



Jon Kyl, Chairman

347 Russell Senate Office Building  
Washington, DC 20510  
202-224-2946  
<http://rpc.senate.gov>

No. 9

June 23, 2005

## **H.R. 2361 – Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2006**

Calendar No. 125

*On June 10, the Appropriations Committee reported H.R. 2361 with an amendment in the nature of a substitute by a vote of 28-0; S. Report 109-80.*

### **Noteworthy**

- At press time, it was anticipated that the Senate would begin consideration of H.R. 2361, the Interior appropriations bill, on Friday, June 24.
- H.R. 2361 provides \$26.21 billion in discretionary funding, which is \$99.5 million above the House-passed bill and \$534.3 million above the President's request.
- Due to the Appropriations Subcommittee reorganization, this year's bill includes funding for the Environmental Protection Agency (EPA).
- H.R. 2361 provides \$2.5 billion for wildland fire management activities, including \$766.6 million for the Bureau of Land Management.
- Oil and gas leasing and other mineral leasing recreation and user fees, timber and range programs, and other activities are estimated to generate income to the government of \$13.87 billion in fiscal year 2006.
- H.R. 2361 provides \$1.1 billion for the Clean Water State Revolving Fund, which is \$370.0 million above the Administration's request, and \$8.8 million above the FY05 enacted level.
- On May 19, the House passed H.R. 2361, its version of the Interior Appropriations bill, by a vote of 329-89.

---

## Highlights

---

(in millions of dollars)

<u>Title</u>	<u>President's Request</u>	<u>House Recommendation</u>	<u>Committee Recommendation</u>
<b>Title I—Interior Department</b>	9,792	9,800	9,878
<b>Title II—EPA</b>	7,521	7,708	7,882
<b>Title III—Related Agencies</b>	8,412	8,651	8,507
<b>Total<sup>1</sup></b>	25,724	26,159	26,267

---

## Background

---

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

---

## Bill Provisions

---

### **Title I – Department of Interior**

Title I provides \$9.9 billion for the Department of Interior, which is nearly \$85.7 million more than the Administration's request, but nearly \$77.5 million below the FY05 enacted level. Significant spending accounts include:

**Bureau of Land Management (BLM):** Provides \$1.8 billion for the BLM, which is nearly \$29.3 million above the Administration's request, but \$28.6 million below the FY05 enacted level. Included within this amount is: \$867 million for **Management of Land and Resources**; \$766.6 million for **Wildland Fire Management**; and \$12.3 million for **land acquisition**.

---

<sup>1</sup> Totals include mandatory spending, including nearly \$60 million for the Senate Committee recommendation total.

**U.S. Fish and Wildlife Service (FWS):** Provides \$1.3 billion for the FWS, which is \$7.9 million below the Administration's request and \$17.6 million below the FY05 enacted level. Included within this amount is: \$993.5 million for **Resource Management**; \$25.0 million for the **Landowner Incentive Program**; \$80.0 million for the **Cooperative Endangered Species Conservation Fund**; \$14.4 million for the **National Wildlife Refuge system**; \$31.8 million for **construction**; \$40.8 million for **land acquisition**; \$4.0 million for **Neotropical Migratory Bird Conservation**; \$6.5 million for the **Multinational Species Conservation Fund**; and \$72.0 million for **State and Tribal Wildlife grants**.

**National Park Service (NPS):** Provides \$2.3 billion for NPS programs, which is \$64.1 million above the Administration's request, but \$52.4 million below the FY05 enacted level. Included within this amount is: \$1.7 billion for **NPS operations** (\$65.0 million increase); \$56.7 million for **national recreation and preservation** including \$13.6 million for **Heritage Partnership Programs**; \$72.5 million for the **Historic Preservation Fund**; and \$299.2 million for **construction**.

**U.S. Geological Survey (USGS):** Provides \$963.1 million for the USGS, which is \$29.5 million above the Administration's request and \$18.5 million above the FY05 enacted level.

