications for patents for mining and mill site claims on federal lands. However, applications meeting certain requirements that were filed on or before September 30, 1994, would be allowed to proceed, and third party contractors would be authorized to process the mineral examinations on those applications. The House- and Senate-passed bills contained identical language on this subject.

Section 156 of the conference agreement prohibits the Secretary of the Interior from using funds to promulgate final rules to revise 43 C.F.R., subpart 3809, the surface management part of hardrock mining regulations, except to make changes that are consistent with the recommendations of the National Research Council (NRC) and with law. The provision, added in conference, is intended to clarify congressional intent regarding §357 of the FY2000 Interior appropriations law (P.L. 106-113), pertaining to hardrock mining regulations. The Solicitor of the Department of the Interior had interpreted the FY2000 language as allowing the BLM regulations to address subjects other than those included in the specific recommendations of the NRC, provided the NRC recommendations were not directly contradicted. The joint explanatory statement states that the committee does not agree with the Solicitor's opinion, implying that the Secretary is limited to publishing final regulations only on subjects included in the recommendations of the NRC.

For further information on the *Bureau of Land Management*, see its World Wide Web site at [http://www.blm.gov/].

Fish and Wildlife Service. The Administration requested $1.13 billion for FWS—an increase of $251.5 million (28.7%) over FY2000.[1] The House approved a level of $861.9 million, the Senate approved $921.1 million, and the Conference agreed to $964.1 million. The largest line item is Resource Management (which includes the endangered species program, fisheries, law enforcement, and refuge management, among other items) which would go from $714.5 million to $776.6 million, an increase of $62.1 million (8.7%).

Funding for the Endangered Species Program is one of the perennially controversial portions of the FWS budget. For FY2001, the Administration requested that endangered species funding (including the Cooperative Endangered Species Fund) increase from $131.3 million to $180.3 million. (See Table **3**.) The Conference agreement included $149.9 million (+14.2% over FY2000).

Congress continued a strict limit (set in law, not report language) on funding for the listing function, which is $6.4 million in the FY2001 Conference agreement. The language limits the discretion of the agency to transfer funds for additional listings, *e.g.*, if lawsuits mandate agency action on listing certain species. De-listing and down-listing are not covered by the cap. Inclusion of this language in the law means that a court order to carry forward a listing decision on particular species makes listing a zero sum game, at least at a fiscal level. It causes the listing of some species or designation of their critical habitats to preclude the listing of others. FWS supported this change as a protection of the budgets of other programs.

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[1] Annual appropriations represented 58.2% of the agency's funding in FY2000; the remainder is in special or permanently appropriated accounts, and transfers from other agencies.

The Cooperative Endangered Species Conservation Fund was proposed to increase from $23 million to $65 million. The Conference agreement instead increased funding to $26.9 million (+17.1%).

Table 3. Funding for Endangered Species Programs, FY1999-FY2001
(x $1,000)

	FY1999 Enacted	FY2000 Enacted	FY2001 Request	Conf. Report
Candidate Cons.	6,753	7,388	8,447	7,144
Listing	5,756	6,208	7,195	6,391
Consultation	27,231	32,342	39,400	43,496
Recovery	66,077	57,363	55,297*	60,954
Landowner Incentive	5,000	4,981	4,981	4,981
Subtotal	110,817	108,282	115,320	122,966
Coop. End. Spp. Cons. Fund	14,000	23,000	65,000	26,925
Total	**124,817**	**131,282**	**180,320**	**149,891**

*The decrease shown for recovery is more apparent than real: in FY2000, recovery included certain earmarks, which the Administration does not propose to continue.

The Administration proposed $10.0 million (-6.9%) for the National Wildlife Refuge Fund, which provides payments to local governments in recognition of reduction of the local tax base due to the presence of federal land. The FY2000 law provided $10.74 million. The Conference agreement approved $11.4 million. The payment levels have been controversial, since the small additions of land to the National Wildlife Refuge System over the last several years mean that dollars (already reduced by inflation) must be spread still further. The situation has produced calls for Congress to increase the appropriation, especially since local governments often (incorrectly) view the payments as entitlements, even though they are actually subject to annual appropriations. Payments under PILT (see BLM, above) benefit some counties with land in the National Wildlife Refuge System. However, those lands that are acquired rather than reserved from the public domain are not eligible for PILT payments. (Western refuge lands are primarily reserved from the public domain; eastern refuges are primarily acquired lands.)

Land acquisition for the National Wildlife Refuge System would have increased from $50.5 million[2] to $111.6 million (+116%) under the President's proposal. (For

[2] An additional $1.2 million, for acquisition in the Wertheim NWR (NY), and an additional $2.0 million, for the Rhode Island National Wildlife Refuge Complex, were included for

(continued...)

additional information on other land acquisitions, see "Lands Legacy Initiative," below.) The Administration's proposals include areas in Arizona, the lower Mississippi Delta, southern Florida, Hawaii, Maine, parts of the Lewis and Clark Trail, Oklahoma, and Texas. In contrast, the Conference approved areas in Alabama, Arizona, California, Connecticut, Delaware, Florida, Hawaii, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New York, North Dakota, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin. Total funding was set at $62.8 million, or 24.4% over the previous year.[3]

A Statement of Administration Policy from the Office of Management and Budget had cited objections to the House bill's prohibitions on spending to create two new wildlife refuges, one in California and the other in regarding the proposed Kankakee refuge in Illinois and Indiana. The provision on California lands is not in the conference report. The Conference report retained the House prohibition on the use of funds to establish a new National Wildlife Refuge in the Kankakee River watershed.

The Multinational Species Conservation Fund, which benefits Asian and African elephants, tigers, and the six species of rhinoceroses, was proposed to increase from $2.4 million to $3.0 million (+25%) under the President's request. The conference set funding at $2.5 million.

Further Funding in Title VIII. In addition to the funds in Title I, certain funds in Title VIII will be directed toward existing or newly created FWS programs. Together, these provisions add substantial amounts to FWS programs in land acquisition ($130 million shared with other DOI agencies), the Cooperative Endangered Species Conservation Fund ($78 million), the North American Wetlands Conservation Fund ($20 million), competitive state wildlife grants (a new program at $50 million), and infrastructure improvement ($25 million). Thus, depending on the FWS share of land acquisition funds, Title VIII contains between $173 million and $303 million for FWS, bringing the total of Title I and Title VIII funding to between $1.0349 and $1.1649 billion. (See further discussion on Title VIII on p. 51.)

For further information on the *Fish and Wildlife Service*, see its World Wide Web site at [http://www.fws.gov/].

National Park Service. The National Park Service (NPS) currently manages the 379 separate and very diverse units that comprise the National Park System, including 56 "full or actual" National Parks, widely considered the premier units of the System. In addition to the National Parks, the Park System includes other unit designations such as national preserves, recreation areas, reserves, monuments, battlefields, historic sites, seashores and a number of other categories. The System

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[2] (...continued)
FY2000 in other titles of P.L. 106-113. Including these amounts would bring the FY2000 total to $53.7 million, and the increase for FY2001 would be 107.8%, rather than 116%.

[3] Again, counting all $53.7 million for land acquisition in FY2000, this level is 16.9% above the previous year.

has grown to more than 83 million acres, in 49 states and the District of Columbia and several U.S. territories. In recent years park recreation visits annually have totaled nearly 290 million.

The Service's mission, adopted with its establishment in 1916, provides for the continued protection and preservation of the National Parks for the benefit of, and enjoyment by, the public in perpetuity. The NPS mission, of facilitating use and serving Park System visitors while protecting and preserving the natural and cultural resources entrusted to it, is inherently contradictory (protecting the parks for and from the people) and constantly challenging to its professional staff.

According to the Administration and park advocacy groups, the Park Service has operated with tight budgets over recent decades. During this period, Congress restricted appropriations to operate and maintain the Park System while expanding management responsibilities and continuing to add new units to the System. It was asserted that restricted funding, combined with increased visitation, stretched personnel, impaired operations, and generated a multibillion dollar backlog of deferred maintenance. However, spending for the NPS now enjoys a significantly higher priority. Temporary closure of NPS units (part of a federal government-wide shutdown during the budget debates of late 1995 and early 1996) helped galvanize public support for expanding NPS funding. Congress heeded the expressed desire of the public to more adequately care for the National Parks System and funding has increased annually since FY1996. Once again the Administration requested substantial increases in spending for Park Service - managed programs in its FY2001 budget request.

The Administration's FY2001 request for the NPS was $2.04 billion, to operate and protect parks and preserve their natural and cultural (historic) resources. The request was $238.4 million above the $1.8 billion FY2000 enacted level. The House-passed bill proposed a total FY2001 appropriation for the NPS of $1.81 billion, $234 million less than the Administration's request, or $4.6 million more than FY2000 enacted. The Senate-passed bill also proposed $1.81 billion, up $8.7 million from FY2000 enacted and $230 million below the budget request. The final conference agreement provided $1.94 billion in total NPS spending or $134 million above FY2000 enacted.

The conference agreement states that ... "through a combination of appropriated funds, recreational fee demonstration project revenues, partnerships, and other sources, the National Park System has unprecedented levels of funding available to it to address critical resource protection and visitor service requirements." And, congressional overseers have pointedly advised the NPS of the importance of applying prudent and sound financial management practices in the care and operation of Park Systems.

LCPII. The conferees provided the Park Service with substantial additional money through a large new conservation program (Title VIII) added to H.R. 4578, the FY2001 Interior Appropriations bill. The new Title known as the Land Conservation, Preservation and Infrastructure Improvement program (LCPII), among other things provided an extra $50 million for NPS maintenance, $20 million additional for UPARR (see below) as well as a still-to-be-determined portion of $229 million in federal land acquisition money.

Park Operations are, by far, the largest component of the FY2001 budget request; at $1.38 billion accounting for nearly three-fourth of the total NPS request. It covers resource protection, visitor services and major park programs. The $25.4 million proposed increase emphasized park operating needs and resource management. This increase included $24 million to address specific needs at 77 park system units. These funds would be directed to parks experiencing severe threats to natural and cultural resources, with new responsibilities, and with high priority facility operation and maintenance needs. The House agreed with the Administration's request with respect to specific needs; however, the Senate-passed bill proposed an increase above base operations of $25.5 million, or $1.5 million more than the budget request. Both the House and Senate-passed bills proposed $2 million for high priority projects, within the NPS operations budget, to be carried out by the Youth Conservation Corps.

The House-passed bill proposed $1.43 billion for NPS operations, $138 million more than for FY2000 enacted or $48 million more than the Administration's request. The Senate-passed bill proposed a total of $1.37 billion for NPS operations, $80 million more than FY2000 enacted and $10.3 million below the budget request. The conference agreement provided $1.39 billion for NPS operations or $25.4 million above FY2000 enacted. Under the NPS operations line item, the conference agreement provided $469.7 million for maintenance instead of $446.6 million as proposed by the House and $449.2 million as proposed by the Senate.

An FY2001 request of $48.6 million proposed for *National Recreation and Preservation*, one of the Service's major appropriation line items, would fund expanded support of parks and greater partnership opportunities through added Regional Office support and added assistance to partner organizations. Because the Administration request would have added $18 million additional for Urban Park and Recreation Recovery grants, (see below) the total for this line was distorted, showing a $15.2 million increase. In FY2000, UPARR got $2 million.

The House-passed bill proposed $48 million for National Recreation and Preservation. The Senate-passed bill proposed $61.2 million for this line item. The conference agreement provided $58.4 million for this line or $6.96 million above FY2000 enacted and breaks out UPARR as a separate account (see below).

The NPS *Land Acquisition and State Assistance* appropriation request was $297.5 million, a $176.7 million major increase in the Interior Department's Land Legacy Initiative which is now in its second year. The FY2000 appropriation for this line item was $121 million. Acquisition funds are slated for protection of landscapes and resources at the Mojave National Preserve, the Florida Everglades, lands associated with the Lewis and Clark Expedition, and six Civil War Battlefield parks.

The House-passed bill proposed $104 million for Land Acquisition and State Assistance, $16.7 million less than in FY2000 enacted and $193 million less than the Administration's request. The Senate-passed bill proposed $87.1 million which is $210 million below the budget request, and $33.6 million below the FY2000 enacted level. The conference agreement provides $110.5 million for land acquisition and state assistance or $10.1 million less than FY2000 enacted. However, the NPS will receive a portion of the new $229 million LCPII money to be divided among Interior agencies.

The budget request seeks $18 million for the *Natural Resources Challenge*, an NPS program that emphasizes protection of natural resources, often in competition with visitation rights. The $18 million would constitute the second year of a five-year program to provide $100 million to identify and contain environmental hazards. The program is also designed to give the Park Service a better fix on off-highway vehicle use, overflights and personal watercraft, so as to argue more persuasively for a reduction in those activities. In FY2000 the administration requested $19.76 million for the program and Congress approved $14.74 million. An amendment to the Senate Committee-approved bill to block the National Park Service decision to enforce existing regulations that would substantially limit snowmobile use in national parks was withdrawn from floor consideration. During conference, language was also offered to delay NPS enforcement of snowmobile limits. This item was immediately withdrawn because of veto probability.

Maintenance Backlog. The Park System has a formidable maintenance burden, with an infrastructure that includes thousands of miles of roads and thousands of permanent structures (many of these historic), bridges, tunnels, employee housing units, water and waste systems, *etc*. It is argued that park assets should all be maintained at an operational level that ensures continued serviceability and use by the public. The NPS has valued its assets at over $35 billion, but without adequate care and maintenance they are subject to deterioration. Mounting concerns about the build-up of a multibillion dollar backlog of unmet maintenance needs in the first half of the last decade prompted Congress to seek new funding sources and to attack the maintenance backlog. In response to congressional appropriation leaders, the FY2000 budget proposal highlighted an Interior Department-wide campaign to prioritize maintenance over a five year period. Proposed funding for Construction and Major Maintenance programs for FY2001 was $180 million, with an emphasis on projects that address the most critical health and safety needs of parks, a key goal of the Interior Department's Safe Visits to Public Lands program. The proposed funding represents a $46.2 million decrease compared to FY2000. This decrease is in a area that has received special priority in recent years, however, there was more than $450 million for maintenance in the Operations component of the NPS request, and the anticipation of revenues of approximately $148 million in FY2001 from the Congressionally authorized Recreational Fee Demonstration Program (see below) which is to be used to reduce the Agency's backlog of health and safety deficiencies as well as resource protection and programs in existing park facilities. In addition, the Congress has historically increased construction appropriations as member projects have been added near the end of the appropriations process.

In hearings before the House Subcommittee on Appropriations for the Department of Interior and Related Agencies (March 29, 2000) members warned the National Park Service Director not to "lowball" maintenance needs requests with the expectation that "Fee-Demo" revenues will make up the shortfall. The members reiterated their desire that Fee-Demo monies be used to supplement, not replace, appropriated maintenance monies so that major reductions in the backlog could be accomplished. Also at issue is the size of the current NPS maintenance backlog. Park Service officials agreed to provide the Subcommittee with an updated estimate within two weeks of the Hearing. The Park Service subsequently provided the Subcommittee with a current NPS maintenance backlog figure of $4.3 billion. The conference agreement requires the NPS to report (by April 2001) on how and when it will provide a park-by-park comprehensive listing, with cost estimates, of deferred maintenance affecting all facilities in the NPS.

The House-passed bill proposed $141 million for Construction and major maintenance, $39 million less than the Administration's $180 million request, or $80 million less than FY2000 enacted. The Senate-passed bills' construction proposal was $204.5 million, an increase of $24.5 million above the Administration's request and $16.7 million below FY2000 enacted. As expected, the conference agreement greatly expanded the NPS Construction account as member "earmarks" were added. The agreement provided $242.2 million or $20.9 million above FY2000 enacted. Of local interest, $2.2 million to rehabilitate Glen Echo (MD) park facilities was provided.

Recreational Fee Demonstration Program (Fee-Demo). The NPS coordinated Fee-Demo program, being tested by the NPS and three other federal land management agencies, began in FY1996 to allow higher entrance and recreation user fees, with most of the added fees being retained by the unit where the money is collected, e.g. 80% of Fee-Demo goes back to the collecting unit and 20% goes to the agency. Previously all Park fee revenue went to the Treasury Department general fund. Under the existing program each agency is allowed to test up to 100 fee projects each year. It was hoped that the additional fees would be incentives to agency managers to be more aggressive in pursuing "self-financing" for operating and maintaining their units. The program participants, in addition to the Park Service, include: BLM, FWS, and the Forest Service. Supporters of a federal system of recreation lakes would also like the Corps of Engineers and the Bureau of Reclamation included. The Interior Department agencies and the Forest Service combined, collected $88 million in fees in FY1996, which are projected to increase to $185.65 million in FY2001. In FY2001 the Park Service is projected to bring in the most fee money by far, $148.4 million. The Administration again (the same request was made the last two years) asked Congress to make the Fee-Demo program permanent for the four federal land management agencies. The program is authorized through FY2002 and the Administration wanted to lock it in place this year. However, the conference managers once again decided to defer action on "fee-demo" until perceived problems in the program could be fixed, but did extend the program for one additional year. In a related development "interest groups" are reportedly circulating draft legislation that would extend Fee Demo through September 30, 2004, while substantially altering and expanding the program.

Urban Park and Recreation Recovery (UPARR). This cost-sharing Park Service managed program received a FY2000 appropriation of $2 million, the first new funding in five years. Prior to FY1994, appropriations were about $5 million annually. Communities competed for more grants than there was money available to fund them. This locally popular matching grant program (70% federal/30% local) helps economically distressed urban governments rehabilitate playgrounds, recreation centers, ball courts, playing fields and swimming pools in urban areas.

