

Calendar No. 125

109TH CONGRESS }
1st Session }

SENATE

{ REPORT
109-80

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

JUNE 10, 2005—Ordered to be printed

Filed, under authority of the order of the Senate of January 4, 2005

Mr. BURNS, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany H.R. 2361]

The Committee on Appropriations to which was referred the bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, reports the same to the Senate with an amendment and recommends that the bill as amended do pass.

Amounts in new budget (obligational) authority, fiscal year 2006

Amount of bill passed by House	\$26,159,125,000
Amount of increase by Senate	99,500,000
<hr/>	
Total of bill as reported to Senate	26,258,625,000
Estimates considered by House	25,724,328,000
Estimates considered by Senate	25,724,328,000
Above the budget estimate, 2006	534,297,000
Below appropriations, 2005 (including emer- gencies)	739,099,000

CONTENTS

	Page
Summary of Bill	4
Revenue Generated by Agencies in Bill	4
Major Changes Recommended in the Bill	5
Land and Water Conservation Fund	6
Reprogramming Guidelines	6
Title I—Department of the Interior:	
Land and Water Resources: Bureau of Land Management	9
Fish and Wildlife and Parks:	
U.S. Fish and Wildlife Service	14
National Park Service	22
Energy and Minerals:	
U.S. Geological Survey	33
Minerals Management Service	37
Office of Surface Mining Reclamation and Enforcement	39
Indian Affairs: Bureau of Indian Affairs	40
Departmental Offices:	
Insular Affairs	45
Departmental Management	47
Working Capital Fund	48
Payment in Lieu of Taxes	48
Central Hazardous Materials Fund	48
Office of the Solicitor	49
Office of Inspector General	49
Office of Special Trustee for American Indians	49
Natural Resource Damage Assessment and Restoration	50
Title II—Environmental Protection Agency:	
Science and Technology	55
Environmental Programs and Management	57
Office of Inspector General	61
Buildings and Facilities	62
Hazardous Substance Superfund	62
Leaking Underground Storage Tank Trust Fund	64
Oil Spill Response	65
State and Tribal Assistance Grants	65
Administrative Provisions	74
Title III—Related agencies:	
Department of Agriculture: Forest Service	75
Administrative Provisions, Forest Service	89
Department of Health and Human Services:	
Indian Health Service	89
National Institute of Environmental Health Sciences	93
Agency for Toxic Substances and Disease Registry	93
Other Related Agencies:	
Council on Environmental Quality	94
Chemical Safety and Hazard Investigation Board	94
Office of Navajo and Hopi Indian Relocation	95
Institute of American Indian and Alaska Native Culture and Arts Development	95
Smithsonian Institution	96
National Gallery of Art	99
John F. Kennedy Center for the Performing Arts	100
Woodrow Wilson International Center for Scholars	101
National Foundation on the Arts and the Humanities: National Endowment for the Arts	102

	Page
Title III—Related agencies—Continued	
Other Related Agencies—Continued	
National Foundation on the Arts and the Humanities—Continued	
National Endowment for the Humanities	103
Commission of Fine Arts	104
Advisory Council on Historic Preservation	105
National Capital Planning Commission	106
United States Holocaust Memorial Museum	107
Presidio Trust	107
White House Commission on the National Moment of Remem- brance	108
Title IV—General provisions	109
Title V—Forest Service Facility Realignment and Enhancement Act	112
Compliance with Paragraph 7, Rule XVI of the Standing Rules of the Sen- ate	114
Compliance with Paragraph 7(c), Rule XXVI of the Standing Rules of the Senate	114
Compliance with Paragraph 12, Rule XXVI of the Standing Rules of the Senate	115

SUMMARY OF BILL

For this bill, estimates totaling \$25,724,328,000 in new obligational authority were considered by the Committee for the programs and activities of the agencies and bureaus of the Department of the Interior, except the Bureau of Reclamation, and the following related agencies:

- Environmental Protection Agency.
- Department of Agriculture:
 - Forest Service.
- Department of Health and Human Services:
 - Indian Health Service.
 - National Institute of Environmental Health Sciences.
 - Agency for Toxic Substances and Disease Registry.
- Council on Environmental Quality.
- Chemical Safety and Hazard Investigation Board.
- Office of Navajo and Hopi Indian Relocation.
- Institute of American Indian and Alaska Native Culture and Arts Development.
- Smithsonian Institution.
- National Gallery of Art.
- John F. Kennedy Center for the Performing Arts.
- Woodrow Wilson International Center for Scholars.
- National Foundation on the Arts and Humanities:
 - National Endowment for the Arts.
 - National Endowment for the Humanities.
- Commission of Fine Arts.
- Advisory Council on Historic Preservation.
- National Capital Planning Commission.
- United States Holocaust Memorial Museum.
- Presidio Trust.
- White House Commission on the National Moment of Remembrance.

REVENUE GENERATED BY AGENCIES IN BILL

Oil and gas leasing and other mineral leasing recreation and user fees, the timber and range programs, and other activities are estimated to generate income to the Government of \$13,865,597,000 in fiscal year 2006. These estimated receipts, for agencies under the subcommittee's jurisdiction, are tabulated below:

Item	Fiscal year—		
	2004	2005	2006
Department of the Interior	\$9,643,359,000	\$12,497,212,000	\$13,418,547,000
Forest Service	445,533,000	439,106,000	447,050,000
Total receipts	10,088,892,000	12,936,318,000	13,865,597,000

MAJOR CHANGES RECOMMENDED IN THE BILL

The Committee has developed revisions to the budget estimate for the 2006 fiscal year.

A comparative summary of funding in the bill by agency is shown by agency or principal program in the following table:

(In thousands of dollars)

	Budget estimate	Committee recommendation	Committee recommendation compared with budget estimate
TITLE I—DEPARTMENT OF THE INTERIOR			
Bureau of Land Management	1,759,042	1,788,310	+ 29,268
U.S. Fish and Wildlife Service	1,322,894	1,315,037	– 7,857
National Park Service	2,249,275	2,313,332	+ 64,057
United States Geological Survey	933,515	963,057	+ 29,542
Minerals Management Service	167,422	159,522	– 7,900
Office of Surface Mining Reclamation and Enforcement	356,549	298,549	– 58,000
Bureau of Indian Affairs	2,187,469	2,269,371	+ 81,902
Departmental Offices	815,903	770,563	– 45,340
Total, Title I—Department of the Interior	9,792,069	9,877,741	+ 85,672
TITLE II—ENVIRONMENTAL PROTECTION AGENCY			
Science and Technology	760,640	730,795	– 29,845
Environmental Programs and Management	2,353,764	2,333,416	– 20,348
Office of Inspector General	36,955	36,955	.....
Building and Facilities	40,218	40,218	.....
Hazardous Substance Superfund	1,279,333	1,256,165	– 23,168
Leaking Underground Storage Tank Program	73,027	73,027	.....
Oil Spill Response	15,863	15,863	.....
State and Tribal Assistance Grants	2,960,800	3,395,550	+ 434,750
Total, Title II—Environmental Protection Agency	7,520,600	7,881,989	+ 361,389
TITLE III—RELATED AGENCIES			
Department of Agriculture: Forest Service	4,065,000	4,122,767	+ 57,767
Department of Health and Human Services:			
Indian Health Service	3,047,966	3,067,966	+ 20,000
National Institutes of Health: National Institute of Environmental Health Sciences	80,289	80,289	.....
Agency for Toxic Substances and Disease Registry	76,024	76,024	.....
Council on Environmental Quality and Office of Environmental Quality ..	2,717	2,717	.....
Chemical Safety and Hazard Investigation Board	9,200	9,200	.....
Office of Navajo and Hopi Indian Relocation	8,601	8,601	.....
Institute of American Indian and Alaska Native Culture and Arts Development	6,300	6,300	.....
Smithsonian Institution	615,035	624,135	+ 9,100
National Gallery of Art	113,300	111,600	– 1,700
John F. Kennedy Center for the Performing Arts	33,000	33,000	.....
Woodrow Wilson International Center for Scholars	9,201	9,201	.....
National Endowment for the Arts	121,264	126,264	+ 5,000
National Endowment for the Humanities	138,054	143,054	+ 5,000
Commission of Fine Arts	1,893	1,893	.....
National Capital Arts and Cultural Affairs	7,000	7,492	+ 492
Advisory Council on Historic Preservation	4,988	4,943	– 45
National Capital Planning Commission	8,344	8,244	– 100
United States Holocaust Memorial Museum	43,233	43,233	.....
Presidio Trust	20,000	19,722	– 278
White House Commission on the National Moment of Remembrance	250	250	.....
Total, Title III—Related Agencies	8,411,659	8,506,895	+ 95,236

[In thousands of dollars]

	Budget estimate	Committee recommendation	Committee recommendation compared with budget estimate
GRAND TOTAL	25,724,328	26,266,625	+ 542,297

LAND AND WATER CONSERVATION FUND

The following table displays appropriations for the Land and Water Conservation Fund.