**Minerals Management Service (MMS):** Provides \$159.5 million for the MMS, which is \$7.9 million below the Administration's request and \$14.3 million below the FY05 enacted level. Included within these funds is \$152.5 million for **Royalty and Offshore Minerals Management**; and \$7.0 million for **Oil Spill Research**.

**Office of Surface Mining Reclamation and Enforcement:** Provides \$298.5 million for the Office of Surface Mining Reclamation and Enforcement, which is \$58 million below the Administration's request, but nearly \$2.0 million above the FY05 enacted level.

**Bureau of Indian Affairs:** Provides \$2.3 billion for the Bureau of Indian Affairs, which is \$81.9 million above the Administration's request, but \$26.3 million below the FY05 enacted level. Included within these funds is: nearly \$2.0 billion for the **Operation of Indian Programs**; \$267.1 million for **construction**; \$24.8 million for **Indian Land and Water Claims Settlements and Miscellaneous Payments to Indians**; and \$6.3 million for the **Indian guaranteed loan program**.

**Assistance to Territories:** Provides \$76.7 million for assistance to territories, which is \$2.4 million above the Administration's request and \$1.1 million above the FY05 enacted level.

**General Provisions:** Title I includes a number of general provision on a range of issues. Of note, Sections 104-106 prohibit the use of funds provided in the act for certain offshore leasing and related activities pursuant to the revised five-year plan for **Outer Continental Shelf oil and gas leasing**. Section 119 allows the **National Indian Gaming Commission** to collect \$12.0 million in fees for FY07. Section 123 continues

language providing that the final winter use rules for **Yellowstone National Park**, published in the Federal Register on November 10, 2004, shall be in effect for the winter season of 2005-2006.

## **Title II – Environmental Protection Agency**

Title II provides \$7.9 billion for the Environmental Protection Agency (EPA), which is \$361.4 million above the Administration's request, but \$144.5 million below the FY05 enacted level.

**Science and Technology**: Provides \$730.8 million for Science and Technology, which is \$29.8 million below the Administration's request and \$13.3 million below the FY05 enacted level. Included within these funds is: \$17.7 million for **climate protection program**; and \$39.6 million for **Homeland security**.

**Environmental Programs and Management**: Provides \$2.3 billion for Environmental Programs and Management, which \$20.3 million below the Administration's request, but \$38.5 million above the FY05 enacted level. Included within these funds is: \$25 million for **brownfields**; \$94.5 million for **climate protection**; \$176.4 million for **enforcement**; \$125.3 million for the **Resource Conservation and Recovery Act (RCRA)**; \$7.7 million for **(Leaking) Underground Storage Tanks (LUST/UST)**; and \$202.3 million for **Water Quality Protection**.

**Office of the Inspector General**: Provides nearly \$37.0 million for the Office of the Inspector General, which is equal the Administration's request, but \$741,000 under the FY05 enacted level.

**Building and Facilities**: Provides \$40.2 million for Buildings and Facilities, which is equal the Administration's request, but \$1.5 million below the FY05 enacted level.

**Hazardous Substance Superfund**: Provides \$1.3 billion for the Hazardous Substance Fund, which is \$23.2 million below the Administration's request, but \$8.7 million above the FY05 enacted level. Included within these funds is: \$189.7 million for **enforcement**; \$38.5 million for **Homeland security**; and \$849.8 million for **Superfund Cleanup**, which is \$2.0 million above the FY05 enacted level.

**Leaking Underground Storage Tanks**: Provides \$73.0 million for the Leaking Underground Storage Tank Program, which is equal the Administration's request and \$3.6 million above the FY05 enacted level.

**Oil Spill Response**: Provides \$15.9 million for Oil Spill Response, which is equal to the Administration's request, but slightly under the FY05 enacted level.

**State and Tribal Assistance Grants (STAG)**: Provides \$3.4 billion for State and Tribal Assistance Grants, which is \$434.8 million more than the Administration's request, but

nearly \$180.0 million below the FY05 enacted level. Included in this funding is \$1.1 billion for the **Clean Water State Revolving Fund**, which is \$370.0 million above the Administration's request and \$8.8 million above the FY05 enacted level.