For FY2000, the Administration requested a $4 million appropriation for UPARR. Neither the House nor the Senate Appropriations Committee bills contained funding for the program. H.Rept. 106-222 recommended that all NPS funding increases be focused upon reducing operational shortfalls and serious maintenance backlogs. An amendment to restore the requested $4 million for the UPARR program was agreed to by voice vote during House floor action and the Senate voted $1.5 million. These funds were included as a part of a major line item, National Recreation and Preservation, instead of as previously as a free-standing program. The conference agreed to $2 million for UPARR as part of this larger Park Service appropriation line item and this amount was included in the final conference package.

The FY2001 request of $20 million, for UPARR, also under the National Recreation and Preservation line item, represented a significant $18 million increase. The House-passed bill provided $2 million for UPARR or $18 million below the requested amount. The Senate-passed bill also provided $2 million, the same as was appropriated in FY2000. The conference agreement provided $10 million for UPARR broken out in a separate account, instead of the $2 million proposed by the House and Senate as part of the National Recreation and Preservation account. And, the addition of $20 million from Title VIII (LCPII) brings the UPARR total to $30 million, a $28 million increase over the previous fiscal year.

In related UPARR developments, as approved by the House, May 11, H.R. 701, known popularly as the Conservation and Reinvestment Act (CARA), would guarantee without appropriation review or approval, $125 million per year for the UPARR program. The Senate passed version of CARA would allocate $75 million annually for UPARR.

Related Legislation. Congress approved legislation (P.L. 105-391, the National Parks Omnibus Management Act of 1998) under expedited procedures at the end of 105th Congress. The Act provides for long anticipated park criteria and management reforms and an overhaul of the Park Service's concessions policy, a provision of which would allow revenue generated from concession contracts to be returned to appropriate National Park units without annual appropriations. In another "collateral initiative," National Park roads, considered an important maintenance priority, received a substantial boost ($31 million in FY1998 and $81 million annually for the next 5 fiscal years, nearly double previous funding) under the surface transportation law (TEA-21, P.L. 105-178).

For further information on the *National Park Service*, see its World Wide Web site at [http://www.nps.gov/].

Historic Preservation. The Historic Preservation fund, established within the U.S. Treasury and administered by the National Park Service, provides grants-in-aid to states (primarily through State Historic Preservation Offices(SHPOs), certified local governments, and outlying areas (territories and the Federated States of Micronesia) for activities specified in the National Historic Preservation Act. Preservation grants are normally funded on a 60% federal- 40% state matching share basis. Preservation grants-in-aid also are provided to Historically Black Colleges and Universities (HBCUs) and to Indian Tribes.

The Administration's FY2001 budget request would have provided $72.07 million for the Historic preservation fund total. Of this amount, $42.07 million was for the Fund's grants-in-aid program, and $30 million was to continue the Administration's "Save America's Treasures" initiative, to provide assistance for commemorating the Millennium by addressing the Nation's most urgent preservation priorities. Save America's Treasures grants are given to preserve "nationally significant intellectual and cultural artifacts and historic structures" including monuments, historic sites, artifacts, collections, artwork, documents, manuscripts, photographs, maps, journals, still and moving images, and sound recordings. The FY1999 appropriation was used for restoration of the Star Spangled Banner, restoration of the Sewall-Belmont House, the National Women's Party headquarters, and for restoration of the Declaration of Independence and the U.S. Constitution located in the National Archives. Although the appropriation was continued for Save America's Treasures for FY2000 ($30 million), the program was criticized as lacking geographic diversity in the FY1999 grants program.

The Administration's budget for FY2001 for the Historic Preservation Fund included $7.9 million for HBCUs, for the preservation and restoration of historic buildings and structures on their campuses. Funds in Section 507 of P.L.104-333 (the Omnibus Parks and Public Lands Management Act of 1996) were earmarked for preservation projects for the following universities: Fisk University and Knoxville College in Tennessee; Miles College, Talladega College, Selma University, Stillman College, Concordia College in Alabama; Allen University, Claflin College, Voorhees College in South Carolina; and Rust College and Tougaloo University in Mississippi. Grants were awarded to complete repairs on HBCU buildings listed in the National Register of Historic Places that required immediate repairs. An appropriation of $7.9 million for FY2001 represents the unused authorization remaining from P. L. 104-333, and, according to the Administration, would fulfill that obligation.

The House-reported and **House-passed** FY2001 Interior Appropriations bill would have provided $41.3 million for the Historic Preservation Fund, $30.7 million below the enacted level for FY2000. It included $31.6 million for state historic preservation offices, $2.6 million for tribal grants and $7.2 million for historically black colleges and universities. According to the House report, the bill directed $.75 million of the amount authorized for Selma University to be used for repair of historic buildings on SU's campus. The House-reported and House-passed Interior Appropriations bill for FY2001 did *not* include funding for Save America's Treasures.

The **Senate-reported** and **Senate-passed** FY2001 Interior Appropriations bill would have provided $44.3 million for the Historic Preservation Fund, a decrease of $30.4 million below the FY2000 enacted level. The Senate bill would have increased by $3 million the Grants- in-Aid to States program. and provided $7.2 million for restoration of Historically Black Colleges, $.7 million less than the President's request. The Senate-passed bill did *not* provide funding for Save America's Treasures.

P.L.106-291, the Department of Interior and Related Agencies Appropriations Act for FY2001 (H.R.4578, H.Rept.106-914) provides $94.3 million for the Historic Preservation Fund total, including $15 million from a new Title VIII, Land Conservation, Preservation and Infrastructure Improvement program. The additional

$15 million will be distributed as follows: $12 million for SHPOs and $3 million for tribal grants. The FY2001 Interior appropriation also restores funding ($35 million) for the ***Save America's Treasures*** program; and allows $7.2 million for Historically Black colleges, $5.6 million for Tribal grants, and $46.6 million for funds for State Historic Preservation Offices (SHPOs). As enacted, P.L. 106-291 specifies $20 million in projects to receive funding (leaving $15 million undistributed) for Save America's Treasures, including projects such as the Rosa Parks Museum in Alabama and the Mark Twain House in Connecticut. Additional project recommendations would be subject to formal approval by the House and Senate Committees on Appropriations prior to distribution of funds. These projects require a 50% cost share, and no single project may receive more than one grant from this program.

Last year, the Consolidated Appropriations Act for FY2000 provided $74.8 million for the Historic Preservation Fund, including $10.6 million for Historically Black Colleges restoration, $2.6 million for tribal grants, $31.6 million for state historic preservation offices, and $30 million for Save America's Treasures.

There is no longer federal funding for the **National Trust for Historic Preservation** as part of the Historic Preservation Fund account. The National Trust was chartered by Congress in 1949 to "protect and preserve" historic American sites significant to the cultural heritage of the U.S. It is a private non-profit corporation and has not received federal funding since FY1998, in keeping with Congress' plan to replace federal funds with private funding and to make the Trust self-supporting. The National Trust still maintains several financial assistance programs including the *Preservation Services Fund*, a program of matching grants to initiate preservation projects, and the *National Preservation Loan Fund*, providing below-market-rate loans to nonprofit organizations and public agencies to help preserve properties listed in the National Register of Historic Places, particularly those on the "Most Endangered Historic Places" list.

U.S. Geological Survey. The U.S. Geological Survey (USGS) is the Nation's primary science agency in providing earth and biological science information related to natural hazards; certain aspects of the environment; and energy, mineral, water, and biological sciences. In addition it is the federal government's principal civilian mapping agency and a primary source of data on the quality of the nation's water resources. In further defining its role, the USGS offered an alternative crosscut of its budget for FY2001 that emphasized providing the scientific information and tools to assist managers and policymakers in support of the policy process in the Department of the Interior. Core science and supporting research to back up those applications were highlighted along with science support for the Department's land management bureaus and regional science programs that focus on specific place-based studies. Research priorities for this crosscut were determined, in part, through a consultative effort with the land and wildlife management bureaus, addressing their most pressing needs. The four overarching initiatives that comprise this crosscut presentation are: Safer Communities, Livable Communities, Sustainable Resources for the Future, and America's Natural Heritage.

The Administration requested $895.38 million for the U.S. Geological Survey for FY2001, a net increase of $82 million over the FY2000 enacted level of $813.38 million and the largest increase in USGS history. This budget request was intended to expand USGS core programs to promote understanding of the balance among Earth's living communities and to provide information to decisionmakers responsible for managing those communities and associated lands. Included in this amount was an increase of $18 million to cover such uncontrollable costs as salary increases. Additionally, the budget contained decreases of $22.2 million representing projects that were nearing completion or lower priority projects being ended in FY2001. Notwithstanding the overarching initiatives mentioned above, the traditional presentation of the budget for the USGS is in the appropriation category of *Surveys, Investigations, and Research*, with six activities falling under that category: National Mapping Program; Geologic Hazards, Resources, and Processes; Water Resources and Investigations; Biological Research; Science Support; and Facilities. Each of these activities showed a net increase in the FY2001 request. In H.R. 4578, the House Committee on Appropriations recommended, and the full House approved, $816.68 million for *Surveys, Investigations, and Research* – a decrease of $78.70 million from the budget request and an increase of $3.3 million above the FY2000 enacted level. In its action on H.R. 4578, the Senate Committee on Appropriations recommended, and the full Senate approved, $847.60 million for *Surveys, Investigations, and Research* – a decrease of $47.78 million below the budget request but an increase of $34.22 million above the FY2000 enacted level. The Committee of Conference in its report on H.R. 4578 recommended, and Congress approved, $862.05 million for *Surveys, Investigations, and Research* – a decrease of $33.33 million below the FY2001 budget request but an increase of $48.67 million above the FY2000 enacted level.

In the National Mapping Program activity, the Administration requested $155.28 million – $28.57 million over the FY2000 enacted level of $126.72 million. This notable increase was sought to fund partnership arrangements with State and local governments to collect and increase access to spatial data and maps and for USGS assumption of management responsibility for the LANDSAT-7 mission as cited in a 1999 agreement signed by NASA, NOAA, and Interior. Under this activity, increases were proposed to fund integrated studies of historical trends in land use change and development for use in assessing consequences of alternative growth scenarios. The House approved $122.82 million for the National Mapping Program, a decrease of $32.47 million from the budget request and $3.9 million below the FY2000 enacted level, including $3.4 million from the Hazard Support System and $500,000 resulting from a transfer to the Geologic Hazards, Resource, and Processes activity. The Senate approved $126.71 million for this program, an amount $28.57 million below the budget request and $4,000 below the FY2000 enacted level. That Senate-approved level included increases of $500,000 for further work on the National Atlas and a restoration of $2.63 million for geospatial data production. In bill report language, the Senate Committee chided Mapping Program staff for redirecting substantial sums of money, without the Committee's knowledge or consent, to activities that were unauthorized and for which dollars were not appropriated. The Committee of Conference recommended and Congress approved $128.71 million for the National Mapping Program, an amount $26.57 million under the budget request but $2.0 million above the FY2000 enacted level. Changes to the House funding level for the national mapping program included increases of $2,096,000 for uncontrollable costs, $500,000 for the national atlas, and $3.4 million for Landsat operations, and a decrease of $100,000 for hyperspectral remote sensing.

In the Geologic Hazards, Resources, and Processes activity, the Administration requested $224.81 million – an increase of $13.59 million above the FY2000 enacted level of $211.22 million. Proposed increases for this activity were to fund the modernization of the seismograph and strong motion detector networks for San Francisco, Seattle, Salt Lake City, Anchorage, Reno, and Memphis. A large proposed increase was slated to expand the development of the Internet-based National Geological Map Database and the production of digital geologic map data that are both compliant with the National Spatial Data Infrastructure and that meet community needs to address hazards, resources, and environmental management issues. The House approved $211.27 million for Geologic Hazards, Resources, and Processes – a decrease of $13.54 million from the budget request and an increase of $50,000 above the FY2000 enacted level. The House Committee on Appropriations emphasized in bill report language that the Survey's highest hazards-related priority should be to continue upgrading its various hazards monitoring networks, to acquire quality hazards information, and to engage in quality hazards-related research. The Senate approved $218.52 million for this program, an amount $6.29 million below the budget request but $7.30 million above the FY2000 enacted level. That Senate-approved level included increases of $2.0 million for seismographic equipment, $500,000 for volcano hazards work, and $500,000 for the National Cooperative Geologic Mapping program to conduct projects that will complement the groundwater studies to be undertaken by the Water Resources Investigations program. Restorations amounting to $5.96 million were entered for the Energy Resources program, the Minerals Resources program, and the Volcano Hazards program. The Committee of Conference recommended, and Congress approved, $220.82 million for Geologic Hazards, Resources, and Processes – a decrease of $3.99 million from the budget request but an increase of $9.60 million above the FY2000 enacted level. Increases above the House funding level included $4.30 million for uncontrollable costs, $1.0 million for earthquake hazards, $250,000 for the Hawaiian volcano program, $1.53 million for minerals at risk, $475,000 for Yukon Flats geology surveys, $1.20 million for the Nevada gold study, $500,000 for geologic mapping, and $300,000 for Lake Mead/Mojave research.

In the Water Resources Investigations activity, the Administration requested $197.58 million – an increase of $11.76 million over the FY2000 enacted level of $185.82. In this activity, major increases were proposed for hydrologic networks and for analysis of real-time hazards and of Interior science priorities. Those increases were sought to enhance USGS ability to provide streamflow data for flood forecasting and information for flood hazard mitigation by adding streamgages, upgrading instruments, and adding telemetry. Scientific support for each of the Interior bureaus also would have been augmented. Modest increases were requested to facilitate data sharing in support of water information delivery for decision support and resources management. The House approved $187.95 million for Water Resources Investigations, a decrease of $9.63 million from the budget request and an increase of $2.13 million above the FY2000 enacted level. That House-approved level included increases above the FY2000 level of $1.73 million for the Real Time Hazards Initiative, and $400,000 for water resources research institutes. The Senate approved $196.66 million for this program – $915,000 below the budget request but $10.84 million above the FY2000 enacted level. That Senate-approved amount included increases of $3.10 million for new or upgraded stream gauging stations, $2.0 million to accelerate the groundwater studies program, $300,000 for new investigations related to toxic materials in the Lake Champlain basin, $450,000 to monitor and protect water resources in the State of Hawaii, and $300,000 for the Lake Mead/Mojave Environmental Research Institute to conduct research on environmental matters involving the ecosystems and watersheds of Lake Mead. Restorations totaling $6.39 million were entered for the Toxic Substances Hydrology program, for Hydrologic Research and Development, and for Hydrologic Networks and Analysis. The Committee of Conference recommended, and Congress approved, $197.16 million for Water Resources Investigations, an amount $415,000 below the budget request but $11.34 million above FY2000 enacted level. Changes to the House level for water resources included increases of $5.29 million for uncontrollable costs, $1.37 million for real time hazards, $300,000 for the Lake Champlain toxic study, $450,000 for Hawaiian water monitoring, $2.0 million for the ground water program, and $300,000 for the Southern Maryland aquifer study, and a decrease of $500,000 from the Molokai well project.

In the Biological Research activity, the Administration requested $158.78 million – an increase of $21.89 million above the FY2000 enacted level of $136.90 million. A sizable portion of that increase would have been applied to biological research and monitoring for Interior science priorities in support of each of the Department's bureaus. An increase for fish and wildlife disease was sought to expand research on the West Nile encephalitis virus. A large increase was intended to fund matching grants and other cooperative activities for States, local communities, academic institutions, and other user groups to integrate and overlay more easily spatial and biological data sets (e.g., invasive species distributions) with data from the holdings of the USGS and other agencies. The House approved $140.42 million for Biological Research – a decrease of $18.37 million from the budget request and an increase of $3.52 million above the FY2000 enacted level. According to bill report language, that House-approved level specifically provided an additional $3.40 million to conduct mission-critical science support for the U.S. Fish and Wildlife Service in such needed areas as species at risk, invasive species, inventory and monitoring protocols, and fisheries and aquatic resources. The Senate approved $147.77 million for Biological Research, an amount $11.01 million below the budget request but $10.88 million above the FY2000 enacted level. That Senate-approved amount included increases of $8.0 million for Science Centers and $700,000 for the Cooperative Research Units. The increase for the Science Centers was proposed in response to concerns expressed that insufficient base funding had eroded the centers' core capabilities and reduced their ability to address important long-term strategic research. With the additional amount provided for core science support, those centers would begin to stabilize their bases of operations. Conferees recommended, and Congress approved, $157.92 million for the Biological Research activity, an amount $858,000 under the budget request but $21.03 million above the FY2000 enacted level. Increases above the House for biological research included $3.18 million for uncontrollable costs, $400,000 for the cooperative research units, $180,000 for a Yukon River chum salmon study, $8.0 million for science center funding, $500,000 for ballast water research, $500,000 for sea otter research for the Fish and Wildlife Service, $4.0 million for the National Biological Information Infrastructure, and $750,000 for the continuation of the Mark Twain National Forest mining study to be accomplished in cooperation with the water resources division and the U.S. Forest Service.

Again this year, the USGS budget presentation retained two additional activity categories in the FY2001 request: Science Support, at $70.90 million, and Facilities, at $88.04 million. Separating out the costs associated with modernizing the infrastructure for management and dissemination of scientific information and the costs for maintenance and repair of facilities allows for a clearer view of the money allocated directly for science. Both of these activities showed small increases over the FY2000 enacted levels, $3.79 million and $2.42 million, respectively, mostly associated with uncontrollable costs and technical adjustments. The House approved $67.10 million for Science Support – a decrease of $3.79 million from the budget request and the same as the FY2000 enacted level. The Senate approved $69.90 million for Science Support, an amount $1.0 million below the budget request but $2.79 million above the FY2000 enacted level. Those Senate-approved increases included $1.0 million to invest in infrastructure that would allow the USGS to increase data transfer capacity. Conferees recommended, and Congress approved, $68.90 million for Science Support, an amount $2.0 million under the budget request but $1.79 million above the FY2000 enacted level. Increases above the House mark for science support included $1.79 million for uncontrollable costs. The House approved $87.12 million for Facilities – a decrease of $918,000 from the budget request and $1.5 million above the FY2000 enacted level. The Senate approved $88.04 million for Facilities, an amount that met the budget request and was $2.42 million above the FY2000 enacted level. Within funds provided by the Senate, $920,000 was designated for engineering and design work associated with a proposed expansion of the Leetown, West Virginia, Science Center. Conferees recommended, and Congress approved, $88.54 million for Facilities, an amount $500,000 above the budget request and $2.92 million above the FY2000 enacted level. Increases above the House level for facilities included $1,418,000 for uncontrollable costs.