Agency/Program	Fiscal year		House recommendation	Committee recommendation
	2005 enacted	2006 estimate ¹		
Federal Land Acquisition:				
Bureau of Land Management	\$11,192,000	\$13,350,000	\$3,817,000	\$12,250,000
U.S. Fish and Wildlife Service	37,005,000	40,992,000	14,937,000	40,827,000
National Park Service	55,134,000	52,880,000	7,834,000	56,005,000
Forest Service	61,007,000	40,000,000	15,000,000	44,925,000
Departmental Management (appraisal services) ²			[7,441,000]	7,441,000
Subtotal, Federal Land Acquisition	164,338,000	147,222,000	41,588,000	161,448,000
National Park Service, State Assistance	91,215,000	1,587,000	1,587,000	30,000,000
Landowner Incentive Program	21,694,000	40,000,000	23,700,000	25,000,000
Private Stewardship Grants	6,903,000	10,000,000	7,386,000	7,500,000
State and Tribal Wildlife Grants	69,028,000	74,000,000	65,000,000	72,000,000
Cooperative Endangered Species Conservation Fund ³	48,698,000	45,653,000	50,053,000	45,653,000
Forest Legacy	57,134,000	80,000,000	25,000,000	62,632,000
Total, Land and Water Conservation Fund	459,010,000	398,492,000	214,314,000	404,233,000

¹ 2006 estimate reflects only activities for which funds were derived from the LWCF in fiscal year 2005.

² Funded in bureau land acquisition accounts in fiscal year 2005 and prior years.

³ CESCO data only reflects funding for HCP land acquisition.

REPROGRAMMING GUIDELINES

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

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

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

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

priation year would result in actual loss or damage. Mere convenience or desire should not be factors for consideration.

(b) Any project or activity, which may be deferred through reprogramming, shall not later be accomplished by means of further reprogramming; but, instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(c) Reprogramming should not be employed to initiate new programs or to change allocations specifically denied, limited or increased by the Congress in the Act or the report. In cases where unforeseen events or conditions are deemed to require changes, proposals shall be submitted in advance to the Committee, regardless of amounts involved, and be fully explained and justified.

(d) Reprogramming proposals submitted to the Committee for approval shall be considered approved 30 calendar days after receipt if the Committee has posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

(e) Proposed changes to estimated working capital fund bills and estimated overhead charges, deductions, reserves or holdbacks, as such estimates were presented in annual budget justifications, shall be submitted through the reprogramming process.

3. *Criteria and Exceptions.*—Any proposed reprogramming must be submitted to the Committee in writing prior to implementation if it exceeds \$500,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exceptions:

(a) With regard to the tribal priority allocations activity of the Bureau of Indian Affairs, Operations of Indian Programs account, there is no restriction on reprogrammings among the programs within this activity. However, the Bureau shall report on all reprogrammings made during the first 6 months of the fiscal year by no later than May 1 of each year, and shall provide a final report of all reprogrammings for the previous fiscal year by no later than November 1 of each year.

(b) With regard to the Environmental Protection Agency, State and Tribal Assistance Grants account, reprogramming requests associated with States and Tribes applying for partnership grants do not need to be submitted to the Committee for approval should such grants exceed the normal reprogramming limitations. In addition, the Agency need not submit a request to move funds between wastewater and drinking water objectives for those grants targeted to specific communities.

4. *Quarterly Reports.*—(a) All reprogrammings shall be reported to the Committee quarterly and shall include cumulative totals.

(b) Any significant shifts of funding among object classifications also should be reported to the Committee.

5. *Administrative Overhead Accounts.*—For all appropriations where costs of overhead administrative expenses are funded in part from “assessments” of various budget activities within an appropriation, the assessments shall be shown in justifications under the discussion of administrative expenses.

6. *Contingency Accounts.*—For all appropriations where assessments are made against various budget activities or allocations for

contingencies the Committee expects a full explanation, as part of the budget justification, consistent with section 405 of this Act. The explanation shall show the amount of the assessment, the activities assessed, and the purpose of the fund. The Committee expects reports each year detailing the use of these funds. In no case shall a fund be used to finance projects and activities disapproved or limited by Congress or to finance new permanent positions or to finance programs or activities that could be foreseen and included in the normal budget review process. Contingency funds shall not be used to initiate new programs.

7. *Report Language.*—Any limitation, directive, or earmarking contained in either the House or Senate report which is not contradicted by the other report nor specifically denied in the conference report shall be considered as having been approved by both Houses of Congress.

8. *Assessments.*—No assessments shall be levied against any program, budget activity, subactivity, or project funded by the Interior, Environment, and Related Agencies Appropriations Act unless such assessments and the basis therefore are presented to the Committees on Appropriations and are approved by such Committees, in compliance with these procedures.

9. *Land Acquisitions and Forest Legacy.*—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations and declarations of taking, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

10. *Land Exchanges.*—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than \$500,000, shall not be consummated until the Committees on Appropriations have had a 30-day period in which to examine the proposed exchange.

11. *Appropriations Structure.*—The appropriation structure for any agency shall not be altered without advance approval of the House and Senate Committees on Appropriations.

ABANDONED MINE RECLAMATION FUND

(Definite, Trust Fund)

Appropriations, 2005	\$188,205,000
Budget estimate, 2006	246,014,000
House allowance	188,014,000
Committee recommendation	188,014,000

The Committee recommends \$188,014,000 for the abandoned mine reclamation fund, which is \$191,000 below the enacted level, and equal to both the budget request and the House recommendation. A comparison of the Committee recommendation and the budget estimate is as follows:

	Budget estimate	Committee recommendation	Change
Environmental restoration	\$170,112,000	\$170,112,000	.....
Legislative proposal	58,000,000	.....	— \$58,000,000
Technology development and transfer	3,922,000	3,922,000	.....
Financial management	6,234,000	6,234,000	.....
Executive direction	7,746,000	7,746,000	.....
Total	246,014,000	188,014,000	— 58,000,000

In the absence of legislation extending the collection of fees under the Surface Mining Control and Reclamation Act [SMCRA], the Committee has not provided funds for the administration’s proposal to provide additional funds to pay down the State share balances in the AML fund of certified States.

Bill Language.—As in prior years, the bill includes language related to the conduct of the abandoned mine land program. The Committee also has recommended language which would fund minimum program State grants at \$1,500,000 per State, as well as language which provides \$10,000,000 to be used for projects in the Appalachian clean streams initiative.

The Committee also has included language specific to the State of Maryland authorizing the State to set aside for acid mine drainage abatement the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, subject to specific provisions identified in the bill language.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

The Bureau of Indian Affairs was founded in 1824 to uphold a government-to-government relationship between the Federal Government and tribal entities. The Federal Government retained trust responsibility for individual Indians and Tribes as a result of formal treaties and agreements with Native Americans.

The Bureau provides services directly or through contracts, grants, or compacts to a population of 1.5 million American Indians and Alaska Natives who are members of 562 federally recognized Indian Tribes in the lower 48 States and Alaska. Programs administered by the BIA and Tribes include an education system for almost 48,000 elementary and secondary students; 28 tribal colleges,

universities and post-secondary schools; social services; natural resource management on 56 million acres of trust land; economic development; law enforcement; administration of tribal courts; implementation of land and water claim settlements; replacement and repair of schools; repair and maintenance of roads and bridges; and repair of structural deficiencies on high hazard dams.

Approximately 40 percent of the BIA budget is used for Tribal Priority Allocations funding basic tribal services such as social services, adult vocational training, child welfare, natural resources management and contract support; 30 percent supports Native American education programs; 11 percent is dedicated to BIA Administration; and 19 percent supports Other Reservation Programs.