### **Title III – Related Agencies**

Title III provides \$8.5 billion for related agencies, which is \$95.2 million above the Administration's request, but \$529.1 million below the FY05 enacted level.

**Forest Service (U.S. Department of Agriculture)**: Provides \$4.1 billion for the Forest Service, which is \$57.8 million above the Administration's request, but \$647.8 million below the FY05 enacted level. Included within these funds is: \$1.7 billion for **Wildland Fire Management**, which is \$301.3 million above the Administration's request<sup>2</sup>; \$280.9 million for **forest and rangeland research**, which is \$4.5 million above the FY05 enacted level; \$254.6 million for **state and private forestry**, which is \$1.2 million above the Administration's request, but nearly \$87.0 million below the FY05 enacted level; \$1.4 billion for the **National Forest System**, which is \$273.7 million below the Administration's request due to the decision to maintain hazardous fuels funds in the Wildland Fire Management account, and \$15.3 million below the FY05 enacted level; \$409.8 million for **Capital Improvement and Maintenance**; \$44.9 million for **Land Acquisition**, which is \$4.9 million above the Administration's request, but \$16.1 million below the FY05 enacted level.

**Department of Health and Human Services**: Provides \$3.2 billion for the Department of Health and Human Services, which is \$20.0 million above the Administration's request and \$83.3 million above the FY05 enacted level. Included within these funds is: \$2.7 billion for **Indian Health Services**, which is a slight increase above the Administration's request and \$135.8 million above the FY05 enacted level; \$335.6 million for **Indian Health Facilities**, which is nearly \$20.0 million above the Administration's request; and \$80.3 million for the **National Institute of Environmental Health Services**, which is equal the Administration's request and \$447,000 above the FY05 enacted level.

**Chemical Safety and Hazard Investigation Board**: Provides \$9.2 million for the Chemical Safety and Hazard Investigation Board, which is equal to the Administration's request, but \$224,000 below the FY05 enacted level.

**Office of Navajo and Hopi Indian Relocation**: Provides \$8.6 million for the Office of Navajo and Hopi Indian Relocation, which is equal to the Administration's request and \$3.7 million above the FY05 enacted level.

---

<sup>2</sup> Of this increase, \$281.0 million is explained by keeping the hazardous fuels reduction program in the fire account instead of moving it to the national forest system appropriation as proposed by the Administration.

**Smithsonian Institution:** Provides \$624.1 million for the Smithsonian Institution, which is \$9.1 million above the Administration's request and nearly \$9.0 million above the FY05 enacted level.

**National Gallery of Art:** Provides \$111.6 million for the National Gallery of Art, which is \$1.7 million below the Administration's request, but nearly \$9.0 million above the FY05 enacted level.

**John F. Kennedy Center for the Performing Arts:** Provides \$33.0 million for the John F. Kennedy Center for the Performing Arts, which is equal to the Administration's request, but slightly below the FY05 enacted level.

**Woodrow Wilson International Center for Scholars:** Provides \$9.2 million for the Woodrow Wilson International Center for Scholars, which is equal to the Administration's request and \$338,000 above the FY05 enacted level.

**National Foundation on the Arts and Humanities:** Provides \$269.3 million for the National Foundation on the Arts and Humanities, which is \$10 million above both the Administration's request and the FY05 enacted level. Included within these funds is: \$126.3 million for the **National Endowment of the Arts** and \$143.1 million for the **National Endowment of the Humanities**.

**United States Holocaust Memorial Museum:** Provides \$43.2 million for the United States Holocaust Memorial Museum, which is equal to the Administration's request and \$2.4 million above the FY05 enacted level.

## **Title IV – General Provisions**

Title IV is composed of General Provisions concerning a mining patent moratorium, forest health management, competitive sourcing, condemnation, and other issues.

## **Title V – Forest Service Facility Realignment and Enhancement Act**

Title V includes legislative language that will provide for the reduction of the Forest Service administrative site maintenance backlog and improve the Service's ability to realign facilities to meet the needs of its workforce and program management. This proposal was also included in the President's fiscal year 2006 budget. The proposal is supported by Senator Craig, who chairs the Subcommittee on Public Lands and Forests.