In a new title to H.R. 4578 added by the Committee of Conference – *Title VIII, Land Conservation, Preservation and Infrastructure Improvement* – conferees recommended, and Congress approved in Title VIII, Part A, that the USGS receive an additional $20.0 million in FY2001 for science programs, including $7.0 million for national mapping, of which $5.0 million is for national cooperative geologic mapping and $2.0 million is for earth science information management and delivery; $5.0 million for water resources/stream gauges; $3.0 million for biological research, of which $2.0 million is to initiate aquatic GAP analysis and $1.0 million is to accelerate GAP analysis in the contiguous 48 States; and $5.0 million for science support/accessible data transfer. The $20.0 million falls under a program category designated as "State and Other Conservation programs" in the new Title VIII. The Land Conservation, Preservation, and Infrastructure Improvement Program budget mechanism in Title VIII, Part B, provides a six-year (FY2001-2006) funding priority within the federal budget for land conservation activities by setting aside funds each year over and above the amounts available under congressional budget resolutions for all other discretionary activities of the government. USGS programs eligible for this funding include the Survey's State Planning Partnership programs, Community/Federal Information Partnership, Urban Dynamics, and Decision Support for Resource Management.

For further information on the *U.S. Geological Survey*, see its World Wide Web site at [http://www.usgs.gov/].

Minerals Management Service. The Minerals Management Service (MMS) administers two programs: 1) Royalty, and 2) Offshore Minerals Management and Oil Spill Research. The Offshore Minerals Management Program administers competitive leasing on outer continental shelf lands and oversees production of offshore oil, gas and other minerals. The Royalty Management Program (RMP) seeks to ensure timely and accurate collection and disbursement of revenues from all mineral leases on federal and Indian lands (oil, gas, coal, etc.). MMS anticipates collecting about $6.0 billion in revenues in FY2001 from offshore and onshore federal leases. Revenues from onshore leases are distributed to states in which they were collected, the General Fund of the U.S. Treasury, and various designated programs. Revenues from the offshore leases are allocated among the coastal states, Land and Water Conservation Fund, The Historic Preservation Fund, and the U.S. Treasury.

The Administration's FY2001 request of $247.7 million would provide $241.6 million for the Royalty and Offshore Minerals Management Program and $6.1 million for oil spill research. This request is $7.4 million more than the FY2000 appropriation ($240.3 million) excluding offsetting receipts. Total appropriations, however, would increase by $23.9 million while the offsets would decrease by $17 million. An additional $10 million in user fees is also requested. The offsets ($107.4 million) would come from Outer Continental Shelf (OCS) revenues. The net amount of the administration's request is $140.2 million for FY2001 (excluding the request for $10 million in new user fees). Leasing activity in the Gulf of Mexico has significantly declined from its FY1997 peak and is expected to remain flat in FY2001. According to MMS, the decline in the offsets are needed to reflect the decline of new lease activity in the region. The House Appropriations Committee mark and the House approved funding level was about 5% less than the Administration's request, supporting a net amount of $133.3 million for MMS. The Senate approved $140.1 million for MMS which is much closer to the Administration's request. The conference bill funded MMS at $139.5 million.

For further information on the *Minerals Management Service*, see its World Wide Web site at [http://www.mms.gov/].

Royalty Issues. Reported discrepancies between posted prices and fair market value prices, that are the basis for royalty valuation, continue to be an issue in the 106th Congress. The Administration argued that the U.S. Treasury was being underpaid at least $60 million annually. MMS's final rule change for crude oil valuation that relies less on posted prices and more on an index price to better reflect fair market value went into effect March 15, 2000, as required by the Consolidated Appropriations Act for FY2000 (P.L. 106-113). Oil industry officials have criticized using index prices as a benchmark and had offered a number of other options for benchmarks. The MMS had an extensive comment period on the valuation rule throughout the 105th and 106th Congresses to allow for additional industry and congressional input. Industry representatives still believe further improvements are necessary, particularly around the duty to market requirement. Further, they would like the MMS to use the royalty in kind (RIK) approach that would allow MMS to receive royalties in the form of oil produced, then resell the oil for cash.

In the Senate FY2000 Interior appropriations bill (S. 1292), a contentious debate ensued over when to implement the new oil valuation rule. The Senate Appropriations

Committee approved an amendment by Senator Domenici (R-NM) to further postpone the release of the oil valuation rule until June 30, 2001. Senator Hutchison (R-TX) offered a floor amendment to extend the moratorium on the rules release through FY2000. A filibuster by Senator Boxer (D-CA) to prevent the moratorium amendment on the rules release stalled the Interior appropriation bill until a second cloture vote (60-39) limited debate on the amendment. The Senate voted (51-47) to extend the moratorium. Conference negotiators sustained the moratorium but only for not more than six months, pending a General Accounting Office review and report to Congress on the proposed oil valuation rule. The President threatened to veto the Interior bill because of the rules moratorium, among other issues. However, negotiators settled on implementing the new oil valuation rule on March 15, 2000, and this provision was enacted into law in P.L. 106-113.

An MMS RIK Feasibility Study concluded that RIK could be workable and generate positive revenue for the U.S. Treasury. The MMS has begun to conduct a second pilot study on a RIK process that includes natural gas production in the Gulf of Mexico, oil production in Wyoming, and Texas offshore natural gas. This pilot began in 1998 with oil lease bids offered in Wyoming and is expected to take several years to complete. The House supported the Committee amendment that would allow the MMS to use a portion of its revenues to administer the RIK pilot program now underway. However, a floor amendment limited the use of MMS revenues to pay for transportation to wholesale market centers and for processing rather than the Committee recommendation to pay for gathering and any contractor costs as well. This would allow MMS to receive greater value for its RIK product at the market center.

On a separate issue, legislation was enacted (P.L. 104-185) in the 104th Congress to authorize interested states that demonstrate competence to collect royalties from federal oil and gas leases. The MMS functions that could be delegated to the states include: reporting of production and royalties, error correction, and automated verification.

OCS Moratoria. During FY1996, as the 104th Congress revisited many regulatory programs, the OCS moratorium on leasing activity was debated in some depth but was extended in several areas. The extension was continued through FY1999. It was supported by the House and the Senate for FY2000, and was continued in the FY2000 appropriations law. In the FY2001 spending bill, the moratoria is supported by the House and the Senate. In previous appropriations since the early 1980s, the moratoria had been approved annually, without extensive discussion. Each year, Congress banned the expenditure of appropriated funds for any leasing activity in environmentally sensitive areas of the OCS. In 1990, President Bush issued a directive which parallels the moratoria, essentially banning OCS leasing activity in places other than the Texas, Louisiana, and Alabama offshore. The executive branch ban remains in effect. The moratoria apply only to environmentally sensitive areas. With the exception of the California OCS, little hydrocarbon production has occurred in these regions.

Lease Sales in the Gulf of Mexico. Leasing in the Central and Western Gulf of Mexico recently has declined, whereas lease sales were quite robust in FY1996 and FY1997. During 1996, the spring (Central Gulf) sale resulted in 606 tracts leased for total bonuses of $352 million. The fall (Western Gulf) sale resulted in 902 tracts leased for $512 million. And the Central Gulf auction held March 5, 1997, set an all time record, attracting 1,790 bids for 1,032 tracts. High bids totaled $824 million.

This was the last sale under the 1992-1997 leasing plan. FY1996 and FY1997 included four record breaking sales which produced over $2.4 billion in bonuses. The OCS Leasing Plan for the FY1997 to FY2002 period included a Western Gulf auction that took place in August, 1997. This record breaking August sale ($680 million) was 33 percent larger than the Western Gulf sale held a year earlier. However, the 333 tracts leased in 1999 were 81% lower than its peak of 1,778 tracts leased in 1997. Production of deep water oil and gas has more than doubled between 1996 and 1999 because of new technology and public policy. Currently, the Gulf of Mexico accounts for over half of the world's drilling rigs operating in deepwater. The MMS proposes to increase its effort in environmental issues associated with deep water drilling.

Office of Surface Mining Reclamation and Enforcement. The Surface Mining Control and Reclamation Act of 1977 (SMCRA, P.L. 95-87) established the Office of Surface Mining Reclamation and Enforcement (OSM) to ensure that land mined for coal would be returned to a condition capable of supporting its pre-mining land use. SMCRA also established an Abandoned Mine Lands (AML) fund, with fees levied on coal production, to reclaim abandoned sites that pose serious health or safety hazards. Congress' intention was that individual states and Indian tribes would develop their own regulatory programs to enforce uniform minimum standards established by law and regulations. OSM is required to maintain oversight of state regulatory programs.

The Administration's request for the Office of Surface Mining for FY2001 — at $309.2 million — is about $17.5 million above the FY2000 appropriation of $291.7 million. Most of the increase is targeted to accelerating the pace of abandoned mine land reclamation by boosting the appropriation from the AML fund in 2001. The total request included $98.0 million in funding for Regulation and Technology programs and $211.2 million in appropriations from the AML fund. The request for Regulation and Technology programs represents an increase of roughly $2.2 million from the FY2000 level ($95.9 million). The Administration's AML request reflects, an increase of $15.3 million over adjusted FY2000 levels ($195.9 million). Included in this figure is funding for the Appalachian Clean Streams Initiative (ACSI), which was $8 million in FY2000, and proposed for a further boost to $10 million in FY2001. The House Committee on Appropriations reported $97.5 million for Regulation and Technology and recommended $197.9 for AML, including $8 for ACSI. This level of funding, approved by the House on June 15, 2000, is on a par with last year's enacted level, with an additional $2 million added to accelerate remediation of problems associated with anthracite mines in Pennsylvania.

Appropriations for AML activities are based on states' current and historic coal production. "Minimum program states" are states with lower coal production that nevertheless have sites needing reclamation. The minimum funding level for each of these states was increased to $2 million in 1992. However, over the objection of these states, Congress has appropriated $1.5 million to minimum program states since FY1996. The Administration budget once again proposed to restore the minimum funding level to $2 million in FY2001, but the House Committee has retained the $1.5 million level in its recommendation. These were the levels also adopted by the House, for a total of $295.6 million for OSM.

The Senate Committee on Appropriations recommended $101 million for Regulation and Technology, including an additional $3 million for State regulatory grants. However, Committee recommendations of $201.4 million for the AML fund "for additional environmental restoration work," and a $1.6 million level for minimum program States were adopted. The total for OSM approved by the Senate was $302.5 million.

The conferees adopted the Senate numbers of $101 million for Regulation and Technology, but boosted the appropriation from the AML fund to $202.4 million. The total recommended by the conferees for OSM was $303.5 million, $1 million more than the Senate, and nearly $8 million more than the House.

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

Bureau of Indian Affairs. The Bureau of Indian Affairs (BIA) provides a wide variety of services to federally recognized American Indian and Alaska Native tribes and their members, and has historically been the lead agency in federal dealings with tribes. Programs provided or funded through the BIA include government operations, courts, law enforcement, fire protection, social programs, education, roads, natural resource and real estate management, economic development, employment assistance, housing repair, dams, Indian rights protection, implementation of land and water settlements, and partial gaming oversight, among others.

BIA's FY2000 direct appropriations enacted to date are $1.869 billion. For FY2001, the Administration proposed $2.2 billion, an increase of 17.8% over FY2000. Included in the proposal were increases of 8.6% in Tribal Priority Allocations (TPA) (to $761.2 million, including $128.7 million for self-determination contract support costs, a 2.8% increase), 8.5% in BIA school operations (to $506.6 million), 8.2% in aid under the Tribally Controlled College or University Assistance Act (to $38.2 million), and 85.4% in total BIA construction (to $365.9 million, including $300.5 million in education construction, a 125.6% increase over FY2000). The administration also proposed an increase of $18.8 million (to a total of $156.6 million) for the BIA for the third year of the Indian country law enforcement initiative, jointly funded in BIA and Department of Justice (DOJ) appropriations, to reduce the high rate of violent crime in Indian country. Proposed FY2001 DOJ spending on the initiative, including Indian-country jail construction, totaled $173.3 million.

The House approved $1.881 billion for FY2001 BIA direct appropriations, an increase of 0.6% over FY2000. Included are increases of 3.2% in TPA (to $702.2 million, including $125.2 million for self-determination contract support costs, the same as FY2000), 1% in BIA school operations (to $471.7 million), 2.8% in aid under the Tribally Controlled College or University Assistance Act (to $36.3 million), and less than 1% for the Indian country law enforcement initiative (to $137.9 million). The House approved a decrease of 6.6% in total BIA construction (to $184.4 million, including $120.2 million in education construction, a 9.8% decrease below FY2000).

The Senate approved $2.086 billion for FY2001 BIA direct appropriations, an increase of 11.6% over FY2000. The Senate included increases of 0.2% in TPA (to $722.8 million, including $125.5 million for self-determination contract support costs, a slight increase over FY2000), 2.6% in BIA school operations (to $479 million), 8.2% in aid under the Tribally Controlled College or University Assistance Act (to $38.2 million), 5.8% for the Indian country law enforcement initiative (to $145.8 million), and 72.7% in total BIA construction (to $341 million, including $276.6 million in education construction, a 108% increase over FY2000).

The conference committee approved $2.141 billion for FY2001 BIA direct appropriations, an increase of 14.6% over FY2000. The conference committee included increases of 4.8% in TPA (to $734.6 million, including $125.5 million for self-determination contract support costs, a slight increase over FY2000), 4.8% in BIA school operations (to $489.5 million), 8.2% in aid under the Tribally Controlled College or University Assistance Act (to $38.2 million), 8.6% for the Indian country law enforcement initiative (to $149.6 million), and 81% in total BIA construction (to $357.4 million, including $293 million in education construction, a 120% increase over FY2000).

The key issues for the BIA are the movement toward greater tribal influence on BIA programs and expenditures (especially the role of contract support costs), BIA reorganization and downsizing, the equitable distribution of BIA funding among tribes, management of trust assets, law enforcement in Indian country, and repair and replacement of BIA school buildings. Additional significant issues raised by proposed provisions of previous Interior appropriations bills have included taxation of certain Indian businesses, Indian gaming regulations, and tribal sovereign immunity from suit.

Tribal Control. Greater tribal control over federal Indian programs has been the goal of Indian policy since the 1970s. In the BIA this policy has taken three forms: tribal *contracting* to run individual BIA programs under the Indian Self-Determination Act (P.L. 93-638, as amended); tribal *compacting* with the BIA to manage all or most of a tribe's BIA programs, under the Self-Governance program (P.L. 103-413); and shifting programs into a portion of the BIA budget called *Tribal Priority Allocations* (TPA), in which tribes have more influence in BIA budget planning and within which each tribe has authority to reprogram all its TPA funds. In FY2000 TPA accounts for 42.7% of the BIA's operation of Indian programs (including most of the BIA funding for tribal governments' operations, human services, courts, natural resources, and community development) and for 37.5% of total BIA direct appropriations.

Contract support costs, authorized under the Indian Self-determination Act, fund the non-operational and overhead costs incurred by tribes in administering programs under self-determination contracts and self-governance compacts, and are calculated using a negotiated tribal cost rate (a percentage of the funding base covered by a tribe's contracts or compact). Issues raised by contract support costs include the consistent shortfall in contract support cost appropriations, tribes' claim of entitlement to full support cost funding, identity of programs included in tribes' funding base, and rate-setting methods. A 1997 court decision (*Ramah Navajo Chapter* v. *Lujan*) confirmed federal responsibility for certain unpaid contract support costs from FY1989-1993 for primarily non-BIA and non-IHS programs, and a partial settlement awarded the plaintiffs $82 million. Congress forbade use of FY1994-FY2000 BIA funds to pay these costs, so the $82 million was paid from the federal Judgment Fund, but the BIA and IHS may be required to reimburse the Fund. In the FY2001 Interior appropriations bill, the Senate added (and the conference committee retained) a sense-of-the-Senate provision urging the Secretary of the Interior to work with the Office of Management and Budget to secure repayment to the fund from agencies other than the BIA and IHS.

To allow the BIA and tribes to address the contract support costs problem and to allow GAO to study the issue, Congress imposed a one-year moratorium on self-determination contracts and self-governance compacts for FY1999. The GAO's report offered four alternative methods for funding contract support costs and recommended that BIA and the Indian Health Service develop a standard policy on funding contract support costs (*Indian Self-Determination Act: Shortfalls in Indian Contract Support Costs Need to be Addressed*, June 1999, GAO/RCED-99-150). Congress dropped the moratorium on contracts and compacts for FY2000. The House restored the moratorium for FY2001, but the Senate and the conference committee again dropped the moratorium.

Reorganization. The BIA has been under pressure from tribes, the administration, and Congress to reorganize, but proposals from the three sources have not always been in agreement. Under the Clinton Administration's National Performance Review Reinventing Government initiative, the BIA had planned to pursue restructuring and downsizing through the "tribal shares" process (in which tribes and the BIA determine, first, which BIA functions are inherently federal and which are available for tribal management, and, second, what each tribe's share of funds is for the latter functions), but the BIA has indicated that the Interior solicitor has advised against such a procedure. Congress, through appropriations committee reports, pressed the BIA to develop reorganization and consolidation plans. In response the BIA has reduced the number of both its agencies and employees. Congress also approved the BIA's commissioning of a 1999 study of BIA administration and management by the National Academy of Public Administration (NAPA), entitled *A Study of Management and Administration: The Bureau of Indian Affairs*. The study concluded that the Assistant Secretary—Indian Affairs lacked necessary staff support and that the BIA needed improvements in planning, budgeting, human resources management, and information resource management. For FY2000, Congress directed the Secretary of the Interior to reorganize the BIA based on the NAPA recommendations and provided $5.2 million for this purpose. For FY2001, the Administration requested $9.2 million for continued implementation of the NAPA recommendations; the House agreed to this sum, as did the Senate and the conference committee.