OPERATION OF INDIAN PROGRAMS

Appropriations, 2005	\$1,926,091,000
Budget estimate, 2006	1,924,230,000
House allowance	1,992,737,000
Committee recommendation	1,971,132,000

The Committee recommends \$1,971,132,000 for the operation of Indian programs, an increase of \$45,041,000 over the fiscal year 2005 enacted level, an increase of \$46,902,000 over the budget request, and \$21,605,000 below the House recommendation. The following table provides a comparison of the budget estimate and Committee recommendations in the major programmatic areas:

	Budget estimate	Committee recommendation	Change
TRIBAL BUDGET SYSTEM			
Tribal Priority Allocations	\$760,149,000	\$775,407,000	+ \$15,258,000
Other Recurring Programs	602,301,000	621,295,000	+ 18,994,000
Non-Recurring Programs	65,325,000	70,475,000	+ 5,150,000
Total, Tribal Budget System	1,427,775,000	1,467,177,000	+ 39,402,000
BIA OPERATIONS			
Central Office Operations	151,534,000	151,534,000	.....
Regional Office Operations	41,590,000	41,590,000	.....
Special Programs and Pooled Overhead	303,331,000	310,831,000	+ 7,500,000
Total, BIA Operations	496,455,000	503,955,000	+ 7,500,000
Total, Operation of Indian Programs	1,924,230,000	1,971,132,000	+ 46,902,000

Additional details on the funding for the Bureau's Activities are provided in a table in the back of this report.

The BIA has proposed a new budget structure for fiscal year 2006. While the aim of the restructuring is reportedly to align similar programs, concern has been raised that the new structure is less transparent, particularly when tracking Tribal Priority Allocations. Furthermore, the Committee is unhappy with the level of consultation with tribes prior to the circulation of the new budget proposal. If the Bureau wishes to propose this restructuring again in fiscal year 2007 the Committee expects a higher level of consultation with tribes and will not adopt the change without their strong support.

Tribal Priority Allocation.—The Committee recommends \$775,407,000 for tribal priority allocations [TPA], an increase of \$15,258,000 above the budget request and \$5,864,000 above the fiscal year 2005 enacted level. Increases above the budget request include an additional \$8,838,000 for Johnson-O'Malley grants, and \$6,420,000 for welfare assistance.

The Committee is concerned with the Bureau's proposed bill language and subsequent change to the allocation of Contract Support Costs that would split \$5,000,000 into a separate account for Direct Contract Support Costs. Numerous tribes have expressed concern that this proposal would reduce flexibility in allocating funds to meet current contract costs. The Committee is concerned that tribes weren't given adequate notice of this change and tribes have expressed frustration in the Bureau's unwillingness to consider other options. The Bureau is expected to work with tribes to develop an updated policy on the payment of Contract Support Costs that is widely accepted amongst the tribal community and includes additional funding for Direct Costs rather than allocating them from within an already anemic budget allocation for Indirect Contract Support Costs.

Other Recurring Programs.—The Committee recommends \$621,295,000 for other recurring programs, an increase of \$8,376,000 above the fiscal year 2005 enacted level and \$18,994,000 above the budget estimate. Changes to the budget estimate include: increases of \$12,500,000 for operating grants and \$500,000 for technical assistance to support Tribally Controlled Community Colleges; \$210,000 for fish hatchery maintenance; and \$5,784,000 for the following Tribal Management/Development programs: the Alaska Sea Otter Commission (\$98,000), the Wetlands/Waterfowl Management program (\$600,000), the Upper Columbia United Tribes (\$320,000), the Bering Sea Fishermen's Association (\$790,000), the bison program (\$3,000,000), Lake Roosevelt Management (\$630,000), and the Chugach Regional Resources Commission (\$346,000).

Millions of dollars have been invested by the Federal Government over the past 40 years to build a nationwide system of Bureau of Indian Affairs fish hatcheries to help meet trust and treaty obligations to the tribes. The Committee is concerned that past Federal infrastructure investment is not being properly maintained. Further, new operating requirements under the Federal Endangered Species Act are placing increasing demands upon these hatcheries. The managers direct the Bureau of Indian Affairs to provide the Committee a comprehensive report identifying all hatcheries by region, examining the hatcheries' value to local recovery efforts, and identifying unmet needs and cost for maintenance and rehabilitation. The report is expected to be delivered to the Committee on Appropriations by February 1, 2006. The Bureau is also requested to propose a fiscal year 2007 budget initiative to address the inadequate maintenance and rehabilitation plans for Bureau and tribal hatcheries.

Non-Recurring Programs.—The Committee recommends \$70,475,000 for non-recurring programs, a decrease of \$5,510,000 below the fiscal year 2005 enacted level, and an increase of \$5,150,000 above the budget estimate. Increases above the budget

estimate include \$500,000 for continuation of the Rocky Mountain Technology Foundation’s Native American Patient Advocate Program, \$750,000 for the rural Alaska fire program, \$1,500,000 for the Information Technology Resource Facility at Salish and Kootenai Tribal College, \$400,000 for the Alaska Legal Services program, and \$2,000,000 to restore the administration’s reduction to the Water Management and Planning program. Within funds provided for Water Management and Planning, \$200,000 is for the Operation, Maintenance and Repair of the Fort Peck Reservation Tribal Water System.

Central Office Operations.—The Committee recommends \$151,534,000 for central office operations, an increase of \$11,513,000 above the fiscal year 2005 enacted level and equal to the budget request.

Regional Office Operations.—The Committee recommends \$41,590,000 for regional office operations, an increase of \$228,000 over the fiscal year 2005 enacted level and fully commensurate with the budget estimate.

Special Programs/Pooled Overhead.—The Committee recommends \$310,831,000 for special programs/pooled overhead, an increase of \$24,570,000 above the fiscal year 2005 enacted level and \$7,500,000 above the budget estimate. Increases above the budget estimate include the following: \$3,500,000 for the United Tribes Technical College, \$450,000 for the United Sioux Tribes Development Corporation, \$1,800,000 for the Crownpoint Institute of Technology, \$1,250,000 for the Western Heritage Center’s Distance Learning and tribal histories project, \$400,000 for the Lakota Water Economic Development Expansion, and \$100,000 for the Rocky Mountain Tribal Educational Symposia proposed by the Montana-Wyoming Tribal Leaders Council. The Bureau is expected to work with the Council to support and enhance their vision to provide a continuing education program for tribal leaders. The Committee applauds the Council’s desire to strengthen the ties between tribes in the region to work together furthering economic development and addressing social conditions impacting their members.

The Committee notes and fully supports the increases of \$12,202,000 for law enforcement activities, and \$1,163,000 for post-secondary schools and education scholarships.

The Committee expects the Secretary to report to Congress within 60 days of the enactment of this Act on the status of all ongoing litigation, negotiations, and settlements with the Samish Indian Nation regarding funding for services and programs offered to tribal members. The report should contain a synopsis of all past and ongoing litigation and court decisions, and a detailed outline of payments and contracts disputed by the tribe.

CONSTRUCTION

Appropriations, 2005	\$319,129,000
Budget estimate, 2006	232,137,000
House allowance	284,137,000
Committee recommendation	267,137,000

The Committee recommends \$267,137,000 for construction, which is \$35,000,000 over the budget request. The Committee re-

luctantly notes this amount is significantly below the enacted level. While Indian school construction and replacement remains a high priority, at the time of the preparation of this report the school replacement construction account held approximately \$200,000,000 in unobligated balances.

The Committee is disturbed by the decrease in funding for school replacement, but compelling needs in other Native American programs prevent the Committee from fully replacing the budget request's reduction to this account.

Additions to the budget request include \$15,000,000 for Replacement School Construction, \$10,000,000 for Education Facilities Improvement and Repair and \$10,000,000 for Indian Irrigation Rehabilitation under Resources Management Construction.