- Over the last 15 years, the Forest Service has undergone dramatic reductions in personnel and re-alignment as a result of the collapse of its timber sale program. In many regions, this has resulted in office closures and personnel reductions. Consequently, the agency has been left with a large number of administrative

facilities that it no longer needs or can afford to maintain, including houses, district officers, work centers, and other storage facilities.

- Title V will convert a pilot program previously authorized in Public Law 107-63, the Interior and Related Agencies Appropriations Act of 2002, to provide permanent authority that will help the agency complete the re-alignment of its facilities.
- Most of the facilities are buildings and lots located within the city limits of towns near the National Forests, but are not part of a National Forest. Forcing the Agency to maintain these unneeded facilities diverts important funding that is needed to manage the National Forests.
- The provisions allow the Forest Service to sell the properties and to utilize the revenues to help pay for maintenance on other buildings and facilities that they manage, to build alternative facilities that are more in-line with the current facility needs, and to help with the re-alignment that must take place.
- The provisions also authorize the Forest Service to begin setting aside money to develop a working capital fund to pay for future building replacement and or maintenance. This provision will help the agency modernize facilities when needed, saving the Congress from having to make a major one-time appropriations to cover the costs of new buildings or renovations.

---

## **Administration Position**

---

A statement of Administration Policy (SAP) concerning H.R. 2361 as reported by the Senate Appropriations Committee was not available at press time.

On May 19, the Administration released a SAP on the House-reported bill, H.R. 2361. The Administration supported the House passage of H.R. 2361, and looks forward to working with Congress to ensure that the FY 2006 appropriations bills do not exceed the **\$843 billion discretionary funding level** contained in the FY 2006 Budget Resolution. **(The President's Budget includes over 150 savings and reforms and was the first to propose reducing non-security discretionary spending since the Reagan Administration.)** In the SAP, the Administration offered its views on several provisions in H.R. 2361 (including the Healthy Forests Initiative, wildland firefighting, Homeland Security Presidential Directives, Methane to Markets (M2M) Partnership, Brownfields, and competitive sourcing), but did not suggest it would veto the bills over these concerns.

## President's Program Terminations

(in millions of dollars)

<b>Program</b>	<b>Classification</b>	<b>2005 Enacted</b>	<b>2006 Request</b>	<b>House Allowance</b>	<b>Committee Recommendation</b>
Forest Service Capital Improvement and Maintenance Reduction	Reduction	515	381	468	410
Forest Service Wildland Fire Management (incl. supp. and emergency funding)	Reduction	2,097	1,444	1,791	1,746
Forest Service Economic Action Program	<b>Termination</b>	19	0	8	14
National Heritage Area Grants	Reduction	15	5	15	13
USGS, Mineral Resources Program	Reduction	54	25	54	54
Bureau of Indian Affairs School Construction	Reduction	263	174	226	199
Payments in Lieu of Taxes	Reduction	227	200	242	235
Rural Fire Assistance	<b>Termination</b>	10	0	5	10
National Park Service Statutory Aid	<b>Termination</b>	11	0	0	8
LWCF State Recreation Grants (NPS)/Assistance to the States	<b>Termination</b>	90	0	2	30
BLM Jobs-in-the-Woods Program	<b>Termination</b>	6	0	0	0
Alaska Native Villages	Reduction	45	15	15	40
Clean Water State Revolving Fund	Reduction	1,091	730	850	1,100
Water Quality Cooperative Agreements	<b>Termination</b>	17	0	15	0

### Cost

H.R. 2361 would result in the following outlays:

FY 2006	\$15.902 billion
FY 2007	\$5.564 billion
FY 2008	\$2.502 billion
FY 2009	\$1.297 billion
FY 2010 (and future years)	\$0.587 billion

## **Possible Amendments**

A number of amendments are expected, including but not limited to: Environmental Protection Agency study on human exposure to pesticides; Tongass National Forest timber sales; and Indian health care funding.