Funding Distribution. The issue of the equitable distribution of BIA funding—often referred to as "means-testing"—has two aspects, one relating to how funds are distributed, the other relating to whether a tribe's other financial resources are taken into account. First, much if not most BIA funding, even while serving tribal needs, is not required to be distributed on a national per capita or other formula basis. Second, tribes' own non-BIA resources, especially business revenues, are not always required to be taken into account. A 1998 GAO study of TPA distribution found that two-thirds of FY1998 TPA funds were distributed based on historical levels and one-third was distributed based on formulas, that TPA distribution per capita varied widely across BIA areas, and that tribal governments' reporting of their revenues were inconsistent in including or excluding non-federal revenues.

Supporters of TPA funding redistribution based on "means-testing" of tribes claim that BIA funding is inequitably distributed, that poorer tribes do not receive adequate funding, that tribal TPA funds received per capita do not correspond with indicators of tribal need, that only 30 percent of TPA funding is based on formulas, and that some rich tribes got more TPA funds in FY1998 than tribes with no outside revenues. Opponents respond that almost all tribes are in poverty, that BIA funding is insufficient to meet tribal needs, and that means-testing TPA funding would penalize tribes who still have severe needs, would violate the federal trust responsibility to tribes, and would be unfair since it is not required of state or local governments receiving federal assistance.

Congress debated several proposals for reallocating TPA funding during its consideration of the FY1998-FY2001 appropriation bills. For FY1998-FY1999, Congress authorized a tribal-federal workgroup on TPA allocations and tribal needs assessment, required that each tribe receive a certain minimum amount of funding, and directed the BIA to develop TPA reallocation proposals. The BIA/tribal workgroup's report, in July 1999, concluded that variation in tribes' circumstances made formula distribution problematic; that TPA funding resulted from history, geography, and policies; that current funding did not meet identified needs; and that measures of tribal need and revenue were not fully available. The workgroup recommended that base TPA funding should not be redistributed. For FY2000, Congress authorized (but did not direct) the Secretary of the Interior to redistribute TPA funds to alleviate tribal funding inequities–without reducing any tribe's TPA share more than 10%, except in certain situations–and directed the BIA to distribute funds to its two post-secondary institutions based on a formula. The House retained these provisions for FY2001, while the Senate kept only the post-secondary education provision. The conference committee retained both of these provisions. In addition, the Senate approved a new provision prohibiting Alaska Native tribes with fewer than 25 members from receiving TPA funds in FY2001; the funds would be transferred to each tribe's regional Native non-profit corporation. The conference committee also approved this provision.

Trust Asset Management. The BIA has, historically, mismanaged Indian trust funds and trust assets. Reform of trust fund management is now the responsibility of the Office of the Special Trustee for American Indians (see below). The BIA and the Office of Special Trustee are together implementing the Secretary of the Interior's High Level Implementation Plan for the Trust Management Improvement Project. The project includes improvements in trust asset systems, policies, and procedures, reduction of backlogs, and maintenance of the improved system. Trust asset management includes real estate services, processing of transaction (sales, leases, etc.), surveys, appraisals, probate functions, land title records, and other functions. The BIA has contracted with a private developer for a new trust asset and accounting management system (TAAMS). In the FY2000 Interior appropriations bill, Congress prohibited the Secretary from deploying TAAMS, except at a test site, until the Secretary certifies that the system meets contract requirements and users' needs. The test site is the BIA's Billings region. Neither the House, the Senate, nor the conference committee included the TAAMS prohibition in the FY2001 Interior appropriations bill.

Law Enforcement. Because of reports of greatly increased crime rates and inadequate law enforcement in Indian country, the Administration proposed for FY1999 an initiative on law enforcement in Indian country. Under the initiative, funds for Indian country would flow through both the BIA and the Department of Justice. The funds would provide additional law officers, police facilities and equipment, and jails and detention centers. BIA funding goes chiefly to ongoing operation and improvement of reservation law enforcement functions, while the Justice funds go to one-time improvement grants under its COPS program and to construction of detention facilities.

School Construction. The BIA funds or operates 185 elementary and secondary schools with over 2,000 education facilities. Many school facilities are old and dilapidated, with health and safety deficiencies. The BIA estimates the backlog in education facility repairs is $802 million. Education construction funding was historically low and Congress had not accepted various proposals for alternate funding mechanisms. For FY2000, the Administration proposed, and Congress funded, a 74% increase in education facility construction (before internal transfers). For FY2001, the Administration also proposes another large increase in education construction funding. Within the FY2001 BIA education construction budget is a proposed school construction bond initiative, where $30 million of the proposed appropriations would help tribes participate in the president's school construction modernization initiative. Under this initiative, tribal bonds can be issued to help meet the large backlog in school construction. The House Appropriations Committee recommended no funding for the school bonding initiative until enactment of tax credit provisions needed to give tribes the authority to issue such bonds. The Senate Appropriations Committee did not discuss the tribal bonding initiative, but the Senate more than doubled BIA education construction funding, and the conference committee recommended an even higher figure. The conference committee also recommended funding of $7 million for a new tribal school construction demonstration project, under which a tribe and the BIA would pay 50% of the cost of replacing the tribe's tribally-controlled school.

Other Issues. A number of additional Indian issues have arisen in congressional consideration of recent Interior appropriations bills and may be proposed this year. Among the major issues have been state taxation of retail sales in Indian country to non-members, tribal sovereign immunity from suit, and regulations regarding state-tribal gaming compacts. Congress has in past years defeated proposals to restrict the taking of land into trust for Indian tribes unless the tribe agreed to state taxes, and to waive tribal sovereign immunity if the tribe accepted TPA funds. Controversial Indian gaming regulations – proposed by the Secretary in 1998, for considering and approving gaming compacts where states had invoked immunity from tribal suit over compact negotiations – were delayed by Congress until the second half of FY1999. When the regulations were then promulgated, in April 1999, they were immediately challenged in court by several states. Congress considered prohibiting FY2000 funds to implement the regulations, but dropped the provision when the Interior Secretary assured Congress that he would not implement the regulations until federal courts ruled on their legality. For FY2001,the House defeated a proposed amendment that would have prohibited implementation of the regulations until final adjudication of their legality, but the Senate approved a prohibition on funding for publication of procedures necessary to implement the regulations. The conference committee dropped the Senate provision.

For further information on the *Bureau of Indian Affairs*, see its World Wide Web site at [http://www.doi.gov/bureau-indian-affairs.html].

Departmental Offices.

National Indian Gaming Commission. The National Indian Gaming Commission (NIGC) was established by the Indian Gaming Regulatory Act of 1988 (P.L. 100-497) to oversee Indian tribal regulation of tribal bingo and other "Class II" operations, as well as aspects of "Class III" gaming (casinos, racing, etc.). The NIGC may receive federal appropriations but its budget authority has consisted chiefly of fee assessments on tribes' Class II operations. The FY1998 Interior Appropriations Act amended the Indian Gaming Regulatory Act to increase the amount of assessment fees the NIGC may collect (to $8 million), to make Class III as well as Class II operations subject to fees, and to increase the authorization of NIGC appropriations from $1 million to $2 million.

Beginning in FY1999, all NIGC activities have been funded from fees. No direct appropriations were made for the NIGC in FY2000. Neither the Administration, the House, the Senate, nor the conference committee proposed FY2001 appropriations for the NIGC.

Office of Special Trustee for American Indians. The Office of Special Trustee for American Indians, in the Secretary of the Interior's office, was authorized by Title III of the American Indian Trust Fund Management Reform Act of 1994 (P.L. 103-412). The Office of Special Trustee (OST) is responsible for general oversight of Interior Department management of Indian trust assets, the direct management of Indian trust funds, establishment of an adequate trust fund management system, and support of department claims settlement activities related to the trust funds. Indian trust funds formerly were managed by the BIA, but numerous federal, tribal, and congressional reports had shown severely inadequate management, with probable losses to Indian tribal and individual beneficiaries. In 1996, at Congress' direction and as authorized by P.L. 103-412, the Secretary of the Interior transferred trust fund management from the BIA to the OST.

FY2000 funding for the Office of Special Trustee was $95.03 million. The President proposed a FY2001 budget of $95.13 million, an increase of 5.7% from FY2000. Included in the FY2001 request were $82.63 million for federal trust programs — trust systems improvements, settlement and litigation support, and trust funds management — and $12.5 million for the Indian land consolidation pilot project. The purpose of the land consolidation project, funded at $5 million for FY2000, is to purchase and consolidate fractionated ownerships of allotted Indian trust lands, thereby reducing the costs of managing millions of acres broken up into tiny fractional interests. The House approved $87.43 million for FY2001, including $82.43 million for federal trust programs and $5 million for land consolidation. The Senate approved $92.63 million for FY2001, including $82.63 million for federal trust programs and $10 million for land consolidation. The conference committee recommended $91.63 million, including $82.63 million for federal trust programs and

$9 million for land consolidation. The conference committee bill also included, in Title V, emergency supplemental appropriations of $27.6 million for the OST, for trust fund reform shortfalls, litigation costs, and court-identified breaches of trust.

Indian trust funds comprise two sets of funds: (1) tribal funds owned by about 315 tribes in approximately 1,400 accounts, with a total asset value of about $2.6 billion; and (2) individual Indians' funds, known as Individual Indian Money (IIM) accounts, in about 287,000 accounts with a total asset value of about $480 million. (Figures are from the OST FY2001 budget justifications.) The funds include monies received both from claims awards, land or water rights settlements, and other one-time payments, and from income from physical trust assets (e.g., land, timber, minerals), as well as investment income.

While a congressionally-required outside audit was made of non-investment transactions—deposits and withdrawals—in *tribal* trust fund accounts (for the 20-year period 1973-1992), Congress did not require that the outside auditors examine transactions in the *IIM* accounts, so their reconciliation status has been in doubt. On June 11, 1996, a class-action suit was filed in federal court against the federal government on behalf of all IIM account owners. The suit sought an accounting of the IIM funds, establishment of adequate management systems, and full restitution of any money lost from the IIM accounts. The case was certified as a class action in February 1997. Because the BIA and the departments of the Interior and Treasury were unable to produce the trust records for five named plaintiffs in the case, as had been ordered by the federal court as part of trial preparation, the secretaries of the Interior and Treasury and the Assistant Secretary–Indian Affairs were held in contempt of court on Feb. 22, 1999. The federal departments apologized and promised to meet the judge's concerns. The part of the IIM suit dealing with the failures of the trust-fund system went to trial in June 1999 in the U.S. District Court for the District of Columbia, and the judge on December 21, 1999, found that the government mismanaged the IIM accounts and ordered that the system be fixed and that the government provide quarterly reports on system improvements. The Department of Justice appealed this ruling in January 2000. Trial on the amount of money owed to the plaintiffs, previously expected to begin in 2000, is not currently scheduled. The conference committee provided $16.9 million in emergency supplemental appropriations to address breaches of trust identified in the 1999 decision, to do further trial preparation, and to begin IIM accounting for the trial; the conference report directs DOI to develop a sampling methodology for IIM accounting but requires submission of the plan to Congress prior to implementation.

In April 1997 the OST submitted its Strategic Plan for improving the management of Indian trust funds and trust assets. The plan recommended creation of a new federally chartered agency, to which trust funds and assets would be transferred, and management and investment of the funds and assets to assist Indian economic growth. While considering FY1998 Interior appropriations, Congress noted departmental and some tribal opposition to the Strategic Plan, especially to the proposed new agency. Congress directed the OST not to implement the proposed new agency but to pursue trust funds systems improvements and OST responsibilities relating to the settlement of financial claims made by tribal and individual beneficiaries, before Congress and in court, because of BIA trust-funds mismanagement. In August 1997 the Secretary of the Interior agreed to implement aspects of the Strategic Plan dealing with trust management systems, data cleanup, and trust asset processing backlogs, and in July 1998 he issued a "High-Level Implementation Plan" for this Trust Management Improvement Project. On Jan. 5, 1999, the Secretary ordered a reorganization of the OST, creating a principal deputy special trustee who would carry out policy and budget execution, budget formulation, and day-to-day operations, and to whom would report the trust funds management office and the new office for trust litigation support and trust records management created by the same order. The Special Trustee, Paul Homan, resigned in protest effective Jan. 7, 1999.

The FY1999 emergency supplemental appropriations bill reported by the Senate Appropriations Committee (S. 544, 106th Cong.) contained a provision prohibiting the implementation of the Secretary's reorganization of the OST; the bill enacted into law (P.L. 106-31) did not include that provision, but the conference committee report (H.Rept. 106-143) expressed concern about the Secretary's order and the department's implementation of the trust fund reform act and the High Level Implementation Plan.

For further information on the *Office of Special Trustee for American Indians*, see its World Wide Web site at [http://www.ost.doi.gov/].

Insular Affairs. Funding for the Office of Insular Affairs (OIA) consists of two portions—(1) permanent and indefinite appropriations that do not require action by the 106th Congress or the Administration; and (2) discretionary and current mandatory funding subject to the appropriations process. The current fiscal year (FY2000) budget for the OIA totals roughly $300 million; the FY2001 budget request would increase OIA funding 8% to $324.6 million.

Permanent and indefinite appropriations constitute the larger of the two portions. For FY2000, they total $201 million, approximately 70% of the OIA budget. For FY2001, the total will be $230.2 million, an increase of 14.5% over FY2000 and 71% of the OIA budget.

The FY2001 permanent and indefinite appropriations that total $230.2 million consist of the following divisions:

- $65 million to the Virgin Islands for estimated rum excise and income tax collections;

- $41 million to Guam for income tax collections; and

- $124.2 million (total) to three freely associated states—Republic of Palau, Republic of the Marshall Islands, and the Federated States of Micronesia (FSM)—as set forth in the Compact of Free Association for each entity.

Two territories, the Commonwealth of the Northern Mariana Islands (CNMI) and American Samoa, do not receive permanent and indefinite appropriations.

The smaller of the two portions allocated to the OIA—discretionary and current mandatory funds—comprises roughly one-third of the federal assistance provided to insular areas. The amount appropriated for FY2000 ($90.5 million) exceeded the amount provided in recent years (roughly $88 million each year), and the $88.6 million requested by the Administration. The discretionary and current mandatory funding request for FY2001 is $94.4 million, an increase of $3.9 million, or 4.4%. The House approved an amount ($90.2 million) slightly below the FY2000 appropriation and 4.5% below the request. The Senate approved a total of $89 million. Conferees agreed to the House funding levels, but added funds for technical assistance, resulting in total discretionary funding of $96.2 million for FY2001. This represents an increase of $5.7 million, a 6.3% increase over FY2000 funding.

Selected Issues. Perhaps the most significant issue of debate concerns the amount to be allocated to mitigate the effects of immigration from the three freely associated states, referred to as "Compact impact." The term "Compact impact" has been used to describe the burdens incurred by Guam and other islands, including Hawaii, as non-citizens (notably from the FSM) relocate in search of job opportunities due to the lack of basic industry and substantial economic development. Advocates contend that Guam and other islands need assistance to provide social services associated with the population influx.

Legislation enacted in 1996 (see 48 U.S.C. 1804(c)(1)) reallocates $4.6 million each year (FY1996-FY2001) from the CNMI to Guam for Compact impact needs such as hospital construction, education, and social services. The FY2001 request includes an additional $5.4 million in Compact impact money for Guam. For FY2000, Congress appropriated an additional $3 million in technical assistance grants for Guam for this purpose. A DOI news release on the FY2001 budget request notes that the $5.4 million increase "is a major priority of the Clinton Administration." The House and the Senate Appropriations Committee have rejected the $5.4 million increase, contending that funding levels for Compact impact aid should be decided in the ongoing Compact renegotiations. Instead of targeting impact aid to Guam, the House approved an appropriation of $7.6 million for technical assistance grants that will implement financial and government reforms in the territories, the same amount requested by the Administration and an increase of $1 million over the FY1999 funding level. The Senate committee recommended $6.6 million for technical assistance grants.

The "deteriorating financial condition of the insular governments" has been identified as a matter of great concern in the FY2001 budget request. All these entities remain dependent on federal assistance, despite past economic development initiatives. For example, the Governor of the U.S. Virgin Islands signed a memorandum of understanding with the Secretary of the Interior in October 1999, that established financial controls and performance standards to be achieved. The FY2001 budget request includes an advance appropriation of $10 million for the Virgin Islands, which would become available in FY2002 should the standards be met in FY2001. The Virgin Islands would be expected to provide a 50% match. Also of note, pursuant to the FY2000 appropriations legislation, American Samoa is to receive a loan of $19 million for economic development and financial stability. The loan is to be repaid from the territory's expected share of the tobacco settlement agreement. Conferees on the FY2001 appropriation expressed satisfaction that due to progress made by American Samoa in FY2000 on unpaid medical bills, construction funds withheld in FY1999 could be release.

Another issue concerns the proliferation of brown tree snakes on the Pacific islands. The Administration seeks to continue funding in FY2001 for brown tree snake control at the $2.35 million level approved for FY2000. For more information on this issue, see CRS Report 97-507, *Non-Indigenous Species: Government Responses to the Brown Tree Snake and Issues for Congress.*

In addition to these funding issues, some Members of Congress have expressed concern with labor conditions and immigration laws in the CNMI as well as support for the extension of federal minimum wage laws to the territory. On February 7, 2000, the Senate approved legislation (S. 1052) that would restructure United States immigration policy as it applies to the CNMI. (For references to congressional activity on the minimum wage issue see CRS Report RL30235, *Minimum Wage in the Territories and Possessions of the United States: Application of the Fair Labor Standards Act*).