The addition of \$10,000,000 for Indian Irrigation Rehabilitation is separate from the Navajo Indian Irrigation Project, which retains its own construction budget of \$12,773,000. Within the funds provided for Indian Irrigation Rehabilitation, a number of Bureau and tribal projects are in desperate need of immediate attention to continue delivering water to users. The Bureau is expected to consult with the Committee prior to obligating funds and is expected to address projects with the greatest need of rehabilitation. Construction of new projects or expansion of existing projects is secondary to the rehabilitation, reconstruction, and necessary upgrade of current irrigation systems. Specific projects to be addressed under these guidelines, and to be addressed in the Bureau's proposal for the obligation of these funds are; the Fort Yates Unit of the Standing Rock Sioux Project, the Blackfeet Irrigation Project, the Crow Irrigation project, the Fort Belknap Irrigation Project, the Fort Peck Irrigation Project, and the Wind River Irrigation Project rehabilitation.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Appropriations, 2005	\$44,150,000
Budget estimate, 2006	24,754,000
House allowance	34,754,000
Committee recommendation	24,754,000

The Committee recommends \$24,754,000 for Indian land and water claims settlements and miscellaneous payments to Indians, which is a decrease of \$19,396,000 below the fiscal year 2005 enacted level, the same as the budget request, and \$10,000,000 below the House recommended funding level. Funding is provided as follows:

	Budget estimate	Committee recommendation	Change
White Earth Land Settlement Act (Admin)	\$634,000	\$634,000	.....
Hoopa-Yurok settlement fund	254,000	254,000	.....
Pyramid Lake water rights settlement	144,000	144,000	.....
Colorado Ute Settlement	8,111,000	8,111,000	.....
Cherokee, Choctaw, and Chickasaw settlement	10,167,000	10,167,000	.....
Zuni Water Settlement	5,444,000	5,444,000	.....
Total, Miscellaneous Payments to Indians	24,754,000	24,754,000	.....

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Appropriations, 2005	\$6,332,000
Budget estimate, 2006	6,348,000
House allowance	6,348,000
Committee recommendation	6,348,000

The Committee recommends \$6,348,000 for the Indian guaranteed loan program, an increase of \$16,000 over the fiscal year 2005 enacted level and the same as the budget request and the House recommended funding level.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

The Office of Insular Affairs [OIA] was established on August 4, 1995 through Secretarial Order No. 3191, which also abolished the former Office of Territorial and International Affairs. OIA has administrative responsibility for coordinating Federal policy in the territories of American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and oversight of Federal programs and funds in the freely associated states of the Federated States of Micronesia [FSM], the Republic of the Marshall Islands [RMI], and the Republic of Palau.

Following the expiration of the first Compact of Free Association in 2003, a new Compact of Free Association was negotiated between the United States and the states of FSM and RMI. Under the Compact, the status of free association recognizes each Freely Associated State as a sovereign state with the capacity to conduct foreign affairs consistent with the terms of the Compact. The Compact places full responsibility for defense with the United States. The Compact also provides grant funds and Federal program assistance, principally through the Department of the Interior.

ASSISTANCE TO TERRITORIES

Appropriations, 2005	\$75,581,000
Budget estimate, 2006	74,263,000
House allowance	76,563,000
Committee recommendation	76,683,000

The Committee recommends an appropriation of \$76,683,000 which is \$1,102,000 above the enacted level, \$2,420,000 above the budget request, and \$120,000 above the House recommended funding level. The amounts recommended by the Committee compared to the budget estimate are shown in the following table:

	Budget estimate	Committee recommendation	Change
Territorial assistance:			
Office of Insular Affairs	\$6,881,000	\$6,881,000	.....
Technical assistance	8,561,000	10,981,000	+ \$2,420,000
Maintenance assistance fund	2,300,000	2,300,000	.....
Brown tree snake	2,700,000	2,700,000	.....
Insular management controls	1,491,000	1,491,000	.....
Coral reef initiative	500	500	.....
Waste and wastewater projects	1,000,000	1,000,000	.....
Subtotal, territorial assistance	23,433,000	25,853,000	+ 2,420,000

joint Interior and EPA report on these efforts should be provided to the Committee by September 29, 2006.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

The Committee has included in “General Provisions, Department of the Interior” various legislative provisions affecting the Department of the Interior. Several of these provisions have been carried in previous years and others are proposed new this year. The provisions are:

SEC. 101. Provides Secretarial authority to transfer program funds for expenditures in cases of emergency when all other emergency funds are exhausted.

SEC. 102. Provides for expenditure or transfer of funds by the Secretary in the event of actual or potential emergencies including forest fires, range fires, earthquakes, floods, volcanic eruptions, storms, oilspills, grasshopper and Mormon cricket outbreaks, and surface mine reclamation emergencies.

SEC. 103. Provides for use of appropriated funds for contracts, rental cars and aircraft, certain library memberships, and certain telephone expenses.

SECS. 104–106. Prohibit the use of funds provided in the act for certain offshore leasing and related activities pursuant to the revised 5-year plan for Outer Continental Shelf oil and gas leasing.

SEC. 107. Provides for the transfer of unobligated balances from the Bureau of Indian Affairs or the Office of Special Trustee for American Indians for expenditure or transfer for Indian trust management activities.

SEC. 108. Allows through fiscal year 2010 the hiring of administrative law judges to address the Indian probate backlog.

SEC. 109. Permits the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities.

SEC. 110. Continues a provision requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs.

SEC. 111. Continues a provision that land and other reimbursement the Secretary may receive in the conveyance of the Twin Cities Research Center may be used for the benefit of the National Wildlife Refuge System in Minnesota and for activities authorized by Public Law 104–134.

SEC. 112. Authorizes the Secretary of the Interior to use helicopters or motor vehicles to capture and transport horses and burros at the Sheldon and Hart National Wildlife Refuges.

SEC. 113. Allows certain funds provided for land acquisition to be granted to a State, a local government, or any other land management entity.

SEC. 114. Restricts the Secretary from entering into or implementing a contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 115. Continues a limitation on compensation for the Special Master and Court Monitor appointed in the *Cobell v. Norton* litigation.

SEC. 116. Allows the Secretary to use funds to pay private attorney fees and costs for employees and former employees of the Department for costs incurred as a result of *Cobell v. Norton*.

SEC. 117. Clarifies the effect of section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 regarding certain lands in the State of Kansas.

SEC. 118. Continues a prohibition on the use of funds to study or implement drainage of Lake Powell or reduce water levels below the range necessary to operate Glen Canyon Dam.

SEC. 119. Allows the National Indian Gaming Commission [NIGC] to collect \$12,000,000 in fees for fiscal year 2007. The NIGC should work with tribal governments on an ongoing basis and may use tribal advisory committees and negotiated rule-making with tribal governments in the development of regulatory policies, standards and definitions.

SEC. 120. Continues the Tribal Trust Reform Demonstration Project in fiscal year 2006, which will allow the continuation of a successful model between Tribes and the Department of the Interior with respect to compacting and management of trust resources.

SEC. 121. Modifies language in Public Law 108–108 with regard to grazing permits authorized by the Jarbidge field office of the Bureau of Land Management.

SEC. 122. Authorizes the acquisition of lands for the purpose of operating and maintaining facilities that support visitors to Ellis, Governors and Liberty Islands.

SEC. 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 force and effect for the winter season of 2005–2006.

SEC. 124. Requires the Secretary of the Interior to obtain the approval of the governing body of an Indian tribe before closing or taking any other action relating to a school of the tribe.

SEC. 125. Allows the Secretary of the Interior to collect and retain parking fees at the U.S.S. *Arizona* Memorial.

SEC. 126. Extends authority of the Kalaupapa National Historic Park Advisory Commission.

SEC. 127. Extends the authority of the Secretary of the Interior to collect fees pursuant to the Surface Mining Control and Reclamation Act until June 30, 2006.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES
 SUBSISTENCE MANAGEMENT, FOREST SERVICE

Appropriations, 2005	\$5,879,000
Budget estimate, 2006	5,467,000
House allowance	5,467,000
Committee recommendation	5,067,000

The Committee recommends \$5,067,000 for subsistence management of forest lands in the State of Alaska, which is a decrease of \$812,000 from the enacted level and \$400,000 below the budget request and the House recommendation.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The Committee has continued many of the same administrative provisions as provided in prior years.

Language is included which authorizes the Forest Service to provide funds to the National Forest Foundation to match up to \$3,300,000 in private contributions on a 1-for-1 basis for projects on National Forest System lands or related to Forest Service programs. The Committee has authorized up to \$350,000 of Federal funds to be used for administrative expenses of the Foundation.

Language is included which provides funds for the National Fish and Wildlife Foundation in the amount of \$2,650,000 on a 1-for-1 matching basis with private contributions for projects on or benefiting National Forest System lands.

Language is included which allows the Forest Service to transfer appropriated funds to the Bureau of Land Management from the National Forest System account for work related to the management of wild horses and burros. The amount of funds transferred with this authority should be displayed in subsequent budget justifications.

The Committee notes the Defense Department closing of the Roosevelt School in Puerto Rico, and has included language to provide for the use of funds by the Forest Service for expenses associated with primary and secondary schooling for employees stationed in Puerto Rico prior to the date of this Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Appropriations, 2005	\$2,596,492,000
Budget estimate, 2006	2,732,298,000
House allowance	2,732,298,000
Committee recommendation	2,732,323,000

PROGRAM DESCRIPTION

The Indian Health Service [IHS] is the Agency within the Department of Health and Human Services that has responsibility for providing Federal health services to American Indians and Alaska Natives. The provision of health services to members of federally recognized tribes grew out of the special government-to-government relationship between the Federal Government and Indian tribes. This relationship, established in 1787, is based on Article I, Section

gram at the University of North Dakota, at no less than the current year enacted levels. The Committee remains supportive of the Service's work with the Joslin diabetes program and encourages the continuation of this collaborative effort in the coming fiscal year.

The Committee has included language in the bill to provide the Bureau of Indian Affairs with access to Indian Health Service records as necessary for the implementation of certain provisions of the Individuals with Disabilities Education Act. Specifically, the Act provides for the creation of a comprehensive system of coordinated services to ensure adequate health and human services for American Indian and Alaska Native children with disabilities, who are enrolled in Bureau-funded schools, and this provision provides a mechanism for identifying those children.

The Committee is pleased to receive an interim report from the Indian Health Service on the implementation of the Special Diabetes Program for Indians established in the Balanced Budget Act of 1997. Diabetes is a particularly serious chronic disease that disproportionately affects American Indians and Alaska Natives. This program will provide over \$1,100,000,000 for prevention and treatment programs over 10-year period. The interim report provides valuable information on the extent of this serious disease, best practice models that have been developed to prevent and treat diabetes, and on the utilization of these funds to provide actual services to native peoples. This knowledge will help build a stronger, more effective program in future years.

INDIAN HEALTH FACILITIES

Appropriations, 2005	\$388,574,000
Budget estimate, 2006	315,668,000
House allowance	370,774,000
Committee recommendation	335,643,000

PROGRAM DESCRIPTION

Indian health services are provided in over 500 IHS and tribal health care facilities scattered throughout many States, mostly in rural and isolated areas. Total space is over 1.4 million square meters, of which the Government owns approximately 65 percent and the tribes 35 percent. The IHS health facilities account provides funds for the maintenance and improvement, sanitation, health facilities construction, equipment, and environmental health support programs operated by the Service.

COMMITTEE RECOMMENDATION

The Committee recommends \$335,643,000 for Indian health facilities, a decrease of \$52,931,000 from the fiscal year 2005 enacted level, an increase of \$19,975,000 above the budget request, and a decrease of \$35,131,000 below the House allowance. Changes to the budget request include increases of \$975,000 for maintenance and improvement, and \$2,000,000 for facilities and environmental health support. This last amount is provided to assist the Service, through its headquarters operations, in addressing inherently Federal functions such as new real property asset management requirements. A proposed increase of \$17,000,000 for health facilities

construction will provide a total amount of \$20,326,000 for these activities, to be distributed as follows:

Project	Budget request	Committee recommendation
Fort Belknap, MT staff quarters	\$3,326,000	\$3,326,000
Phoenix Indian Medical Center, AZ .....	.....	8,000,000
Barrow Hospital, AK .....	.....	5,000,000
Nome Hospital, AK .....	.....	3,000,000
Mobile dental units .....	.....	1,000,000
Total	3,326,000	20,326,000

The Committee understands that funds provided for the Fort Belknap staff quarters will complete this construction project. The amount provided to the Phoenix Indian Medical Center is to be used to start construction of the SW ambulatory care clinic. Funds for the Barrow hospital are provided to complete design of the facility and begin construction. The amount specified for the Nome hospital will be used to continue planning and design of the facility. In conjunction with this project, the Committee has included language in the bill authorizing the Service to construct a facility on land owned by the Norton Sound Health Corporation.

As in previous years, the Committee urges the Service that funding for construction of a new drinking water system for the Shoshone-Bannock Tribes of the Fort Hall Reservation in Idaho should continue at the highest level possible within the current IHS priority list for the sanitation facilities construction program.

Both the budget request and the Committee recommendation for health facilities construction for fiscal year 2006 contain substantially lower funding levels than amounts provided in previous years. The administration has proposed a pause in construction while attempting to bolster health services funding to more adequately reflect the level of need throughout Indian country. In large part, the Committee concurs with this temporary arrangement, particularly since the Service, in consultation with the tribes, is still in the midst of revising its construction priority system. The Committee understands that this situation is temporary and, therefore, expects to see a more aggressive construction schedule planned in future budget requests. In the meantime, the Committee strongly urges the Service to complete its revisions and issue a new policy for construction priorities that better accommodates tribal needs. The Committee notes that the Service has been studying this issue at length for several years and, therefore, should be in a position to complete its work in the very near future.

The Committee is aware that Public Law 108-437, the "Three Affiliated Tribes Health Facility Compensation Act," was enacted on December 3, 2004. As stated in the congressional findings of that Act, the United States made a commitment in 1949 to replace vital infrastructure on the Fort Berthold Indian Reservation. That infrastructure was lost as a result of flooding associated with the construction of the Garrison Dam and Reservoir. While the Committee wishes to reiterate this 56-year-old commitment, it also recognizes that funding for construction of Indian Health Service facilities is currently limited to only those facilities already on the IHS construction priority list, and that the facility authorized by

8 of the Constitution, and has been given form and substance by numerous treaties, laws, Supreme Court decisions, and Executive Orders.

The IHS currently provides health services to approximately 1.5 million American Indians and Alaska Natives who belong to more than 557 federally recognized tribes in 35 States. IHS services are provided directly and through tribally contracted and operated health programs. Health services also include health care purchased from more than 9,000 private providers annually. The Federal system consists of 36 hospitals, 61 health centers, 49 health stations, and 5 residential treatment centers. In addition, 34 urban Indian health projects provide a variety of health and referral services.

The IHS clinical staff consist of approximately 2,700 nurses, 900 physicians, 350 engineers, 450 pharmacists, 300 dentists, 150 sanitarians and 83 physician assistants. The IHS also employs various allied health professionals, such as nutritionists, health administrators, engineers, and medical records administrators.

Through Public Law 93-638 self-determination contracts, American Indian tribes and Alaska Native corporations administer 13 hospitals, 158 health centers, 28 residential treatment centers, 76 health stations, and 170 Alaska village clinics.

COMMITTEE RECOMMENDATION

The Committee recommends \$2,732,323,000 for Indian health services, an increase of \$135,831,000 above the fiscal year 2005 enacted level and \$25,000 above the budget request and the House allowance. The increase to the budget request is provided to increase base funding for the InMed program at the University of North Dakota to \$775,000. In agreement with the budget request, the Committee has recommended operational increases of \$29,301,000 for pay and benefits, \$30,850,000 for the staffing of new facilities, \$5,000,000 for contract support costs, \$31,498,000 for population growth and \$42,212,000 for medical inflation. It is the Committee's understanding that all programs funded within the services appropriation are assumed to be recurring unless specifically designated to the contrary. The Committee expects the Service to manage its loan repayment program in the same manner as it has previous years.

Language is retained in the bill designating \$15,000,000 for alcohol prevention and treatment work in Alaska, from which amounts are to be distributed among the program's participants as specified in the joint explanatory statement accompanying the fiscal 2005 conference report (House Rept. 108-792). The budget request proposed to eliminate the direction associated with these funds. Language is also retained in the bill in Title IV, General Provisions, continuing the demonstration program of the Cheyenne River Sioux Tribe in South Dakota, which provides bonus payments to health professionals. This provision, too, was proposed for elimination in the budget request. In agreement with the budget request, the Committee supports continued funding for the Alaska Federal Health Care Access Network, InPsych programs at the University of Montana and the University of North Dakota, as well as the Recruitment of American Indians into Nursing [RAIN] pro-

the Act is not on that list. The Committee does not wish to bypass the current priority list, since some of the projects on that list have been waiting a decade or more to be funded. However, the Committee does recognize the unique Federal responsibility for replacing the facility on the Fort Berthold Reservation and expects the Federal Government to fulfill its promise. The Committee therefore urges the administration to give this project full and fair consideration as the priority list is updated.