For further information on *Insular Affairs*, see its World Wide Web site at [http://www.doi.gov/oia/index.html].

Title II: Related Agencies and Programs

Department of Agriculture. For information on the *Department of Agriculture*, see its World Wide Web site at [http://www.usda.gov/].

U.S. Forest Service. The conference agreed to Forest Service appropriations for FY2001 of $3.612 billion (including emergency contingency funds of $12.5 million for pest management and $150 million for Wildland Fire Management). This is $873 million more (+32%) than passed by the House ($2.739 billion) and $627 million more (+21%) than passed by the Senate ($2.985 billion); it is also $792 million more (+28%) than FY2000 (as adjusted, see below), and $502 million more (+16%) than the Administration requested.

The biggest change was in funding for wildland fire management. The conference agreed to $1,265 million, $647 million more (+105%) than the House and $497 million more (+65%) than the Senate. This is also $557 million more (79%) more than FY2000 and $495 million more (+64%) than requested. This includes increases of more than $200 million for fire preparedness, more than $10 million for fire operations, and more than $275 million for contingent emergency appropriations. In addition, Title IV of the conference agreement (Wildland Fire Emergency Appropriations) provided another $619 million for Forest Service wildfire programs, including $179 million for fire suppression, $120 million for reducing hazardous fuels, $142 million for emergency rehabilitation efforts, $59 million for nonfederal fire assistance, and $48 million for assistance to nonfederal entities affected by fire. (P.L. 106-246 also contained $150 million in emergency supplemental appropriations for Forest Service wildfire management, as well as $200 million for BLM wildfire management and $661 million in emergency funding for disaster relief for the Cerro Grande fire in New Mexico.)

State and Private Forestry (S&PF) was funded at $251 million, $54 million more (+27%) than the House and $25 million more (+11%) than the Senate; this is $48 million more (+24%) than FY2000, but $10 million less (–4%) than requested. On most S&PF programs, the conference agreed to the higher amount from the House or the Senate, except on the economic action programs ($16 million higher than the House and $7 million higher than the Senate) and for the new $12.5 million emergency contingency for pest management.

For the National Forest System, the conference agreed to $1.281 billion, $73 million more (+6%) than the House ($1.208 billion) and $47 million more (+4%) than the Senate; this is also $133 million more (+12%) than FY2000, but $6 million less (less than –1%) than the Administration requested. All accounts are increased from FY2000, and either match the higher of the House or the Senate, or exceed both. Forest Service capital improvement and maintenance was set at $469 million, $34 million more (+8%) than the House ($434 million) and $20 million more (+5%) than the Senate ($448 million). Land acquisition from the Land and Water Conservation Fund (discussed later in this report) was passed at $102 million, $50 million more (+97%) than the House and $26 million more (+34%) than the Senate; this is $54 million less (–34%) than FY2000 (including the $76 million of land acquisition in Title VI of the FY2000 Interior Appropriations Act), and $28 million less (–22%) than the Administration requested.

In addition, the Administration proposed a new budget structure for the Forest Service. First, the agency proposed to shift from "benefitting function" allocations (where project funds can be allocated to several line items) to "primary purpose" allocations (where funds are allocated to the one primary purpose of the project). Also, general administration would be eliminated, with the costs allocated across all other budget line items. The House, Senate, and conference agreed to these proposed changes. Finally, the agency proposed collapsing the 20 budget line items for the National Forest System into 3 lines — Ecosystem Assessment and Planning, Ecosystem Conservation, and Public Services and Uses — and the 6 budget line items for Reconstruction and Maintenance into 3 lines (eliminating the distinction between maintenance and construction/reconstruction). The House and Senate Committees and the conference agreed to modify the budget structure by reducing the National Forest System to 10 line items, by combining rangeland and forest vegetation management with watershed management and water, soil, and air operations under 'vegetation and watershed management,' and by renaming 'reconstruction and construction' as 'capital improvements and maintenance.' The agency's budget request also included many performance measures, to attempt to inform Congress on what is being purchased with the appropriations. The House and Senate committee reports note concerns that the agency still lacks "strong and effective performance measurement and evaluation."

For further information on the *U.S. Forest Service*, see its World Wide Web site at [http://www.fs.fed.us/].

For information on the Government Performance and Results Act for the U.S. Forest Service, see the *USDA Strategic Plan* World Wide Web site at [http://www.usda.gov/ocfo/strat/index.htm].

Timber Sales. Timber sales, especially salvage timber related to forest health, have been debated repeatedly in Forest Service budget and authorizing legislation. The FY2001 budget request proposes declines in salvage sales with dead and dying trees (from 1.025 billion board feet, or BBF, to 0.857 BBF), in new green (live tree) sales (from 2.549 BBF to 2.258 BBF), and in sales under the Timber Sales Pipeline Restoration Fund (from 0.090 BBF to 0.063 BBF). However, the proposed FY2001 sale levels (3.178 BBF in total) are above the FY1999 results (2.300 BBF in total). The House and Senate reports direct continuing the FY2000 sales level, and the both committee reports note that the Committees are "discouraged" by the agency's failure to meet congressional timber sale targets. On the House floor, the Wu amendment to transfer $14.7 million from forest products to fish and wildlife management was defeated. In the Senate, the Bryan-Fitzgerald amendment, to reduce timber sale funds by $30 million and increase wildland fire management by $15 million, was similarly defeated. The Senate and conference included $5 million "in addition to its normal allocation" for preparing timber sales in the national forests in Alaska.

Forest Health and Forest Fires. One forest-health related provision has been included in recent appropriations acts, including the FY2001 Act: the 10% Roads and Trails Fund has been altered annually to allow its use "to improve forest health conditions and repair or reconstruct roads, bridges and trails …," emphasizing the wildland-urban interface and areas with abnormally high risk from potential wildfires. On the Senate floor, Members debated whether increasing timber sales could improve forest health or would lead to further deterioration; however, no actions on timber sales ensued from the debate.

Following from the Cerro Grande fire — an escaped prescribed fire that destroyed more than 200 homes in Los Alamos, NM — the House adopted a provision prohibiting further use of prescribed burning until the agencies implement all provisions of the 1995 Federal Wildland Fire Policy. The Senate took a different approach. Senator Domenici offered a substitute for Senator Craig's amendment requiring a review of the Administration's proposed roadless area conservation rule (see below); the Domenici substitute was passed by voice vote as Title IV, providing $120 million to the Forest Service and $120.3 million to the BLM to reduce hazardous fuels in the "urban wildland interface area" and requiring (1) the agencies to report on urban wildland interface communities and projects and (2) the Forest Service to publish its *Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems* and explain how various existing plans and initiatives are consistent with or differ from this strategy.

On September 8, 2000, following Senate passage of Title IV, the Administration proposed a new program in *Managing the Impact of Wildfires on Communities and the Environment: A Report to the President in Response to the Wildfires*. The proposal was to add $1.6 billion to the FY2001 request for wildfire operations ($770 million), for fuels treatment and burned area restoration ($390 million), for fire preparedness($340 million), and for programs to assist local communities ($88 million). (The proposal applied to BLM lands as well as to Forest Service lands.) As noted above, the conference increased the funding under Titles II and IV, and added a provision to Title IV directing expedited NEPA review procedures and Endangered Species Act consultations for hazardous fuel reduction and burned area treatments.

Land Management Planning. Management of the federal lands has been controversial for decades. Increasing conflicts among users in the 1960s and early 1970s led Congress to enact the National Forest Management Act of 1976 (NFMA) and the Federal Land Policy and Management Act of 1976 (FLPMA) to establish and guide land and resource management planning for the national forests and BLM lands. Despite the goals of these laws, the public participatory planning processes have not led to harmonious land management. Bills to improve planning, some emphasizing forest health, have been introduced in both Houses in several Congresses, but none have been enacted. The House and Senate bills directed the Forest Service to continue management under existing plans (with numerous exceptions), and not revise those plans, until new final or interim final rules are issued, but the provision was deleted by the conference. In addition, the bill as reported in the House would have prevented the Forest Service and BLM from completing the Interior Columbia Basin Ecosystem Management Plan (ICBEMP); an amendment to provide funding was initially accepted, but later overturned. (For more, see the above discussion under the BLM.) The Senate bill did not contain comparable ICBEMP language, but would require a regulatory flexibility analysis for the White River (CO) National Forest draft plan. The conference modified this provision to require an analysis of the impacts of the fires and of the President's proposed response to the fires on the Interior Columbia area before issuing a Record of Decision to implement ICBEMP.

On October 5, 1999, the Forest Service proposed new planning regulations with a greater emphasis on ecosystem management and protection of biological diversity. The budget request describes this as part of the agency's program for Sustainable Forest Ecosystem Management. The public comment period on these regulations is closed, and the draft regulations are being revised.

Forest Roads. Road construction in the national forests continues to be controversial. Some interests oppose new roads because roads increase access to areas they believe should be preserved in a pristine condition; because roads are a major source of erosion, stream sedimentation, and other environmental degradation; and because road funding is asserted to be a corporate subsidy for the timber industry. Supporters argue that access roads are needed for forest protection (*e.g.*, from wildfire) and for timber harvesting and other on-site uses, and maintain that roads can be built without causing significant environmental problems. The change in the budget structure includes combining construction funds with maintenance funds, so distinguishing money for road construction is no longer feasible. The Administration proposed a decrease of $2 million (–1%) for road funding. The House increased this $449,000, and the Senate increased the House amount by nearly $10 million (+5%). The conference agreed to road funding of $236 million, $17 million more (+8%) than the House, and $7 million more (+3%) than the Senate.

In a separate initiative, the Administration announced on October 13, 1999, a new approach to managing roadless areas that may prohibit new roads in inventoried roadless areas, and extend some protections to non-inventoried areas. The draft environmental impact statement was released in May 2000, and the comment period ended on July 17. The agency anticipates completing the rulemaking process in December. (See CRS Report RL30647, *The National Forest Roadless Area Initiative*.) The Senate bill included a section to prohibit funding to develop or implement the final rule for roadless areas in the White Mountain (NH) National

Forest. Senator Craig announced at the Committee mark-up that he would offer an amendment related to this initiative on the Senate floor; his amendment was offered and debated, but it was replaced by a substitute enacting additional funds for hazardous fuel treatment.

Fiscal Management. The FY2001 Forest Service budget request identifies several legislative proposals to change existing trust funds. For the third consecutive year, the budget proposed "stable and permanent funding" for the agency's payments to states; legislation to alter this program has passed the House and is pending in the Senate. (See CRS Report IB10057, *Forest Service Revenue-Sharing Payments*.)

In addition, the budget announces the intent to develop legislation to create a new trust fund, Healthy Investments in Rural Environments (HIRE), from existing trust funds. The new fund would emphasize reducing the backlog of maintenance (identified at nearly $9 billion), reconstruction, and forest health projects, while continuing to perform some of the tasks of the existing trust funds. The proposal does not identify which trust funds would be affected. The request also announces the intent to develop legislation for a Land Acquisition Reinvestment Trust Fund, for land acquisition to be funded from expanded authority to sell national forest lands, and for a Facilities Acquisition and Enhancement Fund, for constructing new improvements and acquiring environmentally sensitive land to be funded from new authority to sell unneeded facilities, buildings, constructed features, and land. Legislative proposals to enact these ideas have, to date, not been made available.

In addition, the conference report (H.Rept. 106-914) included a new Title VI to the bill: the Cabin User Fee Fairness Act of 2000. This replaces narrow, specific provisions enacted in previous Interior Appropriations Acts. The conference language (§607) would keep the fee at 5% of "the market value of the lot," but discounted for restrictions imposed on the permit. In addition, instead of adjusting fees annually for inflation at the national level, §608 directs annual adjustments based on "changes in rural or similar land values in the State, county, or market area in which the lot is located." The Act would also require: (1) specific standards for appraisals, including reappraisal at least every 10 years (§606); (2) phasing in any higher fees over 3 years (§609); and (3) a right for cabin owners to a second appraisal (§610).

Department of Energy. For further information on the *Department of Energy*, see its World Wide Web site at [http://www.doe.gov/].

For information on the Government Performance and Results Act for the DOE or any of its bureaus, see *DOE's Strategic Plan* World Wide Web site at [http://www.cfo.doe.gov/stratmgt/plan/doesplan.htm].

Fossil Energy Research, Development, and Demonstration. The Clinton Administration's FY2001 budget request for fossil fuel research and development (R&D) continued to reflect its energy and environmental priorities. Fossil fuel R&D efforts will focus on environmental issues associated with electric power, particularly global climate change concerns. Under the House bill, this account would be combined with the Energy Conservation account and renamed the Energy Resource, Supply and Efficiency account. The Senate retains the account as Fossil Energy R&D.

The Administration requested a deferral of $221 million in funding for the Clean Coal Technology Program because of scheduling delays. An additional $105 million would be rescinded in FY2001 because of project savings, for a total of -$326 million for Clean Coal Technology. At the end of FY2001, DOE anticipates that 32 out of its 40 active projects will be completed. The House Committee however would defer $67 million and would consider further rescissions unnecessary at this time. The full House added $22 million for deferral, supporting a total of $89 million. The Senate approved a deferral of $67 million for FY2001, and that figure survived in the conference bill.

Overall, the Administration's FY2001 request for fossil energy was $375.6 million, a 5% decline from the FY2000 appropriation of $393.4 million. Funding for coal and power R&D projects would decrease by 8.8% but account for about one-half of the fossil fuel R&D budget. Petroleum R&D would decrease by 8.2% and natural gas R&D would increase by 22.6%. The House Committee supported funding at $410.5 million for FY2001, a more modest decline of less than 2% from the FY2000 appropriation, for fossil fuel R&D programs (now a sub-category labeled Power Generation and Large Scale Technologies). The House approved an amendment to reduce fossil energy R&D funding by $45 million to $365.4 million. Increases for gas and petroleum programs and a small decrease for the coal and power systems program are supported. The Senate approved $401.3 million includes a $12 million transfer of unobligated balances from the Strategic Petroleum Reserve account. The conference bill funded fossil energy R&D at $433.7 million.

For FY2001, the Administration's request is focused on new technology that would take advantage of natural gas as a clean fuel and would reduce or eliminate many environmental problems associated with coal. Critics question the extent to which fossil fuel R&D should be based on current trends and a view of natural gas as a "transition fuel" to non-fossil fuels. They question whether the Administration is taking too narrow a view of coal's potential for electric generation and technology exports and whether these changes will have a negative impact on jobs and the economy or will develop new markets and opportunities.

For further information on *Fossil Energy*, see its World Wide Web site at [http://www.fe.doe.gov/].

Strategic Petroleum Reserve. Sharp increases in the price of energy during the winter of 1999-2000 have renewed attention on the Strategic Petroleum Reserve (SPR). The SPR, authorized by the Energy Policy and Conservation Act (P.L. 94-163) in late 1975, consists of caverns formed out of naturally-occurring salt domes in Louisiana and Texas in which more than 570 million barrels of crude oil is stored. The purpose of the SPR is to provide an emergency source of crude oil which may be tapped in the event of a presidential finding that an interruption in oil supply, or an interruption threatening adverse economic effects, warrants a drawdown from the Reserve. Purchases of oil for the Reserve were suspended in 1994 as part of a broader effort to reduce federal spending. Maintenance of the SPR and upgrade of some of its facilities was funded from sales of SPR oil in FY1997 and FY1998. The

105th Congress approved an appropriation of $160.1 million for the program in FY1999 and $158.4 million for FY2000. The Administration has requested $158 million for FY2001. The House Committee on Appropriations recommended, and the House approved $157 million, a decrease of nearly $1.4 million below the FY2000 enactment, and $1 million below the Administration request. The Senate Committee on Appropriations also recommended $157 million, to which the full Senate added $4 million as starting costs for establishment of a home heating oil reserve in the northeast to a level of $161 million. The Senate also agreed to a committee recommendation that $12 million be transferred from unobligated funds in the SPR petroleum account and spent instead on oil technology research and development.

The conferees recommended $165 million, adding $8 million above the Administration request for funding the regional heating oil reserve. The conference total includes a transfer of $4 million from the unexpended monies in the Petroleum Acquisition Account.

For further information on the *Strategic Petroleum Reserve*, see its World Wide Web site at [http://www.fe.doe.gov/spr/spr.html].

Naval Petroleum Reserves. The National Defense Authorization Act for FY1996 (P.L. 104-106) authorized sale of the federal interest in the oil field at Elk Hills, CA (NPR-1). On Feb. 5, 1998, Occidental Petroleum Corporation took title to the site and wired $3.65 billion to the U.S. Treasury. P.L. 104-106 also transferred most of two Naval Oil Shale Reserves to the Department of the Interior (DOI); the balance of one of these was transferred to DOI in the spring of 1999. This leaves in the program two small oil fields in California and Wyoming, which will generate revenue to the government of roughly $6.4 million during FY2000, and one oil shale reserve (NOSR-2) which is undeveloped. On January 14, 2000, DOE proposed returning 84,000 acres including NOSR-2 to the Ute tribe, a transfer that will require congressional approval. Congress appropriated no new funds for FY2000 and requests none for FY2001; any expenses of the program are being funded from a carryover balance created when Elk Hills was sold. The Senate Committee on Appropriations recommended a $7 million recission in carryover balances.