NATIONAL INSTITUTES OF HEALTH

The National Institute of Environmental Health Sciences, an agency within the National Institutes of Health, was authorized in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, to conduct multidisciplinary research and training activities associated with the Nation's Hazardous Substance Superfund program, and in section 126(g) of the Superfund Amendments and Reauthorizations Act of 1986, to conduct training and education of workers who are or may be engaged in activities related to hazardous waste removal or containment or emergency response.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Appropriations, 2005	\$79,842,000
Budget estimate, 2006	80,289,000
House allowance	80,289,000
Committee recommendation	80,289,000

The Committee recommends \$80,289,000 for the National Institute of Environmental Health Sciences, an increase of \$447,000 over the fiscal year 2005 enacted level and the same as the budget request and the House allowance.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

The Agency for Toxic Substances and Disease Registry [ATSDR], an agency of the Public Health Service, was created in section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. The ATSDR's primary mission is to conduct surveys and screening programs to determine relationships between exposure to toxic substances and illness. Other activities include the maintenance and annual update of a list of hazardous substances most commonly found at Superfund sites, the preparation of toxicological profiles on each such hazardous substance, consultations on health issues relating to exposure to hazardous or toxic substances, and the development and implementation of certain research activities related to ATSDR's mission.

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

Appropriations, 2005	\$76,041,000
Budget estimate, 2006	76,024,000
House allowance	76,024,000
Committee recommendation	76,024,000

The Committee recommends \$76,024,000 for the Agency for Toxic Substances and Disease Registry, which is a decrease of \$17,000

TITLE IV—GENERAL PROVISIONS

The Committee has recommended inclusion of several general provisions in the bill including the following:

SEC. 401. Provides that contracts which provide consulting services be a matter of public record and available for public review, except where otherwise provided by law.

SEC. 402. Provides that appropriations available in the bill shall not be used to produce literature or otherwise promote public support of a legislative proposal on which legislative action is not complete. The provision has been modified to make clear that it does not restrict authorized communications with Congress.

SEC. 403. Provides that appropriations made available in this bill will not remain available beyond the current fiscal year unless otherwise provided.

SEC. 404. Provides that appropriations made available in this bill cannot be used to provide a cook, chauffeur, or other personal servants.

SEC. 405. Refines language carried in prior years with regard to assessments for government-wide, departmental, agency, or bureau functions.

SEC. 406. Modifies language carried in prior years restricting the transfer of funds made available in this Act.

SEC. 407. Limits the actions of the Forest Service and the Bureau of Land Management with regard to the sale of giant sequoia trees to a manner consistent with such sales as were conducted in fiscal year 2005.

SEC. 408. Retains mining patent moratorium carried in previous years.

SEC. 409. Allows the National Endowment for the Arts and the National Endowment for the Humanities to raise funds and receive gifts, to deposit such in an interest-bearing account for the appropriate Endowment, and to use such to further the functions of the respective Endowments in accordance with the specified intent of the donors. The Committee proposes to make permanent this authority.

SEC. 410. Prohibits the use of appropriations to fund any activities associated with the issuance of the 5-year program under the Forest and Rangeland Renewable Resources Planning Act. Strategic planning activities carried out for that act should now be completed as part of the agency's compliance with the Government Performance and Results Act, Public Law 103-62.

SEC. 411. The Committee has provided additional authorities for the Forest Service that will allow a broader array of activities to be paid for with Knutson-Vandenberg [KV] funds. Additional activities that can be funded through KV include watershed restoration, wildlife habitat improvement, control of insects, disease and noxious weeds, community protection activities such as fuels reduc-

tion, and the maintenance of forest roads. The Committee believes that the critical forest health problems facing the Nation's forests warrant providing these new authorities so that additional funds may be used to address this critical issue.

SEC. 412. Provides additional authority to use the roads and trails funds for priority forest health related management. The Committee recognizes that there is a serious backlog in important road, trail and bridge work throughout the national forest system just as there is a serious backlog in needed management related to forest health.

SEC. 413. Restricts the use of answering machines during business hours.

SEC. 414. Addresses timber sales involving Alaska western red cedar. Mills which process western red cedar in the Pacific Northwest have an insufficient supply of western red cedar, and the national forest in southeast Alaska sometimes has a surplus. This provision continues a program by which Alaska's surplus western red cedar is made available preferentially to U.S. domestic mills outside Alaska, prior to export abroad.

SEC. 415. Continues a provision providing that the Secretary of Agriculture shall not be considered in violation of certain provisions of the Forest and Rangeland Renewable Resources Planning Act solely because more than 15 years have passed without revision of a forest plan, provided that the Secretary is working in good faith to complete the plan revision within available funds.

SEC. 416. Prohibits oil, natural gas and mining related activities within current national monument boundaries, except where such activities are allowed under the presidential proclamation establishing the monument.

SEC. 417. Provides the Secretary of Agriculture and the Secretary of the Interior the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters. The May 19 Statement of Administration Policy on the House bill objected to this provision "to the extent that it would infringe on the President's constitutional authority over negotiations with foreign states." The Committee has no desire to infringe on the President's authority in this arena, but is simply including the exact language contained in the budget request that enables agencies involved in wildland firefighting to engage in valuable firefighter exchange programs. The Committee would welcome the opportunity to review alternate language that would both fulfill the objectives of the exchange program and address the constitutional concerns raised by the Administration.

SEC. 418. Allows the Eagle Butte Service Unit of the Indian Health Service to utilize health care funding in a more efficient manner.

SEC. 419. Allows the Secretary of Agriculture and the Secretary of the Interior to consider local contractors when awarding contracts for certain activities on public lands.

SEC. 420. Restricts funding appropriated for acquisition of land or interests in land from being used for declarations of taking or complaints in condemnation.

SEC. 421. Continues, with certain modifications, language included in the fiscal year 2005 Act which controls the amount of funds available for the conduct of competitive sourcing studies.

SEC. 422. Restricts the use of funds for SAFECOM and Disaster Management.

SEC. 423. Requires that contact centers associated with the national recreation reservation service be located within the United States.

SEC. 424. Extends for 1 year a pilot program to enhance Forest Service administration of rights-of-way.

SEC. 425. Extends by 1 year the Forest Service's ability to enter into certain cooperative agreements with third parties that are of mutually significant benefit.

SEC. 426. Amends section 5 of the Arts and Artifacts Indemnity Act to raise the Federal indemnity ceilings on individual exhibitions from \$600,000,000 to \$1,200,000,000, and in the aggregate from \$8,000,000,000 to \$10,000,000,000.

SEC. 427. Allows the Eastern Nevada Landscape Coalition to enter into agreements with the Department of the Interior and the Department of Agriculture.

SEC. 428. Provides for the conduct of fire preparedness, suppression, and emergency rehabilitation services in the Valles Caldera National Preserve.

§ 974. Indemnity limits

(a) * * *

(b) Maximum limits of coverage

The aggregate of loss or damage covered by indemnity agreements made under this chapter shall not exceed **[\$8,000,000,000]** \$10,000,000,000 at any one time.

(c) Limit for single exhibition

No indemnity agreement for a single exhibition shall cover loss or damage in excess of **[\$600,000,000]** \$1,200,000,000.

* * * * *

TITLE 25—INDIANS

* * * * *

CHAPTER 22—BUREAU OF INDIAN AFFAIRS PROGRAMS

* * * * *

§ 2001. Accreditation for the basic education of Indian children in Bureau of Indian Affairs schools

(a) Purpose; declarations of purpose

* * * * *

(d) Closure or consolidation of schools

(1) In general Except as specifically required by law—

* * * * *

[(7) Tribal governing body approval required for certain actions The Secretary may, with the approval of the tribal governing body, terminate, contract, transfer to any other authority, consolidate, or substantially curtail the operation or facilities of—

[(A) any Bureau-funded school that is operated on or after January 1, 1999;

[(B) any program of such a school that is operated on or after January 1, 1999; or

[(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.].]

(7) APPROVAL OF INDIAN TRIBES.—The Secretary shall not terminate, close, consolidate, contract, transfer to another authority, or take any other action relating to an elementary school or secondary school (or any program of such a school) of an Indian tribe without the approval of the governing body of any Indian tribe that would be affected by such an action.

* * * * *

TITLE 30—MINERAL LANDS AND MINING

* * * * *

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
FOR FISCAL YEAR 2006—Continued
[In thousands of dollars]

Item	2005 appropriation	Budget estimate	House allowance	Committee recommendation	Senate Committee recommendation compared with (+ or -)		
					2005 appropriation	Budget estimate	House allowance
Executive direction	7,421	7,746	7,746	7,746	+ 325		
Total, Abandoned Mine Reclamation Fund	188,205	246,014	188,014	188,014	- 191	- 58,000	
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	296,573	356,549	298,549	298,549	+ 1,976	- 58,000	
BUREAU OF INDIAN AFFAIRS							
Operation of Indian Programs							
Tribal Budget System							
Tribal Priority Allocations:							
Tribal government	389,183	394,558	394,558	394,558	+ 5,375		
Human services	147,387	141,561	149,481	147,981	+ 594	+ 6,420	- 1,500
Education	48,300	39,466	48,304	48,304	+ 4	+ 8,838	
Public safety and justice	1,222		1,162		- 1,222		- 1,162
Community development	40,412	40,789	40,789	40,789	+ 377		
Resources management	61,999	63,149	63,149	63,149	+ 1,150		
Trust services	56,115	56,038	56,038	56,038	- 77		
General administration	24,925	24,588	24,588	24,588	- 337		
Subtotal, Tribal Priority Allocations	769,543	760,149	778,069	775,407	+ 5,864	+ 15,258	- 2,662
Other Recurring Programs:							
Education:							
School operations:							
Forward-funded	449,721	454,725	478,085	454,725	+ 5,004		- 23,360
Other school operations	67,926	66,908	66,908	66,908	- 1,018		
Subtotal, School operations	517,647	521,633	544,993	521,633	+ 3,986		- 23,360

Continuing education	53,141	43,375	43,375	56,375	+ 3,234	+ 13,000	+ 13,000	
Subtotal, Education	570,788	565,008	588,368	578,008	+ 7,220	+ 13,000	- 10,360	
Resources management	42,131	37,293	47,969	43,287	+ 1,156	+ 5,994	- 4,682	
Subtotal, Other Recurring Programs	612,919	602,301	636,337	621,295	+ 8,376	+ 18,994	- 15,042	
Non-Recurring Programs:								
Community development	3,452	.....	.....	2,750	- 702	+ 2,750	+ 2,750
Resources management	36,225	32,348	34,714	34,348	- 1,877	+ 2,000	- 366	
Trust services	36,308	32,977	32,977	33,377	- 2,931	+ 400	+ 400	
Subtotal, Non-Recurring Programs	75,985	65,325	67,691	70,475	- 5,510	+ 5,150	+ 2,784	
Total, Tribal Budget System	1,458,447	1,427,775	1,482,097	1,467,177	+ 8,730	+ 39,402	- 14,920	
BIA Operations								
Central Office Operations:								
Tribal government	2,248	2,288	2,288	2,288	+ 40	.....	.....
Human services	887	912	912	912	+ 25	.....	.....
Community development .....	.....	500	500	500	+ 500	.....	.....
Resources management	3,416	3,044	3,044	3,044	- 372	.....	.....
Trust services	19,071	27,169	27,169	27,169	+ 8,098	.....	.....
General administration:								
Education program management	2,348	2,411	2,411	2,411	+ 63	.....	.....
Personnel services	5,863	8,378	8,378	8,378	+ 2,515	.....	.....
Other general administration	106,188	106,832	106,832	106,832	+ 644	.....	.....
Subtotal, General administration	114,399	117,621	117,621	117,621	+ 3,222	.....	.....
Subtotal, Central Office Operations	140,021	151,534	151,534	151,534	+ 11,513	.....	.....
Regional Office Operations:								
Tribal government	1,095	1,323	1,323	1,323	+ 228	.....	.....
Human services	3,038	3,019	3,019	3,019	- 19	.....	.....
Community development	778	966	966	966	+ 188	.....	.....
Resources management	5,319	5,403	5,403	5,403	+ 84	.....	.....
Trust services	24,049	27,376	27,376	27,376	+ 3,327	.....	.....
General administration	7,083	3,503	3,503	3,503	- 3,580	.....	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
FOR FISCAL YEAR 2006—Continued
[In thousands of dollars]

Item	2005 appropriation	House allowance		Committee recommendation	Senate Committee recommendation compared with (+ or -)		
		Budget estimate	House allowance		2005 appropriation	Budget estimate	House allowance
Subtotal, Regional Office Operations	41,362	41,590	41,590	41,590	+ 228	.....
Special Programs and Pooled Overhead:							
Education	16,336	17,499	17,499	17,499	+ 1,163	.....
Public safety and justice	180,063	192,265	200,765	192,265	+ 12,202	- 8,500	
Community development	8,102	.....	5,685	7,500	- 602	+ 1,815
Resources management	1,269	1,269	1,269	1,269	.....	.....
General administration	80,491	92,298	92,298	92,298	+ 11,807	.....
Subtotal, Special Programs and Pooled Overhead	286,261	303,331	317,516	310,831	+ 24,570	- 6,685	
Total, BIA Operations	467,644	496,455	510,640	503,955	+ 36,311	- 6,685	
Total, Operation of Indian Programs	1,926,091	1,924,230	1,992,737	1,971,132	+ 45,041	- 21,605	
BIA SPLITS							
Natural resources	(150,359)	(142,506)	(155,548)	(150,500)	(+ 141)	(- 5,048)	
Forward-funding	(449,721)	(454,725)	(478,085)	(454,725)	(+ 5,004)	(- 23,360)	
Education	(188,051)	(169,659)	(178,497)	(191,497)	(+ 3,446)	(+ 13,000)	
Community development	(1,137,960)	(1,157,340)	(1,180,607)	(1,174,410)	(+ 36,450)	(- 6,197)	
Total, BIA splits	(1,926,091)	(1,924,230)	(1,992,737)	(1,971,132)	(+ 45,041)	(- 21,605)	
Construction							
Education	263,372	173,875	225,875	198,875	- 64,497	- 27,000	
Public safety and justice	7,381	11,777	11,777	11,777	+ 4,396	.....
Resources management	40,289	38,272	38,272	48,272	+ 7,983	+ 10,000	
General administration	2,126	2,136	2,136	2,136	+ 10	.....
Construction management	5,961	6,077	6,077	6,077	+ 116	.....

Total, Construction	319,129	232,137	284,137	267,137	-51,992	+35,000	-17,000
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians							
Cherokee, Choctaw, and Chickasaw settlement	9,833	10,167	10,167	10,167	+334		
Colorado Ute Settlement	7,889	8,111	8,111	8,111	+222		
Cuba Lake Settlement	1,726				-1,726		
Hoopa-Yurok settlement fund	247	254	254	254	+7		
Pyramid Lake water rights settlement	140	144	144	144	+4		
Quinault Settlement	9,893	10,000	10,000		-9,893		-10,000
White Earth Land Settlement Act (Admin)	616	634	634	634	+18		
Zuni Water Settlement	13,806	5,444	5,444	5,444	-8,362		
Total, Miscellaneous Payments to Indians	44,150	24,754	34,754	24,754	-19,396		-10,000
Indian Guaranteed Loan Program Account							
Indian guaranteed loan program account	6,332	6,348	6,348	6,348	+16		
TOTAL, BUREAU OF INDIAN AFFAIRS	2,295,702	2,187,469	2,317,976	2,269,371	-26,331	+81,902	-48,605
DEPARTMENTAL OFFICES							
Insular Affairs							
Assistance to Territories							
Territorial Assistance:							
Office of Insular Affairs	6,472	6,881	7,381	6,881	+409		-500
Technical assistance	11,716	8,561	10,361	10,981	-735	+2,420	+620
Maintenance assistance fund	2,268	2,300	2,300	2,300	+32		
Brown tree snake	2,663	2,700	2,700	2,700	+37		
Insular management controls	1,470	1,491	1,491	1,491	+21		
Coral reef initiative	493	500	500	500	+7		
Water and wastewater projects		1,000	1,000	1,000	+1,000		
Subtotal, Territorial Assistance	25,082	23,433	25,733	25,853	+771	+2,420	+120
American Samoa: Operations grants	22,779	23,110	23,110	23,110	+331		
Northern Marianas: Covenant grants	27,720	27,720	27,720	27,720			
Total, Assistance to Territories	75,581	74,263	76,563	76,683	+1,102	+2,420	+120

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2006—Continued

(In thousands of dollars)