In settlement of a long-standing dispute between California and the federal government over the state's claim to Elk Hills as "school lands," the California Teachers' Retirement Fund is to receive 9% of the sale proceeds after the costs of sale have been deducted. The agreement between DOE and California provided for five annual payments of $36 million beginning in FY1999, with the balance due to be paid in equal installments in FY2004 and FY2005. However, for FY2000, the Senate Appropriations Committee, citing "fiscal constraints," recommended no appropriations to the school lands fund and none was restored by the Senate-passed version of the Interior appropriations bill. The House Appropriations Committee, however, provided for the second $36 million installment. The conferees did not restore the money cut by the Senate. However, the conferees authorized the next payment to be made on October 1, 2000, effectively postponing it into FY2001. This language was enacted into law, and an additional $36 million payment, to be paid on October 1, 2001, was requested by the Administration and approved by the House. The Senate was in accord and the conferees agreed to this language as well.

For further information on *Naval Petroleum and Oil Shale Reserves*, see its World Wide Web site at [http://www.fe.doe.gov/nposr/index.html].

Energy Conservation. The Clinton Administration sees energy efficiency (and renewable energy) as a key technology for curbing air pollution and global climate change, while contributing to the nation's economic strength and technology competitiveness. The President's State of the Union address reaffirmed these themes and stressed "New technologies make it possible to cut harmful emissions and provide even more [economic] growth." This strategy is reflected in the Administration's FY2001 budget request for the Department of Energy (DOE), which states, " ... The Administration's energy efficiency programs produce substantial benefits for the nation ... in terms of economic growth, increased national security and a cleaner environment ... Furthermore, the technologies developed in these programs create jobs and global market opportunities for U.S. firms. These programs are a major component of the Administration's climate change response ... " (Budget Appendix, p. 408).

The Administration's FY2001 request for DOE's Energy Efficiency Program proposes to boost funding to $848.5 million (excluding a $2 million prior year biomass transfer) — an increase of $152.3 million, or 22%, over the FY2000 level. This includes $659.5 million for research and development (R&D) programs, an increase of $82.8 million, or 14%. The R&D increase includes $24.7 million more for Buildings Research and Standards programs, $5.6 million more for Federal Energy Management Programs (FEMP), $22.3 million more for Industry Programs, $18.1 million more for Transportation Programs, and $3.5 million more for Policy and Management. Also, the request includes $191.0 million for grants programs, an increase of $22.5 million, or 13%. Most of this increase, $19 million, is for the Weatherization Program.

The House approved $588.1 million (excluding a $2 million prior year biomass transfer), including the Sununu floor amendment which cut $126.5 million from the Partnership for a New Generation of Vehicles under the Transportation Program. In the Senate, passage of the Reed amendment added $2 million for Weatherization grants and brought the Senate-approved total to $761.9 million (excluding a $2 million prior year biomass transfer and a $15 million use of prior year balances).

The Conference Committee approved $814.9 million (excluding a $2 million prior year biomass transfer) for FY2001. Relative to FY2000, this represents an increase of $94.7 million, or 13%. Under Buildings, it includes an increase of $9.7 million for Equipment and an increase of $4.5 million for State Energy Conservation Grants. Under Industry, this includes a cut of $9 million for Distributed Generation, but an increase of $15 million for Enabling Technologies and an increase of $3 million for the Agriculture Industry. Under Transportation, it includes an increase of $7 million for Hybrid Systems.

However, relative to the request, the Conference appropriation represents a decrease of $33.6 million, or 4%. Under Buildings, this includes reductions of $9.3 million for Community Partnerships and $4.3 million for Energy Star Programs. Under Industry, this includes a cut of $6 million for the Agriculture Industry and a decrease of $5.9 million for Technical Assistance.

For FY2000, P.L. 106-113 appropriated $720.2 million (excluding $25.0 million from a prior year biomass transfer and excluding $13.5 million for an industrial black liquor gasification program transfer from Fossil Energy) for DOE's Energy Efficiency Program.

For further information on *Energy Conservation*, see its World Wide Web site at [http://www.eren.doe.gov/].

Department of Health and Human Services: Indian Health Service. The Indian Health Service (IHS) carries out the federal responsibility of assuring comprehensive preventive, curative, rehabilitative, and environmental health services for approximately 1.49 million American Indians and Alaska Natives who belong to about 560 federally recognized tribes in 34 states. Care is provided through a system of federal, tribal, and urban Indian operated programs and facilities that serves as the major source of health care for American Indians and Alaska Natives. IHS provides *direct* health care services in 37 hospitals, 58 health centers, 4 school health centers, and 44 health stations. Tribes and tribal groups through contracts with IHS, operate another 12 hospitals, 160 health centers, 3 school health centers and 236 health stations (including 160 Alaska village clinics). IHS, tribes and tribal groups operate 7 regional youth substance abuse treatment centers and more than 2,200 units of staff quarters.

IHS funding is separated into two budget categories: Indian Health Services and Indian Health Facilities. Included in Indian Health Services are such services as hospital and health clinic programs, dental health, mental health, alcohol and substance abuse programs, preventive health services, urban health projects, and funding for Indian health professions. The Indian Health Facilities category includes funds for maintenance and improvement, construction of health facilities, sanitation facilities, and environmental health support. The IHS program is funded through a combination of federal appropriations and collections of reimbursements from Medicare, Medicaid, and private insurance for services provided to eligible patients who have such insurance coverage. For FY2001, the conference agreement estimates that IHS will collect $404.6 million in reimbursements.

The Conference agreement approved a FY 2001 appropriation level of $2.605 billion that is $214 million or 9% over the FY 2000 appropriation of $2.391 billion, and 99% of the President's request of $2.620 billion. Of the total appropriation, $2.241 billion, or 86%, is for the health services program budget category, and $364 million, or 14%, is for the health facilities program.

The population served by the IHS has a higher incidence of illness and premature mortality than other U.S. populations, although the differences in mortality rates have diminished in recent years in such areas as infant and maternal mortality, as well as mortality associated with alcoholism, injuries, tuberculosis, gastroenteritis, and other conditions. Per capita health spending for IHS was $1,397 in FY1997, compared to the U.S. per capita expenditure of about $3,900. However, Indians have a 249% greater chance of dying from diabetes and a 204% greater chance of dying from accidents than the general population. Moreover, the population eligible for IHS services has increased by 27% since 1990. According to the IHS, the increases in program funding over the past decade have failed to keep pace with increases in the eligible population and with inflation. Again according to the IHS, American Indians and Alaskan Natives also have less access to health care than does the general U.S. population, with the number of IHS physicians and nurses per Indian beneficiary dropping. This number was already below that of the general population in the 1980's.

For FY2001, the Conference agreement approved a funding level for the health services program of $2.241 billion, an 8% increase over the FY 2000 appropriation of $2.074 billion. This recommendation includes $1.770 billion for clinical services, $96 million for preventive health programs, and $375 million for other health services.

Clinical services include basic primary care inpatient and outpatient services in IHS hospitals and clinics, dental services, mental health services, and alcohol and substance abuse treatment. When IHS cannot provide medical care and specific services within their system, they contract to purchase these services from local and community health care providers. For these contract health services, the Conference committee approved $446.8 million, a 10% increase from the FY 2000 appropriation of $407 million.

Preventive health services include public health nursing ($36 million), health education in schools and communities ($10 million), and immunizations ($1.5 million). In addition, these appropriations would fund a community health representatives program ($48 million), a tribally administered program which, through various community initiatives, supports community members who work to prevent illness and disease within their communities. Total funding for preventive health services is $96 million for FY 2001, $4 million over the FY 2000 level of $92 million.

Other health services are funded at a level of $375 million in the Conference agreement. The category includes contract support costs ($249 million); IHS's direct operation (management and administration) costs ($53 million); scholarships to health care professionals ($31 million); support for health related activities in off-reservation urban centers ($30 million); for costs associated with providing tribal management grants to tribes ($2.4 million); and support for IHS's administration and management of the Self-Governance Demonstration Project which gives tribal governments the responsibility for health care programs ($9.8 million).

The conferees want IHS to accept an offer from the American Podiatric Medical Association to assist in the recruitment and screening of candidates to fill podiatry positions in IHS. The conference report also asks for a report on the plan of action to augment and strengthen IHS's podiatric care program, as requested last year.

The distribution of contract support costs across all IHS self-determination contracts and self-governance compacts is a contentious issue because funding has been insufficient to cover all tribal costs. Contract support costs are the costs awarded to a tribe for the administration of a program under a contract or compact authorized by the Indian Self-Determination Act (P.L. 93-638, as amended). They are intended to cover the expenses tribes incur for financial management, accounting, training, and program start-up costs. Congress has tried in the past to ensure that the contract support funds are distributed fairly. This year the conferees require that IHS report to both appropriations committees prior to finalizing any policy on the distribution of these funds for they want to ensure that the most underfunded tribes are funded at more equitable levels. As mentioned above, the agreement provided $249 million, a $20 million increase from the funding level for FY 2000, for contract support services. The conference report requires that $10 million of the increase be used for new and expanded self-determination contracts and self-governing compacts. The conference agreement report noted that, unlike the fixed scale of the Bureau of Indian Affairs (BIA), IHS has a varying scale for payments of services. The conferees urge the Office of Management and Budget (OMB) to work with the BIA and IHS to address the discrepancies between agencies.

Many IHS health care facilities are reportedly in need of repair or replacement. The Conference agreement approved a total of $364 million for health care facilities, an increase of $47 million over FY 2000, and $15 million over the President's request of $349 million. For facilities and environmental health support, the conferees approved $122 million. This funding will support personnel costs for most of the management, operations, and technical support for all IHS facilities including planning and design of new facilities. The Conference agreement approved $94 million to pay for increases in the cost of personnel and for the construction of sanitation systems for housing provided by BIA. The agreement also approved $86 million to be used for other major construction projects. This funding is to be used to complete the construction of hospitals at various locations, a health clinic in Parker, Arizona, and for a hospital in Pawnee, Oklahoma. The conferees want funds used to begin construction of staff quarters in Bethel, Alaska, to initiate a joint venture construction program on a small scale, and to fund the building of staff quarters at Hopi, Arizona. For maintenance and improvements, the agreement approved $46 million, and for the purchase and replacement of medical equipment, the conference agreement approved $16 million.

For further information on *Department of Health and Human Services: Indian Health Service*, see its World Wide Web site at [http://www.ihs.gov/].

For information on the GAO report on Contract Support Costs, see its World Wide Web site at [http://www.gao.gov/].

Office of Navajo and Hopi Indian Relocation. The Office of Navajo and Hopi Indian Relocation (ONHIR) was reauthorized for FY1995-2000 by P.L. 104-301. The 1974 relocation legislation (P.L. 93-531, as amended) was the end result of a dispute between the Hopi and Navajo tribes involving land originally set aside by the federal government for a reservation in 1882. Pursuant to the 1974 act, lands were partitioned between the two tribes. Members of one tribe who ended up on the other tribe's land were to be relocated. ONHIR classifies families as relocated when they occupy their replacement home. Most relocatees are Navajo. A large majority of the estimated 3,477 Navajo families formerly on the land partitioned to the Hopi have already relocated under the Act, but the House Appropriations Committee estimates that 410 families (almost all Navajo) have yet to complete relocation, including about 71 Navajo families still on Hopi partitioned land (some of whom refuse to relocate). The remaining 339 families are not on Hopi partitioned land but are in various stages of acquiring replacement housing.

Negotiations had gone forward among the two tribes, the Navajo families on Hopi partitioned land, and the federal government, especially regarding Hopi Tribe claims against the United States. The United States and the Hopi Tribe reached a proposed settlement agreement on Dec. 14, 1995. Attached to the settlement agreement was a separate accommodation agreement between the Hopi Tribe and the Navajo families, which provided for 75-year leases for Navajo families on Hopi partitioned land. The Navajo-Hopi Land Dispute Settlement Act of 1996 (P.L. 104-301) approved the settlement agreement between the United States and the Hopi Tribe. Not all issues have been resolved by these agreements, however, and opposition to the agreements and the leases is strong among some of the Navajo families. Navajo families with homesites on Hopi partitioned land faced a March 31, 1997, deadline for signing the leases (accommodation agreements). According to ONHIR, 70 of the 73 families on Hopi-partitioned land had signed accommodation agreements by the end of September 1999.

The Hopi Tribe has called for enforcement of relocation against Navajo families without leases. Like the FY1997-FY2000 Interior appropriations acts, the FY2001 Interior appropriations bill proposed by the President contained a proviso forbidding ONHIR from evicting any Navajo family from Hopi partitioned lands unless a replacement home is provided. This language appears to prevent ONHIR from forcibly relocating Navajo families, since ONHIR has a large backlog of other families that need homes. The settlement agreement approved by P.L. 104-301, however, allows the Hopi Tribe under certain circumstances to begin quiet-possession actions against the United States after Feb. 1, 2000, if Navajo families on Hopi partitioned land have not either relocated or entered into leases with the Hopi Tribe.

Congress has in the past been concerned by the slow pace of relocation, and by relocatees' apparent low level of interest in moving to the "new lands" acquired for the Navajo reservation for relocatee use. Appropriations committees have from time to time considered termination of the relocation program, but committee reports have not discussed this option since FY1999.

For FY2000, ONHIR received appropriations of $8 million. For FY2001, the administration proposed $15 million, an increase of 87.5%. The House approved $8 million, the same as FY2000. The Senate and the conference committee approved $15 million, the same as the Administration's proposal.

Other Related Agencies. One of the pervasive issues for the programs and agencies delineated below is whether federal government support for the arts and culture is an appropriate federal role, and if it is, what should be the shape of that support. If the continued federal role is not appropriate, might the federal commitment be scaled back such that greater private support or state support would be encouraged? Each program has its own unique relationship to this overarching issue.

Smithsonian. The Smithsonian Institution (SI) is a museum, education and research complex of 16 museums and galleries and the National Zoo. Nine of its museums and galleries are located on the Mall between the U.S. Capitol and the Washington monument, and SI counted 28.5 million visits/visitors in 1999 (The National Zoo had 3 million "visits" in 1999, the Museum of Natural History had 7.1

million "visits", and the Air and Space Museum had over 9 million "visits.") The Smithsonian is estimated to be 71% federally funded. A federal commitment was established by initial legislation in 1846. In addition to receiving federal appropriations, the Smithsonian has private trust funds, which include both contributions from private sources and revenues from what the Smithsonian identifies as "Business Ventures" operations (including the Smithsonian magazine, retail shops and concessions, catalogs and entertainment initiatives; i.e. Resident Associates and other entertainment programs.) In FY1999, contributions from private sources totaled $61 million and sales from "Business Ventures" totaled $144 million. The largest single contribution to the Smithsonian from a private donor—$60 million—was pledged to NASM's Dulles Center in October, 1999. In addition, a cash gift of $20 million was given by another donor for the renovation of the Natural History Museum.

The FY2001 Clinton Administration budget would have provided $463 million to the Smithsonian, an increase of $24.9 million above the final FY2000 appropriation of $438.1 million. Of the FY2001 request, $396.8 million is for Salaries and Expenses. Of the total for the Smithsonian, no funds were requested this fiscal year for construction of the National Museum of the American Indian (NMAI) on the Mall ($8.695 million was requested for the Cultural Resources Center and for operations, research and exhibition planning for the NMAI museum on the Mall.) Initially, the NMAI was controversial; opponents of the new museum argued that the current Smithsonian museums needed renovation, repair, and maintenance of the collection with an estimated 141 million items, more than the public needed another museum on the Mall. Proponents argued, however, that there had been too long a delay in providing a museum "in Washington" to house the Indian collection. Private donations to the Smithsonian and a fund-raising campaign focusing on individuals, foundations, and corporations totaled $36.7 million, representing one-third of the total cost, and the amount required to meet the non-appropriated portion of project funding. Of this amount, an estimated $15 million came from the Indian community directly. The final FY2000 Interior appropriations provided $19 million for the construction of the American Indian Museum. The groundbreaking ceremony for the NMAI took place September 28, 1999.

The FY2001 budget request included $62.2 million for repair, restoration and alteration for Smithsonian buildings. The SI is responsible for over 400 buildings with 6.6 million square feet of space. Four of the Smithsonian's buildings plus the National Zoo constitute approximately one-third of the SI's public space: the National Museum of Natural History (built in 1910), the American Art and Portrait Gallery (built between 1836 and 1860), the Castle building (built 1846), and the Arts and Industries building (1849). The Smithsonian contends that funding for repair and renewal of SI's facilities has not kept pace with need, resulting in increased deterioration of the physical plant. In fact, the report of the *Commission on the Future of the Smithsonian* concluded that a total of $50 million each year for the next decade would be necessary to "assure that present facilities are restored to the point of being safe for people and collections;" and considering the National Zoo separately, it would need $10 million a year for the next 5 years. The FY2001 budget request of $62.2 million for repair, restoration, and alteration of facilities included $52.2 million for major repair and renovation for all Smithsonian buildings excluding the Zoo, and $10 million for the National Zoo repair. In addition, there was a request for an advance appropriation of $17 million to become available October 1, 2001, and a request for an advance appropriation for $18 million to become available October 1, 2002 to complete the renovation of the American Art and Portrait Gallery (the Patent Office Building).

The FY2001 SI construction account would have been reduced to $4 million (from $19 million). However, it included construction of a base facility for the Smithsonian's Astrophysical Observatory in Hilo, Hawaii, and for the National Zoo's "wonder of water" exhibit.

The House-reported and **House-passed** FY2001 Interior appropriations bill would have provided a total of $423.1 million for the Smithsonian, including $375.2 million for Salaries and Expenses, a $4 million increase for the Salaries and Expenses account above the enacted level for FY2000. It included $2 million for the National Museum of the American Indian collections move and $2 million for the Air and Space Museum's collections move from the Garber facility to the new Dulles Museum. The House-reported and House-passed bill provided $47.9 million for repair, restoration and alteration of facilities (the same funding as in the FY2000 appropriation). There was no recommendation for construction funding in the House-reported or House-passed FY2001 Interior appropriations bill.