Item	2005 appropriation	Budget estimate	House allowance	Committee recommendation	Senate Committee recommendation compared with (+ or -)		
					2005 appropriation	Budget estimate	House allowance
Emergency appropriations (Public Law 109-13)	24,390				-24,390		
Total, Capital Improvement and Maintenance	589,906	380,792	468,260	409,751	-180,155	+28,959	-58,509
Land Acquisition							
Forest Service:							
Acquisitions	45,722	25,000		30,925	-14,797	+5,925	+30,925
Acquisition management	12,820	13,000	13,000	12,500	-320	-500	-500
Cash equalization	986	500	500	500	-486		
Critical inholdings/wilderness protection	1,479	1,500	1,500	1,000	-479	-500	-500
Total, Land Acquisition	61,007	40,000	15,000	44,925	-16,082	+4,925	+29,925
Acquisition of lands for national forests, special acts	1,054	1,069	1,069	1,069	+15		
Acquisition of lands to complete land exchanges	231	234	234	234	+3		
Range betterment fund	3,021	2,963	2,963	2,963	-58		
Gifts, donations and bequests for forest and rangeland research	64	64	64	64			
Management of national forest lands for subsistence uses	5,879	5,467	5,467	5,067	-812	-400	-400
TOTAL, FOREST SERVICE	4,770,598	4,065,000	4,241,358	4,122,767	-647,831	+57,767	-118,591
DEPARTMENT OF HEALTH AND HUMAN SERVICES							
INDIAN HEALTH SERVICE							
Indian Health Services							
Clinical Services:							
IHS and tribal health delivery:	1,289,418	1,359,541	1,359,541	1,359,541	+70,123		
Hospital and health clinic programs							

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
 FOR FISCAL YEAR 2006—Continued
 [In thousands of dollars]

Item	2005 appropriation	Budget estimate	House allowance	Committee recommendation	Senate Committee recommendation compared with (+ or -)		
					2005 appropriation	Budget estimate	House allowance
Grants:							
National Endowment for the Humanities							
Grants and Administration							
Federal/State partnership	31,387	31,387	31,387	31,387			
Preservation and access	18,643	18,643	18,643	18,643			
Public programs	12,932	12,566	12,566	12,566	-366		
Research programs	12,881	12,881	12,881	12,881			
Education programs	12,449	12,449	12,449	12,449			
Program development	392	381	381	381	-11		
We The People Initiative grants	11,217	11,217	11,217	11,217			
Subtotal, Grants	99,901	99,524	99,524	99,524	-377		
Administrative Areas:							
Administration	22,255	23,081	23,081	23,081	+826		
General increase in House floor action			5,000	5,000	+5,000		
Total, Grants and Administration	122,156	122,605	127,605	127,605	+5,449	+5,000	
Treasury funds	5,607	5,449	5,449	5,449	-158		
Challenge grants	10,291	10,000	10,000	10,000	-291		
Total, Matching Grants	15,898	15,449	15,449	15,449	-449		
Total, Humanities	138,054	138,054	143,054	143,054	+5,000	+5,000	

	259,318	259,318	274,318	269,318	+ 10,000	+ 10,000	+ 10,000	- 5,000
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	259,318	259,318	274,318	269,318	+ 10,000	+ 10,000	+ 10,000	- 5,000
COMMISSION OF FINE ARTS								
Salaries and expenses	1,768	1,893	1,893	1,893	+ 125			
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS								
Grants	6,902	7,000	7,000	7,492	+ 590	+ 492	+ 492	
ADVISORY COUNCIL ON HISTORIC PRESERVATION								
Salaries and expenses	4,536	4,988	4,860	4,943	+ 407	- 45	+ 83	
NATIONAL CAPITAL PLANNING COMMISSION								
Salaries and expenses	7,888	8,344	8,177	8,244	+ 356	- 100	+ 67	
UNITED STATES HOLOCAUST MEMORIAL MUSEUM								
Holocaust Memorial Museum	40,858	43,233	41,880	43,233	+ 2,375		+ 1,353	
PRESIDIO TRUST								
Operations	19,722	20,000	20,000	19,722		- 278	- 278	
WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE								
Operations	248	250	250	250	+ 2			
TOTAL, TITLE III, RELATED AGENCIES	9,036,011	8,411,659	8,651,405	8,506,895	- 529,116	+ 95,236	- 144,510	
Appropriations	(8,940,145)	(8,411,659)	(8,651,405)	(8,506,895)	(- 433,250)	(+ 95,236)	(- 144,510)	
Emergency appropriations	(95,866)				(- 95,866)			
GRAND TOTAL, ALL TITLES	27,017,724	25,724,328	26,159,125	26,266,625	- 751,099	+ 542,297	+ 107,500	
TITLE I—DEPARTMENT OF THE INTERIOR								
Bureau of Land Management	1,816,910	1,759,042	1,755,115	1,788,310	- 28,600	+ 29,268	+ 33,195	
U.S. Fish and Wildlife Service	1,332,591	1,322,894	1,306,168	1,315,037	- 17,554	- 7,857	+ 8,869	
National Park Service	2,365,683	2,249,275	2,228,963	2,313,332	- 52,351	+ 64,057	+ 84,369	
United States Geological Survey	944,564	933,515	974,586	963,057	+ 18,493	+ 29,542	- 11,529	
Minerals Management Service	173,826	167,422	159,682	159,522	- 14,304	- 7,900	- 160	
Office of Surface Mining Reclamation and Enforcement	296,573	356,549	298,549	298,549	+ 1,976	- 58,000		
Bureau of Indian Affairs	2,295,702	2,187,469	2,317,976	2,269,371	- 26,331	+ 81,902	- 48,605	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
FOR FISCAL YEAR 2006—Continued

[In thousands of dollars]

Item	2005 appropriation	House allowance		Committee recommendation	Senate Committee recommendation compared with (+ or -)			
		Budget estimate	House allowance		2005 appropriation	Budget estimate	House allowance	
Departmental Offices	729,379	815,903	758,654	770,563	+41,184	-45,340	+11,909	
Total, Title I—Department of the Interior	9,955,228	9,792,069	9,799,693	9,877,741	-77,487	+85,672	+78,048	
Environmental Protection Agency	8,026,485	7,520,600	7,708,027	7,881,989	-144,496	+361,389	+173,962	
TITLE II—ENVIRONMENTAL PROTECTION AGENCY								
TITLE III—RELATED AGENCIES								
Forest Service	4,770,598	4,065,000	4,241,358	4,122,767	-647,831	+57,767	-118,591	
National Institute of Environmental Health Sciences	2,985,066	3,047,966	3,103,072	3,067,966	+82,900	+20,000	-35,106	
Agency for Toxic Substances and Disease Registry	79,842	80,289	80,289	80,289	+447	.....	.....
Council on Environmental Quality and Office of Environmental Quality	76,041	76,024	76,024	76,024	-17	.....	.....
Chemical Safety and Hazard Investigation Board	3,258	2,717	2,717	2,717	-541	.....	.....
Office of Navajo and Hopi Indian Relocation	4,930	8,601	8,601	8,601	+3,671	.....	.....
Institute of American Indian and Alaska Native Culture and Arts Development	5,916	6,300	6,300	6,300	+384	.....	.....
Smithsonian Institution	615,158	615,035	615,281	624,135	+8,977	+9,100	+8,854	
National Gallery of Art	102,654	113,300	113,300	111,600	+8,946	-1,700	-1,700	
John F. Kennedy Center for the Performing Arts	33,021	33,000	27,800	33,000	-21	.....	+5,200
Woodrow Wilson International Center for Scholars	8,863	9,201	9,085	9,201	+338	.....	+116
National Endowment for the Arts	121,264	121,264	131,264	126,264	+5,000	+5,000	-5,000	
National Endowment for the Humanities	138,054	138,054	143,054	143,054	+5,000	+5,000	.....
Commission of Fine Arts	1,768	1,893	1,893	1,893	+125	.....	.....
National Capital Arts and Cultural Affairs	6,902	7,000	7,000	7,492	+590	+492	+492	
Advisory Council on Historic Preservation	4,536	4,988	4,860	4,943	+407	-45	+83	
National Capital Planning Commission	7,888	8,344	8,177	8,244	+356	-100	+67	
United States Holocaust Memorial Museum	40,858	43,233	41,880	43,233	+2,375	.....	+1,353
Presidio Trust	19,722	20,000	20,000	19,722	.....	-278	-278