The Senate-reported and **Senate-passed** FY2001 Interior Appropriations bill would have provided a total of $ 449.9 million for the Smithsonian, including $387.8 million for Salaries and Expenses, an increase of $16.5 million above the FY2000 enacted level for Salaries and Expenses. As part of the Salaries and Expenses account, $47.1 million was for collections acquisition, the Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, Latino programming, and funding for the Council of American Overseas Research. The Senate-passed bill provided $57.6 million for repair, restoration and alteration of facilities including $7.6 million for necessary repairs to the National Zoo. Finally, the Senate-passed bill allowed $4.5 million for the Smithsonian's Construction account.

According to the P.L. 106-291, Department of Interior and Related Agencies Appropriations Act for FY2001 (H.R.4578, H.Rept. 106-914), the Smithsonian will receive $454.9 million to include $387.4 million for salaries and expenses, the same as the Senate-passed amount; $57.6 million for repair, restoration and alteration of facilities, the same as the Senate-passed amount; and $9.5 million for construction, an increase of $5 million over the Senate-passed amount(no funding was proposed by the House for this construction account.)

Last year, the Consolidated Appropriations Act for FY2000 (P.L. 106-113) provided $438.1 million for the Smithsonian, including $371.2 million for salaries and expenses, $47.9 million for repair and restoration, and $19 million for construction of the National Museum of the American Indian.

The Smithsonian indicated that it has a 5-year strategic plan in accordance with provisions of the Government Performance and Results Act of 1993 and in keeping with the Smithsonian's mission. One of the goals is to increase and diversify the visitor audience and to increase by 20% the number of rural communities hosting exhibitions particularly through SITES, the Smithsonian Institution's Traveling Exhibition Service program.

For further information on the *Smithsonian*, see its World Wide Web site at [http://www.si.edu/].

National Endowment for the Arts, National Endowment for the Humanities, and Institute of Museum and Library Services. One of the primary vehicles for federal support for arts, humanities and museums is the National Foundation on the Arts and the Humanities, composed of the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), and the Institute of Museum Services (IMS, now constituted as the Institute of Museum and Library Services (IMLS) with an Office of Museum Services (OMS)). The authorizing act, the National Foundation on the Arts and the Humanities Act, was last reauthorized in 1990 and expired at the end of FY 1993, but has been operating on temporary authority through appropriations law since that time. The 104^{th} Congress established the Institute of Museum and Library Services (IMLS) under P.L. 104-208.

Among the questions Congress has considered is whether funding for the arts, humanities, and museums is an appropriate federal role and responsibility. Some opponents to arts support argue that NEA and NEH should be abolished altogether, contending that the federal government should not be in the business of supporting arts and humanities. Other opponents argue that culture can and does flourish on its own through private support. Proponents of federal support for arts and humanities argue that the federal government has a long tradition of such support, beginning as early as 1817, with congressional appropriations for works of art to adorn the U.S. Capitol. Some spokesmen for the private sector say that they are unable to make up the gap that would be left by the loss of federal funds for the arts. Some argue that abolishing NEA and NEH would curtail or eliminate the programs that have national significance and purpose (such as touring theater and dance companies, radio and television shows, traveling museum exhibitions, etc.) The President's Committee on the Arts released a publication, *Creative America* that recommends that federal funding be restored for NEA, NEH and IMLS to levels "adequate to fulfill their national roles." The goal expressed was that appropriations should have equaled $2.00 per person by the year 2000 for all three agencies.

The Administration's FY2001 budget proposed $150 million for the NEA. This included $49 million for a Challenge America program providing "access to the arts, arts education, positive alternatives for Youth (youth-at-risk), cultural heritage preservation, and community arts development." State arts agencies would have received 40% of the funds, with over 1,000 communities participating nationwide, particularly those from under-represented areas.

For the NEH, the FY2001 budget proposed $150 million. Of that amount, $107.8 million would have sustained NEH's grant programs for humanities education, research, preservation and public programming for programs of the 56 state humanities councils, $12.5 million for the NEH Challenge Grants program to stimulate private nonfederal donations in support of humanities institutions, and special grants ($4 million) to support establishment of regional humanities centers.

For the IMLS, OMS the budget proposed a total of $33.4 million for FY2001. Of that amount $15.5 million would provide for General Operating Support (GOS) to help over 400 museums annually to improve the quality of their services to the public— they are already popular, serving over 600 million visitors annually. OMS is helping to develop *Museums Online*, a package that will update Internet access through the development of regional electronic networks of museums. The goal is to bring the educational and cultural significance of museums to communities and schools, with the potential to reach over 20 million people. OMS support of Museum/school partnerships has helped over 200 schools, 80 museums, and 80,000 students.

The House-reported FY2001 Interior Appropriations bill provided $98 million for the NEA (the FY2000 funding level prior to the rescission in discretionary funding), $115.26 million for the NEH (the same as the FY2000 funding level), and $24.3 million for the OMS (the same as the FY2000 funding level.) Two Committee amendments by Representative Dicks were introduced to increase funding for NEA and NEH with an offset through the Clean Coal deferral. These amendments failed.

On June 15, 2000, as part of **House passage** of the FY2001 Interior Appropriations bill (H.R. 4578), Rep. Dicks made a motion to recommit the bill with instruction to increase funding by $15 million for NEA, $5 million for NEH and $2 million for OMS. His motion failed (188 noes to 184 ayes-- roll no 290). An amendment by Rep. Stearns failed that would have reduced NEA funding by 2 percent ($1.96 million) and would have transferred that money to the wildland fire management account (Rejected by256 noes-152 ayes, roll no. 282). An amendment by Rep. Slaughter that defers an additional $22 million of prior year clean coal technology funding was agreed to (by 207 ayes to 204 noes, roll no. 283) with the implication from Rep. Slaughter's statements in the *Congressional Record* that the proposed use for the deferred funding would be to increase NEA, NEH and OMS. However, subsequent to passage of Rep. Slaughter's amendment, Rep. Nethercutt 's amendment passed that would use the clean coal deferred funding of $22 million for the Indian Health Service, instead of NEA, NEH and OMS. Therefore, the House-passed appropriations did not reflect any change from the House-reported version–$98 million for NEA, $115.3 million NEH and $24.3 million for OMS.

The **Senate-reported** and **Senate-passed** Interior Appropriations bill for FY2001 included specific increases for **NEA** (increased to $105 million, an increase of $7.372 million from the FY2000 funding level); for **NEH** (increased to $120.26 million, an increase of $5 million from the FY2000 funding level); and for **OMS**, (increased to $24.9 million, an increase of $.6 million from the FY2000 level.)

P.L.106-291, Department of Interior and Related Agencies Appropriations Act for FY2001, provides $98 million for NEA; $120.3 million for NEH, the same as the Senate-passed measure; and $24.9 million for the Institute of Museum and Library Services, the same as the Senate-passed amount. In addition, there is a separate appropriation of $7 million for ***Challenge America Arts Fund***, a program of matching grants to be administered by the **NEA** for arts education, outreach and community arts activities for rural and underserved areas. A detailed report would be required to be submitted to the House and Senate Appropriations Committees, describing the use of funds for ***Challenge America Arts Fund***.

Previous Controversies. Some controversy over previous questionable NEA grants seems to reappear when congressional appropriations are considered, in spite of attempts to resolve these problems through statutory provisions. To date, no NEA projects have been judged obscene by the courts. On November 5, 1996, a federal appeals court upheld an earlier decision, *NEA v. Finley*, ruling that applying the "general standards of decency" clause to NEA grants was "unconstitutional." However, in anticipation of congressional reaction to NEA's individual grants, NEA eliminated grants to individuals by arts discipline, except to maintain Literature fellowships, Jazz masters and National Heritage fellowships in the Folk and Traditional Arts. On June 25, 1998, the Supreme Court reversed the federal appeals court decision for *NEA v. Finley (CA9,100F.3d 671)* by a vote of 8 to 1, stating that the NEA "can consider general standards of decency" when judging grants for artistic merit, and that the decency provision does not "inherently interfere with First amendment rights nor violate constitutional vagueness principles."

Congress enacted NEA reform measures in the FY1998 Interior Appropriations Act (P.L. 105-83). Among them were increases in funding allocations from 35% to 40% to states for basic state arts grants and for grants to under served populations. In addition, language emphasizing arts education was included. The legislation placed a 15% cap on NEA funds allocated to each state, exempting only those grants with a national impact. Three members of the House and three members of the Senate were added to the National Council on the Arts, but the size of the National Council was reduced from 26 to 20. Both NEA and NEH were given specific authority to solicit funding and to invest those funds.

FY2000 appropriations. In the 106th Congress, the FY2000 Interior appropriations funding became part of the FY2000 Consolidated Appropriations Act, P.L. 106-113. A House amendment (to H.R.2466) by Representative Slaughter to increase funding for NEA and NEH by $10 million each and to decrease Strategic Petroleum Reserve funding by $20 million was rejected (207-217). An amendment by Representative Stearns to reduce funding for NEA by $2 million was rejected (300-124). An additional amendment by Representative Stearns, that was withdrawn, would have placed in a block grant to states 95% of NEA funds, with allocations based on population. On September 14th, 1999, during consideration of H.R. 2466, the Senate adopted amendments (1493, 1597) to increase the NEA appropriation to $103 million and the NEH to $115.7 million. A Senate amendment (1569) to H.R. 2466 to eliminate funding for NEA was defeated (80-16). The final FY2000 appropriation for NEA was reduced to $98 million in conference. As enacted, the Consolidated Appropriations Act for FY2000, provided $97.6 million for the NEA, $115.3 million for NEH, and $24.3 million for OMS, which reflected an across the board rescission of .38% in discretionary spending.

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

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

For further information on the *Institute of Museum Services*, see its site at [http://www.imls.gov/].

Cross-cutting Issue

The Lands Legacy Initiative. The Clinton Administration reintroduced its Lands Legacy as a part of the FY2001 budget proposal. This initiative would provide funding totaling $1.4 billion to 21 resource protection programs, including the Land and Water Conservation Fund (LWCF), in the Departments of the Interior, Commerce, and Agriculture. FY2000 funding for these programs was $727 million. A majority of the FY2001 request would be funded through Interior Appropriations legislation, including the Department of the Interior portion ($735 million) and the Department of Agriculture portion, all of which would support U.S. Forest Service activities that are funded under Title II of the Interior Appropriations ($236 million).

This initiative was initially announced on January 12, 1999, and proposed in the FY2000 budget submission. The Administration had sought just over $1 billion for the component programs, an increase of $571 million from the preceding year, but Congress provided $727 million. For both FY2000 and FY2001, the Administration did not suggest any legislative language to authorize new programs, redirect existing programs, or increase authorization ceilings for existing programs. The FY2001 proposal adds 3 programs and deletes 3 programs, when compared with the initial proposal.

Numerous related bills to increase and provide more certain funding for a wide range of resource protection activities have been introduced in both chambers. In the House, H.R. 701, often referred to as CARA, passed after two days of debate, by a vote of 315-102. In the Senate, the Committee on Energy and Natural Resources completed action on a substitute to H.R. 701, which combines parts of House-passed H.R. 701 with provisions in S. 2181, introduced by Senator Bingaman, on July 25, and reported the bill on September 14, 2000 (S.Rept. 106-413). Further action on these bills is widely reported to be highly unlikely during the 106^{th} Congress.

One component of this legislation, addressed entirely in Interior Appropriations, is to fully fund the Land and Water Conservation Fund (LWCF) at $900 million. The LWCF is the principal source of federal land acquisition funding and provides grants to states. In its FY2001 budget request, the Administration had sought a total of $600 million for LWCF The House and the Senate both approved smaller amounts for land acquisition for each of the four agencies than the President had requested. The House and Senate responses, the Administration requests, and the levels provided by the conference committee were as follows:

- $19 million and $11 million for BLM instead of $61 million, the conference committee provided $31 million;

- $30 million and $46 million for FWS instead of $112 million, the conference committee provided $63 million;

- $104 million and $87 million for NPS (including state grants) instead of $297 million, the conference committee provided $111 million, and;

- $52 million and $76 million for FS instead of $130 million, the conference committee provided $102 million.

Other components of the Lands Legacy Initiative, which would fall under the jurisdiction of Interior Appropriations, include: (1) providing grants to states and localities to acquire land and plan for open space; (2) expanding funding for other resource protection efforts on forest land and range land, and in urban areas; (3) funding land and resource restoration; and (4) funding smart growth partnerships. Funding for federal land acquisition is shown as the first four lines in **Table 4** and other components are combined in the next three lines.

Table 4. Land Acquisition and Overall Lands Legacy Funding
(in millions of dollars)

Agency	FY2000 Request	FY2000 Appropriation	FY2001 Request
BLM Land Acquisition	$49	$40	$61
FWS Land Acquisition	$74	$53	$112
NPS Land Acquisition[a]	$172	$135	$147
FS Land Acquisition	$118	$156	$130
Other Interior Programs	$284	$116[b]	$415
Other USDA Programs	$150	$61	$106
Department of Commerce Programs	$183	$165	$427
Total[c]	**$1,030**	**$727**	**$1,400**

[a] Does not include state-side grant programs; the request for FY2001 is $150 million.
[b] Includes $20 million for land acquisition which was not allocated to a specific agency.
[c] May not add up exactly due to rounding.

The conference committee added a new Title VIII, titled Land Conservation, Preservation, and Infrastructure Improvement, to fund the Lands Legacy proposal. The new title would appropriate $1.6 billion for various programs in FY2001. It would also provide increasing funding, growing to $2.4 billion in FY2006. Of the FY2001 total, $1.2 billion would be funded through the Interior Appropriations and the remainder would be funded through Commerce appropriations. All funding would be subject to the appropriations process each year; none of the funding is mandatory. The Interior funding categories and totals would be:

- $540 million for federal and state LWCF;
- $300 million for state and other conservation programs;
- $160 million for urban and historic preservation programs;
- $150 million for public land maintenance; and
- $50 million for the payment in lieu of taxes program.

Three of these categories are also funded in other titles of the bill. For example, the LWCF would receive $311 million in Title I (for BLM, FWS, and NPS) and Title II (for FS) and $229 million under this title. The final two categories – maintenance funding and payment in lieu of taxes – would be funded only under this title. Unlike the CARA proposals, none of the funding for this initiative is linked directly to federal revenues from offshore oil and gas development. The legislation uses what its proponents characterize as a "fencing structure" to limit any efforts to shift funds among categories at the level of the first year, $1.6 billion, and also to set these funds apart from all other funds allocated for Interior appropriations. Any appropriated amounts above this level in future years would not be subject to the fences. Also, any funds not appropriated in one year, could be appropriated in a subsequent year.

Prior to the conference committee, the FY2001 Lands Legacy Initiative proposal received little recognition or support from Congress. The House Appropriations Committee did not comment on it directly, and provided less or no funding for programs in it. No amendments referenced to any of the Lands Legacy proposals were adopted on the House floor. The Senate Appropriations Committee report included a lengthy discussion of the initiative. As in the House, no amendments referenced to any of the Lands Legacy proposals were adopted on the Senate floor.

This process is similar to how Congress responded to the initiative in FY2000, when both the House and Senate Appropriations Committee generally opposed these proposals. But when the Interior Appropriations bill became part of the Consolidated Appropriations Act for FY2000, a new Title VI was added to Interior Appropriations to provide additional funding of $197.5 million for Lands Legacy programs. Most, but not all, of these funds were dedicated for land acquisitions.

For additional information on the funding request for the Lands Legacy Initiative in FY2000 and FY2001, see CRS Report RS20471, *The Administration's Lands Legacy Initiative in the FY2001 Budget Proposal – A Fact Sheet*; for tracking the Lands Legacy Initiative and related legislative proposals, see CRS Issue Brief IB10015, *Conserving Land Resources: Legislative Proposals in the 106th Congress*; and for more detail on the provisions in the pending legislative proposals, see the June 2000 version of CRS Report RL30444, *Resource Protection: A Comparison of H.R. 701/S. 2567 and Three Other Senate Bills (S. 25, S. 2123, and S. 2181) with Current Law.*

For Additional Reading

CRS Products

CRS Report RL30206. *Appropriations for FY2000: Interior and Related Agencies,* by Alfred R. Greenwood, 59 p.

CRS Report 97-684 GOV. *The Congressional Appropriations Process: An Introduction*, by Sandy Streeter, 34 p.

CRS Report RL30343. *Continuing Appropriations Acts: Brief Overview of Recent Practices*, by Sandy Streeter, 10 p.

CRS Report RS20403. *FY2000 Consolidated Appropriations Act: Reference Guide*, by Robert Keith, 3 p.

Title I: Department of the Interior.

CRS Report RS20471. *The Administration's Lands Legacy Initiative in the FY2001 Budget Proposal – A Fact Sheet*, by Jeffrey Zinn, 2 p.

CRS Issue Brief IB10015. *Conserving Land Resources: Legislative Proposals in the 106th Congress*, by Jeffrey A. Zinn, 12 p.

CRS Report RL30171. *Department of the Interior Budget Request for FY2000: An Overview*, by Alfred R. Greenwood, 51 p.

CRS Issue Brief IB10009. *Endangered Species: Continuing Controversy*, by M. Lynne Corn.

CRS Report 97-851 A. *Federal Indian Law: Background and Current Issues*, by M. Maureen Murphy, 29 p.

CRS Report RS20002. *Federal Land and Resource Management: A Primer*, by Ross W. Gorte, 6 p.

CRS Report 98-991 ENR. *Federal Land Management Agencies: Background on Land and Resources Management*, by Betsy A. Cody, M. Lynne Corn, Ross W. Gorte, Sandra L. Johnson, Carol Hardy-Vincent, David Whiteman, and Pamela Baldwin, 66 p.

CRS Report RL30335. *Federal Land Management Agencies' Permanently Appropriated Accounts*, by Ross W. Gorte, M. Lynne Corn, and Carol HardyVincent, 25 p.

CRS Report RL30126. *Federal Land Ownership: Constitutional Authority; the History of Acquisition, Disposal, and Retention; and Current Acquisition and Disposal Authorities*, by Ross W. Gorte and Pamela Baldwin, 19 p.

CRS Report 90-192 ENR. *Fish and Wildlife Service: Compensation to Local Governments,* by M. Lynne Corn, 37 p.

CRS Report 96-123 EPW. *Historic Preservation: Background and Funding,* by Susan Boren, 5 p.

CRS Report 93-793 A. *Indian Gaming Regulatory Act: Judicial and Administrative Interpretations,* by M. Maureen Murphy, 28 p.

CRS General Distribution Memorandum. *Indian Issues in the 105th Congress,* by Roger Walke, 5 p.

CRS Report 97-792 ENR. *Land and Water Conservation Fund: Current Status and Issues,* by Jeffrey Zinn, 6 p.

CRS Report RL30310. *The Mining Law Millsite Debate,* by Marc Humphries, 7 p.

CRS Report 94-438 ENR. *Mining Law Reform: the Impact of a Royalty*, by Marc Humphries, 14 p.

CRS Report RL30069. *Natural Resource Issues in the 106th Congress,* by the Natural Resources and Earth Sciences Section, 41 p.

CRS Report 98-574 ENR. *PILT (Payments in Lieu of Taxes): Somewhat Simplified,* by M. Lynne Corn, 10 p.

CRS Report RL30444. *Resource Protection and Recreation: A Comparison of H.R. 701 (Amended) and S. 25 with Current Law,* by Jeffrey Zinn and M. Lynne Corn, 32 p.

CRS Report 98-293 STM. *U.S. Geological Survey: Its Mission, Funding, and Future under GPRA,* by James E. Mielke, 6 p.

Title II: Related Agencies.

CRS Report RS20287. *Arts and Humanities: Fact Sheet on Funding,* by Susan Boren 2 pages.

CRS Report 97-539 EPW. *Arts and Humanities: Funding and Reauthorization in the 105th Congress,* by Susan Boren, 15 p.

CRS Report 95-15 ENR. *Below-Cost Timber Sales: Overview,* by Ross W. Gorte, 20 p.

CRS Issue Brief IB10020. *Energy Efficiency: Budget, Climate Change, and Electricity Restructuring Issues,* by Fred Sissine.

CRS Report 95-511 ENR. *Forest Fires and Forest Health*, by Ross W. Gorte, 5 p.

CRS Report 95-548 ENR. *Forest Health: Overview*, by Ross W. Gorte, 5 p.

CRS Report 97-706 ENR. *Forest Roads: Construction and Financing*, by Ross W. Gorte, 6 p.

CRS Report RS20486. *Forest Service Accountability in Administering Its Trust Funds*, by Ross W. Gorte 6 p.

CRS General Distribution Memorandum. *Forest Service Budget Allocation Formula*, by Ross W. Gorte, 25 p.

CRS Report RS20496. *Forest Service FY2001 Budget Issues, Including Proposals for Land Sales and Trust Funds*, by Ross W. Gorte, 6 p.

CRS General Distribution Memorandum. *Forest Service Performance Measures*, by Ross W. Gorte, 25 p.

CRS Report IB10057. *Forest Service Revenue-Sharing Payments*, by Ross W. Gorte, 11 p.

CRS Report RL30480. *Forest Service Revenue-Sharing Payments: Legislative Issues*, by Ross W. Gorte, 24 p.

CRS Report 94-866 EPW. *Health Care Fact Sheet: Indian Health Service*, by Jennifer A. Neisner, 2 p.

CRS Report 96-191 SPR. *The Partnership for a New Generation of Vehicles (PNGV)*, by Fred Sissine, 24 p.

CRS Report RL30647. *The National Forest Roadless Area Initiative*, by Pamela Baldwin.

CRS Report RS20150. *Roadless Area Entry: The Administration's Moratorium*, by Ross W. Gorte, 6 p.

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

Other References

Report of the Joint Tribal/BIA/DOI Advisory Task Force on Reorganization of the Bureau of Indian Affairs to the Secretary of the Interior and the Appropriations Committees of the United States Congress. [Washington: The Task Force]. August 1994.

Selected World Wide Web Sites

Information regarding the budget, supporting documents, and related departments, agencies and programs is available at the following web or gopher sites.

House Committee on Appropriations.
[http://www.house.gov/appropriations]

Senate Committee on Appropriations.
[http://www.senate.gov/~appropriations/]

CRS Appropriations Products Guide.
[http://www.loc.gov/crs/products/apppage.html]

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

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

Office of Management and Budget.
[http://www.whitehouse.gov/OMB/]

Title I: Department of the Interior.

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

Department of the Interior's Office of the Budget.
[http://www.doi.gov/budget/]

Department of the Interior's Strategic Plan Overview FY1998-FY2002.
[http://www.doi.gov/fyst.html]

Department of the Interior's FY1999 Annual Performance Report/FY2001 Annual Performance Plan.
[http://www.doi.gov/gpra/99apr01app.html]

Bureau of Land Management (BLM).
[http://www.blm.gov/]

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

National Park Service (NPS).
[http://www.nps.gov/parks.html]

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

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

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

Bureau of Indian Affairs (BIA).
[http://www.doi.gov/bureau-indian-affairs.html]

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

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

Title II: Related Agencies and Programs.

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

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

USDA Strategic Plan.
[http://www.usda.gov/ocfo/strat/index.htm]

Department of Energy (DOE).
[http://www.doe.gov/]

DOE Strategic Plan.
[http://www.cfo.doe.gov/stratmgt/plan/doesplan.htm]

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

Strategic Petroleum Reserve.
[http://www.fe.doe.gov/spr/spr.html]

Naval Petroleum Reserves.
[http://www.fe.doe.gov/nposr/index.html]

Energy Efficiency.
[http://www.eren.doe.gov/]

Department of Health and Human Services.
[http://www.dhhs.gov]

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

Smithsonian.
[http://www.si.edu/newstart.htm]

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

National Endowment for the Humanities.
[http://www.neh.fed.us/]

Institute of Museum Services.
[http://www.imls.gov/]

Table 5. Department of the Interior and Related Agencies Appropriations
(in thousands of dollars)

Bureau or Agency	FY2000 Enacted (P.L. 106-113)	FY2001 Request	House Bill	Senate Bill	Conference
Title I: Department of the Interior					
Bureau of Land Management	1,231,402	1,358,955	1,267,120	1,295,239	1,672,673
U.S. Fish and Wildlife Service	875,093	1,126,601	861,921	921,067	964,071
National Park Service	1,803,847	2,042,285	1,808,424	1,813,181	1,937,612
U.S. Geological Survey	813,376	895,379	816,676	848,396	862,046
Minerals Management Service	116,318	140,246	133,318	140,128	139,528
Office of Surface Mining Reclamation and Enforcement	291,733	309,234	295,626	302,514	303,514
Bureau of Indian Affairs	1,869,052	2,200,956	1,880,861	2,085,888	2,141,130
Departmental Offices	319,869	332,248	311,706	318,118	325,608
General Provisions	—	—	—	—	12,600
Total, Title I	**7,320,690**	**8,405,904**	**7,375,652**	**7,724,531**	**8,358,782**
Title II: Related Agencies					
Forest Service	2,819,933	3,110,053	2,739,351	2,990,750	3,612,361
Department of Energy	(1,226,393)	(1,161,070)	(1,188,471)	(1,361,275)	(1,456,868)
Clean Coal Technology					
Rescission	-38	-105,000	—	—	—
Deferral	-156,000	-221,000	-89,000	-67,000	-67,000
Fossil Energy R & D	393,433	375,570	365,439	401,338	433,653
Alternative Fuels Production	—	-1,000	-1,000	-1,000	-1,000
Energy Conservation	720,242	848,500	647,672	761,937	814,940
Economic Regulation	1,992	2,000	1,992	2,000	2,000
Strategic Petroleum Reserve (SPR)	158,396	158,000	157,000	161,000	161,000
Energy Information Administration	72,368	75,000	70,368	74,000	75,675
Indian Health Service	2,390,728	2,620,429	2,442,601	2,533,771	2,604,562
Office of Navajo and Hopi Indian Relocation	8,000	15,000	8,000	15,000	15,000
Institute of American Indian and Alaska Native Culture and Arts Development	2,125	4,250	—	4,125	4,125
Smithsonian	438,130	463,000	423,130	449,855	454,855
National Gallery of Art	67,590	78,949	70,182	75,652	75,652
John F. Kennedy Center for the Performing Arts	33,871	34,000	33,871	34,000	34,000

Bureau or Agency	FY2000 Enacted (P.L. 106-113)	FY2001 Request	House Bill	Senate Bill	Conference
Woodrow Wilson International Center for Scholars	6,763	7,310	6,763	7,310	7,310
National Endowment for the Arts	97,628	150,000	98,000	105,000	98,000
National Endowment for the Humanities	115,260	150,000	115,260	120,260	120,260
Institute of Museum and Library Services	24,307	33,378	24,307	24,907	24,907
Challenge America Arts Fund	—	—	—	—	7,000
Commission of Fine Arts	1,021	1,078	1,021	1,078	1,078
National Capital Arts and Cultural Affairs	6,973	7,000	6,973	7,000	7,000
D.C. Arts Education Grants	—	1,000	—	—	—
Advisory Council on Historic Preservation	2,989	3,189	2,989	3,189	3,189
National Capital Planning Commission	6,288	6,198	6,288	6,500	6,500
Holocaust Memorial Council	33,161	34,564	33,161	34,439	34,439
Presidio Trust	44,300	33,400	33,400	33,400	33,400
Total, Title II: Related Agencies	**7,325,460**	**7,913,868**	**7,233,768**	**7,807,511**	**8,600,506**
Title III: General Provisions					
Foundation for Voluntary Land Exchanges, Umpqua Project	—	—	—	—	4,300
Title IV: FY2000 Emergency Supplemental Appropriations					
Bureau of Land Management	—	—	200,000	—	—
Forest Service	—	—	150,000	—	—
Total, Title IV: FY2000 Emergency Supplemental Appropriations	**—**	**—**	**350,000**	**—**	**—**
Title IV: Emergency Supplemental Appropriations					
Bureau of Land Management	—	—	—	120,300	353,740
Forest Service	—	—	—	120,000	619,274
Total, Title IV: Emergency Supplemental Appropriations	**—**	**—**	**—**	**240,300**	**973,014**
Title V: Emergency Supplemental Appropriations					
United Mine Workers of America Combined Benefit Fund	68,000	—	—	—	—
Emergency Appropriations					87,515
Title VI: Priority Land Acquisitions and Exchanges					
Priority Land Acquisitions and Exchanges	197,500	—	—	—	—
Title VII: United Mine Workers of America Combined Benefit Fund					

Bureau or Agency	**FY2000 Enacted (P.L. 106-113)**	**FY2001 Request**	**House Bill**	**Senate Bill**	**Conference**
United Mine Workers of America Combined Benefit Fund	—	—	—	—	58,000
Title VIII: Land Conservation, Preservation and Infrastructure Improvement					
Land Conservation, Preservation, and Infrastructure Improvement	—	—	—	—	686,000
Grand Total (Amounts in Bill)	**14,911,650**	**16,319,772**	**14,959,420**	**15,772,342**	**18,768,117**
FY2001	**(14,911,650)**	**(16,319,772)**	**(14,609,420)**	**(15,765,093)**	**(18,768,117)**
FY2000	**—**	**—**	**(350,000)**	**(7,249)**	**—**

Source: House Appropriations Committee.

Table 6. Congressional Budget Recap

(in thousands of dollars)

Bureau or Agency	FY2000 Enacted (P.L. 106-113)	FY2001 Estimates	House	Senate	Conference
Scorekeeping adjustments					
Clean coal (advance appropriation)	10,000	171,000	171,000	171,000	171,000
Elk Hills School (advance appropriation, FY2001)	-36,000	36,000	36,000	36,000	36,000
Elk Hills School (advance appropriation, FY2002)	—	-36,000	-36,000	-36,000	-36,000
Boise Laboratory Replacement Act (sec. xxx)	—	—	—	—	-1,000
Northern Marianas Covenant	—	-5,000	—	—	—
Rescission from P.L. 105-83 (Beartooth Mtn.)	—	—	—	-5,000	—
Extension of SERCDP (sec. 336)	—	—	—	1,000	1,000
Tribal colleges funding (sec. 344)	—	—	—	1,891	—
Pro rata reduction for Tribal colleges funding	—	—	—	-1,891	—
ANILCA (sec. 130)	—	—	—	1,000	1,000
Valuation of crude oil (sec. 144)	11,000	—	—	—	—
Environmental improvement and restoration fund	2,000	—	—	—	—
Rights-of-way and other land use	7,000	—	—	—	—
National recreation and preservation fees	1,000	—	—	—	—
Supplemental appropriations (P.L. 106-113)	1,250	—	—	—	—
OMB adjustment	52,761	—	—	—	—
Across-the-board cut (0.38%) (P.L. 106-113)	-58,000	—	—	—	—
FY2001 carryover (emergency supplemental)	—	—	—	—	—
FY2000 emergency supplementals in this bill	—	—	-350,000	-7,000	—
Total, adjustments	**-8,989**	**166,000**	**-179,000**	**161,000**	**172,000**
Total (including adjustments)	**14,902,661**	**16,485,772**	**14,780,420**	**15,933,342**	**18,940,117**
Amounts in this bill	(14,911,650)	(16,319,772)	(14,959,420)	(15,772,342)	(18,768,117)
Scorekeeping adjustments	(-8,989)	(166,000)	(-179,000)	(161,000)	(172,000)
Total mandatory and discretionary	**14,902,661**	**16,485,772**	**14,780,420**	**15,933,342**	**18,940,117**
Mandatory	(57,420)	(57,840)	(57,420)	(57,420)	(57,420)
Discretionary	(14,845,241)	(16,427,932)	(14,723,000)	(15,875,922)	(18,882,697)

Source: House Appropriations Committee.

Table 7. Historical Appropriations Data from FY1995 to FY2000
(in thousands of dollars)

Agency or Bureau	FY1995[a]	FY1996	FY1997	FY1998	FY1999	FY2000 Enacted
Department of the Interior						
Bureau of Land Management	1,099,005	1,105,955	1,195,648	1,137,852	1,183,895	1,231,402
U.S. Fish and Wildlife Service	671,038	645,831	670,596	745,387	839,804	875,093
National Biological Survey	162,041	—	—	—	—	—
National Park Service	1,387,329	1,367,667	1,435,858	1,646,926	1,764,224	1,803,847
U.S. Geological Survey	571,462	732,163	740,051	759,160	798,896	813,376
Minerals Management Service	194,621	188,995	163,395	143,639	124,020	116,318
Bureau of Mines	152,427	64,000	—	—	—	—
Office of Surface Mining/Rec	293,407	269,857	271,757	273,061	278,769	291,733
Bureau of Indian Affairs	1,730,970	1,588,412	1,618,274	1,701,991	1,746,428	1,869,052
Territorial and Int'l Affairs[b]	124,679	—	—	—	—	—
Departmental Offices	124,022	236,242	240,020	241,195	394,199	319,869
Total for Department	**6,507,897**	**6,199,122**	**6,335,599**	**6,649,211**	**7,130,235**	**7,320,690**
Related Agencies						
U.S. Forest Service	2,803,602	2,363,173	2,919,564	2,506,568	2,757,464	2,819,933
Department of Energy	1,265,887	1,179,156	992,097	1,048,151	1,316,878	1,226,393
Indian Health Service	1,963,062	1,986,800	2,054,000	2,098,612	2,242,287	2,390,728
Indian Education[c]	81,341	52,500	61,000	—	—	—
Office of Navajo and Hopi	24,888	20,345	19,345	15,000	13,000	8,000
Inst. of Amer. Indian and Alaska	11,213	5,500	5,500	4,250	4,250	2,125
Smithsonian	362,706	376,092	371,342	402,258	412,254	438,130
National Gallery of Art	56,918	58,286	60,223	62,029	64,350	67,590
JFK Center for Performing Arts	19,306	19,306	24,875	20,375	32,187	33,871
W. Wilson Center for Scholars	8,878	5,840	5,840	5,840	5,840	6,763
National Endowment for the Arts	162,358	99,494	99,494	98,000	98,000	97,628
National Endowment Humanities	172,044	110,000	110,000	110,700	110,700	115,260
Institute of Museum Services	28,715	21,000	22,000	23,280	23,405	24,307
Commission of Fine Arts	834	834	867	907	898	1,021
Nat. Cap. Arts and Cultural Aff.	7,500	6,000	6,000	7,000	7,000	6,973
Advisory Council on Hist. Preserv.	2,947	2,500	2,500	2,745	2,800	2,989
Nat. Cap. Planning Commission	5,655	5,090	5,390	5,740	6,335	6,288
FDR Memorial Commission	48	147	500	—	—	—
Penn Ave Development Corp.	6,822	—	—	—	—	—
Holocaust Memorial Council	26,609	28,707	31,707	31,707	35,007	33,161
Presidio Trust	—	—	—	—	34,913	44,300
Total for Related Agencies	**7,011,333**	**6,340,770**	**6,792,244**	**6,443,162**	**7,167,568**	**7,325,460**
Grand Total for All Agencies[d]	**13,519,230**	**12,539,892**	**13,127,843**	**13,791,373**	**14,297,803**	**14,911,650**

[a] Incorporates reductions included in the FY1995 Rescissions Bill, H.R. 1944 (P.L. 104-19).
[b] Beginning in FY1996, appropriations for the territories and other insular areas were consolidated within the Departmental Offices account.
[c] Beginning in FY1998, Indian Education was funded in the Labor, Health and Human Services, and Education Appropriations.
[d] The FY1997 enacted amount totals $13,514,435 with funding of $386,592 included in the Emergency Supplemental Appropriations bill (P.L. 105-18).